



The Planning Act 2008

Wylfa Newydd Nuclear Power Station

Examining Authority's Report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Business, Energy and Industrial Strategy

Examining Authority

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VOLUME 1 OF 4

23 July 2019

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OVERVIEW

File Ref: EN010007

The application, dated 1 June 2018, was made under section 31 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 1 June 2018.

The applicant is Horizon Nuclear Power Wylfa Ltd.

The application was accepted for examination on 28 June 2018.

The examination of the application began on 23 October 2018 and was completed on 23 April 2019.

The development proposed comprises:

- Power Station: A proposed new nuclear power station including two UK Advanced Boiling Water Reactors, the Cooling Water System, supporting facilities, buildings, plant and structures, radioactive waste and spent fuel storage buildings and the Grid Connection.
- Other on-site developments: including landscape works and planting, drainage, surface water management systems, new Power Station Access Road and internal site roads, and other works detailed in the Application.
- Marine Works comprising:
 - Permanent Marine Works including the Cooling Water System, the Marine Off-loading Facility (MOLF); and Dredging and other works detailed in the Application and
 - Temporary Marine Works including temporary cofferdams, an access ramp, navigation aids, outfalls and a barge berth.
- Off-site Power Station Facilities: comprising the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and a Mobile Emergency Equipment Garage (MEEG).
- Associated Development comprising:
 - the Site Campus within the Wylfa Newydd Development Area;
 - temporary Park and Ride facility at Dalar Hir for construction workers;
 - temporary Logistics Centre at Parc Cybi;
 - the A5025 Off-line Highway Improvements; and
 - Wetland habitat creation and enhancement works as compensation for any potential impacts on the Tre'r Gof Site of Special Scientific Interest (SSSI) at the following sites - Tŷ Du; Cors Gwawr; and Cae Canol-Dydd

Summary of Recommendation:

The Examining Authority recommends that the Secretary of State should withhold consent. If however the Secretary of State decides to give consent, then the Examining Authority recommends that the Order should be in the form attached.

LIST OF REPORT VOLUMES

This report contains four volumes.

This is Volume 1 of 4.

1. VOLUME 1: CHAPTERS 1 TO 7
2. VOLUME 2: CHAPTERS 8 TO 19
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1. INTRODUCTION

1.1. INTRODUCTION TO THE EXAMINATION

- 1.1.1. The Application for Wylfa Newydd Nuclear Power Station (the proposed development) [APP-001] under file reference EN010007 was submitted by Horizon Nuclear Power Wylfa Limited (the Applicant) to the Planning Inspectorate on 1 June 2018 under section (s)31 of the Planning Act 2008 (PA2008) and accepted for Examination under s55 of the PA2008 on 28 June 2018 [PD-001].
- 1.1.2. The proposed development comprises:
- Power Station: A proposed new nuclear power station including two UK Advanced Boiling Water Reactors, the Cooling Water System, supporting facilities, buildings, plant and structures, radioactive waste and spent fuel storage buildings and the Grid Connection.
 - Other on-site developments: including landscape works and planting, drainage, surface water management systems, new Power Station Access Road and internal site roads, and other works detailed in the Application.
 - Marine Works comprising:
 - Permanent Marine Works including the Cooling Water System, the Marine Off-loading Facility (MOLF); dredging and other works detailed in the Application and
 - Temporary Marine Works including temporary cofferdams, an access ramp, navigation aids, outfalls and a barge berth.
 - Off-site Power Station Facilities: comprising the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and a Mobile Emergency Equipment Garage (MEEG).
 - Associated Development comprising:
 - the Site Campus within the Wylfa Newydd Development Area (WNDA);
 - temporary Park and Ride facility at Dalar Hir for construction workers;
 - temporary Logistics Centre at Parc Cybi;
 - the A5025 Off-line Highway Improvements; and
 - Wetland habitat creation and enhancement works as compensation for any potential impacts on the Tre'r Gof Site of Special Scientific Interest (SSSI) at the following sites:
 - Tŷ Du;
 - Cors Gwawr; and
 - Cae Canol-Dydd
- 1.1.3. The location of the proposed development is shown in the Environmental Statement (ES) [APP-055 to APP-400]. The Land Plans [APP-010, APP-013, AS-009, REP2-014, REP6-021, REP8-022 and REP8-025], also show land required for, or affected by, the proposed development, along with other mapped information relevant to proposed Compulsory Acquisition. The site lies within the administrative county of Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) and is wholly in Wales.

- 1.1.4. The legislative tests for whether the proposed development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State (SoS) for the Ministry of Housing, Communities and Local Government (MHCLG) in its decision to accept the Application for Examination in accordance with section 55 of PA2008 [PD-001].
- 1.1.5. On this basis, the Planning Inspectorate agreed with the Applicant's view stated in the application form [APP-001] that the proposed development is an NSIP as it is within s15(3A) of PA2008, and so requires development consent in accordance with s31 of PA2008. The proposed development therefore meets the definition of an NSIP set out in s14(1)(a) and 15(3A) of PA2008.

1.2. APPOINTMENT OF THE EXAMINING AUTHORITY

- 1.2.1. On 28 June 2018, a five-person panel was appointed to be the Examining Authority (ExA) for the application under s61 and s65 of PA2008 [PD-004]. Frances Fernandes was appointed as Lead Member, along with Peter Braithwaite, Joanna Dowling, Michael Hayes and Clive Sproule.

1.3. THE PERSONS INVOLVED IN THE EXAMINATION

- 1.3.1. The persons involved in the Examination were:
- Persons who were entitled to be Interested Parties (IPs) because they had made a relevant representation (RR) or were a statutory party who requested to become an IP.
 - Affected Persons (APs) who were affected by a compulsory acquisition (CA) and/or temporary possession (TP) proposal made as part of the Application and objected to it at any stage in the Examination.
 - Other Persons, who were invited to participate in the Examination by the ExA because they were either affected by it in some other relevant way or because they had particular expertise or evidence that the ExA considered to be necessary to inform the Examination.

1.4. THE EXAMINATION AND PROCEDURAL DECISIONS

- 1.4.1. The Examination began on 24 October 2019 and concluded on 23 April 2019.
- 1.4.2. The principal components of and events around the Examination are summarised below. A fuller description, timescales and dates can be found in Appendix A.

The Preliminary Meeting

- 1.4.3. On 25 September 2018, the ExA wrote to all Interested Parties (IPs)[PD-008], Statutory Parties and Other Persons under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) (The Rule 6 Letter) inviting them to the Preliminary Meeting (PM); an Open Floor Hearing (OFH) and an early Issue Specific Hearing (ISH) on the draft Development Consent Order (dDCO), outlining:

- the arrangements and agenda for the PM;
- notification of the OFH and the ISH on the dDCO;
- agendas for the OFH and ISH on the dDCO;
- the Initial Assessment of the Principal Issues (IAP);
- the draft Examination Timetable;
- availability of RRs and application documents; and
- the ExA's preliminary Procedural Decisions.

1.4.4. The Preliminary Meeting (PM) took place on 23 October 2018 at Maes Sioe Ynys Môn/Anglesey Show Ground. An audio recording [EV-050 and EV-051] and a note of the meeting [EV-010] were published on the Planning Inspectorate National Infrastructure website.

1.4.5. The ExA's procedural decisions and the Examination Timetable took full account of matters raised at the PM. They were provided in the Rule 8 Letter [PD-010], dated 6 November 2018.

Key Procedural Decisions

1.4.6. Most of the procedural decisions set out in the Rule 8 Letter related to matters that were confined to the procedure of the Examination and did not bear on the ExA's consideration of the planning merits of the proposed development [PD-010]. The decisions can be obtained from the Rule 8 Letter [PD-010] and so there is no need to reiterate them here.

Site Inspections

1.4.7. In addition to gaining general familiarity with Anglesey and the location of elements of the proposed development during the time that the ExA was undertaking hearings on Anglesey, the ExA also held the two USIs:

- USIs were also undertaken on the 22 October 2018 [EV-049] and the 12 February 2019 [EV-049a] the purpose of the site inspections was to view the proposed development, existing roads and the surrounding area having regard to issues raised through the Examination.

1.4.8. A site note providing a procedural record of each USI can be found in the Examination Library under the above references.

1.4.9. The ExA held the following ASIs:

- 13 and 14 February 2019 [PD-012]. The purpose was to view the proposed development, existing roads and the surrounding area that could not be accessed or viewed from publicly accessible land having regard to issues raised through the Examination and requests from IPs and the Applicant to view specific locations on an accompanied basis;
- The itinerary for each ASI can be found in the Examination Library under the above reference.

1.4.10. The ExA has had regard to the information and impressions obtained during its site inspections in all relevant sections of this Report.

Hearing Processes

- 1.4.11. The ExA held a number of hearings to ensure the thorough examination of the issues raised by the Application.
- 1.4.12. ISHs under s91 of PA2008 were held at Gwesty Bae Trearddur/the Trearddur Bay Hotel, on Ynys Môn/Anglesey.
- 1.4.13. ISHs were held on the subject matter of the draft DCO on:
- ISHs, 24 October 2018 [EV-011], 9 January 2019 [EV-020] and 6 March 2019 [EV-025];
- 1.4.14. Other ISHs were held on the following subject matters:
- Socio-Economic Matters, 7 and 8 January 2019 [EV-016 and EV-017];
 - Traffic and Transport 8 January 2019 [EV-017];
 - Biodiversity and Habitat Regulations Assessment, 10 and 11 January 2019 [EV-018 and EV-019] and 8 March 2019 [EV-024];
 - The proposed Wylfa Newydd Development Area (WNDA), 4 March 2019 [EV-027]; and
 - The proposed Off-site Power Station Facilities site and Associated Development Sites outside of the WNDA, 7 March 2019 [EV-026].
- 1.4.15. A CAH was held under s92 of PA2008 at Gwesty Bae Trearddur/the Trearddur Bay Hotel on 6 March 2019 [EV-021].
- 1.4.16. All persons affected by CA and/or TP proposals (APs) were provided with an opportunity to be heard. The ExA also used these hearings to examine the Applicants case for CA and TP in the round.
- 1.4.17. OFHs were held under s93 of PA2008 at Maes Sioe Ynys Môn/Anglesey Show Ground on the morning and evening of 24 October 2018 [EV-014] and at Gwesty Bae Trearddur/the Trearddur Bay Hotel on the evening of the 5 March 2019 [ENV-022]. All IPs and APs were provided with an opportunity to be heard on any important and relevant subject matter that they wished to raise.

Written Processes

- 1.4.18. Examination under PA2008 is primarily a written process, in which the ExA has regard to written material forming the application and arising from the Examination. These documents are recorded in the Examination Library (Appendix B) and published online. Document references in this report are enclosed in square brackets [REP1-xx] and Appendix B contains links to the published documents. For this reason, this report does not contain extensive summaries of all documents and representations, although the ExA has had full regard to them in our conclusions. The ExA has considered all important and relevant matters raised and key written sources are set out further below.
- 1.4.19. Key written sources are set out further below.

Relevant Representations

- 1.4.20. A total of 143 Relevant Representations (RRs) were received by the Planning Inspectorate [RR-001 to RR-143]. All makers of RRs received the Rule 6 Letter and were provided with an opportunity to become involved in the Examination as IPs. All RRs have been fully considered by the ExA. The issues that they raise are considered throughout this Report.

Written Representations and Other Examination Documents

- 1.4.21. The Applicant, IPs and Other Persons were provided with opportunities to:
- make written representations (WRs);
 - comment on WRs made by the Applicant and other IPs;
 - summarise their oral submissions at hearings in writing;
 - respond to written questions issued by the ExA;
 - make other written submissions requested or accepted by the ExA; and
 - comment on documents issued for consultation by the ExA including:
 - A Report on Implications for European Sites (RIES) [PD-016] published on 27 March 2019 by D9.
- 1.4.22. All WRs and all further submissions are individually referenced in the Examination Library. The ExA has considered all WRs and other examination documents. The issues that they raise are considered in the relevant chapters of this Report.

Local Impact Reports

- 1.4.23. A Local Impact Report (LIR) is a report made by a relevant local authority giving details of the likely impact of the proposed development on the authority's area (or any part of that area) that has been invited and submitted to the ExA under s60 PA2008.
- 1.4.24. LIRs have been received from the following relevant local authorities:
- IACC [REP2-061 to REP2-152]
 - Cyngor Bwrdeistref Sirol Conwy/Conwy County Borough Council (CCBC) [REP2-289]; and
 - Cyngor Gwynedd/Gwynedd County Council (GCC)[REP2-297].
- 1.4.25. The LIRs identify a range of policies from their development plans and other documents within the local framework that have been taken fully into account by the ExA in all relevant Chapters of this Report.

Statements of Common Ground

- 1.4.26. A Statement of Common Ground (SoCG) is a statement agreed between the Applicant and one or more IPs, recording matters that are agreed between them.

1.4.27. By the end of the Examination, the following bodies had concluded SoCGs with the Applicant:

- IACC (incorporating Gwynedd Archaeological Planning Service) [REP6-045];
- Llywodraeth Cymru/Welsh Government (WG) (incorporating Cadw) [REP6-051];
- Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) [REP8-018];
- GCC [REP6-048];
- CCBC [REP6-050];
- National Trust (NT) [REP6-049];
- Ymddiriedolaeth Natur Gogledd Cymru/North Wales Wildlife Trust (NWWT)[REP6-052];
- Royal Society for the Protection of Birds (RSPB) [REP6-046];
- Bwrdd Iechyd Prifysgol Betsi Cadwaladr/Betsi Cadwaladr University Health Board (BCUHB) [REP6-041];
- Iechyd Cyhoeddus Cymru/Public Health Wales (PHW) [REP6-044];
- Heddlu Gogledd Cymru/North Wales Police (NWP) [REP6-035];
- Welsh Ambulance Services NHS Trust (WAST) [REP6-036]
- Gwasanaeth Tân ac Achub Gogledd Cymru/North Wales Fire and Rescue Service (NWFR) [REP6-034];
- National Grid [REP6-043];
- Dŵr Cymru/Welsh Water [REP6-039];
- SP Manweb [Appendix 3 EV-006];
- Magnox [REP6-038];
- Nuclear Decommissioning Authority (NDA)[REP6-040];
- North Anglesey Councils Partnership (NACP) [REP6-042];
- Destination Anglesey Partnership [REP6-037];
- North Wales Economic Ambition Board [Appendix 3-2 APP-433];
- Cyngor Cymuned Llanbadrig/Llanbadrig Community Council [REP6-030];
- Cyngor Cymuned Mechell/Mechell Community Council [REP6-031] and
- Fforwm Iaith Môn (incorporating Urdd Gobaith Cymru; Mudiad Meithrin; Menter Iaith Môn and Clybiau Ffermwyr Ifanc Ynys Môn/Anglesey Young Farmers Club) [RR-041].

1.4.28. The SoCG have been taken fully into account by the ExA in all relevant Chapters of this Report.

Written Questions

1.4.29. The ExA asked two rounds of written questions.

- Written questions (First Written Questions) [PD-009] and procedural decisions were set out in the Rule 8 letter [PD-010], dated 6 November 2018.
- Further written questions (Second Written Questions) [PD-013] were issued on 30 January 2019.

1.4.30. The following requests for further information and comments under Rule 17 of the EPR were issued on:

- 3 April 2019 [PD-015];

- 9 April 2019 [PD-021]; and
- 15 April 2019 [PD-023].

1.4.31. All responses to the ExAs written questions have been fully considered and taken into account in all relevant Chapters of this Report.

Requests to Join and Leave the Examination

1.4.32. There was a request made under section 102A of PA2008 by several parties to become an IP. The following parties were accepted by the ExA:

- Felin Honeybees Ltd [PD-005];
- Wendy Vidler [PD-006];
- Ken Vidler [PD-007]; and
- Jobe Developments [PD-011]

1.4.33. No persons wrote to the ExA to formally record the settlement of their issues and the withdrawal of their representations.

1.5. ENVIRONMENTAL IMPACT ASSESSMENT

1.5.1. The proposed development is development for which an Environmental Impact Assessment (EIA) is required (EIA development).

1.5.2. The most relevant law is found in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations). The 2017 EIA Regulations revoke the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations), subject to transitional provisions. The Applicant maintained that the transitional provisions applied to the Application and hence had complied with relevant provisions of the 2009 EIA Regulations in the pre-application period.

1.5.3. There are procedural differences between the 2017 and 2009 Regulations. In circumstances where the 2009 EIA Regulations were complied with but the transitional provisions were held not to apply, there could be aspects of the 2017 EIA Regulations that might not be complied with. To exclude that possibility, the effect of the 2017 EIA Regulations transitional provisions, related ExA questions and submissions in response to them are considered in Chapter 4 of this report. For reasons recorded there, the transitional provisions are considered to apply and hence the Application remains subject to the 2009 EIA Regulations. All other reasoning in this Report proceeds on that basis.

1.5.4. On 23 November 2009 (before the start of stage 1 s42 (a) consultation on 28 September 2014), the Applicant submitted a Scoping Report. A second Scoping Report was submitted on 19 March 2016 and an addendum was submitted on 4 May 2016 to the Secretary of State (SoS) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the 2009 EIA Regulations) requesting an opinion about the scope of the Environmental Statement (ES) to be prepared (a Scoping Opinion). It follows that the

Applicant is deemed to have notified the Secretary of State under Regulation 6(1)(b) of the 2009 EIA Regulations that it proposes to provide an ES in respect of the Project.

1.5.5. On 14 June 2017 the Planning Inspectorate provided a Scoping Opinion. Therefore, in accordance with Regulation 4(2)(a) of the 2009 EIA Regulations, the proposed development was determined to be EIA development, and the application was accompanied by an ES.

1.5.6. The Applicant has certified that sections 56 and 59 of the PA2008 and Regulation 13 of the EIA regulations have been complied with.

1.5.7. Consideration is given to the adequacy of the ES and matters arising from it throughout this Report.

1.6. HABITATS REGULATIONS ASSESSMENT

1.6.1. The proposed development is development for which a Habitats Assessment Regulations (HRA) Report or Reports has been provided [APP-050/051].

1.6.2. Consideration is given to the adequacy of the HRA Report, associated information and evidence and the matters arising from it in Chapter 7 of this Report.

1.7. UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS

1.7.1. By the end of the Examination, the IACC had entered into a s106 agreement with the Applicant [REP10-009] which is an important and relevant considerations for the SoS. This obligation has been taken fully into account by the ExA in all relevant Chapters of this Report.

1.8. OTHER CONSENTS

1.8.1. The Application documentation and questions during this Examination have identified the following consents that the proposed development has obtained or must obtain, in addition to development consent under PA2008. The latest position on these is recorded below.

Office for Nuclear Regulation

- Nuclear Site Licence
- Control of Major Accident Hazards Notification (in consultation with HSE and NRW)

European Commission

- Notification under Article 41 of the Euratom Treaty of intention to construct and operate a twin UKABWR power station

Office of Communication

- Coastal Station Radio Technically Assigned

1.8.2.

Natural Resources Wales

- Permits to discharge and dispose of radioactive wastes
- Hazardous Waste Producer Licence
- Permits to discharge cooling water and liquid effluents into the Irish Sea
- European Protected Species Licenses in relation to bats and Great Crested Newts
- Conservation licence to translocate water voles
- Water Abstraction Licence
- Water Impoundment Licence
- Environmental Permits (EPs) (to be issued in conjunction with the IACC) for the following activities:
 - Water discharge activity;
 - Construction of certain plant and generators and dewatering activities;
 - Radioactive substances activities;
 - Flood Risk Activity Permits;
 - Local Authority Pollution Prevention and Control (LAPPC) Part B EPs; and
 - Waste Permits.
- Marine Licences (constriction of MOLF, breakwater, cooling water intake and outfall structures) Marine Licences (dredging of material associated with works to construct the MOLF, breakwater, cooling water intake and outfall structures)

Dŵr Cymru/Welsh Water

- Foul Water Sewer Requisition
- Request for Non-Domestic Water Supply

Local Planning Authority (IACC)

- A5025 On-line Highways Improvements
- Site Preparation and Clearance Works – Application withdrawn
- Ordinary Watercourse Consents
- Section 61 Prior Consent
- Planning (Hazardous Substances) Consent
- Section 31 Notice

Health and Safety Executive

- Construction related Health and Safety Consents
- Notification of Construction Project

- 1.8.3. Paragraph 3.1.4 of the Consents and Agreements Position Statement [APP-012] identified that all of these consents were outstanding at the time of submission of the Application because they: “are largely dependent on finalisation of the detailed design, the detailed construction site set up and methodologies, and discussions with stakeholders (e.g. [the Environment Agency] EA and Local Authority). These are not sufficiently developed at this stage to confirm the requirements and therefore it is not practicable to include them within the DCO”

- 1.8.4. Following the suspension of the proposed development, the Applicant updated its Consent and Agreements Position Statement at [REP4-026] and [REP6-017] to allow for the withdrawal of the operational environmental permits and the planning application for site preparation and clearance, and update of progress with other consents and licences.
- 1.8.5. In relation to this range of consents, the ExA has considered the available information bearing on these matters and, without prejudice to the exercise of discretion by future decision-makers, has concluded that with the withdrawal of operational permits and planning application it cannot advise that there are no impediments to the implementation of the proposed development, should the SoS grant development consent for the Application.

1.9. STRUCTURE OF THIS REPORT

1.9.1. The report is in four volumes.

1.9.2. Volume 1:

- Chapter 1 introduces the reader to the Application, the processes used to carry out the Examination and write this Report.
- Chapter 2 describes the site and its surrounds, the proposed development, its planning history and that of related projects.
- Chapter 3 records the legal and policy context for consideration of the Application.
- Chapter 4 sets out the main issues.
- Chapter 5 considers need and funding.
- Chapter 6 considers assessment of effects on terrestrial ecology and biodiversity.
- Chapter 7 sets out the ExA's advice in relation to Habitats Regulation Assessment.

1.9.3. Volume 2:

- Chapter 8 considers socio-economic effects.
- Chapter 9 considers historic environment.
- Chapter 10 considers water resources and sets out the ExA's advice in relation to the Water Framework Directive.
- Chapter 11 considers air quality effects.
- Chapter 12 considers climate change.
- Chapter 13 considers landscape and visual effects.
- Chapter 14 considers good design.
- Chapter 15 considers the marine environment.
- Chapter 16 considers noise and vibration.
- Chapter 17 considers traffic and transport.
- Chapter 18 considers other matters including: appraisal of sustainability; air safety; coastal processes and geomorphology; grid connection; radioactive waste; waste; shipping and navigation; and Combined Heat and Power.
- Chapter 19 sets out the ExA's view on the Case for Development.

1.9.4. Volume 3

- Chapter 20 considers Compulsory Acquisition and related matters.
- Chapter 21 considers the implications of the matters arising from the preceding chapters for the Development Consent Order (DCO).
- Chapter 22 provides a summary of the report and sets out the ExA's recommendation to the SoS.

1.9.5. This report is supported by the following Appendices:

- Appendix A – Events in the Examination.
- Appendix B – the Examination Library.
- Appendix C – List of Abbreviations.
- Appendix D - The Recommended DCO.
- Appendix E – s106 Table.
- Appendix F – Location plan
- Appendix G – Recommended actions arising from Chapters 5-18.

2. THE PROPOSAL AND THE SITE

2.1. THE APPLICATION AS MADE

- 2.1.1. This application is for a Development Consent Order (DCO) to construct and operate a nuclear power station comprising of two Advanced Boiling Water Reactors (ABWRs) in Wales. The Power Station would have a nominal gross electrical capacity of 3.1GWe.
- 2.1.2. The Power Station, other on-site developments and Marine Works would be located within the Wylfa Newydd Development Area (WNDA) adjacent to the Existing Power Station (Wylfa A) at Wylfa Head, west of Cemaes on the north coast of Anglesey.
- 2.1.3. The Power Station site would comprise a range of buildings, structures, facilities and features. These would include the following:

Power Station

- Main plant (works No 1a) – buildings that would be located in and around the single power island and contain the plant that is needed for the generation of electricity.
- Common plant (work No 1b) – consisting of those parts of the Power Station that would support the process of generation of power and that would be shared between the two ABWRs.
- Supporting facilities, buildings, structures and features (work No 1c) – including those parts of the Power Station necessary to support the operation and maintenance of the Power Station, including offices and security facilities.
- Grid Connection (work No 4) – apparatus to transfer electrical energy to the National Grid high voltage electricity transmission network.

Other on-site development

The other on-site development would include:

- landscape works and planting;
- drainage;
- surface water management systems;
- public access works including temporary and permanent closures and diversions of Public Rights of Way;
- new Power Station Access Road and internal site roads;
- car parking;
- construction compounds and temporary working areas;
- laydown areas;
- working areas and temporary works and structures;
- temporary construction viewing area;
- diversion of facilities;
- perimeter fencing;
- construction fencing; and
- electricity connections.

Marine Works

- Permanent Marine Works – The cooling water intake system (work No 1G); Marine Off-loading Facility (MOLF), breakwater structures and shore protection works (work No 1F); surface water drainage outfalls, waste water effluent outfall (and associated drainage of surface water and waste water effluent to the sea), fish recovery and return system, fish deterrent system, navigation aids and dredging (work No 1H); and
- Temporary Marine Works – temporary cofferdams, a temporary access ramp, navigation aids, temporary outfalls and a temporary barge berth (work No 1E).

2.1.4. The Off-site Power Station Facilities (Work No 5) would be located on a site adjacent to the A5025 at Llanfaethlu, approximately 7.5km south of the WNDA. The site is currently occupied by a bus garage. The facilities would be used during the operational phase of the Power Station and are required to provide resilience against extreme events with very low probabilities. The Off-site Power Station Facilities would consist of the following:

- an Alternative Emergency Control Centre (AECC) to provide back-up command and communication facilities that would be used to remotely manage the Power Station in an emergency event or where there was no access to the Power Station site.
- a Mobile Emergency Equipment Garage (MEEG) which would be used for the storage of a number of specialist vehicles which could be rapidly deployed if needed to support an incident. The MEEG would also be used as a marshalling point for support arriving on Anglesey before onward dispatch to the Power Station in an emergency situation. The MEEG would be located in the same building as the AECC.
- an Environmental Survey Laboratory (ESL) which would undertake daily environmental monitoring.
- car parking and pedestrian walkways.
- access and delivery areas.
- generator.
- pump house, fuel pump, fill point and two underground fuel pumps.
- substation.
- refuse compound.
- portable office pods.
- container storage.
- security fencing.
- drainage swale.

2.1.5. Due to the nature of the proposed development and the character of the area, a number of associated developments form part of the Application to facilitate the construction of the Power Station and to mitigate potential environmental effects associated it. These include:

2.1.6. Site Campus (Work No 3) – the Site Campus would provide temporary accommodation for up to 4,000 workers. It would be located on land to the north-east of the WNDA adjacent to Wylfa Head and the Wales Coastal

Path and would be delivered in phases. It would only be present during the construction of the Power Station. The accommodation would be modular (providing independent living space for each worker) as well as an amenity building (including cafeteria, café, reception area, gym, bar, shop, first aid facility and other social space), outdoor recreational facilities (including two multi-use games areas, outdoor seating and informal public spaces) and a Site Campus Medical centre.

- 2.1.7. The proposals also include a bus set down and parking area, disabled parking, parking for light vans/minibuses and temporary parking for workers during the initial phases of construction. When no longer required the Site Campus would be removed and the area returned to its pre-developed condition. Public footpaths and access to Fisherman's Car Park would also be reinstated.
- 2.1.8. Park and Ride Facility (Work No 6) – A temporary Park and Ride facility is proposed at Dalar Hir adjacent to junction 5 of the A55. It would be used to provide secure parking for 1,900 cars (including 10 disabled spaces), 55 minibuses, 35 motorbikes and cycle parking (for up to 25 bicycles). It would also include a bus pick up zone and transport facility.
- 2.1.9. The Park and Ride facility would be used during the construction phase of the Power Station to manage the flow of the construction workforce to and from the WNDA. Once the Power Station was complete the Park and Ride facility would be removed, and the land restored.
- 2.1.10. Logistics Centre (Work No 7) – The Logistics Centre would be a temporary facility located at Parc Cybi for the duration of the construction period. It would consist of an office/welfare building; security building; driver instructor point; a covered inspection bay; a heavy goods vehicle (HGV) scanner and parking for up to 100 HGVs, medium goods vehicles, light goods vehicles and staff. Following construction of the Power Station, the site would be available for another use subject to the necessary consents being secured.
- 2.1.11. A5025 Off-line Highways Improvements – The A5025 between Valley and the Power Station Site is approximately 16.5km long and can be broadly divided geographically into eight sections. Sections 2, 4, 6 and 8 relate to the A5025 On-line Highway improvements which were given planning permission by the IACC on 13 July 2018 [REP8-059].
- 2.1.12. The A5025 Off-line Highways Improvements which are the subject of this application involve the construction of new sections of road such as bypasses and road realignment works. They consist of:
 - Section 1 (Valley) – A5 east of Valley Junction to north of Valley Junction – proposed four arm roundabout and bypass connecting the A5 with the A5025 to the east of the existing A5/A5025 signalised junction – a length of approximately 0.8km (Work No 8);

- Section 3 (Llanfachraeth) – north of Llanynghenedl to north of Llanfachraeth – proposed 2km highway to provide a bypass to the east of Llanfachreath village (Work No 9);
- Section 5 (Llanfaethlu) – south of Llanfaethlu to north of Llanfaethlu – proposed 1.3km bypass to provide straighter section of road, where there are two existing substandard bends near the Black Lion public house and through Llanfaethlu (Work No 10);
- Section 7 (Cefn Coch) – north of Llanrhyddlad to north of Cefn Coch – proposed 1.3km bypass to provide a straighter section of road, where there are two existing substandard bends in Llanrhwyrus (work No 11); and
- Power Station Access Road Junction – north of Cefn Coch – proposed roundabout junction linking the proposed Power Station access road to the existing A50205 public highway – a length of approximately 0.3km (Work No 11).

2.1.13. Ecological Compensation Sites – Wetland habitat creation and enhancement works are proposed as compensation for any potential effects on the Tre'r Gof Site of Special Scientific Interest (SSSI). Three sites at Tŷ Du (work No 15), Cors Gwawr (work No 13) and Cae Canol-dydd (work No 14) are proposed.

2.2. SITE SURROUNDINGS

2.2.1. The following terms are used when describing the geographical areas related to the application:

- Power Station Site – the indicative areas of land and sea within which the majority of the Power Station, Marine Works and other on-site development would be situated.
- The WNDA – the indicative areas of land and sea including the Power Station Site and the surrounding areas that would be used for the construction and operation of the Power Station, the Marine Works, the Site Campus and other on-site development.
- Off-Site – areas of land needed for the project that are outside the WNDA but still within the Order limits.

2.2.2. The WNDA – The WNDA covers an area of approximately 463 hectares. It is bounded to the north by the existing power station (Wylfa A) and a stretch of coastline that includes Wylfa Head and the coastal cliffs that extend eastwards towards Cemaes. It extends into the marine environment at Porth-y-Pistyll. To the east, it is separated from the village of Cemaes by a narrow band of agricultural land. The A5025 road defines part of the south-east boundary. The small settlement of Tregele lies on the east side of the A5025 adjoining the WNDA. To the south and west, the site adjoins agricultural land and a small number of residential dwellings and farmsteads including a number of designated heritage assets. To the west the site is bounded by the coastal hinterland and Cestyll Garden, beyond which lies Bae Cemlyn/Cemlyn Bay.

2.2.3. The WNDA stretches over 3km from west to east. From the coast, it extends southwards up to 3km from Wylfa Head, occupying an undulating lowland landform ranging from sea level at Porth-y-Pistyll, up

to approximately 42m Above Ordnance Datum (AOD) south of Cemlyn Road.

- 2.2.4. The landscape of this area is characterised by small rounded hills (known as drumlins) which were created by Dame Sylvia Crowe as part of the landscaping for Wylfa A. Land within and surrounding the WNDA is predominantly in agricultural use, for grazing by sheep or cattle. The land is contained by hedgerows and cloddiau (a local form of dry walling). The site is crossed by a network of local roads, rural lanes, watercourses and overhead electricity infrastructure associated with Wylfa A.
- 2.2.5. Settlement patterns around the WNDA are characterised by small clusters of residential dwellings and more isolated farmsteads. Larger settlements in the immediate vicinity include the villages of Cemaes, 2km to the east, and Tregele, 1km to the south-east.
- 2.2.6. A number of Public Rights of Way (PRoW), including the Wales Coastal Path and the Copper Trail cross the WNDA. The Wales Coastal Path is a long-distance trail that follows the entire coastline of Wales. The Copper Trail is part of the National Cycle Network (Route 556).
- 2.2.7. Land to the north and west of the WNDA is within the Anglesey Area of Outstanding Natural Beauty (AONB) and the North Anglesey Heritage Coast.
- 2.2.8. There are a number of sites subject to both statutory and non-statutory ecological conservation designations of international, national and local importance with the vicinity of the WNDA. Notable sites include:
- Tre'r Gof and Cae Gwyn SSSIs;
 - Bae Cemlyn/Cemlyn Bay SSSI which forms part of the Ynys Feurig, Bae Cemlyn/Cemlyn Bay and The Skerries Special Protection Area (SPA);
 - Bae Cemlyn/Cemlyn Bay Special Area of Conservation (SAC);
 - North Anglesey Marine SAC; and
 - Moreenoliaid Ynys Môn/Anglesey Terns SPA.
- 2.2.9. Off-Site Power Station Facilities – The Off-Site Power Station Facilities Site is located approximately 450m north-east of the village of Llanfaethlu and approximately 7.5km south of the WNDA. The land is currently occupied by a bus garage.
- 2.2.10. The site is bounded by the existing A5025 road to the west, residential and storage buildings to the north, and farmland and a small sewerage works to the south and east.
- 2.2.11. Although the site itself is located outside of the Anglesey AONB, the A5025 forms the eastern boundary and as such the land to the west of the A5025 is within the AONB. Levels drop across the site from west to east.

- 2.2.12. Associated Development Sites – The majority of the Associated Development sites, with the exception of the Site Campus (which would be located within the WNDA), are located off-site.
- 2.2.13. Site Campus – The Site Campus is located within the WNDA, on land to the east of Wylfa A. It is an area of approximately 15 hectares of coastal grassland used for sheep grazing with large rock outcrops throughout the site.
- 2.2.14. The Wales Coastal Path runs along the north eastern boundary (with the coastline beyond) and connects to a PRoW that leads through the wooded slopes that leads through to a lookout point to the north. The wooded slopes designed by Dame Sylvia Crowe and deciduous parkland tree planting associated with the former Wylfa Hall are located to the south-west. There is an existing bat barn located within the woods that would be retained.
- 2.2.15. To the west of the site is the existing power station and a Dŵr Cymru/Welsh Water Sewage Treatment plant. To the south and south east is the Fisherman's Car Park which would be retained, a burial ground and the Tre'r Gof SSSI. Whilst the majority of the Anglesey coastline is designated as an AONB the Site Campus would be located outside of this designation.
- 2.2.16. Park and Ride (Dalar Hir) – The proposed Park and Ride facility would be located immediately to the north-east of Junction 4 on the A55 and approximately 18.5km south-west of WNDA. The site is relatively flat agricultural land which is bounded to the south by the Holyhead Road (A5), and to the west by the local London Road that links the A55 to the village of Bodedern. To the immediate east lies the Cartio Môn go-karting track and a vehicle check point operated by the Driver and Vehicle Standards Agency is located approximately 100m west of the site.
- 2.2.17. The north, east and west of the site are characterised by open countryside with isolated farm properties. The site itself consists of irregular field patterns with hedge boundaries and wet grassland. The Dalar Hir stream and tributary flows from north to south, through the eastern section of the site, before flowing under the A5. There are a number of small watercourses both within the site itself and in the immediate surrounds.
- 2.2.18. Logistics Centre (Parc Cybi) – The proposed Logistics Centre is bounded by the A55 to the north, an existing B-road to the south, a substation to the west and open countryside to the east. The site is located within a wider employment area on the edge of Holyhead. The site has an area of approximately 3.2 hectares, serviced and available for development.
- 2.2.19. The Lon Trefignath cycle path which links Trearddur Farm Caravan Park and Holyhead runs along the southern boundary of the site and the existing access/egress crosses this. The site is located within the Anglesey AONB.

- 2.2.20. The site is located between the Ty Mawr Standing Stone (approximately 380m north-west) and the Trefignath Burial Chamber (approximately 30m to the south). Both are Scheduled Monuments. Land within the southern part of the site has been assessed to be of high archaeological importance due to its proximity to an area of known prehistoric and Roman period activity.
- 2.2.21. A5025 Off-line Highways Improvements – The A5025 is the principal transportation route in Anglesey, distributing traffic around the western, northern and eastern parts of the island. The A5025 forms the main access to the existing power station.
- 2.2.22. It is generally rural in nature although it does pass directly through several villages. Speed limits vary between 30mph to 60mph. The A5025 predates modern highway design standards and consequently there are a number of tight bends, narrow sections and poor sight lines for stopping distances. Although two National Cycle Network (NCN) routes (Nos 5 and 566) cross the A5025 there is no formal cycle provision along the route.
- 2.2.23. The 16.5km stretch between Valley and the Power Station Site has been divided into eight distinct sections, with a further section associated with the proposed Power Station Access Road Junction. Sections 1 (Valley), 3 (Llanfachraeth), 5 (Llanfaethlu) and 7 (Cefn Coch) and the Power Station Access Road junction form the A5025 Off-line Highway Improvements and are where road improvements are needed and cannot be carried out to an appropriate level on the existing road line.
- 2.2.24. **Tre'r Gof SSSI Compensation Sites** – The Application includes approximately 49.5 hectares of land that would form the compensation proposals to offset potential significant effects to rich fen habitat at the Tre'r Gof SSSI which is located within the WNDA.
- 2.2.25. The compensation proposals comprise three sites at Cae Canol-dydd, Cors Gwawr and Tŷ du. These sites would provide approximately 13.8 hectares of land that is suitable for rich-fen habitat creation and approximately 20 hectares for the enhancement of existing but unmanaged or degraded fen and mire habitat.
- 2.2.26. Cae Canol-dydd lies within a basin at the head of a valley, which drains to the south west, with low hills to the east and west. It consists of unimproved grassland and fen vegetation, although parts of the site consist of improved pasture which is used for sheep and cattle grazing, as is the surrounding land. The B5110 runs along part of the western boundary of the site and a number of farm smallholdings are located within the site's surface water catchment, mainly to the north. It would connect areas of the Anglesey Fens SAC and Caeau Talwrn SSSI(North).
- 2.2.27. The majority of the Cors Gwawr site has been drained in order to be used as pasture. Cors Bodeilio SSSI occupies an area of land to the north east of the site boundary and to the west is Caeau Talwrn SSSI. The land surrounding the site is used for both sheep and cattle grazing, with minor roads lying along the southern and western boundaries. The village of

Talwrn lies approximately 250m to the north west, with two residential properties in the north western corner of the site and dairy farms on both its northern and western borders. The site is botanically rich with numerous species and plant communities characteristic of rich-fen habitats.

- 2.2.28. Tŷ du is a botanically-rich mire complex approximately 3.7km from Tre'r Gof SSSI. It sits within a topographic basin formed of hills to the north, east and south west. The site and its surroundings are used as pasture, with sheep to the north and cattle to the south, though cattle have limited access to the site itself. It supports several notable species and plant communities and forms part of an ecological network within the Llanbadrig headland. Much of the site is unmanaged and a significant area of mire (around 40% of the site) is occupied by scrub.

2.3. THE APPLICATION AS EXAMINED

- 2.3.1. Changes to the key application documents, including the wording of the proposed DCO, were submitted and updated during the course of the Examination. The changes seek to address points raised by IPs and the ExA; to update or provide additional information resulting from changes and discussions that had occurred during the Examination.

- 2.3.2. A list of the updated, revised and/or additional information is contained within the Guide to the Application [REP10-002]. This included the following formal change requests:

- A change to the proposed hours of blasting from 10:00-16:00hrs to 09:00-19:00hrs weekdays and 10:00-13:00hrs on Saturdays [AS-020];
- An increase in the upper daily limit of marine vessel movements from four movements per day (two vessels) to 16 movements per day (8 vessels) within the total vessel movements assessed and described in the ES [AS-021];
- A change in workers shift patterns [REP4-001];
- A change to HGV movements albeit that it would be the same number of movements as originally submitted but spread over a greater number of hours/days [REP4-001];
- A change to the working hours on the WNDA [REP4-001]; and
- A change to the layout for the access to the proposed park and ride site at Dalar Hir [REP7-001].

- 2.3.3. All this information was accepted into the Examination and can be found in the Examination Library.

- 2.3.4. The question of whether these amended documents and change requests amount to a material change to the application sufficient to require it to be considered as a new application is considered by the ExA in Chapter 3 (Section 3.14.) see below.

2.4. RELEVANT PLANNING HISTORY

- 2.4.1. On-Line Highways Improvements: In addition to the off-line highways improvements works proposed as part the application, on-line highway improvements would also be required. As these are works that would largely be within the existing highway boundary, they do not form part of the Application. They were the subject of a separate planning which was granted planning permission by IACC on 13 July 2018 [REP8-059].
- 2.4.2. Site Preparation and Clearance: A separate planning application under the TCPA for the Site Preparation and Clearance (SPC) works was made to IACC (LPA reference; 38C310/F/EIA/ECON) on 5 September 2018 [REP1-008]. The application was for the following works:
- site clearance (including vegetation clearance and management, removal of fencing, walls, gates, field boundaries, existing structures (including buildings), scrub, trees and other above ground features);
 - site establishment works (including instillation of a new crossing of the existing Magnox power station access road, formalisation of existing vehicular crossing points across Cemlyn Road, formalisation of vehicular routing, installation of construction fencing around the perimeter of the site, establishment of laydown areas, material storage compounds and associated temporary office/welfare buildings, car parks, associated footpath link from between main site compound to the former Wylfa Sports and Social Club car park, fuel store, security fencing, drainage and security features);
 - ground improvement works (including establishment of a remediation processing compound and associated fencing, storage of treated/processed material, establishment of associated access tracks, drainage, excavation and treatment of soils likely to be contaminated, and treatment and removal of invasive non-native species);
 - diversion and/or closure of Cemlyn Road with controlled access to Ty Croes (Fisherman's Car Park);
 - other associated works; and
 - a scheme of restoration to return the site to an acceptable condition in the event that the Power Station does not proceed.
- 2.4.3. The scope of the works proposed by the SPC planning application is consistent with the works contained within Work No 12 of the dDCO, except that Work No 12 also includes a watercourse diversion. In addition, the SPC planning application did not include blasting.
- 2.4.4. The IACC resolved to grant planning permission for the SPC subject to 36 conditions and a S106 agreement on the 5 September 2018. However, the Welsh Ministers on 13 December 2018 called in the application over concerns that the application as presented and considered by the IACC, did not reflect the Habitats Directive dated 1992, the provisions of which are reinforced in section 6.4 of PPW10, as it divorced the site preparation elements of the project from later construction and operational phases of the project [REP4-053, Appendix D].
- 2.4.5. The purpose of submitting a separate application for SPC was to enable the Applicant to reduce the construction period as, if consented, works on

SPC could commence prior to the determination of this Application. As the calling in of the application by the Welsh Ministers would have resulted in a delay to the determination of the SPC application the Applicant considered that the benefit of potentially enabling an earlier start on site would not be achieved. The Applicant withdrew the SPC application on 11 February 2019.

- 2.4.6. Grid Connection: The existing electricity network on Anglesey and in North Gwynedd is not sufficient to carry the proposed energy that would be generated by the Application. On 7 September 2018 National Grid Electricity Transmissions PLC (National Grid) submitted an application for the North Wales Connection Project (PINS ref: EN020015). The new connection would be between Wylfa and Pentir in Gwynedd and would consist of:
- Modifications to the existing substation at Wylfa;
 - Sections of new 400kV overhead line (OHL) between Wylfa Substation and Braint Tunnel Head House (THH) and cable sealing end compound (CSEC) on Anglesey including modifications to parts of the existing 400kV OHL between Wylfa and Pentir;
 - Braint THH/CSEC on Anglesey;
 - a tunnel between Braint and Tŷ Fodol THHs;
 - Tŷ Fodol THH/CSEC in Gwynedd;
 - new section of OHL connection between Tŷ Fodol THH/CSEC and Pentir Substation;
 - extension to the existing substation at Pentir; and
 - temporary construction compounds, access tracks, construction working areas, localised widening of the public highway and third party works that would be required to construct the infrastructure listed above.
- 2.4.7. The application was accepted for examination on 4 October 2018. However, on 20 February 2019 National Grid advised PINS that Horizon Nuclear Power had terminated the contract to build a new grid connection for Wylfa Newydd and as consequence they requested that the application be withdrawn.
- 2.4.8. Whilst the proposed development includes Work No 4 which would provide the electrical connections to the existing 400kV National Grid Substation the grid connection would need to be the subject of a separate application

3. LEGAL AND POLICY CONTEXT

3.1. INTRODUCTION

- 3.1.1. This chapter sets out the relevant legal and policy context for the application which was considered and applied by the Examining Authority (ExA) in carrying out its examination and in making its findings and recommendations to the Secretary of State (SoS).
- 3.1.2. The Applicant's Planning Statement [APP-406] sets out the policy position in relation to the proposed development. The document includes an assessment of the proposals against the policy requirements of National Policy Statements (NPSs) EN-1 and EN-6.
- 3.1.3. The Environmental Statement (ES) contains a section setting out the overarching environmental legislation, policy and guidance [APP-059]. Individual chapters of the ES providing specific policy background relating to particular topics.
- 3.1.4. Cyngor Sir Ynys Môn/The Isle of Anglesey County Council's (IACC) Local Impact Report (LIR) [REP2-061- REP2-152] includes the local authority position on applicable development plan policies and other local strategies.

3.2. THE PLANNING ACT 2008

- 3.2.1. The Wales Act 2017 devolved certain powers for consenting electricity generating projects to the Welsh Government. However, whilst non-wind onshore electricity generating stations with a capacity of up to 50 MW are now the responsibility of the Welsh Government, under the Developments of National Significance (DNS) regime, those that exceed this threshold continue to be dealt with by the UK Government through the Nationally Significant Infrastructure Projects (NSIPs) process under the Planning Act 2008 (PA2008). As the application is for an onshore electricity generating station with a nominal gross electrical capacity of 3.1GWe the proposal falls to be considered by the UK Government under the PA2008.

3.3. APPRAISAL OF THE APPLICATION UNDER S105 OF PA2008

- 3.3.1. The PA2008 provides different decision-making processes for NSIP applications where a relevant NPS has been designated (section (s)104) and where there is no designated NPS (s105). Paragraph 1.1.5. above identifies that the Application is for NSIP development.
- 3.3.2. For reasons expanded upon in the paragraphs below, this is an application for which s105 is applicable because the Written Ministerial Statement on Energy Infrastructure published on 7 December 2017 (the WMS) states that the NPS for Nuclear Power Generation (EN-6) only *"has effect for the purposes of s104 of the PA2008 (where the decision maker would legally have regard to the relevant NPS) for development which*

forms part of a project able to demonstrate expected deployment by the end of 2025”.

- 3.3.3. The WMS makes it clear that, in the absence of a post-2025 nuclear NPS, nuclear power station projects yet to apply for development consent and due to be deployed beyond 2025 should be considered under s105 of the PA2008 until such time as a new nuclear NPS is adopted.
- 3.3.4. As this proposal would be deployed post 2025 it falls to be considered and a decision made under s105 of the PA2008.
- 3.3.5. S105(2) of the PA2008 provides that the SoS must have regard to:
- any Local Impact Report (LIR) (within the meaning given by PA2008 s60(3)) submitted to the SoS before the deadline for submission;
 - any matters prescribed in relation to development of which the application relates; and
 - other matters that the SoS thinks are both important and relevant to their decision.

3.4. NATIONAL POLICY STATEMENTS

- 3.4.1. As this is an Application for a nuclear power station, NPS EN-1: Overarching National Policy Statement for Energy (EN-1); and NPS EN-6: National Policy Statement for Nuclear Power Generation (EN-6) apply.
- 3.4.2. NPS EN-1 sets out the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply and supporting the government’s policies on sustainable development, in particular by mitigating and adapting to climate change.
- 3.4.3. Chapter 3 of NPS EN-1 advocates that for the UK to meet energy and climate change objectives the Government believe that there is an urgent need for new nuclear power (para 3.5.1); that new nuclear will ensure a diverse mix of technology and fuel sources, which will increase the resilience of the UKs energy system (para 3.5.3) and that new nuclear power therefore forms one of three key elements of the Government’s strategy for moving towards a decarbonised diverse electricity sector by 2050 (para 3.5.6).
- 3.4.4. NPS EN-6 provides further detail in relation to nuclear power generation including the need for early deployment; the siting of new nuclear power stations; the consideration of alternatives and the management and disposal of radioactive waste.
- 3.4.5. The WMS states that new nuclear power stations have an important role to play and that nuclear power is seen as a vital part of the UKs energy mix, providing low carbon power now and in the future. The WMS confirmed that new nuclear power generation remains key to meeting the UKs 2050 obligations.

- 3.4.6. The WMS states that for projects due to deploy beyond 2025, the Government continues to give its strong in principle support to project proposals at those sites listed in EN-6. The WMS states that even if EN-6 is considered not to have effect under s104 of the PA2008, as is the case for this Application, s105 would apply.
- 3.4.7. As outlined above s105(2)(c) of the PA2008 requires that the SoS must have regard to, amongst other things, matters that the SoS thinks are both important and relevant to their decision. The WMS states that the Government is confident that both EN-1 and EN-6 incorporate information, assessments and statements which would continue to be important and relevant for projects which could deploy post 2025.
- 3.4.8. In deciding whether or not to grant development consent to such a project the SoS is required, under s105(2)(c) of the PA2008, to have regard to the content of EN-1 and EN-6, unless they have been suspended or revoked. In respect of matters where there is no relevant change to circumstances the WMS states that it is likely that significant weight would be given to policy in EN-1 and EN-6.

3.5. WELSH LEGISLATION, POLICY AND GUIDANCE

3.5.1. Welsh legislation, policy and guidance include:

- Wales Act (2017);
- Government of Wales Act (2006);
- Planning (Wales) Act 2015;
- Wellbeing and Future Generations (Wales) Act 2015;
- Historic Environment (Wales) Act 2016;
- Environment (Wales) Act 2016;
- Equality Act 2010 (Statutory Duties) Wales Regulations 2011;
- Planning policy Wales (Edition 10 December 2018);
- Technical Advice Notes;
- Wales Spatial Plan (2008);
- Welsh Language Act 1993 and Welsh Language Measure (Wales) Measure 2011;
- Active Travel (Wales) Act 2013 and
- Elements of Welsh Government energy, climate and infrastructure policy documents.
- Welsh Government climate emergency declaration (2019)

Wales Act 2017

- 3.5.2. As discussed above, although the Wales Act 2017 (WA 2017) transferred decision-making powers from the SoS (under the PA2008) to the Welsh Government, as the Application would have a nominal gross electrical capacity of 3.1GWe the consenting regime for the proposal remains the PA2008.
- 3.5.3. An 'associated development' is a development that is associated with the principal development and supports either the construction or operation of the principal development or helps address its impacts.

- 3.5.4. The Wales Act 2017 contains a provision under section 43, to resolve a previous anomaly in the consenting process around associated developments. The anomaly resulted from the PA2008 regime excluding approval for associated development for projects in Wales. This meant that, previously, for large energy projects in Wales where the consenting process for the main project was via the NSIP process, the associated development was decided by the relevant Welsh local planning authority. This has now changed with the commencement of section 43 of the Wales Act 2017 which aligns the responsibility for granting consent for associated development for energy projects and the responsibility for granting consent for the main project. As a consequence, all of the works applied for are capable of being consented as part of this DCO application

Government of Wales Act 2006

- 3.5.5. The Government of Wales Act 2006 enables the Welsh Government to make legislation which applies in Wales. The legislation must be within the legislative competence of the Welsh Government, ie relate to the devolved matters which are set out as a series of broad headings, or 'subjects' which include:
- Environment: matters such as environmental protection, countryside, open spaces, nature conservation, coast habitats and marine environments;
 - Local Government: including area of local authorities which includes their boundaries of jurisdiction for matters such as development control and enforcement; and
 - Town and Country Planning.
- 3.5.6. Some matters which would otherwise be encompassed by these broad headings are not devolved. Amongst the exceptions is "*development consent under PA2008*" (Schedule 7, paragraph 8).

Planning (Wales) Act 2015

- 3.5.7. The Act deals with national, strategic and development planning in Wales. The act introduced legislative provision for the Welsh language in the planning system. Whilst the Act makes provision for applications for planning permission for development of national significance in Wales to be made direct to Welsh Ministers it does not transfer decision-making powers from the SoS (under the PA2008) for nuclear power.

Wellbeing of Future Generations (Wales) Act 2015

- 3.5.8. The Well-being of Future Generations (Wales) Act (WBFGA) aims to improve the social, economic, environmental and cultural well-being of Wales through making the public bodies listed in the Act to think more about the long-term, work better with people, communities and each other to prevent problems and take a more joined-up approach.
- 3.5.9. The Act puts in place the following seven well-being goals:
- a prosperous Wales;
 - a resilient Wales;

- a healthier Wales;
- a more equal Wales;
- a Wales of cohesive communities;
- a Wales of vibrant culture and thriving Welsh language; and
- a globally responsible Wales.

3.5.10. Whilst neither the ExA or the SoS are listed in the Act it does places sustainability and wellbeing duties on the operations of several organisations directly involved with this examination including the local authorities, local health boards, Gwasanaeth Iechyd Gwladol Cymru/Public Health Wales (PHW), Fire and Rescue Authorities and Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW).

Historic Environment (Wales) Act 2016

3.5.11. The Act aims to give more effective protection to Wales's scheduled monuments and listed buildings; enhance existing mechanisms for the sustainable management of the historic environment and introduce greater transparency into decisions taken on the historic environment. Whilst it does not bind the ExA or the SoS it places duties on a number of organisations involved with the examination and who would be involved in discharging requirements including Cadw, IACC and the applicants.

Environment (Wales) Act 2016

3.5.12. The Act puts in place the legislation needed to plan and manage Wales' natural resources in a more proactive, sustainable and joined up way. Amongst other things it deals with climate change, collection and disposal of waste, marine licensing, flood risk management and land drainage. Whilst it does not bind the ExA or the SoS it places duties on a number of organisations involved in the examination and who would be involved in the discharging of requirements including the IACC and NRW.

Equality Act 2010 (Statutory Duties) Wales Regulations 2011

3.5.13. Section 153 of the Equality Act 2010 enables the Welsh Ministers to impose duties on certain Welsh public authorities through regulations.

3.5.14. The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, enables the better performance of duties under s149(1) of the Equality Act 2010 in Wales which are to have due regard to the need:

- to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under that Act;
- to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- to foster good relations between persons who share a relevant protected characteristic and those who do not share it.

Planning Policy Wales

3.5.15. Land use planning policies for Wales are set out in the Welsh Government's document Planning Policy Wales (PPW). PPW is supported by a series of Technical Advice Notes (TANs), Welsh Government Circulars and policy clarification letters.

- 3.5.16. The latest edition of PPW, PPW10 was issued on 5 December 2018. The objective of PPW10 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales as required by the Planning (Wales) Act 2015 and the WBFGA.
- 3.5.17. The current PPW does not contain specific policies for nationally significant infrastructure projects or in relation to nuclear power. However, it does reinforce the Welsh governments objectives in respect of the transition to a low carbon economy and the recognition that energy needs to be secured from a mix of sources (5.7 and 5.9).

Technical Advice Notes (TANs)

- 3.5.18. The TANS provide detailed guidance on specific planning topics. The content of the following TANS are capable of being important and relevant in the consideration of this application:

- TAN 5: Nature Conservation and Planning (2009);
- TAN 6: Planning for Sustainable Rural Communities (2010);
- TAN 11: Noise (1997);
- TAN 12: Design (2014);
- TAN 13: Tourism (1997);
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004);
- TAN 18: Transport (2007);
- TAN 20: Planning and the Welsh language (2013);
- TAN 21: Waste (2014);
- TAN 23: Economic Development (2014); and
- TAN 24: The Historic Environment (2017).

Wales Spatial Plan – People, Places, Future (2008)

- 3.5.19. The Wales Spatial Plan (2008) (WSP) sets out cross-cutting national spatial priorities and provides the context and direction of travel for local development plans. It identifies six sub-regions in Wales without defining hard boundaries, reflecting the different linkages involved in daily activities. The plan places Anglesey in Eryri a Môn/North West Wales. The WSP recognises that the area is unique in both a Welsh and UK context due to its exceptional natural environment, built heritage and strong cultural identity. As the plan was adopted in 2008 it refers to the decommissioning of Wylfa A and the potential effects that this may have. It also refers (para 17.20) to the fact that the UK Government were to decide on the future of nuclear power generation in 2008 and highlighted that this could have potentially positive implications for Wylfa.
- 3.5.20. A National Development Framework (NDF) is currently being developed that will replace the WSP. the NDF is currently being drafted and a consultation draft is due to be published in July/September 2019. The Issues, Options and Preferred Option consultation document (2018) reiterated the objective of transiting to a low-carbon economy and highlighting the aspiration to reduce greenhouse gas emissions by at least 80% by 2050. Appendix A (issues) recognises that Wylfa Newydd

(alongside the Anglesey Energy Island) have significant economic and social opportunities arising from them. If the NDF is approved before the SoS' decision, it may be necessary to further consult the Applicant and IPs on the adopted document.

Welsh Language Act 1993 and Welsh Language (Wales) Measure 2013

- 3.5.21. The Welsh Language Act 1993 places the Welsh language onto an equal footing with the English language in Wales with regard to the public sector. The Welsh Language (Wales) Measure 2011 made Welsh an official language in Wales and means that it must be treated no less favourably than English.

The Climate Change Strategy for Wales (2010)

- 3.5.22. The Climate Change Strategy for Wales (CCSW) seeks to reduce greenhouse gas emissions by 3% a year. The focus is principally on improving energy efficiency and the promotion of low-carbon generation.

Energy Wales: A Low Carbon Transition (2012)

- 3.5.23. Energy Wales: A Low Carbon Transition (2012) sets out how the Welsh government intends to drive the change to a sustainable, low carbon economy for Wales.
- 3.5.24. It recognises that if Wales' energy ambitions are to be achieved, its energy infrastructure requires investment, reinforcement and upgrading.
- 3.5.25. It states that the Welsh Government supports the development of a new nuclear power station on Anglesey and that the development of Wylfa B is a vital component not just of the Anglesey Energy Island programme but of the wider energy future in providing a constant energy source to complement the intermittency of renewable sources. Whilst it acknowledges that there are risks associated with nuclear power it advocates that the risk posed by climate change is now so great that they cannot dispense with a key proven low-carbon technology.

Wales Infrastructure Investment Plan (2012)

- 3.5.26. The Plan is designed to prioritise, scope and co-ordinate delivery of major infrastructure investments, whilst making significant contribution to the long term economic, social and environmental wellbeing to people and communities of Wales. It fully supports new nuclear build at Wylfa (para 2.5.4).

Active Travel (Wales) Act 2013

- 3.5.27. The Active Travel (Wales) Act requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and prepare maps identifying current and potential routes for their use. The Act also requires new road schemes (including road improvement schemes) to consider the needs of pedestrians and cyclists at the design stage.

Prosperity for All: A Low Carbon Wales (March, 2019)

- 3.5.28. This plan sets the foundation for Wales to transition to a low carbon nation. The plan sets out the actions that will be taken to cut emissions and support the growth of a low carbon economy in a way that maximises the wider benefits for Wales. It highlights that the Welsh Government has spent a significant amount of time and opportunity to ensure that the Wylfa Newydd nuclear power station would provide employment, training and a major legacy of benefits to Wales.

Welsh Government climate emergency declaration (2019)

- 3.5.29. On 29 April 2019 the Welsh Government made a climate emergency declaration. Although this declaration was made after the close of the Examination the SoS may want to consider the matter in their final decision.
- 3.5.30. The emergency declaration stated, amongst other things, that the Welsh Government has committed to help other areas of the economy to make a decisive shift away from fossil fuels. It reinforced support for the policies and proposals contained within Prosperity for All.

3.6. MARINE AND COASTAL ACCESS ACT 2009

- 3.6.1. The Marine and Coastal Access Act 2009 (MCAA) provides the legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse oceans and seas by putting in place a system for improved management and protection of the marine and coastal environment. It established a strategic marine planning system which includes the production of a Marine Policy Statement (MPS), introduced the production of marine plans and designation of Marine Conservation Zones (MCZs) in UK waters as well as establishing the Marine Management Organisation (MMO) and streamlining the marine licensing system.
- 3.6.2. Following adoption of the UK MPS by the Welsh Government in 2011 the MCAA requires Welsh Ministers as the planning authority for the Welsh inshore and offshore area to develop and implement a Marine Plan for Wales. Consequently, the draft Welsh National Marine Plan (dWNMP) has been developed and is due for adoption in early summer 2019. Once adopted the WNMP, along with the MPS constitute relevant planning documents for the purpose of s105(2)(c) of the PA2008.
- 3.6.3. As the Applicant's draft DCO (dDCO) does not include a Deemed Marine Licence should the SoS grant consent for the Order the Applicant would need to apply to NRW for the necessary licences under the Marine and Coastal Access Act 2009.
- 3.6.4. Furthermore, a new Article 49 – Application of Marine and Coastal Access Act 2009 was inserted by the Applicant into the dDCO to address the point that no powers under the Order removes the need for a Marine Licence under the Marine and Coastal Access Act 2009. This is discussed in Chapter 15.

3.7. EUROPEAN LAW AND RELATED UK REGULATIONS

- 3.7.1. The European Union (Withdrawal) Act provides that, subject to defined exceptions, European Union law which is extant up to the point of exit will remain in force and be incorporated into UK law. This report has been drafted on the basis that relevant European Union law (primarily environmental law) will be incorporated into UK law at the point when the SoS decides this application and that there is an equivalent arrangement for nuclear safety matters to the Euratom Treaty.

INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED) (THE EIA REGULATIONS)

- 3.7.2. The EIA Regulations establish the necessary information to be supplied by the Applicant within the ES, as well as information that can be requested as being reasonably justified given the circumstances of the case. Part 2 of Schedule 4 represents the minimum requirements for an ES under the EIA Regulations, and this is reinforced by Regulation 3(2), which sets out the core duty of the decision-maker in deciding on EIA Development.
- 3.7.3. The proposed development is EIA development under Schedule 2 of the EIA Regulations. The applicant has provided an ES [APP-055 to APP-400] as part of the submitted application.
- 3.7.4. The ExA in reaching its conclusions and recommendation has taken into consideration the environmental information, as defined in Regulation 3(2) (including the ES and all other information on the environmental effects of the development) (see Chapters 6 to 18 of this report).

COUNCIL DIRECTIVE 2008/50/EC ON AMBIENT AIR QUALITY AND CLEANER AIR FOR EUROPE (THE 'AIR QUALITY DIRECTIVE')

- 3.7.5. The Air Quality Directive (AQD) consolidates four directives and one Council decision into a single directive on air quality. Under the AQD Member States are required to assess ambient air quality with respect to sulphur dioxide, nitrogen dioxide and nitrogen monoxide, particulate matter (PM₁₀ and PM_{2.5}), lead, benzene and carbon monoxide. The Directive set limiting values for compliance and establishes control actions where these are exceeded. It is transposed into UK statute through regulations made under the Environment Act 1995 (EA1995).
- 3.7.6. The relevance of this Directive to this application is set out in Chapter 11 of this report.

COUNCIL DIRECTIVE 92/43/EEC ON THE CONSERVATION OF NATURAL HABITATS AND WILD FAUNA AND FLORA (THE HABITATS DIRECTIVE)

- 3.7.7. The Habitats Directive provides for a network of protected sites and a system of species protection. Habitat types requiring the designation of Special Areas of Conservation (SACs) are listed in Annex I of the directive. Animal and plant species of interest whose conservation requires the designation of SACs are listed in Annex II. SACs form part of the Natura 2000 ecological network of protected sites. Annex IV lists

animal and plants species of interest in need of legal protection. All species listed in these annexes are identified as European Protected Species (EPS). There are three SACs – Anglesey Fens SAC, Bae Cemlyn/Cemlyn Bay SAC and Corsydd Môn SAC that could be affected as a result of the proposal. The Habitats Directive and its implications have been taken into account in considering the application, and these are addressed in Chapter 7 of this report.

COUNCIL DIRECTIVE 2009/147/EC ON THE CONSERVATION OF WILD BIRDS (THE WILD BIRDS DIRECTIVE)

- 3.7.8. The Birds Directive is a comprehensive scheme of protection for all wild bird species naturally occurring in the European Union. It requires classification of areas comprising the most suitable territories for these species as Special Protection Areas (SPAs). Since 1994 all SPAs form part of the Natura 2000 ecological network.
- 3.7.9. There are two SPAs – Morewenoliaid Ynys Môn/Anglesey Terns SPA and Aber Afon Dyfrdwy/Dee Estuary SPA that could be affected as a result of the proposal. The Birds Directive and its implications have been taken into account in considering the application, and these are addressed in Chapter 7 of this report.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

- 3.7.10. The Conservation of Habitats and Species Regulations 2017 are the principal means by which the Habitats Directive and the Birds Directive are transposed into the law of England and Wales. Assessment processes taking place pursuant to these regulations are referred to as Habitats Regulations Assessment (HRA). It should also be noted that whilst the Ramsar convention is a UK treaty obligation and not part of the body of European Law, HRA is the primary UK process that gives effect to the UK's obligations under the Ramsar Convention.
- 3.7.11. The Regulations provide for the designation of 'European sites', the protection of 'European protected species', and the adaption of planning and other controls for the protection of European Sites.
- 3.7.12. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 3.7.13. The Applicant submitted a Habitats Regulation Assessment (HRA) to support their application. The ExA is satisfied that the information provided in the HRA and during the examination is valid for the proposed non-material amendments that were accepted into the examination.

THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS) REGULATIONS 2007 (AS AMENDED) (THE 2007 OFFSHORE REGULATIONS)

THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS) (AMENDMENT) REGULATIONS 2012

- 3.7.14. These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area.
- 3.7.15. The Offshore Marine Conservation (Natural Habitats & c.)(amendment) Regulations 2012 came into force on 16 August 2012 and amend the 2007 Offshore Regulations.
- 3.7.16. They place duties on competent authorities in relation to the offshore marine area, to take steps to meet the objective of preserving, maintain and re-establishing habitats for wild birds, and to use all reasonable endeavours to avoid any pollution or deterioration of habitats for wild birds. They also provide for a duty on the SoS to take such steps to encourage research and scientific work relating to the offshore marine area considered necessary for the purpose of the protection, management and use of wild bird populations.
- 3.7.17. The relevance of these Regulations to this application is set out in Chapter 7 of this report.

ESTABLISHING A FRAMEWORK FOR THE COMMUNITY ACTION IN THE FIELD OF WATER POLICY (200/60/EC) (THE WATER FRAMEWORK DIRECTIVE)

- 3.7.18. The Water Framework Directive (WFD) establishes a framework for water policy, managing the quality of receiving waters. Amongst other objectives, it requires EU Member states to prevent the deterioration of surface water bodies, groundwater bodies and their ecosystems and improve the quality of surface and groundwater bodies by progressively reducing pollution and by restoration.
- 3.7.19. To be in compliance with EN-1 the SoS must take the Water Framework Directive into account. Consideration of water quality and management is contained within Chapter 12 of this report.

3.8. OTHER LEGAL AND POLICY PROVISIONS

UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY 1992

- 3.8.1. As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the ExA has had regard to this convention in considering the likely effects of the proposed development and appropriate objectives and mechanisms for mitigation and compensation.
- 3.8.2. The Convention is of relevance to Terrestrial Environment and Biodiversity, HRA, Historic Environment, Water Resources and Marine Environment which are considered in Chapters 6, 7, 9, 10 and 15 respectively of this report.

THE RAMSAR CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE 1971 (AS AMENDED)

- 3.8.3. The Ramsar Convention on Wetlands of International importance 1971 (as amended) (the Ramsar Convention) is an international treaty that provides a framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. The UK Government has chosen to apply, as a matter of policy, the legislative provisions that apply to the consideration of SACs and SPAs to Ramsar sites, even though these are not European sites as a matter of law.
- 3.8.4. There is one Ramsar site – the Aber Afon Dyfrdwy/Dee Estuary that could be affected as a result of the proposal. The Ramsar Convention and its implications have been taken into account in considering the application, and these are addressed in Chapter 7 of this report.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 (AS AMENDED)

- 3.8.5. This Act provides the framework for the establishment of National Parks and Areas of Outstanding National Beauty (AONBs). It also establishes powers to declare National Nature Reserves (NNRs), to notify Sites of Special Scientific Interest (SSSIs) and for local authorities to establish Local Nature Reserves (LNRs).
- 3.8.6. National parks and AONBs have statutory protection in order to conserve and enhance the natural beauty of their landscape. The purpose of designating a National Park or AONB is to conserve and enhance their natural beauty; including landform, geology, plants, animals, landscape features and the rich pattern of human settlement over the ages.
- 3.8.7. The statutory protection of the Anglesey AONB and the effects of the proposal on the Cae Gwyn SSSI, Caeau Talwrn SSSI, Bae Cemlyn/Cemlyn Bay SSSI, Cors Bodeilio SSSI, Llyn Traffwll SSSI and Tre'r Gof SSSI are considered in Chapter 13 of this report.

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 (AS AMENDED)

- 3.8.8. The Countryside and Rights of Way Act 2000 (as amended) includes provisions in respect of Public Rights of Way (PRoW) and brought in new measures to further protect AONBs. This included meeting the demands of recreation, without compromising the original reasons for designation and safeguarding rural industries and local communities. There was also a new duty for all public bodies, including the ExA and the SoS to have regard to the purposes of AONBs and improved provisions for the protection and management of SSSIs.
- 3.8.9. Parts of the proposed site fall within or are in very close proximity to the Anglesey AONB. In addition, there are six SSSIs that could be affected by the proposal. These affects are considered in Chapters 8, 13 and 17 of this report.

THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

- 3.8.10. The Wildlife and Countryside Act 1981 (as amended) (W&CA) is the primary legislation which protects animals, plants and certain habitats in the UK. The Act contains measures for the notification, confirmation, protection and management of SSSIs.
- 3.8.11. The Act has relevance to consideration of impacts on SSSIs and on protected species and habitats including European sites. These are considered in Chapter 6 and 7 of this report.
- 3.8.12. If a species such as bats, owls or great crested newts protected under Part I of this Act is likely to be affected by development, a protected species licence would be required from NRW in addition to any consent that may be granted by the SoS through a DCO.

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT (2006)

- 3.8.13. The Natural Environment and Rural Communities Act 2006 (NERC) includes a duty that every public body (including the ExA and the SoS) must have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. In complying with this, regard must be given to the United Nations Convention on Biological Diversity of 1992.
- 3.8.14. Under Section 42 of the Act, the National Assembly for Wales must publish a list of the living organisms and type of habitat which are of principal importance for the purpose of conserving biodiversity. This list is used by all decision makers in Wales implementing their duty under section 40 of the Act to have regard to the purpose of conserving biodiversity.
- 3.8.15. How the proposed development would affect biodiversity and ecology and landscape matters is considered in Chapters 6, 7 and 13 of this report.

EQUALITY ACT 2010

- 3.8.16. S149 of the Equality Act 2010 establishes a duty (the public sector equality duty (PSED)) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not¹. The ExA are satisfied that they have complied with the PSED throughout the Examination.

CLIMATE CHANGE ACT 2008

- 3.8.17. The Climate Change Act 2008 is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to

¹ Guidance on equalities considerations and protected characteristics under the Equality Act 2010 have been provided by the Government Equalities Office and the Equality and Human Rights Commission (EHRC).

deliver on these requirements and supports the UK's commitment to urgent international action to tackle climate change.

3.8.18. The Climate Change Act commits the Government by law to reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050 (Committee on Climate Change, 2008). This includes reducing emissions from the devolved administrations (Scotland, Wales and Northern Ireland), which currently account for about 20% of the UK's emissions. The 80% target was based on advice from the Climate Change Committee's (CCC's) 2008 report, 'Building a low-carbon economy'. (Committee on Climate Change, 2008)

3.8.19. After the close of the examination the Climate Change Act was amended by Statutory Instrument 1056 (2019) [3] to a 100% net zero target by 2050 following the CCC's updated report. The recommendations in this report have not taken account of this change due to the timing and it will be a matter for the Secretary of State to consider in their final decision.

3.9. MADE DEVELOPMENT CONSENT ORDERS

3.9.1. The Applicant refers to a large number of other made Development Consent Orders including:

- North London Heat and Power Generating Station Order 2017 (S.I. 2017/215);
- National Grid (Hinkley Point C Connection Project) Order 2016 (S.I.2016/49);
- M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202);
- Keuper Underground Gas Storage Facility Order 2017/433; (S.I. 2017/433)
- North Wales Wind Farms Connection Order 2016 (S.I. 2016/818);
- Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384);
- Glyn Rhonwy Pumped Storage Generating Station Order 2017;
- Hinkley Point C (Nuclear Generating Station) Order 2013; (S.I. 2017/330)
- Silvertown Tunnel Order 2018 (S.I. 2018/574);
- National Grid (Richborough Connection Project) Order 2017 (S.I. 2017/817);
- Triton Knoll Electrical System Order 2016 (S.I. 2016/880);
- A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I.2016/73);
- Wrexham Gas Fired Generating Station (S.I. 2017/766);
- East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826);
- Brechfa Forest Wind Farm Connection Order 2016 ;(S.I. 2016/987) ;
- Meaford Gas Fired Generating Station Order 2016 (S.I 2016/779) ;
- Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950);
- Burbo Bank Extension Offshore Wind Farm Order 2014 (S.I. 2014/2594);
- Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935);

- River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853);
- Swansea Bay Tidal Generating Station Order 2015/1386 (S.I. 2015/1386);
- Eggborough Gas Fired Generating Station Order 2018/1020 (S.I. 2018/1020); and
- Hornsea One Offshore Wind Farm Order 2014/3331 (S.I. 2014/3331).

3.9.2. The Applicant also cites Orders made under separate regimes to the PA2008 including:

- Yorkshire Ouse (Pilotage Powers) Order 1998 (S.I.1998/1272);
- Argyll and Bute Council (Pilotage Powers) Order 2007 (Scottish S.I. 2007/3);
- London Gateway Port Harbour Empowerment Order 2008 S.I. 2008/1261);
- Lochboisdale and Gasay Port (Harbour Empowerment) Order 2016 (Scottish S.I. 2016/156);
- Aberdeen Harbour Revision Order 2016 (Scottish S.I. 2016/414); and
- Newhaven Harbour Revision Order 2016 (S.I. 2016/151).

3.10. TRANSBOUNDARY EFFECTS

3.10.1. Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regs), transposes Article 7 of EU Directive 85/337/EEC (as amended) into UK Law as it applies to the PA2008 regime. On the basis of the information available from the applicant, the Planning Inspectorate, on behalf of the SoS was of the view that the proposed development was likely to have significant effects on the environment in another European Economic Area (EEA) State.

3.10.2. In reaching this view the Planning Inspectorate applied the precautionary approach (as explained in the Planning Inspectorate Advice Note 12: Transboundary Impacts Consultation). Transboundary issues consultation under Regulation 24 of the EIA Regulations was therefore considered necessary in relation to the Republic of Ireland: SACs (marine mammals) and Natura 2000 sites (birds). A letter was sent on 1 February 2018 to the relevant body in the Republic of Ireland.

3.10.3. In accordance with Regulation 24 of the EIA Regulations, the Planning Inspectorate (on behalf of the SoS) published a notification in the London Gazette on 3-5 February 2017 which provided information to EEA States, including the Republic of Ireland, about the proposed project and its likely significant effects. The EEA States were asked to indicate by 17 March 2017 whether or not they wished to participate in the procedure for examining and determining the application under PA2008 and Regulation 24 of the EIA Regulations.

3.10.4. In accordance with its notification letter to the EEA States, the SoS assumed that the States who did not respond to the notification letter did not wish to participate in the procedure under Regulation 24 of the EIA Regulations in relation to the proposed development.

- 3.10.5. The Planning Inspectorate has followed the transboundary screening and notification processes set out in their Advice note 12, which contains special arrangements for nuclear electricity generating station NSIPs. The special arrangements require that all relevant EEA states and signatories to the UNECE Espoo and Aarhus conventions are informed of their ability to participate in the development consent order examination process should they wish to do so.
- 3.10.6. Luxembourg, Netherlands, Norway, Sweden expressed a wish to participate while Austria, Denmark, Finland and Germany wished to be kept informed. Bosnia and Herzegovina and Greece submitted a holding response, but no further response has been received.
- 3.10.7. There have been a number of Relevant Representations (RRs) made by non-UK individuals and organisations, and those individuals and organisations have been provided the opportunity to participate in the examination as an IP.
- 3.10.8. The ExA also directed a written question to the Danish Emergency Management Agency and the Spanish Ministry of Ecological Transition to give them opportunity to comment on their concerns expressed in their RRs [RR-135 and RR-138].
- 3.10.9. All correspondence received in relation to transboundary issues will be passed to the SoS who must have regard to transboundary considerations and to any responses made.
- 3.11. LISTED BUILDINGS, CONSERVATION AREAS AND SCHEDULED ANCIENT MONUMENTS**
- 3.11.1. When deciding an application which is likely to affect a listed building or its setting, a conservation area or a scheduled ancient monument or its setting, the decision-maker must comply with the duties set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. Matters regarding the historic environment and heritage assets are discussed in Chapter 9 of this report.
- 3.12. OTHER RELEVANT POLICY STATEMENTS**
- 3.12.1. The ExA have taken other relevant Government policy into account, including but not limited to:
- The Energy White Paper: Meeting the Challenge (May 2007);
 - UK Low Carbon Transition Plan (2009);
 - National Strategy for Climate and Energy (July 2009);
 - UK Renewable Energy Strategy (July 2009); and
 - The National Infrastructure Delivery Plan 2016-2021.
- 3.13. LOCAL IMPACT REPORTS**
- 3.13.1. Section 105 of the PA2008 states that in deciding an application the SoS must have regard to any Local Impact Reports (LIRs) within the meaning of section 60(3) PA2008. There is a requirement under section 60(2)

PA2008 to give notice in writing to each local authority falling under section 56A inviting them to submit a LIR. Notice in relation to this application was given on 4 June 2018.

- 3.13.2. The relevant local authorities are Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC), Cyngor Gwynedd/Gwynedd County Council (GCC) and Cyngor Bwrdeistref Sirol Conwy/Conwy Borough County Council (CCBC). LIRs were received from all three authorities. The principal issues raised in the LIRs are discussed further throughout this report.

3.14. THE DEVELOPMENT PLAN

- 3.14.1. The application relates to land in the local authority area of the IACC. As outlined in the Applicant's Planning Statement [APP-406] and the LIR provided by the IACC [REP2-061 to REP2-152], the following local planning policy documents are considered to be relevant to the consideration of this application:

- Anglesey and Gwynedd Joint Local Development Plan (2011-2026) (adopted 31 July 2017)
- The New Nuclear Build (NNB) at Wylfa Supplementary Planning Guidance (adopted July 2018)

- 3.14.2. As stated in paragraph 4.1.5 of NPS EN-1, if there is any conflict between the above documents and an NPS, the NPS takes precedence due to the national significance of the proposed infrastructure.

3.15. **THE SECRETARY OF STATE'S POWERS TO MAKE A DEVELOPMENT CONSENT ORDER**

- 3.15.1. The ExA were aware of the need to consider whether changes to the application documents meant that the application had changed to the point where it was a materially different application to that which was originally submitted and consulted upon and whether the SoS would have power under section 114 of the PA2008 to make a DCO having regard to the development consent applied for.
- 3.15.2. The SoS will be aware of the March 2015 updated 'Planning Act 2008: guidance for the examination of applications for development consent' issued by the then Department of Communities and Local Government. Paragraphs 109 to 115 provide guidance in relation to changing an application post acceptance.
- 3.15.3. The view expressed by the Government during the passage of the Localism Act was that section 114(1) places the responsibility for making a DCO on the decision-maker and does not limit the terms in which it can be made.
- 3.15.4. Over the duration of the Examination the Applicant made the following change requests:

- A change to the proposed hours of blasting from 10:00-16:00hrs to 09:00-19:00hrs weekdays and 10:00-13:00hrs on Saturdays [AS-020];
- An increase in the upper daily limit of marine vessel movements from four movements per day (two vessels) to 16 movements per day (8 vessels) within the total vessel movements assessed and described in the ES [AS-021];
- A change in workers shift patterns (see table) [REP4-0014];

Table 1: Requested DCO Changes: Working Hours Provisions

dDCO as submitted		Change requested		
		2020		2023
Day (10 hours)	07:00-17:00	Day (10.5 hours)	07:00-17:30	07:00-17:30
	07:30-17:30		07:30-18:00	07:30-18:00
	08:00-18:00			08:00-18:30
Night (10.5 hours)	16:30-03:00	Night	19:30-06:00	19:30-05:30
	17:00-03:30		(10.5 hours)	20:00-06:00
	17:30-04:00			(10 hours)

- A change to HGV movements (see table) albeit that it would be the same number of movements as originally submitted but spread over a greater number of hours/days [REP4-0013];

dDCO as submitted		Change requested	
Mon-Fri	07:00-19:00	Mon-Fri	07:00-23:00
Sat	n/a	Sat	08:00-13:00
Sun and Public Holidays	n/a	Sun and Public Holidays	n/a
Total hours per week	60	Total hours per week	85

- A change to the working hours on the WNDA (see table) [REP4-0012];

Activity	dDCO as submitted	Proposed Change
Marine piling	All piling 07:00-18:00	Percussion piling 07:00-19:00 Sheet piling 24h

Preparation for blasting including rock drilling and packing for blasting	All relevant plant 07:00-18:00, except marine plant = 24 hours	All plant, 24 hours
Drilling and rock anchoring in excavations including application of shotcrete to stabilise open faces	All plant 07:00-19:00	24/7 for construction operations for deep excavations
Moving/repositioning won rock in the excavations both from the marine area (zone 10) and from unit 1 (zone 4) and units 2 (zone 8). This material will move to areas around the deep excavation and for the construction of the MOLF	All plant 07:00-19:00	07:00-19:00 for 100% of the plant 19:00-23:00 and 23:00- 07:00 for 50% of the plant Material in zone 10 will be placed only as far as the breakwater (24h)
Support operations which covers a range of activities required to support the early works and Main Construction (eg equipment/road maintenance, fuelling, movements of equipment and materials, cleaning)	All plant 07:00-19:00 or 06:00-20:00	24/7
Site grading in construction zones 6,7,8 and 9 and the transportation of resultant material on haul routes HR-011, HRb1 and HR-B2 for the construction of mound E and Mound B. the majority of this would	All plant 07:00-19:00	All plant 07:00-22:00

occur in months 1-12 of construction.		

- To accommodate the change (and mitigate the effects) to the working hours the following additional haul routes within the order limits were proposed:
- two circular haul routes (HR-B1 and HR-B2) situated to the west of Tregele in construction zone 9, and one haul route from construction zone 9 to Mound E (HR-011); these would primarily be used to transport bulk material arising from site grading during the first year of construction to provide fill material needed to construct Mound B1 and E;
- a haul route from the south extent of the deep excavations (construction zones 4 and 8) to construction zone 6 (HR-012), where rock processing equipment will be situated, which would be used primarily at night so as to avoid plant movements near sensitive receptors;
- two haul routes from the south extent of the deep excavations (construction zones 4 and 8) to construction zones 2 and 10 (HR-013), and from the north extent of the deep excavations (construction zones 4 and 8) to construction 9 zones 2A and 2 (HR-014); these would enable the transportation of rock arising from the excavations to the Marine Works and would be used primarily at night.
- A change to the layout for the access to the proposed park and ride site at Dalar Hir [REP7-001].

3.15.5. In exercising this power, the SoS may wish to consider the views of the ExA on the proposed changes to the application which are that the proposed changes constitute a change to the application for development consent but are not so material a change as to constitute a new application. The ExA's procedural decisions of 25 January 2019 [PD-015] and 4 April 2019 [PD-022] set out the reasons for the acceptance of these changes.

4. THE MAIN ISSUES IN THE EXAMINATION

4.1. INTRODUCTION

- 4.1.1. This chapter considers the Examining Authority's (ExA's) approach to identifying the Principal Issues and then we proceed to consider each main issue in turn in separate chapters and our conclusions in relation to them. We do not deal with matters in relation to HRA; these matters are discussed in Chapter 7. Compulsory Acquisition (CA) and the Development Consent Order(DCO) are dealt with in Chapters 20 and 21 respectively.

4.2. THE PRINCIPAL ISSUES

- 4.2.1. The ExA's Initial Assessment of Principal Issues (IAP1) prepared in accordance with s88 of the Planning Act 2008 (PA2008) and Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 was published with the letter inviting all Interested Parties (IPs) to the Preliminary Meeting (PM) [PD-008]. In assessing the IAP1, the ExA had regard to the application documents [APP-001-APP-447]; EN-1 and EN-6; relevant DCLG guidance together with Relevant Representations (RRs) submitted by IPs [RR-001-RR-143]. At the PM, the ExA made it clear that the list of IAP1 was not intended to be exclusive [EV-010].

- 4.2.2. The IAP1's were presented in alphabetical order as follows:

- Air Quality including Dust;
- Biodiversity and Geological Conservation;
- Climate Change and Resilience;
- Compulsory Acquisition;
- Draft Development Consent Order;
- Historic Environment;
- Landscape and Visual;
- Marine Environment;
- Noise and Vibration;
- Socio-Economic Effects; and
- Traffic and Transport.

- 4.2.3. At the PM, the ExA heard representations from Welsh Government; Cyngor Sir Ynys Môn/Isle of Anglesey County Council; Roger Dobson; Heddlu Gogledd Cymru /North Wales Police; Cyfoeth Naturiol Cymru/Natural Resources Wales and Land and Lakes Ltd about the list of IAP1. A number of additional issues were raised including requests for spatial consideration of the impact on North Anglesey; the impact on local communities in particular Cemaes, Tregelle and Llanfechell from contractors living and working on the site, the proposed s106 Agreement, IT and broadband, requests for consideration of reasonable alternatives especially in relation to an off-site campus for temporary accommodation; flood risk and the impact on water bodies and the Water Framework Directive; and cumulative effects in relation to the proposed

North Wales Connection DCO and the proposed s106 Agreement and legacy. Further detail of the issues raised is set out in the ExA's note of the PM [EV-010].

- 4.2.4. During the Examination it became logical to examine Biodiversity and Geological Conservation separately as 'Terrestrial Environment and Biodiversity' and 'Coastal Processes and Coastal Geomorphology'.
- 4.2.5. The ExA has considered the spatial effects of the proposed development on North Anglesey; the impact on local communities in particular Cemaes, Tregele and Llanfechell; the s106 Agreement and IT and Broadband at relevant sections of this report particularly Chapter 8 Socio Economic, Chapter 17 Traffic and Transport and Chapter 13 Landscape and Visual Effects.
- 4.2.6. We examine alternatives in relation to accommodation in Chapter 8.
- 4.2.7. We discuss the impact of the proposed development on water bodies in Chapter 10 including Flood risk and the Water Framework Directive.
- 4.2.8. We consider the proposed North Wales Grid Connection in Chapter 18.
- 4.2.9. The ExA's findings and conclusions in relation to main matters are set out under the generic topic headings identified during the assessment of principal issues in Chapters 5 to 17.
- 4.2.10. The ExA begins its consideration of the main matters with a focus in Chapter 5 on the decision by the Applicant to submit its Application under s105 of PA2008 and the implications of the announcement by Hitachi to suspend its nuclear power station project in the UK [AS-039].
- 4.2.11. All written and oral representations, even if not explicitly mentioned, have been fully considered in reaching the ExA's conclusions.

5. NEED AND FUNDING

5.1. INTRODUCTION

- 5.1.1. This chapter considers need and funding for the development. Although, the application has been submitted under s105 of the Planning Act 2008 (PA2008) the ExA considers that for the reasons set out in Chapter 3 the NPS EN-1 and EN-6 are matters that are important and relevant to the SoS's decision.

5.2. POLICY CONTEXT

- 5.2.1. Part 2 of National Policy Statement (NPS) EN-1 sets out the policy context for the development of nationally significant energy infrastructure. It reflects the Government's commitment to cutting greenhouse gas emissions and the desire to improve the security, availability and affordability of energy through diversification away from a reliance on fossil fuels. It recognises the need to replace a significant part of the UK's current generating capacity. Finally, it concludes that it is critical that the country has, amongst other things, a diverse mix of technologies and fuels.
- 5.2.2. The need for new Nationally Significant Electricity Infrastructure projects is set out in more detail in section 3 of EN-1. Whilst measures to reduce demand for electricity are acknowledged as a key element of the Government's strategy for meeting the country's energy and climate change objectives, EN-1 notes that the savings such measures could make are expected to be offset by increases in other areas. Similarly, whilst the Government believes that decentralised and community energy systems, more intelligent use of electricity and more interconnection with continental electricity systems should be actively pursued, the Government's view is that new large-scale energy infrastructure will still be required.
- 5.2.3. This position is reflected in the Written Ministerial Statement on Energy Infrastructure published on 7 December 2017 (WMS) which reaffirms the Government's desire to meet the 2050 obligations and also indicates that by 2035 overall demand for electricity is expected to have increased.
- 5.2.4. Paragraph 3.5.1 of EN-1 considers the need for nuclear generating capacity. It states that the Government believes that there is an urgent need for new electricity generation plant, including nuclear plant. Paragraph 3.5.2 notes that it is Government policy that new nuclear power should be able to contribute as much as possible to the UK's need for new generating capacity. Paragraphs 3.5.3 to 3.5.8 of EN-1 expand on the role that the Government expects new nuclear power stations to play in ensuring a diverse mix of technology of fuel sources, and in decarbonising the UK's energy supplies.
- 5.2.5. The need for the development is not directly referenced in the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (JLDP). However, paragraph 6.3.4 of the JLDP acknowledges that applications for new NSIP

development will be examined using the criteria on national need, benefits and impacts as set out in relevant policy. It acknowledges that for energy infrastructure this will include the relevant NPSs EN-1 and EN-6.

- 5.2.6. The site of the proposed nuclear power station at Wylfa Head is one of the eight sites identified by the Government in EN-6 as potentially suitable for the deployment of new nuclear power stations by the end of 2025.

5.3. **THE APPLICANT'S CASE**

- 5.3.1. In its Planning Statement [APP-406] the Applicant sets out why, even though the application is being considered under s105 of the PA2008, it considers that EN-1 and EN-6 are relevant to the determination of the application and why it considers that there is an urgent need for the project.
- 5.3.2. In particular it highlights that the WMS considers that with "*a number of existing coal and nuclear stations due to close by 2023 that new nuclear generation remains key to meeting the Government's 2050 [climate change] obligations*".
- 5.3.3. Reference is also made by the Applicant to the recent consultation on siting and process which states "*The Government's view is that the assessment of the need for new electricity generation carried out to support EN-1 remains valuable and continues to be relevant. Currently all but one of the existing fleet of nuclear reactors are due to cease generating before 2030, so 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*".
- 5.3.4. Furthermore, the Applicant commissioned Oxera to examine the available evidence pertaining to the urgent need for new nuclear power, over and above that considered in EN-1 and EN-6 'the Oxera analysis' [Appendix G APP-406]. This analysis concluded that the need for new nuclear power to be at least as great as at the time of the publication of the NPSs in 2011 and probably greater.
- 5.3.5. The Applicant therefore advocates that, given the application has been submitted under s105 of the PA2008, that EN-1 and EN-6 continue to be important and relevant and that they represent the primary policy basis for a decision made by the SoS on this application. It believes that the NPSs and WMS firmly establish the principle of need for new nuclear power, and that this need is urgent.

5.4. **THE PLANNING ISSUES**

- 5.4.1. In its Local Impact Report (LIR) [REP2-062] IACC have reviewed the matters considered in EN-1 and EN-6 and does not dispute the need for the development. It states that the LIR has proceeded on the acceptance that there is an urgent unmet need for this type of development, and it

accepts that SoS will attach substantial weight to both the national need and the contribution that this development would make to meeting that need in making the decision on the DCO. This position is reflected in its Statement of Common Ground (SoCG) [REP8-019].

- 5.4.2. The issue of need was not considered by Cyngor Gwynedd/Gwynedd County Council (GCC) in its LIRs [REP2-289 and REP2-297]. However, in the SoCG between GCC and the Applicant [REP6-048] GCC agreed that the need for a new nuclear power station at the Wylfa Newydd site is established and that need, in its opinion, therefore does not fall to be considered by the ExA.
- 5.4.3. Cyngor Bwrdeistref Sirol Conwy/Conwy County Borough Council (CCBC) in its LIR [REP2-289] acknowledged the nationally important role that low carbon energy plays as outlined in NPS EN-1.
- 5.4.4. The Welsh Government in its SoCG [REP8-017] agreed that EN-1 and EN-6 identify the need for new (and particularly low carbon) electricity NSIPS in the UK within the next 10-15 years. When considering “need” for the Power Station (as opposed to the associated development) it considers that the ExA must look at UK wide need (EN-1, paragraph 3.3) but that the same assessment of “need” is not necessary in respect of the associated development. Albeit that it accepts that the associated development is necessary to ensure the delivery of the Power Station.
- 5.4.5. Consequently, it would appear that with regards to the need for the proposed development the view of these organisations corresponds with the views of the Applicant.
- 5.4.6. However, a number of IP’s have questioned the need for the development.
- 5.4.7. The challenge is twofold with some IP’s (RR-047, RR-065, RR-091, RR-109, RR-137, REP2-352, REP2-357) advocating that unlike in 2011 when the NPSs were adopted advances in renewable technologies mean that they are more efficient, more consistent, more cost effective and able to deliver sufficient electricity to meet the UKs needs and the low-carbon targets thus negating the need for nuclear power.
- 5.4.8. Secondly, because the proposed development would be deployed post 2025, a number of IPs (including but not limited to RR-127, RR-115, RR-133, REP2-292, REP2-305) advocate that, because these NPS’s were predicated on the deployment of new nuclear power by 2025, this would take the application outside of the scope of EN-1 and EN-6. Consequently, they consider that the NPS’s to be out of date and advocate that they should be given no weight by either the ExA or the SoS in determining the application.
- 5.4.9. Furthermore, they consider that as the WMS has no evidence base; has not been the subject of consultation; constitutes an opinion and fails to clarify whether a relevant change of circumstances has occurred. Consequently, it is not binding on the ExA albeit that they acknowledged that it would be binding for the SoS.

5.5. THE EXA'S CONSIDERATION

- 5.5.1. The ExA is satisfied that, on the basis of what it has read and heard, there is a clear need for energy and new energy infrastructure. Furthermore, the ExA accepts that, in order for the UK to meet its 2050 target with regards to reductions in carbon emissions, going forward this infrastructure would need to be low carbon. The ExA recognises that nuclear power is a proven low carbon technology and as a consequence accept that the Application could, along with other technologies, contribute to addressing the UK's need for low carbon energy.
- 5.5.2. As outlined above a number of IPs argued that with advances made in renewable technologies, the drop in the costs of this technology and the improvements in its reliability since the adoption of the NPS's, mean that the baseload and levels of energy required could now be delivered more efficiently and cost effectively through the use of renewable technology. As a result, they consider that nuclear power is no longer required.
- 5.5.3. It is clear from the evidence submitted to the Examination that whilst there may be alternative ways, including through the increased use of renewables, as to how to provide the energy required these schemes are not before the ExA. Furthermore, the ExA has no knowledge as to whether such schemes would come forward; how much energy they would generate; the costs involved or how quickly they could be implemented. Consequently, the ExA does not consider that they prove that there is no need for nuclear power.
- 5.5.4. The ExA accepts that EN-6 seeks the development of new nuclear power stations by 2025 and preferably significantly earlier given *"the urgent need to decarbonise our electricity supply and enhance the UK's energy security and diversity of supply"* (paragraph 2.2.2).
- 5.5.5. The proposed development would not meet this target, as it would deploy post 2025. As set out in its Planning Statement the Applicant states:
- 5.5.6. *"Whilst the application does not need to be determined in accordance with the NPS pursuant to section 104(3) of the Planning Act 2008 [RD1]), the ministerial statement is clear that NPSs EN-1 and NPS EN-6 remain important and relevant matters which would carry significant weight in determining the application under section 105. Indeed, NPSs EN-1 and EN-6 continue to represent the primary policy basis for a decision made by the SoS on this application for an order for development consent for the Wylfa Newydd DCO Project". [APP-406]*
- 5.5.7. Whilst it is clear to the ExA that although the "urgency" of the need as referenced in EN-6 has not transpired in the way that the Government originally predicted, there continues to be a need for energy; that this need for energy is likely to increase in the future (EN-1 paragraph 2.2.22 and the WMS) and that this energy will need to be low carbon. The proposed development provides a low carbon energy solution which would assist in meeting this need.

5.5.8. In the ExA's view, the fact that the nuclear power provision envisaged for and encouraged to be delivered by 2025, has not materialised, does not mean either the "need" or the "urgency" to generate, low-carbon electricity from nuclear are negated. EN-6 in particular does not, as suggested by the IPs [paragraph 4.2.1.3 REP4-035] offer a 'statutorily approved 2025 timeframe'. Paragraph 1.6.1 of EN-6 points out that the NPS will remain in force in its entirety unless withdrawn or suspended in whole or in part by the Secretary of State. Paragraph 2.3.2 makes it clear that the potential nuclear generation sites identified in EN-6 are those "potentially suitable for the deployment of new nuclear power stations in England and Wales by the end of 2025". The NPS is silent on the status of these sites if they are not deployed by 2025; nor can it be inferred that "the policy" is that they be deployed by 2025 and if this fails to happen the requirement falls away and the ambition is no longer valid. The fact that, in principle, they were deemed to be "capable" of being deployed by 2025 does not necessarily mean that if this deployment fails to happen within the 2015 timeframe their "capability" has disappeared.

5.5.9. The ExA recognises that, as several IPs pointed out, circumstances in relation to the generation of electricity, particularly from renewable technologies, have changed significantly since 2011 when the NPSs were produced; however, the WMS states that it is likely that significant weight would (continue) to be given to the policy in EN-1 and EN-6 so long as "there is no relevant change of circumstances". It is not the ExA's role to make policy, its role is to make recommendations within the context of existing policy. For the ExA "relevant change of circumstances" must mean changes in relation to policy, assessment criteria or the identification, in principle, of a particular site. The ExA sees no relevant change in the circumstances of (a) the need for a variety of technologies to generate low-carbon electricity, including nuclear; (b) the urgency of that task and (c) the identification of Wylfa as a potentially suitable site.

5.6. SUMMARY

5.6.1. When considering the matter of need against the criteria set out in s105(2) of the PA2008, as outlined above (paragraph 1.1.13.-1.1.15.) the LIRs acknowledge the need for the development (s105(2)(a)) and there are no matters prescribed in relation to need (s105(2)(b)).

5.6.2. With regards to other matters which would be important and relevant to the SoS decision (s105(2)(c)) for the reasons set out above and in the WMS the ExA accept that there is a clear and urgent need for new low carbon energy infrastructure and that the Application could contribute to meeting this need.

5.7. FUNDING

- 5.7.1. This section addresses the funding for the development proposed. Funding for the proposed Compulsory Acquisition (CA), and the specific test that applies to the funding of the CA element of the application, will be dealt with in the CA chapter of this report.

5.8. THE APPLICANT'S CASE

- 5.8.1. The Application included a Funding Statement [APP-033], which was updated prior to close of the Examination following the announcement by Hitachi Limited to withdraw funding for the proposed development [REP8-038/REP9-007]. It is the updated Funding Statement that has been considered for the purposes of this report.
- 5.8.2. The Funding Statement is based on a cost estimate of €13.5 billion for the delivery of the proposed development (At the time of writing, the ExA understands that the ¥ to € conversion rate has been in the region of ¥ 100 = € 0.82).
- 5.8.3. Section 2.4 of the Funding Statement confirms Hitachi, Limited, the Applicant's parent company, to have shown a consolidated revenue of ¥ 9,368 billion. The Annual Securities Report for Hitachi, Limited is provided at Annex 1 to the Funding Statement. The Applicant, Horizon Nuclear Power Wylfa Limited [APP-001], has an issued share capital of £1,677,398,002 and is a wholly owned subsidiary of Horizon Nuclear Power Wylfa Holdings Limited. The structure of the Horizon Group and how it relates to Hitachi is set out within Figure 2-1 and the associated text within Section 2 of the Funding Statement.
- 5.8.4. Paragraph 2.4.4 of the Funding Statement notes that on 17 January 2019 Hitachi and Horizon announced that they were suspending the Wylfa Newydd DCO Project. The reason given for the suspending the project is a lack of agreement on the funding arrangements with UK Government. However, paragraph 2.4.5 states that Hitachi and Horizon will continue to engage with UK Government in relation to the funding framework, which is likely to involve external finance, potentially from both equity and debt sources.
- 5.8.5. Prior to the suspension, and in the absence of a final investment decision, Hitachi had been providing equity subscriptions and loans to Horizon.
- 5.8.6. Articles 82 & 83 [now numbered as such within REP10-006 after being included within REP8-029 as Article numbers 83 and 84] would provide funding guarantees within the DCO. Paragraphs 9.33-9.37 of the draft Development Consent Order (dDCO) Explanatory Memorandum (EM) [REP10-006] describe what Articles 82 & 83 [REP10-006] are intended to do.
- 5.8.7. Article 82 deals with the provision of compensation for CA. It would prevent the implementation of CA powers until it has been demonstrated

that funding would be in place for a 10-year period to address any compensation claims.

- 5.8.8. Article 83 deals with funding for the development as a whole, and would prevent the implementation of the Order (except for Work No.12 i.e. site preparation and clearance works) until “...(a) *the undertaker has provided the Secretary of State with written information to enable the Secretary of State to be satisfied that the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding...*”.

5.9. THE PLANNING ISSUES

- 5.9.1. Chapter 1 of the IACC LIR [REP2-061] raised various concerns regarding the funding for mitigation and contingency, and its timing. Such funding would be provided through planning obligations which, along with the allocation/distribution of the monies, will be addressed elsewhere in this report.
- 5.9.2. However, queries have been raised regarding the status of the Applicant company, its financial standing and the viability of the proposed development [REP2-305, REP4-035 paragraph 4.6.1 c., REP6-053, REP9-048]. It has been suggested that bonds should be provided to cover the cost of planning obligations, site restoration and early decommissioning.
- 5.9.3. IACC and WG confirmed at the Third DCO ISH that they had no objection to proposed Articles 82 and 83, although they did comment on the original proposed drafting [EV-039-042 and REP9-031].

5.10. LEGAL AND POLICY CONSIDERATIONS

- 5.10.1. The Applicant has highlighted that, in addition to matters set out in the Funding Statement [REP8-038], section 45 of the Energy Act 2008 requires an applicant for a nuclear site licence to have a Government approved funded decommissioning programme [REP3-024]. Section 57 of the Energy Act 2008, states that it is an offence for an operator, or a body corporate associated with a site operator, not to comply with an obligation within the approved funded decommissioning programme for their site.
- 5.10.2. Following a Rule 17 request by the ExA [PD-023] the Office for Nuclear Regulation (ONR) confirmed [REP10-037]:
- that the application for the nuclear site licence to operate Wylfa Newydd has been formally withdrawn;
 - the ONR had confidence that if the application had continued, it is likely that a nuclear site licence would have been granted in October 2019;
 - but as the licensable organisation put in place by Horizon has now been dismantled, there is no likelihood of a nuclear site licence being granted to the Applicant as currently constituted.

- 5.10.3. Part 4 of EN-1 provides 'Assessment Principles', with EN-1 paragraph 4.1.9 stating that *"...In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of Government interventions. Where the IPC considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant it is unlikely to be of relevance in IPC decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained)..."*. In relation to this latter point, there are no exceptions to this principle contained within EN-1, or other NPSs concerning this application.

5.11. THE EXA'S CONSIDERATION

- 5.11.1. No legal or policy basis has been cited to justify the bonds requested in representations.
- 5.11.2. The Applicant's €13.5 billion estimate for the delivery of Wylfa Newydd is understood to be the overall cost for implementing the project. Mitigation costs are not mentioned specifically by the Funding Statement. These would be a relatively small proportion, but nonetheless significant part, of the overall budget for the proposed development.
- 5.11.3. In addition, it is evident that consideration of decommissioning costs is integral to the nuclear site licensing process [REP3-024]. Therefore, and as set out by the regulatory principles within section 4 of EN-1 (which reflect established principles in other areas of planning policy), that should not be replicated here.
- 5.11.4. In relation to financial viability, it is apparent that the Department for Communities and Local Government (DCLG) Guidance for CA foresees circumstances where a project would not be independently financially viable [REP8-038, paragraph 1.3.3]. Furthermore, it has not been adequately explained why, within the regulatory context that applies to the development proposed, a comparison [REP4-035, paragraph 4.6.1 c.] could be made between the Applicant and large companies in other sectors that have encountered financial difficulties.
- 5.11.5. However, and despite the Applicant's commitment to continued dialogue with UK Government, given the reason provided for the suspension of the Wylfa Newydd project, there remains in the ExA's view, considerable uncertainty regarding the overall funding for the proposal and the extent to which the private sector alone can, or is prepared to accept, the business risk to fund it.
- 5.11.6. The ExA recognise that apart from the requirement to ensure that resources are in place to fund CA its remit in relation to the overall funding of a nationally significant infrastructure project is less clear and, in relation to energy projects, is restricted to consideration that an

assessment of the financial viability of a project has been carried out (NPS EN-1 paragraph 4.1.9, quoted earlier).

- 5.11.7. Furthermore, there is precedent for the SoS to determine applications for a DCO in the absence of guaranteed project funding (see for example Tidal Lagoon Swansea Bay). Nevertheless, the announcement that Horizon Nuclear Power were suspending its participation in the project [AS-039] and 'reducing its presence' in the middle of the Examination caused the ExA to examine the implications of that decision both for the Examination itself and the deliverability of the Wylfa Newydd project (see, for example, second written questions Q2.4.54/55/56/57/58 [PD-103]).
- 5.11.8. The Applicant responded to second written question Q2.4.56: "*As noted in the recent suspension announcement, Horizon will continue to engage with the UK government to seek to develop arrangements that will enable the development of new nuclear build at Wylfa. It is still envisaged that the most likely sources for this funding would be a combination of debt and equity. With the right arrangements in place, it will be possible to develop a commercially viable project on the WND A*" [REP5-006].
- 5.11.9. At the CA Hearing on 5 March 2019 and subsequently in its revised Funding Statement [REP8-038] the Applicant proposed two new Articles (now Articles 82 and 83 in the dDCO [REP10-006]) to enable the SoS to make a judgement about the availability of financial resources and consideration of financial viability at some later date. These Articles would provide a solution that enables the existing uncertainty to be addressed, and they would ensure that development only proceeds when appropriate funding mechanisms are in place.
- 5.11.10. Queries have been raised that may be relevant in other circumstances. However, in this case, with its very particular circumstances, and the inclusion of Articles 82 and 83 within the dDCO, the financial viability (and technical feasibility) of the proposed development has been in the ExA's view, properly assessed by the Applicant. If there is adequate funding for the project as a whole, it would include adequate provision for mitigation (associated planning obligations) and CA. The consideration of other issues and matters in the remainder of this report is based on the event that funding does become available for the delivery of the project.
- 5.11.11. It has been suggested that the private sector is unable to fund new nuclear power on its own [REP2-305, REP2-292, REP7-013 and the Applicant's views in REP3-012 and REP3-024]. In support of this, reference has been made to: comments attributed to the Chairman of Hitachi in January 2019; and a statement by the SoS regarding a potential package of support from the UK Government [including REP7-013, REP9-048 and REP10-069].
- 5.11.12. The Applicant's revised Funding Statement and submissions to the Examination have not sought to further such arguments, nor have they

set out any Hitachi “nationalisation pre-condition”. However, the offered strike price of £75 per megawatt hour and potential support package from the UK Government did not prevent the suspension of the project [REP7-013 and REP9-048].

- 5.11.13. There are no exceptions given within EN-1 or EN-6 that would suggest financial viability is likely to be of relevance to the decision making in this case. Nevertheless, it is clear there are financial matters, including the viability of the development proposed, that remain unresolved. As these financial matters reasonably can be expected to be fundamental to the deliverability of Wylfa Newydd, the SoS will need to come to a view on whether it is likely that they can be resolved.
- 5.11.14. In the ExA’s view, funding is an important and relevant matter because of the uncertainty created by the lack of funding for the proposed scheme.
- 5.11.15. However, the ExA considers that the Applicant has, to the extent that it could, given the circumstances of the case, properly made provision for the financial viability of the development to be assessed by the Secretary of State when a potential undertaker complies with the terms of Article 83 (1) (a) and (b) [REP10-006].

5.12. CONCLUSION

Need

- 5.12.1. The ExA are aware that the views, including those of the Government, on how the UKs energy needs should be met are constantly evolving. However, in the ExA’s opinion, what is clear is that the fundamental issues/challenges regarding provision of energy remain unchanged from when NPS-EN1 and EN-6 were adopted. Namely that the UK will continue to need energy; that demand for energy is likely to increase in the future; that this energy will need to be low carbon and that for energy security the UK is likely to require a mix of technologies and fuels.
- 5.12.2. On the basis of the evidence [RR-115, REP2-292, REP2-293, REP7-013] before the ExA it is accepted that these energy needs could be met in alternative ways, including through the increased use of renewables. However, these alternatives are not before this ExA. Consequently, the ExA does not consider that they prove that there is no need for nuclear power.
- 5.12.3. Finally, whilst it is clear to the ExA that although the “urgency” to meet the need as referenced in EN1 and EN6 has not transpired in the way that the Government originally predicted, for the reasons outlined above, there continues to be an increasing and urgent demand for low-carbon energy which, subject to policy decisions, nuclear power, albeit on a longer timescale than envisaged by the NPSs, could help to meet.
- 5.12.4. The ExA are therefore satisfied that there is a clear need for low carbon energy infrastructure and that the Application could help address this need.

Funding

- 5.12.5. With regards to the funding of the Application, for the reasons set out above, the ExA having considered the evidence submitted to the Examination, find no reason that the SoS should set aside the practice and policy as set out in the NPS EN-1 (paragraph 4.1.9) that *“where the financial viability and technical feasibility of the proposal have been properly assessed by the applicant it is unlikely to be of relevance”* to decision making.
- 5.12.6. Whilst the Applicant accepts that it does not currently have the funds in place to implement the whole development scheme the ExA are satisfied that this does not necessarily mean that the scheme cannot be properly assessed nor that it would be financially unviable. Funding for specific elements of mitigation and compulsory acquisition is discussed in the relevant chapters in the report.
- 5.12.7. Proposed DCO Articles 82 and 83 are considered by the ExA to provide a solution to the current uncertainty caused by the Applicant suspending the project as they would ensure that development could only proceed when appropriate funding mechanisms are in place.
- 5.12.8. Furthermore, whilst under the PA2008, consent is granted to a specific undertaker who effectively owns the consent, provision is made in all Orders for the possible transfer of that undertaking, usually with the consent of the SoS. Consequently, should the Applicant continue to struggle to fund the scheme and decide not to proceed there would be the potential, subject to agreement with the SoS, for the scheme to be transferred to another organisation with the relevant finances to enable the development to proceed.
- 5.12.9. 3.1.9. As a consequence, the ExA are satisfied that financial viability has been properly assessed as much as necessary in relation to general financial viability to meet the requirements of EN-1.

Overall Conclusion

- 5.12.10. In accordance with S105(2)(c) of the PA2008 the ExA consider that both funding and need are matters that are important and relevant to the SoS's decision.
- 5.12.11. Whilst the ExA are satisfied that financial viability has been properly accounted for it is clear that there are financial matters, including the viability of the scheme for this Applicant, that remain unresolved. As these matters would be important to the deliverability of the Application and the timescale for implementation the SoS will need to come to a view on whether it is likely that they can be satisfactorily resolved as this will affect the weight that he can attribute to this when determining the application.
- 5.12.12. With regards to need, the ExA are satisfied that there is a need for low carbon energy infrastructure that the Application could help to address. As a consequence, the ExA consider that the need for low carbon energy

is important and relevant to the SoS. However, the SoS will need to consider the weight that he wishes to give to this matter in the context of the WMS (referred to in paragraph 1.3.3 of the Applicant's Planning Statement [APP-406]), the emerging Energy White Paper and any relevant changes in circumstances that have occurred since the NPS's were adopted.

6. TERRESTRIAL ENVIRONMENT AND BIODIVERSITY

6.1. INTRODUCTION AND BACKGROUND

6.1.1. The Applicant's assessment of impacts on biodiversity is set out in the following documents;

- ES Volume B - Introduction to the environmental assessments B8 - Surface water and groundwater [APP-073]
- ES Volume D – WNDA Development D9 - Terrestrial and freshwater ecology [APP-128]
- ES Volume E – Off-Site Power Station Facilities: AECC ESL and MEEG E9 - Terrestrial and freshwater ecology [APP-247]
- ES Volume F - Park and Ride F9 - Terrestrial and freshwater ecology [APP-274]
- ES Volume G - A5025 Off-line Highway Improvements G9 - Terrestrial and freshwater ecology [APP-312], and
- ES Volume H - Logistics Centre H9 - Terrestrial and freshwater ecology [APP-363].

6.1.2. The cumulative effects of the proposed development biodiversity impacts are assessed in ES Volume I - Cumulative effects I5 - Inter-project cumulative effects [APP-388].

6.1.3. Each of these volumes is supported by a number of appendices that contain technical reports and details of surveys and data collection.

6.1.4. The Applicant submitted an Addendum to the Environmental Statement at Deadline 6 [REP6-015] and a further updated Addendum to the Environmental Statement [REP8-005] at Deadline 8. The Addendum as updated captured and provided a record of the environmental assessment of the proposed development considering updated information that had arisen since Application was made. In terms of the terrestrial environment and biodiversity, the Deadline 6 Addendum provided updates of:

- phasing strategy to secure the implementation of mitigation at an appropriate time to minimise the likely significant environmental effects of the proposed development;
- s106 changes that have been developed in relation to a range of environmental topics where these are of significance to the assessment of environmental effects at a site level;
- WNDA changes to habitat provision to include wildlife ponds, lower emission requirements for non-road mobile machinery and marine vessels, ground water monitoring and mitigation at Tre'r Gof Site of Special Scientific Interest (SSSI);
- soil surveys and hydrological data at the Cors Gwawr and Cae Canol-dydd ecological compensation sites;
- chough survey work within WNDA; and
- bat roost assessments for Off-site Power Station Facilities.

- 6.1.5. The Deadline 8 Addendum provides updates related to the:
- extension to the time frame for blasting during main construction activities;
 - extension to the proposed working hours for the main construction activities; and
 - increase in the number of marine vessel movements.
- 6.1.6. The primary biodiversity issues in relation to the proposed development are the potential impacts of construction activities on terrestrial ecology and biodiversity. Effects on European sites are dealt with in Chapter 7. This chapter of the report considers other protected sites, species and biodiversity issues.
- 6.1.7. The main EIA issues considered during the Examination included:
- sufficiency of baseline assessments for terrestrial ecology and freshwater ecology;
 - management of ecological mitigation and compensation areas;
 - protecting surface water quality at Tre'r Gof and Cae Gwynn SSSIs;
 - ecological mitigation at Arfordir Mynydd y Wylfa -Trwyn Penrhyn Wildlife Site and Trwyn Pencarreg Wildlife Site;
 - terrestrial and freshwater ecology at Bae Cemlyn/Cemlyn Bay SSSI;
 - mitigation for Arctic tern (*Sterna paradisaea*) and Sandwich tern (*Sterna sandvicensis*);
 - assessment of and protective mitigation for chough (*Pyrrhocorax pyrrhocorax*);
 - reptile monitoring and translocation;
 - lighting impacts and mitigation for bat species;
 - mitigation for water voles (*Arvicola terrestris*);
 - monitoring of red squirrel (*Sciurus vulgaris*);
 - provision of habitat for Great Crested Newt (GCN) (*Triturus cristatus*);
 - section 7 (Environment (Wales) Act) habitats of principal importance; and
 - extent of and mitigation for fungi.
- 6.1.8. The ExA examined these issues with reference to the appropriate legislation and policies described in Chapter 3, through written questions and in three ISHs on 10 and 11 January and 8 March 2019. Concerns relating to these issues were expressed throughout the Examination by Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC), National Trust (NT), Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW), Ymddiriedolaeth Natur Gogledd Cymru/North Wales Wildlife Trust (NWWT) and The Royal Society for the Protection of Birds (RSPB) and these are discussed in this Chapter. The Applicant's approach to noise assessments and disturbance for tern are considered both in this chapter in relation to EIA deliberations and in Chapter 7 in relation to HRA considerations.
- 6.1.9. The Applicant has proposed three levels of mitigation to minimise adverse effects:

- embedded mitigation which is secured through the design of the proposed development and secured through the DAS [REP8-021, REP8-044, REP8-045, REP8-046], MPSSS CoCP [REP2-032] and LHMS [REP8-063];
- good practice mitigation (also detailed in section 9.4 of the ES chapters) which is secured through the CoCP; and
- additional mitigation, described in section 9.6 of the ES chapters, which is to be implemented to address potential significant effects as detailed in Tables D9-10, D9-11 [APP-128] and Table G9-17 [APP-312] and secured through various different control documents and dDCO requirements.

6.1.10. Embedded mitigation in relation to terrestrial and freshwater ecology is detailed in section 9.4 of ES Chapter D9 [APP-128], ES Chapter E9 [APP-247], ES Chapter F9 [APP-274], ES Chapter G9 [APP-312] and ES Chapter H9 [APP-363]. This includes drainage design for the WNDA to reduce potential effects on receiving water bodies and ecological receptors, most notably the Tre'r Gof SSSI and the Cae Gwyn SSSI; the design of Off-Site Power Station Facilities and the Park and Ride to avoid habitats of low or greater value and to retain existing features where practicable; and the design of the Logistics Centre to retain as many existing features as practical and avoid as far as practicable lighting spillage into adjacent habitats.

6.1.11. Good practice mitigation is also detailed in section 9.4 of the ES Chapters and includes pre-construction surveys, buffer zones around Tre'r Gof SSSI and Cae Gwyn SSSI and Tyn-y-Maes bat barn, the Cafnan farm wildlife tower and other bat barns, watercourses and badger setts, monitoring of species translocations and habitat creation, Biological Risk Assessments pollution management principles, dust and air quality management and monitoring, responsibilities of the ECoW, fish rescue, mitigation strategy for notable mammals, reptiles and Schedule 1 bird species.

6.1.12. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. Those relevant to terrestrial environment and biodiversity were Blasting Strategy [AS-020], Worker Shift Patterns [REP4-011], Working hours [REP4-012], HGV Delivery Window [REP4-013] and Dalar Hir Park and Ride Junction Improvement [REP7-001k]. Each of the change requests was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely environmental effects than those reported in the ES. The ExA has considered the environmental effects of these changes together with IPs concerns in its examination of the issues discussed in this chapter.

6.2. ECOLOGICAL RECEPTORS ASSESSED BY THE APPLICANT

Statutory Designated Sites

- 6.2.1. The Applicant based the study area for background data searches on a 2.5km radius from the WNDA [APP-128]. This search area was based on professional judgement and good practice guidelines and was considered by the Applicant to be sufficient to account for the majority of ecological receptors that would be potentially vulnerable to effects arising from construction, operation and decommissioning activities within the WNDA.
- 6.2.2. In addition, the study areas were extended by the Applicant for relevant ecological receptors for air quality and surface and groundwater. The effects of changes to air quality were assessed based on best practice study areas described in Chapter B5 [APP-070], and to surface and ground water based on an identification of all sensitive receptors with hydrological connectivity to an affected waterbody (Chapter B8 [APP-073]).
- 6.2.3. The statutory sites identified were detailed by the Applicant in Table D9.1 of ES Chapter D9 [APP-128], section 9.3 of ES Chapter E9 [APP-247], section 9.3 of ES Chapter F9 [APP-274], section 9.3 of ES Chapter G9 [APP-312] and section 9.3 of ES Chapter H9 [APP-363]. The ES recorded that there were a number of designated sites within the study area of the proposed development as shown in Table 5.1.

Table 5.1 Statutory Sites

	Wylfa Newydd Development Area	Off-Site Power Station Facilities	Park and Ride	A5025 Off-line Highway Improvements	Logistics Centre
Anglesey Terns Special Protection Area (SPA)	√			√	√
Holy Island Coast SPA	√				
Aberdaron Coast Bardsey Island SPA	√				
Mynydd Cilan, Trwyn y Wylfa and the St. Tudwal Islands SPA	√				
Craig yr Aderyn (Bird's Rock) SPA	√				
Anglesey Fens Special Area of	√				

Conservation (SAC)					
Llyn Dinam SAC	✓		✓	✓	
Cemlyn Bay SAC	✓			✓	
North Anglesey Marine candidate SAC (cSAC)	✓			✓	✓
Anglesey and Llyn Fens Ramsar	✓				
Tre'r Gof SSSI	✓				
Cae Gwyn SSSI	✓			✓	
Cemlyn Bay SSSI	✓				
Llyn Llygeirian SSSI	✓			✓	
Llyn Garreg-lwyd SSSI		✓		✓	
Llyn Dinam SAC			✓	✓	
Llynau y Fali – Valley Lakes SSSI			✓	✓	
Llyn Traffwll SSSI			✓		
Beddmanarch – Cymyran SSSI				✓	✓

- 6.2.4. In terms of the statutory designated sites, Morewenoliaid Ynys Môn/Anglesey Terns SPA, bae Cemlyn/Cemlyn Bay SAC and North Anglesey Marine SAC are discussed in Chapter 7.

Non-Statutory Designated Sites

- 6.2.5. A number of non-statutory designated sites for nature conservation were also identified by the Applicant as having the potential to be affected by the activities of the proposed development as shown in Table 5.2.

Table 5.2 Non-Statutory Sites

	Wylfa Newydd Development Area	Off-Site Power Station Facilities	Park and Ride	A5025 Off-line Highway Improvements	Logistics Centre
Arfordir Mynydd y Wylfa -Trwyn Penrhyn Wildlife Site	✓			✓	

Trwyn Pencarreg Wildlife Site	✓			✓	
Afon Wygyr Wildlife Site	✓				
Cors Cromlech Wildlife Site	✓			✓	
Porth Wen Wildlife Site	✓				
Cors Cae-Owen Wildlife Site	✓				
Rhostir Mynydd Mechell Wildlife Site	✓			✓	
Tir Gwlyb Teilia Neuadd Wildlife Site	✓				
Cors Mynachdy Wildlife Site	✓				
Coed Carreglwyd Wildlife Site		✓		✓	
Cors Plas Wildlife Site			✓		
Rhostir a Phwll Caergeiliog Wildlife Site			✓	✓	
Gwely Cyrs Caergeiliog Wildlife Site			✓	✓	
Valley Wetlands RSPB Reserve			✓	✓	
Cae Barcdy Wildlife Site				✓	
Tywyn Gwyn a Phenial Dowyn Wildlife Site				✓	
Clwch Dernog Wildlife Site				✓	
Llyn Cors Coch Wildlife Site				✓	
Llyn Bach Wildlife Site				✓	
Cors Bonw Wildlife Site				✓	
Trwyn Penrhyn Wildlife Site				✓	
Arfordir Bwth Corwgl – Bae Trearddur Wildlife Site					✓

Rhostir Mynydd Celyn Wildlife Site				√	√

- 6.2.6. There was no comment from any IP on the identification of sites throughout the Examination. Having taken into account the relationship between the proposed development and the statutory and non-statutory designated sites, the ExA concurs with the Applicant's identification of sites.
- 6.2.7. The residual effects on both statutory designated and non-statutory sites were set out in ES Volume I App I3-1 Master residual effects table [APP-391]. Significant adverse residual effects were predicted at Tre'r Gof SSSI from hydrological changes during construction and operation. No significant effects were identified by the Applicant for the other sites listed in Table 5.2.
- 6.2.8. Moderate beneficial residual effects were predicted by the Applicant from habitat enhancement at Caeau Talwrn and Cors Bodeilio SSSIs and Corsydd Môn/Anglesey Fens SAC in terms of linking SSSI units and improving the quality of existing SSSI habitat and strengthening the resilience of the fen network.
- 6.2.9. The ExA agrees with the conclusions drawn by the Applicant and is content that any measures to ensure impacts will not be significant are adequately described and secured. Where there were discussions during the Examination about these sites, these are presented below.

Species

- 6.2.10. Baseline surveys of species were undertaken to inform the ES for the proposed development. In addition, updated survey information was included in an Addendum to the Environmental Statement at Deadline 6 [REP6-015] and a further update in Addendum to the Environmental Statement [REP8-005] at Deadline 8. Taken together, these surveys confirmed the presence of a wide variety of notable species. Those species taken forward by the Applicant to assessment are listed in the following Table 5.3.

Table 5.3 Notable Species Taken Forward to Assessment

	Wylfa Newydd Development Area	Off-Site Power Station Facilities	Park and Ride	A5025 Off-line Highway Improvements	Logistics Centre
Fungi	√				
Lichen	√				
Terrestrial invertebrates	√				
Great crested newt	√			√	
Common toad	√		√		

Adder & Common lizard	✓				✓
Slow worm					✓
Badger			✓		
Chough	✓				
Breeding birds	✓	✓	✓		✓
Over wintering and passage birds	✓				
Bats	✓	✓	✓	✓	✓
Otter	✓	✓		✓	
Water vole	✓	✓	✓	✓	✓
Red squirrel	✓				
Brown hare	✓				
Hedgehog	✓				
Polecat	✓				
Macrophytes			✓		
Macroinvertebrates	✓		✓		
Freshwater fish	✓		✓	✓	

- 6.2.11. A number of IPs, including IACC [REP2-077, REP2-079,], NRW [REP2-049, REP2-325] and NWWT [REP2-348 and REP2- 349] commented on the assessment of effects for a number of species during the Examination as set out in the following sections.

6.3. ISSUES DISCUSSED DURING THE EXAMINATION

Sufficiency of baseline assessments

- 6.3.1. A number of IPs including NRW, IACC and the eNGOs, expressed concerns relating to the baseline assessments, some of which were not resolved by the end of the Examination.
- 6.3.2. While NRW still had reservations regarding the sufficiency of baseline data used in the hydrological and hydrogeological Conceptual Site Model for Tre'r Gof and Cae Gwyn SSSIs [REP8-018], it was content that revised wording providing a robust monitoring and mitigation regime in WN1 and Schedule 4 Part 2 in the DCO [REP10-006] would resolve its concerns.
- 6.3.3. RSPB [REP2-358] and NWWT [REP2-346] did not agree that there was sufficient information in the Seabird Baseline Review [APP-225] or the Coastal Geomorphology Baseline for the Wylfa Newydd Project [APP-216] in relation to the tern colony at Cemlyn Lagoon. The IPs considered that vantage point surveys did not contribute to the understanding of the usage of the area by terns at a fine level of detail, boat-based surveys

were not carried out over a longer period and tern tracking studies did not capture the early period of chick rearing.

- 6.3.4. The eNGOs submitted a detailed WR on Cemlyn Nature Reserve [REP2-348] in which they considered three of the Applicant's studies, noise modelling and prediction [(APP-125 and APP-231], disturbance studies at the Morewnoliaid Ynys Môn/Anglesey Terns SPA breeding colony [APP-225] and blasting trials [APP-225].
- 6.3.5. The eNGOs questioned how noise modelling was used to characterise the tern noise soundscape and the basis of behavioural response studies. They contended that disturbance methodology was not applied in full in that the only types of behaviour noted were either no response or the most extreme responses (fly-ups and attacks) with no records of intermediate responses. They suggested that the recording of only the maximum reaction of the terns (fly-ups) in the Applicants studies may have accounted for why there was little difference in the data generated between the two years studied; where one year (2017) resulted in colony abandonment and the next season (2018) when breeding was successful for not only for the main colony but also a secondary influx of bird's mid-season (18/19th June 2018). The eNGOs conclude that in order to gain a realistic evaluation, sub fly-up responses would have needed to be recorded.
- 6.3.6. Blast trials were carried out, under licence, by the Applicant at Cemlyn Lagoon during colonisation by black-headed gull and not during the tern main breeding season. The eNGOs concerns relating to the trials were that black-headed gull are more resilient to disturbance than tern and therefore not a relevant proxy species and that the Applicant did not differentiate between behavioural responses.
- 6.3.7. The Applicant responded at [REP3-026] providing further information but maintaining that its evidence based on published scientific literature and the findings from site-specific surveys of the terns at the Bae Cemlyn/Cemlyn Bay colony was robust.
- 6.3.8. Despite discussions throughout the Examination and the Applicant providing an addendum to the Seabird Baseline Report [REP3-045] which presented additional baseline information on disturbance events during the 2018 breeding season, agreement between the eNGOs and the Applicant was not achieved [REP6-052].
- 6.3.9. RSPB in its SoCG with the Applicant [REP6-046] did not consider that the 2018 chough surveys provide an accurate picture of the value of the Site Campus to foraging chough. In response, the Applicant [REP7-001] considered that the surveys were representative of the site and this difference of opinion was not resolved during the Examination.
- 6.3.10. In its WR [REP2-349] relating to biodiversity at Tre'r Gof SSSI and the Site Campus, NWWT was of the view that *"in some cases the baseline data gathering has not provided temporal validity (chough) and in others*

that attempts have been made to obfuscate the value of a resource (fungi)”. NWWT was concerned:

- with the Applicant’s interpretation of results of chough surveys;
- that no assessment of population status for common lizard or adder had been made;
- that key patterns of bat usage of the roost in the purpose-built mitigation bat barn needed to be recorded; and
- that NWWT disagreed with the Applicant’s conclusion that the CHEG fungi grassland had a restricted distribution outside of the Site Campus boundary.

6.3.11. The Applicant responded to these concerns [REP3-027] with additional explanations but maintained its position on all issues.

6.3.12. By the close of the Examination NWWT and the Applicant were still not in agreement with the results of chough surveys the lighting effects from the MUGA on the bat barn [REP8-011] or the extent of CHEG fungi [REP5-075, REP6-052]. NWWT did not pursue its concerns regarding common lizard and adder as this was taken up by IACC, see below.

6.3.13. In its LIR, IACC expressed a number of concerns relating to the baseline assessments, including:

- concern that there “*are several deviations from established survey guidance ... that are not explained, and which could affect the characterisation of the baseline*” for bats at the Wylfa Newydd Development Area [REP2-077];
- for WDNA, the robustness of surveys taken for adders and common lizard;
- the baseline Section 7 habitat data was not presented in a manner that allowed the assessment to be easily tested, in particular the areas of each S7 habitat that would be permanently or temporarily lost were not stated, and nor was the timescale over which any effects would be offset;
- concern with survey dates and times of the breeding birds surveys, with no indication whether surveys were appropriately tailored to maximise the likelihood of observing the target species;
- for Dalar Hir Park and Ride site, IACC [REP2-079] considered that the ecological assessment would be more robust if informed by breeding/wintering bird surveys;
- bat surveys at Off-site Power Station Facilities were considered to be out of date [REP2-081] and should include activity surveys at Building M3; and
- IACC’s review of the ecological assessment of the Off-line Highway Improvements [REP2-082] was that there were omissions from the baseline information in relation to bats, otter and water vole, Section 7 mammals and badger and that the survey data for GCN was out of date and the baseline status was not clearly characterized.

6.3.14. By the end of the Examination a number of IACC’s concerns had been resolved with the Applicant either by additional surveys being carried out or the securing of pre-construction surveys [REP6-045, REP7-014, REP8-

011]. However, there remained one concern which had not been resolved.

6.3.15. IACC [REP9-031] acknowledged the submission of additional survey details for reptiles submitted by the Applicant at Deadline 5 [REP5-056] but stated that *"there are several constraints in each survey year, and earlier surveys do not appear to entirely reflect the contemporaneous guidance on survey effort or timings and weather conditions. The later surveys are more robust, and so the size-class assessment may be accurate, but the IACC do not think the data are as solid as suggested and that a precautionary approach to this aspect is consequently warranted"*.

6.3.16. To resolve its concerns, IACC suggested more detailed population monitoring surveys were appropriate and required amendments to the Main Power Station Site Sub-CoCP, which the Applicant agreed to [Section 11.5, REP10-20].

Conclusions

6.3.17. After careful consideration of the baseline data and the arguments expressed throughout the Examination the ExA concludes the following;

6.3.18. One principle concern expressed by IPs was that many surveys were, or would be, out of date by the time construction started. The ExA is content that this issue has been resolved by the agreement of the Applicant to undertake pre-construction surveys, not more than 12 months in advance of construction, which are secured in the various CoCP [REP10-018 to REP10-028].

6.3.19. The second major debate was concerning interpretation of the baseline data. The dispute was not with the actual data but with differing interpretations of how the data should be used to determine effects, in particular with terns as expressed by NRW [REP4-039] and NWWT [REP4-044]. It is acknowledged by the ExA that there is imperfect scientific information relating to tern behaviour under disturbance. However, it is the ExA's view that there is sufficient information, both with survey data and scientific evidence to allow it to draw conclusions on the application.

6.3.20. The ExA concurs, therefore, with NRW in its SoCG [REP8-018] that sufficient information was provided in the ES and supporting information to inform the assessment of impact on protected sites during construction.

6.4. MANAGEMENT OF ECOLOGICAL COMPENSATION AREAS

Ecological Compensation Sites

6.4.1. A number of ecological compensation sites and structures were identified within Chapter D9 of the ES [APP-128], namely:

- the notable wildlife enhancement site – 15ha of land at Pen Carreg, within the western part of the WND, which had been leased by the Applicant until 2032 and already enhanced to provide alternative habitats for a variety of notable species which would be displaced during Site Preparation and Clearance (SPC) for the duration of the construction period and to facilitate their dispersal into the wider landscape, secured by WN15 in the dDCO [REP10-006];
- the reptile receptor site – 5ha of land at Mynydd Ithel, within the south west of the WND, which had been leased by the Applicant until 2032 and where habitats have been enhanced to provide capacity for reptiles which would be displaced and translocated during SPC for the duration of the construction period, secured by WN16 in the dDCO;
- the GCN release area – a zone within Cae Gwyn SSSI which would be within the Applicant's ownership, adjacent to the WND and within 250m of known GCN breeding ponds, where any GCNs captured during SPC would be released, secured by WN17 in the dDCO; and
- three bat barns, a wildlife tower, a barn owl (*Tyto alba*) barn and associated buffer habitat planting secured by WN11(j) in the dDCO.

- 6.4.2. Water vole enhancement areas at Valley, approximately 2.0ha, and Llanfachraeth, 0.5ha, were identified by the Applicant in Chapter G9 of the ES [APP-312]. These two areas would also benefit GCN, birds and invertebrates. The areas are secured by OH9 and OH10, respectively, in the dDCO.
- 6.4.3. Concerns were expressed by NRW [REP2-325] IACC [REP2-153] and NT [REP2-319] regarding whether the Applicant had secured the rights required once the lease for the land at Pen Carreg had expired. NT was also concerned that the Notable Wildlife Enhancement Site and reptile translocation site were not designed to link with existing habitat adjoining and close to the WND, to maximise conservation value.
- 6.4.4. The Applicant's response [REP2-375] was that after 15 years the ecological compensation areas would have served their purpose and would no longer be required. This was because there would be sufficient carrying capacity for all the protected and notable species populations associated with them within the approximately 200ha of newly created habitats surrounding the proposed development. Section 4 of the LHMS [REP8-063] required the final landscape design to distribute the specified habitats in such a way as to facilitate the movement of species across the restored site and into the surrounding landscape. This principle specifically referenced connectivity with the Notable Wildlife Enhancement site. The final design was to be approved by IACC, as secured in WN15 of the dDCO [REP10-006].
- 6.4.5. IACC in its [REP2-153] stated that the *"15-year lease arrangements are only acceptable provided that there is provision for this to be extended depending on the results of site monitoring and the success of the restoration. It continues (c)olonisation of the restored habitats by target species must be confirmed before the lease is ended; it will not be acceptable to translocate or displace species and then remove the habitat support without evidence that the restored habitats are suitable and*

accessible". Requirements WN15, WN16 and WN17 secure the management of the three ecological mitigation sites *"for the duration of the undertaker's interest...unless otherwise approved by IACC"*.

- 6.4.6. The Applicant resisted committing to a more specific timescale than *"for the duration of the undertaker's interest"* which the ExA takes to mean the 15-year lease. However, the LHMS [REP8-063] does secure that *"the landscape and habitats are regularly monitored to assess efficacy of management and inform management reviews"*. It is the ExA's view that the requirements within the dDCO and LHMS provide IACC with the ability to ensure that colonisation of restored habitats within the WNDA is confirmed before the Applicant can discharge its interest in the sites.
- 6.4.7. At the DCO ISH on 6 March 2019, the Applicant [REP7-001f] discussed Requirements WN12 to 14 (WN15 to WN17 in [REP10-006]) and its reasoning why the receptor sites only required management for the duration of the undertaker's interest. In an oral discussion with NWWT, the Applicant was reluctant to enter into management 'for perpetuity'. NWWT suggested that the sites could be transferred to an ownership linked to a dowry or trust fund, to enable the new owner to manage ongoing liabilities or risks and secure the long-term management of the sites. The Applicant agreed to consider this but provided no further comment for the remainder of the Examination.
- 6.4.8. The ExA is also of the view that continued management of these mitigation sites beyond the 15 year lease should be seen as an enhancement opportunity, and recommends that the SoS consults with the Applicant and NWWT to resolve a long term management solution as a contribution to the legacy of the proposed development. This would also ensure that successful colonisation of restored habitats would occur within the WMDA irrespective of the 15-year lease. As management and monitoring of other ecological schemes are secured in the LHMS for the lifetime of the Power Station the ExA is content that this additional requirement would not be onerous to the Applicant.
- 6.4.9. With the exception of bat barns, which are discussed below, no other matters relating to the compensation sites were raised.

Tre'r Gof SSSI

- 6.4.10. Potential impacts on the Tre'r Gof SSSI was of major concern to IPs, including NRW and the eNGOs, and the ExA throughout the Examination. The main issues were related to the compensation sites, surface water and air quality at the SSSI. These are discussed in the following section.
- 6.4.11. The Applicant acknowledged [APP-127] the complexity of the hydrological system of Tre'r Gof SSSI and that this was reflected in the uncertainty ascribed to impacts including in relation to surface water/superficial groundwater both at a catchment level and in relation to springs, seepages and flushes.
- 6.4.12. The Applicant [Section 9.7, APP-128] assessed residual effects for terrestrial and freshwater ecology at the SSSI, having taken into account

the application of embedded mitigation, good practice mitigation and additional mitigation as described in ES Section 9.4 [APP-128] and the MPSS CoCP [REP10-020], and predicted these to be major adverse. The major adverse effect was on water quality and water quantity changes of water sources that feed the SSSI as a result of construction. This could affect species assemblages for which the SSSI is notified

- 6.4.13. While the proposed mitigation was anticipated to reduce the effects of hydrological change, the Applicant was uncertain of the potential effectiveness of the embedded drainage design in maintaining the quality and quantity of water sources that feed the SSSI due to the complexity of the hydrological regime which would require long-term monitoring to provide certainty.
- 6.4.14. Monitoring would be undertaken to assess the efficacy of the Surface Water and Groundwater Management Strategy (and Air Quality Management Strategy) as secured in the Main Power Station Site sub-CoCP [REP10-020] and to identify any changes compared to baseline levels or exceedances of permitted levels. Where monitoring identified a significant departure from baseline conditions, it would inform any necessary additional mitigation. This was secured at WN1(3)(e) of the dDCO.

SSSI Compensation Sites

- 6.4.15. In addition to monitoring, a compensation package was to be provided and managed by the Applicant, which was designed to enhance areas of existing rich fen habitat outside of the WNDA, and to create new areas of rich fen habitat, to offset the potential loss of 10ha of this habitat type at Tre'r Gof SSSI. This compensation package was secured through the provisions of the LHMS, and ECS1 and ECS4 of the dDCO, and comprised three sites;
- Cae Canol-dydd – 20.9ha site adjacent to and containing part of Caeau Talwrn SSSI (part of Anglesey Fens SAC), with the potential for 7.7ha of rich fen habitat creation and a further 4.8ha of rich fen habitat enhancement;
 - Cors Gwawr – 20.5ha site located between Cors Bodeilio SSSI (part of Anglesey Fens SAC) and Caeau Talwrn SSSI, with the potential for 6.1ha of rich fen habitat creation and a further 8.2ha of rich fen habitat enhancement; and
 - Ty Du – 8.1ha site with the potential for 7ha of mire habitat enhancement.
- 6.4.16. If monitoring of the Tre'r Gof SSSI suggested that embedded mitigation had been successful, the compensation sites would still be provided and managed by the Applicant; which it considered would represent a significant net-gain in wetland habitat, with additional benefits also likely for invertebrates, breeding and wintering birds, small mammals and bats.
- 6.4.17. Throughout the examination NRW [REP2-325, REP4-039, REP8-018, REP8-080, REP9-037, REP10-035] and the eNGOs [REP2-349, REP4-044, REP6-052, REP7-015, REP10-046] expressed concerns relating to the

quantity and quality of replacement habitat, lack of hydrological baseline data and fen habitat creation, restoration measures and long-term management.

- 6.4.18. In response, the Applicant, as reported in the ES Addendum [REP6-015], undertook additional soil surveys and collection of hydrological data and submitted hydrological monitoring reports for Cors Gwawr and Cae Canol-dydd sites, designed in discussion with NRW; submitted factual reports for the three compensation sites and updated the SSSI Compensation Strategy Proposals [REP6-016]. In Addition, the Applicant discussed adaptive management proposals with NRW [REP8-018] and NWWT [REP3-027].
- 6.4.19. By the close of the Examination agreement had been achieved between NRW and the Applicant on hydro-ecological monitoring and mitigation for Tre'r Gof SSSI compensation sites [REP9-037] and suitable amendments made to Requirements ECS1 to ECS4 of the dDCO [REP10-006]. There was agreement in the SoCG [REP8-018] between NRW and the Applicant for an adaptive management strategy focussed on delivering the agreed quantity and quality of compensation for the three Ecological Compensation Sites, including fen creation and enhancement. This was secured in Section 4 of the LHMS [REP8-063].
- 6.4.20. NWWT [REP2-325] expressed concern that European Protected Species (EPS) may be affected by the fen creation and restoration works. The Applicant submitted extended Phase 1 surveys for all three sites in the appendix to the ES Addendum [REP6-016] and secured pre-construction surveys for EPS in the MPSSCoCP [REP9-011].
- 6.4.21. At Deadline 7 NRW [REP7-012] confirmed that it was satisfied that sufficient mitigation has been identified in the CoCP [REP10-018] to demonstrate that the development would not be detrimental to the favourable conservation status of protected species at the SSSI compensation sites. NRW went on to advise that to demonstrate mitigation measures had been implemented appropriately, the CoCP included a commitment to undertake an Ecological Compliance Audit that would be shared with the discharging authority and NRW as a consultee. The Applicant at [REP8-011] refused to offer compliance audits on the basis that "*they would be nothing greater than defence to the layers of environmental teams associated with the scheme*". The ExA understands this to mean that the audit would only offer a defence to the environmental teams that they had carried out their work.
- 6.4.22. NWWT in [REP7-015] expressed concerns that the long-term management of the compensation sites was limited to the 60-year operational life of the proposed development. Without control over future land use and management, NWWT were concerned that any benefits resulting from the compensatory habitat works could be lost after 60 years, either through lack of management or wholesale changes to drainage and improvements to land to increase its agricultural productivity. NWWT suggest that a transfer of ownership linked to a

dowry or trust fund, to enable the new owner to manage ongoing liabilities or risks would secure the long-term management of the sites.

6.4.23. While the Applicant and NWWT discussed this at the Biodiversity ISH on 8 March 2019, no further written submissions were made on this topic by the Applicant.

6.4.24. The ExA is content to accept NRW's advice that mitigation would be sufficient to demonstrate that the development would not be detrimental to the favourable conservation status of protected species at the SSSI compensation sites. The ExA advises the SoS that a provision be included in the MPSSS CoCP to undertake Ecological Compliance Audits to demonstrate appropriate mitigation had been implemented that would be shared with the discharging authority and NRW.

Surface water and groundwater quality

6.4.25. The Applicant concluded [APP-127] that, notwithstanding mitigation as a result of construction and operation of the proposed development, there would remain a number of moderate adverse and one major adverse effect on the water quality and quantity available within Tre'r Gof SSSI. The moderate adverse effects were:

- mounding and drainage would change surface water flows leading to a change in water availability during construction and operation;
- changes to surface water/shallow groundwater inflows at seeps and flushes affecting water availability and quality due to managed drainage system;
- effects of increased suspended sediment in runoff from landscape mounding during construction; and
- presence of landscape mounding and drainage would reduce the catchment area, resulting in lower flows within the catchment during operation.

6.4.26. The major adverse effect for both construction and operation was on water quality and water quantity changes of water sources that feed the SSSI as a result of construction, as noted above.

6.4.27. A number of IPs expressed major concerns relating to the impact that construction works would have on surface water quality at the SSSI.

6.4.28. In its RR [RR-088] NRW advised that *"the proposed works are likely to significantly affect the functioning of the SSSI and likely to damage the SSSI features. The proposed mounding and drainage proposals, dewatering of the deep excavations as well as locating the Site Campus immediately adjacent to the SSSI pose a number of risks to the SSSI"*.

6.4.29. NRW [REP2-325] did not agree that the conceptual hydrogeological modelling was suitable for the site scale. NRW considered that the model was based on an unsupported assumption that shallow and deep groundwater behaved independently. In its view the evidence did not support this and considered that dewatering had the potential to cause

significant damage to the SSSI. NRW also noted that dewatering of cooling water tunnels was not assessed

- 6.4.30. In relation to the Groundwater Dependent Terrestrial Ecosystem (GWDTE), such as fens, mires or lowland raised bogs, NRW agreed that damage to Tre'r Gof SSSI could be caused by anthropogenic change in supporting groundwater level and chemistry from large scale earthworks around the site.
- 6.4.31. While NWWT [REP2-349] had similar concerns to NRW relating to limited baseline information, mounding, earthworks and GWDTE, it had particular concerns relating to the proximity of the Site Campus to the SSSI. It was concerned that the impacts of the construction of the Site Campus would be considerable both in terms of lowering the landform and in trenching to install service utility infrastructure and the surface water drainage system. Both activities, it maintains, have a high risk of interrupting the superficial groundwater flows.
- 6.4.32. NWWT also considered that *"(a)dditional compaction will result from the ground loading of the new buildings which will further exacerbate impacts on groundwater flows. The introduction of a complex modern surface water drainage system will not allow soil infiltration/percolation and has little probability of success"*.
- 6.4.33. NWWT [REP2-349] and IACC [RR-020] raised concerns that adverse impacts from the Site Campus had not been properly considered or justified. NWWT went further in that it considered the site selection process to be flawed due to lack of transparency on weighting and a number of inconsistencies and anomalies. The Applicant [REP4-005] stated that it *"is predicted that there will be significant effects on Tre'r Gof, even if the Site Campus was removed as there are other aspects of the WNDAs that have a greater influence on the SSSI, such as the construction of Mound A which will alter a larger area of the Tre'r Gof catchment. The Site Campus, therefore, has limited impacts on Tre'r Gof compared to other elements"*. The Applicant defended the location of the Site Campus throughout the Examination as discussed in Chapters 8 and 14.
- 6.4.34. The Applicant's hydro-ecological report [APP-158 ∞ 2.5.4] indicated what the Applicant considered to be a critical component of the hydrology; the shallow flows within the superficial layers of geological till (i.e. below the top soil) and where it intersects with the top of the bedrock; *"(a)lthough at best indicative and based on a number of assumptions, from this assessment it would not be unreasonable to assume that the main source of water to the springs and seeps comes from within approximately 50m to 150m of the SSSI"*. NWWT pointed out that the stand-off from the SSSI to the Site Campus was 20m, with the implication that water sources could be within the Site Campus.
- 6.4.35. By the close of the Examination NRW [REP10-035] was satisfied that all impact pathways, including those produced by direct dewatering on groundwater supporting Tre'r Gof SSSI, were now considered by the

Applicant; and that a reasonable case had been made that all practicable steps would be taken to mitigate the adverse impact on the status of the surface and groundwater at Tre'r Gof SSSI.

- 6.4.36. NRW expressed concerns [REP2-325, REP4-039] about how proposals for drainage under and around Mound A would operate and about the effectiveness of the proposed drainage blanket below Mound A. It also expressed substantial uncertainty about the effectiveness of "*the complex system of ditches, swales and overflow points from the mound drainage*" for handling the anticipated discharges. While at Deadline 7 NRW [REP7-012] still had concerns regarding drainage within the Tre'r Gof SSSI catchment, it recognised that proposals were preliminary and detailed designs required by WN1 3 (c), WN2 and Schedule 4 Part 2 in the dDCO [REP10-006] must be submitted to IACC and NRW for information.
- 6.4.37. NWWT [REP7-015] considered that the Tre'r Gof SSSI drainage system should be considered and designed in its entirety with full reference to any other parts of the required design in order to show that the drainage had been coordinated across the WNDA to avoid and mitigate for impacts to the SSSI. The Applicant had included in WN1 (3) (c) [REP10-006] the requirement for a WNDA Overarching Construction Drainage Scheme.

Other Issues

- 6.4.38. The ES [APP-124] concluded that there would be no significant effects to ecological receptors from air quality in Tre'r Gof SSSI during construction. In reaching this conclusion, the Applicant predicted that increases of nitrogen and acid deposition rates from construction plant, machinery and vehicle emissions could lead to measurable changes in the attributes and quality of the SSSI (where critical load values for nitrogen deposition were already in excess of critical loads for alkaline fens) [APP-128]. The Applicant proposed additional mitigation through a comprehensive air quality monitoring and reporting scheme with thresholds agreed by IACC and NRW, to include a range of measures to prevent an exceedance of the NO₂ AQOs.
- 6.4.39. NWWT, in its SoCG [REP6-052] expressed concern regarding air quality mitigation, given the conclusion in the ES [APP-124] of adverse impacts from nitrogen and acid deposition on Tre'r Gof SSSI. The Applicant responded in the SoCG that additional mitigation to reduce emissions of NO_x from construction plant was secured in the MPSSSCoCP [REP10-020]. Although a minor adverse air quality effect was still predicted at Tre'r Gof SSSI, the year 2 nitrogen deposition was now approximately 70% lower than presented in ES Chapter D9 [APP-128]. NWWT [REP7-015] pointed out that although it had not raised it in its submission or at the ISH, the deterioration in air quality at the SSSI was discussed in general terms in its WR [REP2-349] and still considered it to have an adverse impact.
- 6.4.40. However, NRW [REP4-039 and REP8-018] was content that mitigation, including botanical monitoring and an annual cutting regime, was secured through the MPSSSCoCP [REP10-020] and the MWCoCP [REP10-

022]. The ExA is therefore content that there would be no adverse effect to Tre'r Gof SSSI from construction plant, machinery and vehicle emissions.

- 6.4.41. NRW in [RR-088] advised that all reasonable alternatives and mitigation should be considered to reduce and avoid any effects on the SSSI. NWWT [REP2-349] and IACC [REP2-077] considered that there was inadequate consideration of direct mitigation measures in the ES.
- 6.4.42. NRW also considered in its WR [REP2-325] that additional direct mitigation was required, including installing a weir via the outflow culvert VN5 during critical periods and measures to recharge groundwater. The Applicant updated the MPSS CoCP [REP10-20] with additional mitigation options and stated in its SoCG [REP7-012] that detailed mitigation was to be secured through the Abstraction Licence and a Tre'r Gof SSSI hydro-ecological Monitoring and Mitigation Scheme. NRW [REP10-035] proposed amendments to the Requirement for monitoring and mitigation in the DCO, which the Applicant has included in WN1 (3) (e) of the dDCO [REP10-006] to NRW's satisfaction.

Conclusions

- 6.4.43. The ExA has carefully considered all of the evidence and the Applicant's acknowledgement that the proposed development will have a major adverse effect on the SSSI site.
- 6.4.44. EN-6 Volume II accepts that there could be potential significant effects at Tre'r Gof SSSI but considers that it was anticipated that sufficient land was available within the site for the development of a new nuclear power station without permanently affecting any designated area. The assessment continues that the SSSI could be protected through a variety of engineered drainage mitigation measures to preserve surface and groundwater quality and quantity including protection of the mineral rich waters and hence protect the overall ecology of the SSSI. However, the Applicant accepts that this is not the case and adverse effects will occur.
- 6.4.45. EN-6 Volume II continues that the "*Government has carefully considered whether this site meets this criterion. Given the need to ensure sufficient sites are available for development to meet the Government's energy policy objectives, as described in Part 2 of this NPS, the Government believes that it does. In view of the need for sites set out in Part 2 and the limited number of potentially suitable sites, the Government does not think the issues in relation to this criterion are sufficient to justify not including the site in this NPS. The Government has also noted that there will be further assessment of any proposal for the site at project level and that EN-1 sets out the detailed consideration that must be given to issues relating to nationally designated sites should an application for development consent come forward*".
- 6.4.46. EN-1 states "*Where 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."

- 6.4.47. The Applicant had volunteered to compensate for the adverse effect by the provision of the three compensation sites and the ExA has taken this into account when considering the extent of adverse effects. The Applicant has also provided justification for the location of the Site Campus [APP-406, REP2-375], but accepts that there would be significant effects on Tre'r Gof, even if the Site Campus was removed, as there are other aspects of the WNDA that have a greater influence on the SSSI.
- 6.4.48. The ExA has considered whether the benefits of the development at this site clearly outweigh the impacts on features at the SSSI and the broader implications on the national network of SSSIs. The results of the consideration are given at the end of this chapter.

Cae Gwyn SSSI

- 6.4.49. Cae Gwyn SSSI is located adjacent to the proposed WNDA. The Applicant [APP-128] considered that minor adverse effects at Cae Gwyn SSSI would be related to hydrological changes and air quality.

Hydrological changes

- 6.4.50. NRW [REP2-325] considered that the project was unlikely to damage Cae Gwyn SSSI. However, it did express concerns that the site investigation used to inform the CSM was of insufficient detail to draw any substantial conclusions relating to hydraulic supporting mechanisms for communities on a site scale. Therefore, it suggested hydrological and hydrogeological monitoring during construction. The Applicant [REP3-035] acknowledged this uncertainty and stated that water level monitoring was in MPSSCoCP [REP10-020].
- 6.4.51. NRW responded [REP7-012, REP9-037] by stating that monitoring should focus on hydrological supporting conditions before adverse changes were visible at the SSSI. It required a robust monitoring and mitigation scheme to be approved by the discharging authority, in consultation with NRW and suggested additions to Requirement WN1(3) (e) which the Applicant included in the DCO [REP10-006].
- 6.4.52. In its WR [REP2-325] NRW noted that water quality impacts from car parking and Mound C in the vicinity of Cae Gwyn SSSI would need to be carefully managed to ensure the SSSI was not damaged. The MPSSCoCP [REP10-020] was subsequently updated by the Applicant to state that there "*will be no discharge of drainage from the construction areas to the Cae Gwyn SSSI*" and the dDCO [REP10-006] updated to include the overarching construction drainage scheme WN1 (3) (c).

- 6.4.53. By the close of the Examination agreement had been achieved between NRW and the Applicant regarding hydro-ecological monitoring and mitigation for Cae Gwyn SSSI.

Air Quality Impacts

- 6.4.54. An additional concern related to air quality during both construction works and the operational phase was raised by NRW [REP2-325]. It required additional information to demonstrate that the predicted reduction in species diversity resulting from construction plant, machinery and marine vessel would not damage Cae Gwyn SSSI. NRW noted that the first species to be lost in the event of raised nitrogen levels would be those with very specific requirements and would be unlikely to recolonise due to the geographical isolation of the site. NRW considered that these impacts would be major adverse. During operation, NRW had concerns with the air quality modelling undertaken for the combustion plant, which would be used as back-up generators during routine testing and the commissioning phase.
- 6.4.55. In response, the Applicant developed and submitted its air quality monitoring and reporting scheme, which was submitted in the updated MPSSCoCP at Deadline 2 [REP2-032] and included a commitment to use newer non-road mobile machinery which complied with more stringent NO_x emission standards. The Applicant therefore submitted a revised air quality assessment taking this into account [REP3-052]. This screened out Cae Gwyn SSSI from requiring further ecological assessment in all aspects except nitrogen deposition. During construction year 2 (peak earthworks and marine works), nitrogen levels would increase by 0.2kgN/ha/yr. The change in air quality was predicted by the Applicant to lead to a very small measurable change in the interest features and quality of the SSSI. The Applicant considered this to represent a minor adverse effect for this short period of slightly higher nitrogen deposition.
- 6.4.56. The Applicant also confirmed that it would monitor NO_x (and monthly dust deposition monitoring) at a location close to Cae Gwyn SSSI, with oversight of the monitoring data by the Ecological Clerk of Works and implement measures if levels were close to or exceeded agreed thresholds [REP10-020].
- 6.4.57. Section 7 of the Applicant's MPSS sub-CoCP [REP10-20] included mitigation for emissions from plant and machinery. The Applicant stated that *"the aim of the NO_x/NO₂ emissions management, monitoring and reporting is to reduce the potential for NO_x emissions (and associated deposition of nitrogen and acid) to cause adverse effects at Tre'r Gof SSSI and Cae Gwyn SSSI (and other relevant ecological receptors). This is primarily driven by the reduction of NO_x emissions at source as described in paragraph 7.5.2. For Tre'r Gof SSSI and Cae Gwyn SSSI, potential adverse effects will be managed through the proposed air quality monitoring, combined with habitat management/botanical monitoring and direct mitigation measures set out in this sub-CoCP"*.
- 6.4.58. In its SoCG with the Applicant [REP8-018], NRW did not agree that habitat changes as a result of the increase in nitrogen deposition would

not constitute damage to the SSSI features, specifically the lawn of sensitive Sphagnum mosses in the southern basin of the SSSI. It also noted in [REP4-039] that nitrogen deposition is already high in the area, therefore the proposed development would add additional load beyond the critical load at which significant effects may occur.

6.4.59. NRW continued that the *"Air Quality Quantification report states that the modelled increase in nitrogen deposition at Cae Gwyn may cause a <1% decline in species richness. However, this conclusion does not fully consider the impacts of nitrogen deposition on the bog habitats. Species richness does not equate to species value. It does not consider that the species lost may be particularly sensitive to that pollutant and also critical to the ecology of the site"*.

6.4.60. NRW also noted that there was little detail in the MPSSCoCP and no mechanism for proper scrutiny or approval as monitoring would be prepared post-consent. However, during the Examination additional detail was provided by the Applicant to all of the COCPs and by Deadline 9 NRW [REP9-037] was satisfied that *"there is sufficient detail in the control documents and consider that an additional Requirement for approval of detailed versions of the control documents is not required"*.

6.4.61. NRW conceded that it *"is difficult to envisage any on-site mitigation and one must therefore rely on mitigation to reduce the problem at source, whether from the development itself or other background sources of nitrogen pollution. The Secretary of State will need to recognise and weigh the possible damage to the SSSI in its determination of the project"*.

6.4.62. In its Addendum to the ES [REP8-005] the Applicant provided improvements in non-road mobile machinery (NRMM) plant emissions standards and reduced NOx emissions from marine vessels/plant as on-site mitigation and relevant to the assessment of air quality effects. These improvements were secured in the MWCoCP [REP10-022].

6.4.63. In relation to operational (combustion) emissions, NRW [REP9-037] considered that the operational combustion emissions may be more appropriately assessed by NRW Permitting Service as part of the Operational Combustion Installations permit application, this permit has now been withdrawn.

Conclusions

6.4.64. Having carefully considered the evidence, the ExA concludes that the issue at Cae Gwyn SSSI relates to air quality during construction, and more precisely the effects of potentially raised levels of nitrogen deposition on bog habitats. The ExA acknowledges that this increase is short term, occurring in Year 2 during peak earthworks and marine works construction. However, the ExA is also aware that the first species to be lost in the event of raised nitrogen levels would be those with very specific requirements and would be unlikely to recolonise due to the geographical isolation of the site. The potential increase of 0.2kgN/ha/yr in nitrogen levels represents 101% of the critical load for nitrogen.

- 6.4.65. There was no dispute regarding the Applicant's assessment, but the difference in opinion relates to the effect that this rise in level would have on bog habitats, and in particular Sphagnum moss. NRW clearly expressed the view that there could be an adverse effect and that point source mitigation must be relied upon. The Applicant has included measures in the WNCOP [REP10-18] to limit emissions at source but the success of these measures cannot be predicted due to the difficulty of controlling all operations and machinery on large construction sites. Indeed, the Applicant states in the CoCP that plant emissions are controlled "*wherever safe and practicable*".
- 6.4.66. The ExA agrees with NRW's advice that there could be an adverse effect on the features of the SSSI from air quality emissions and considers that the main issue is the inability to effectively control point source emissions.
- 6.4.67. In terms of operational emissions, as these were not agreed by the close of the Examination and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects from air quality during operation.
- 6.4.68. As with Tre'r Gof, the ExA has considered whether the benefits of the development at this site clearly outweigh the impacts on features at this site and the broader implications on the national network of SSSIs. The results of the consideration are given at the end of this chapter.

Terrestrial and Freshwater Ecology at Cemlyn Bay SSSI

- 6.4.69. The potential terrestrial and freshwater ecology impacts at Bae Cemlyn/Cemlyn Bay SSSI are very similar to those discussed in detail in Chapter 7 of this report and are not repeated here.
- 6.4.70. The Bae Cemlyn/Cemlyn Bay SAC and SSSI is 0.1km from the WND. It consists of a coastal lagoon separated from the sea by a shingle ridge which supports a distinctive vegetation type described as perennial vegetation of stony banks. The lagoon is a priority feature under the Habitats Directive [REP2-325] and is discussed in Chapter 7. The ES concluded no significant adverse residual effects on the SSSI.
- 6.4.71. The concerns discussed during the Examination which relate to the SSSI included management of water levels, concerns about drainage from Mound E and air and water quality, see for NRW [RR-088, REP2-325, REP2-049, REP4-039, REP8-018, REP9-037] and the eNGOs [REP2-318, REP2-348, REP2-360, REP2-056, REP2-058, REP4-044, REP6-049 and REP6-052].
- 6.4.72. The Applicant provided further clarification on the drainage proposals for Mound E [REP2-375 and REP3-035] and the capacity of the Mound E drainage system [REP2-049 and REP3-035]. It also provided a revised MPSSCoCP at Deadline 2 [REP2-032]; after reviewing this, NRW agreed

that the mitigation proposed, particularly the commitment to pump run-off to Afon Cafnan, was sufficient to avoid the risk of pollution and to ultimately restore a state of natural drainage from Mound E to the lagoon [REP5-081]. Following the submission of the Deadline 5 version of the MPSSCoCP, NRW confirmed that it was satisfied that it contained sufficient detail to allow no significant adverse effects [REP7-012 and REP9-037].

- 6.4.73. In response to a request from the ExA during the ISH on 10 January 2019 [EV-20m], the eNGOs provided details of the information they would require to allay their concerns about the effectiveness of the proposed mitigation [REP4-044]. The Applicant's position was that this information would largely be available at the post-consent stage [REP5-051].
- 6.4.74. In terms of the SSSI, the position at the close of the Examination is that the eNGOs have remaining concerns about the level of detail and implementation of the monitoring and adaptive management scheme, and the lack of acknowledgement that in the event of a catastrophic breach the Applicant would provide an appropriate proportion of any remediation costs. They also believe that further adjustments to mitigation for phasing of Mound E works to mitigate water quality and run-off into the lagoon could be made.
- 6.4.75. NRW [REP9-037] was able to confirm that it considered, in view of the commitments identified in the Marine Works Sub-CoCP regarding control of lighting, working restrictions during the tern breeding season and the information submitted as part of the DCO process, that the marine works would not have a significant adverse effect on the Bae Cemlyn/Cemlyn Bay SSSI. It also confirmed that there would be no adverse effects from marine water quality, terrestrial water quality, changes in surface water and groundwater hydrology, invasive non-native species or workers/visitor pressure on Bae Cemlyn/Cemlyn Bay.
- 6.4.76. In relation to air quality, NRW advised no adverse effects from construction activities and that operational emissions may be more appropriately assessed by NRW Permitting Service as part of the Operational Combustion Installations permit application.
- 6.4.77. As operational emissions were not agreed by the close of the Examination and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects from air quality during operation. The ExA recognises that while NRW are content, NWWT have remaining concerns about mitigation measures for Bae Cemlyn/Cemlyn Bay SSSI.
- 6.4.78. As with Tre'r Gof, the ExA has considered whether the benefits of the development at this site clearly outweigh the impacts on features at this site and the broader implications on the national network of SSSIs. The results of the consideration are given at the end of this chapter.

Ecological Mitigation at Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site and Trwyn Pencarreg Wildlife Site

Arfordir Mynydd y Wylfa -Trwyn Penrhyn Wildlife Site

- 6.4.79. Chapter D9 of the ES [App-128] stated that Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site was within the WNDA and was notable for chough which breed on the cliffs, a colony of gulls which nest near Porth Wnal, and harbour porpoise (*Phocoena phocoena*) that frequent the waters around the headland.
- 6.4.80. Gulls and porpoise are discussed in Chapters 7 (for HRA) and 12 of this report and impacts to chough and fungi are discussed separately in this Chapter.
- 6.4.81. The habitats within the Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site would be retained, with the exception of 1.1ha to the west of the site that would be affected during Main Construction. The Applicant [APP-391] assessed the significance of residual effects of habitat loss to be minor adverse. This was not challenged by any IP during the Examination.
- 6.4.82. The ES stated that as the Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site was directly affected by construction work within its boundary, sources of fugitive dust would be present within the site itself and within 50m of much of its boundary. Activities with the potential to generate dust would be temporary, associated with construction of the Site Campus, cooling water outfall and Mound A.
- 6.4.83. The ES continued that changes in air quality were predicted to lead to measurable changes in the attributes and quality of the Wildlife Site, which would represent a small magnitude of change and a moderate adverse effect during the period of peak bulk earthworks.
- 6.4.84. The ES concluded that counts from surveys represented areas of grassland fungi of national importance and would be of high value. However, the Applicant also assessed that there would be no significant effects to fungi from operational air quality changes.
- 6.4.85. In its WR, NWWT [REP2-349] expressed concerns relating to the construction of the nearby Site Campus with associated heating and vehicular use and the operation of construction plant would have an impact on the nutrient balance. Concerns were also expressed by IACC [REP2-077] and NWWT [REP2-349] that the Workforce Management Strategy (WKFMS) would be ineffective in restricting access to the Wildlife Site and visitor pressure could adversely affect the site. The Applicant responded in its Addendum to the ES [REP6-015] that overall assessment of air quality effects on Arfordir Mynydd y Wylfa - Trwyn Penrhyn (Wylfa Head) Wildlife Site and associated fungi remained minor adverse and air quality effects to lichens were also concluded to be minor

adverse, and not significant. NWWT disputed the conclusions on fungi, as detailed later in this Chapter.

- 6.4.86. No further discussions took place in relation to the Wildlife Site and, with the exception of fungi, the ExA concludes that minimal weight should be given to residual effects at the site. The ExA's conclusions on fungi are reported later in this chapter.

Trwyn Pencarreg Wildlife Site

- 6.4.87. Chapter D9 of the ES [App-128] explained that Trwyn Pencarreg Wildlife Site was 50m to the west of the WNDA and comprised coastal and semi-improved grassland adjacent to Porth-y-Pistyll and Bae Cemlyn/Cemlyn Bay. The marine, supra-littoral and rock outcrop communities around the Wildlife Site were considered the most valuable, being representative of the hard-rock coastal habitats typical of Anglesey and were recognised as among the best in the British Isles. The Trwyn Pencarreg habitats were outside the WNDA but could be subject to effects from the Wylfa Newydd Project, notably changes to air quality.
- 6.4.88. IACC [REP2-077] was not convinced that the case for 'negligible effects' for air quality had been robustly made for Trwyn Pencarreg Wildlife Site as the assessment of long - and short-term NO_x concentration was incomplete. The Applicant [REP3-004] acknowledged the omission and revised its assessment. Its Air Quality Mitigation Quantification Report [REP3-052] predicted that with additional mitigation to reduce NO_x emissions from construction plant and marine vessels in place, the increase in nitrogen deposition was below the level at which further ecological consideration was required. The additional mitigation was secured in the MPSSSCoCP [REP10-020]. The assessment was undertaken using the methodology and assessment criteria agreed with NRW and the IACC.
- 6.4.89. At the first ISH on Biodiversity the eNGOs [REP4-044] indicated that the lichen and moss rich coastal heath habitat had similar sensitivities to small changes in nitrogen deposition as the habitats on the SSSIs which could be potentially affected by the project and noted that the Applicant's ES indicated very high increases of nitrogen, albeit using the human receptor figures. In its post hearing note [REP4-044] NWWT acknowledged its "*bad maths*" in its extrapolation of impacts on habitats. It accepted the Applicants figures in the revised assessment [REP3-052] and recognised the reduction in deposition rates over the DCO application figures. However, NWWT felt that additional improvements in air quality could be achieved by adopting electric hook-ups for marine vessels moored in the harbour. The Applicant in its SoCG with NWWT [REP6-052] responded that the "*effectiveness of such mitigation to reduce nitrogen deposition at ecological receptors is extremely limited as the peak NO_x emissions (and peak of adverse effects at ecological receptors) is during the bulk earthworks and construction of the MOLF and other aspects of the Marine Works (i.e. years 1 and 2). Furthermore, the delivery vessels at berth would use the much smaller auxiliary engines or generators to maintain ship-board power rather than the main engines used for*

propulsion and manoeuvring". No further discussion took place on this issue.

- 6.4.90. IACC [REP4-034] reviewed the revised data provided in the Applicant's Air Quality Mitigation Quantification Report [REP3-052], and was satisfied with the conclusions, subject to the implementation of the proposed mitigation measures being appropriately secured, which they have in the MPSSSCoCP [REP10-020].
- 6.4.91. The ExA concludes that giving due consideration to the submissions of IACC, the eNGOs and the Applicant, minimal weight must be given to the residual impacts on the Wildlife Site as a result of the proposed development.

6.5. MITIGATION FOR ARCTIC TERN AND SANDWICH TERN

- 6.5.1. Chapter D13 of the ES [APP-132] concluded that during the construction and operation of the Power Station, the Applicant predicted negligible effects to breeding seabirds, including tern, through the loss of habitat, physical disturbance, loss of food resource or disturbance from changes in airborne noise or visual stimuli.
- 6.5.2. As with Bae Cemlyn/Cemlyn Bay, the issues associated with tern are very similar to those discussed in detail in Chapter 7 for Anglesey tern SPA and are not repeated here.
- 6.5.3. Considering the mitigation for noise and visual effects during construction, the ExA remains concerned about the lack of reliable scientific literature relating to disturbance due to construction effects on tern and the lack of agreement on interpretation of what literature is available.
- 6.5.4. Turning to the blasting trial, the ExA shares the concerns of NRW and the eNGOs that as the Applicant only observed black-headed gulls the trials did not provide conclusive evidence relevant to the effects on breeding populations of terns. There were also limitations around the Applicant's description of the behavioural responses recorded during the blast trials.
- 6.5.5. The ExA considers that there is insufficient evidence, both from the literature and site observations, to determine that the tern colony would not be disturbed by noise and visual effects from the construction works. The ExA accepts NRW's advice that it cannot be demonstrated, beyond reasonable scientific doubt, that the colony will not abandon the site or that the works will not lead to an increase in fly ups, with consequential effects on the breeding success of the terns.
- 6.5.6. Considering cumulative effects, the ExA has considered the Applicant's position that, with the proposed mitigation in place, construction of the proposed development would be unlikely to have any detectable effects on the breeding success of the tern populations. This was tested throughout the Examination by the ExA, NRW and the eNGOs. The ExA

concludes that there remains a high degree of uncertainty about the combined effect of noise and visual disturbance occurring both on land and at sea. The ExA accepts NRW's advice that it cannot be demonstrated beyond reasonable scientific doubt, that the colony would not abandon the site or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival.

- 6.5.7. The ExA therefore concludes that great weight should be given to the residual impacts to the Arctic tern and Sandwich tern populations as a result of the proposed development.

6.6. ASSESSMENT OF AND PROTECTIVE MITIGATION FOR CHOUGH

- 6.6.1. Baseline information for chough, a Schedule 1 listed bird, is provided in appendix D9-14 (Chough Baseline Report) [APP-181] and an update addendum [REP3-046].

- 6.6.2. Issues with the baseline assessment were raised during the Examination by IACC in its LIR [REP2-077] that the Applicant's use of the medium 'magnitude of change due to habitat loss (and hence of 'moderate adverse' significance, before additional mitigation is applied) may underplay the magnitude of change, based on the disproportionate use by chough of the area directly affected by the Site Campus.

- 6.6.3. NWWT in its WR [REP2-349] had a number of issues:

- disagreement with the assessment as the Site Campus forms part of critical resource for breeding chough;
- baseline data gathering had not provided temporal validity and the survey transect data was not sufficiently focused on areas where chough would be present;
- other habitat areas of high chough usage around Porth-y-Pistyll would be lost;
- no agreement that the Site Campus could be re-established or restored to its current condition; and
- did not concur that the usage of the Site Campus by chough had reduced in the 2018 surveys, this could have been due to lack of effective grazing and archaeological works meant it was sub-optimal at the time of survey.

- 6.6.4. At Deadline 3 the Applicant provided updated baseline information [REP3-046] which focused on the foraging movements of a pair of chough nesting on Wylfa Head. This showed a preference for foraging in coastal grassland habitats on Wylfa Head during the breeding season in 2018 and areas west of the Site Campus; compared with spending more time south of Wylfa Head in 2017. The Applicant [REP3-004] stated that it has been managing Wylfa Head since the winter 2017, as a result chough have reduced foraging of the Site Campus site and reverted to Wylfa Head.

- 6.6.5. RSPB in its SoCG [REP6-046] did not consider that the 2018 chough surveys provided an accurate picture of the value of the Site Campus to

foraging chough as the site was subject to disturbance from archaeological surveys whereas Wylfa Head was subject to more suitable grassland management.

- 6.6.6. By the close of the examination, the Applicant maintained its position that the survey information was valid, and no agreement was reached with the other IPs.
- 6.6.7. The LHMS specifically identified the creation and management of approximately 20ha of species-rich grassland and the management of 10ha of coastal heath/grassland mosaic habitat in order to provide suitable habitat to support breeding and non-breeding chough [APP-424]. A number of IPs including NRW also expressed concerns with the proposed mitigation for chough. These were around whether the management of grassland and coastal heath and Mound A, was sufficient for chough and the practicality of restrictions for access to Arfordir Mynydd y Wylfa – Trwyn Penrhyn Wildlife Site.
- 6.6.8. RSPB [REP2-358] considered that mitigation was not sufficient, and that the chough habitat needed to be of sufficient quality and extent with continuity throughout the construction phase. NRW [REP2-325] was of the view that the proposed management was feasible during the operational phase but not during construction as it was not possible to create optimal foraging habitat during construction.
- 6.6.9. The Applicant at Deadline 5 [REP5-056] confirmed that chough mitigation included managing public access of Wylfa Head as secured in the LHMS [REP2-039]. The LHMS also secured monitoring species translocation, habitat creation and protected species licence works to assess the efficacy of mitigation provided (including chough habitat management). A new provision for close sward species-rich grassland for chough was also included in the LHMS. The MPSSS CoCP [REP10-021] was also updated to secure monitoring chough foraging behaviour during breeding and non-breeding season on areas of optimal chough foraging habitat within the WNDA.
- 6.6.10. RSPB was also concerned that there would not be sufficient foraging area to support the single remaining pair of chough, particularly during construction and alternative foraging areas must be provided. It suggested a 100ha coarse of sward species-rich grassland with mosaic of sward heights managed through grazing regimes should be provided.
- 6.6.11. The Applicant responded to the ExA's first written questions [REP2-375] that the LHMS [REP8-063] provided for 120ha of coarse-sward species-rich grassland across the WNDA, and 25ha of close sward species rich grassland and 25ha of suitable foraging habitat within 300m of the chough nest locations. At Deadline 7 the Applicant [REP7-001] confirmed that it was willing to discuss with IPs the proportions of different types of habitats, i.e. coarse sward v close-sward, to create grasslands of likely greater value. The Applicant revised the LHMS to include a design principle to provide 200ha of terrestrial habitats to be managed primarily to maximise biodiversity value [REP2-039]. However, as discussed below

for Habitat 7 species, there is a discrepancy in the LHMS between the figures for coarse and close-sward grassland provision which in the ExA's view casts doubt over the security of the increased grassland provision.

6.6.12. Concern was expressed by IACC [REP2-077] and NWWT [REP2-349] that the WKFMS would be ineffective in restricting access to Arfordir Mynydd y Wylfa – Trwyn Penrhyn Wildlife Site. The Applicant updated the MPSSCoCP [REP10-20] to give the Ecological CoW greater powers to warden Wylfa Head and ensure habitats were not damaged by leisure activities. An updated WKFMS [REP5-037] was submitted at Deadline 5 which stated that the Applicant would be "*seeking to minimise workforce access to Wylfa Head through site design*". The Applicant would also provide an amenity building and welfare facilities to encourage on-site recreation.

6.6.13. The SoCGs between the Applicant and IACC [REP8-019] and NRW [REP8-018] show agreement with the baseline and mitigation proposals for chough. However, while the eNGOs [REP7-015] accepted that some progress had been made, they still had the following outstanding issues

- establishment of an Interim Management Plan for the WNDA between SPC and main Power Station commencement. See NWWT submission under Article 84 (now Article 83 in the DCO [REP10-006]) on page 4 of [REP7-015]
- provision of on-going suitable management of Arfordir Mynydd y Wylfa (Wylfa Head) Wildlife Site prior to the commencement of the SPC; through any interregnum and Power Station construction and; management in the long term. See NWWT submission under WN11 (now WN14 in the DCO [REP10-006]) on page 3 of [REP7-015].
- effective phasing of landscape restoration, implementation and management of final habitats across the WNDA. See NWWT submission under WN8 and WN9 (now WN10 and WN11 in the DCO [REP10-006]) on page 2 of [REP7-015].

6.6.14. It is NWWT's opinion [REP9-039] that Arfordir Mynydd y Wylfa – Trwyn Penrhyn Wildlife Site should be managed on a continuous basis from Site Preparation and Clearance (work no 12). NWWT continue "*(if the ExA does not consider this to be feasible, then management schemes must be agreed and implemented from the commencement of construction to ensure effective delivery of committed elements of mitigation and/or to maintain carrying capacity*".

Conclusion

6.6.15. While there remains disagreement over the baseline of chough with NWWT, the ExA concludes that there is sufficient information to inform the mitigation measures for chough. The ExA has given weight to the fact that both NRW and IAC are satisfied with the baseline assessment and mitigation proposals. However, the discrepancy in the LHMS between the figures for coarse and close-sward grassland provision in the ExA's view casts doubt over the security of the increased grassland provision for chough. The ExA also understands NWWT's concerns regarding the provision of management plans. Using the precautionary principle, the

ExA gives moderate weighting to the residual impacts to chough as a result of the proposed development.

6.7. REPTILE MONITORING AND TRANSLOCATION

- 6.7.1. The discussion during the Examination regarding reptiles was primarily about baseline assessment and mitigation for adder and common lizard at the WNDA.
- 6.7.2. NRW [REP2-325] stated that it deferred to IACC on locally important species and species partially protected under the Wildlife and Countryside Act 1981.
- 6.7.3. Both IACC in its LIR [REP2-077] and NWWT in its WR [REP2-349] comment on the lack of baseline data as discussed in the Sufficiency of baseline assessments section of this Chapter. IACC also expressed concern that hot-spots of reptiles could be disproportionately important for the maintenance of populations or meta populations over a wider area. It continued that *"(r)realising the potential benefits of the LHMS and successful re-colonisation of the site in a reasonable timescale will be dependent on reptile populations remaining present and viable in the local area throughout the duration of construction"*. IACC therefore requested a substantive population monitoring scheme for the duration of the construction secured in the LHMS to allow appropriate interventions if required.
- 6.7.4. At Deadline 5 the Applicant [REP5-056] provided additional reptile survey data from 2010-2011; 2012; 2013; and explained that the LHMS [REP8-063] had been updated to include monitoring of species translocation management schemes to ensure that the reptile receptor site at Mynydd Ithel and notable wildlife enhancement site were suitable and that the management schemes would ensure that landscape and habitats were regularly monitored. Monitoring of the presence of reptiles within the receptor site would be undertaken on an annual basis throughout the period of the lease. Concerns about the lease period are discussed above under the Management of ecological compensation areas.
- 6.7.5. The LHMS [REF8-063] at Figure 6-22 illustrated the links between the receptor site, notable wildlife enhancement set and reptile hotspots at Trwyn Pencarreg and Wylfa Head. The Applicant agreed that presence/absence surveys would be taken on an annual basis along hotspots into the wider site. These surveys would occur for both the five-year planting establishment period, and the following five year inspection period. Longer term monitoring is set out in the LHMS and secured by WN15 and WN16 in the dDCO [REP10-060].
- 6.7.6. While at Deadline 9 IACC [REP9-031] was still of the view that the survey data was not as solid as the Applicant suggested, it did believe that the LHMS had the potential to ensure that reptile (principally adder) populations increased, and have increased resilience, over the long-term. However, IACC considered that a more robust monitoring programme would be required to ensure that the uncertainties over populations were

understood and that the theoretical benefits provided by the LHMS were realised. IACC believed that more detailed population monitoring surveys would be appropriate, particularly given the residual uncertainties in the current survey data and considered capture-mark recapture techniques would be appropriate.

- 6.7.7. The Applicant included in the MPSSCoCP [REP10-021] all of the requirements relating to pre-construction surveys that IACC proposed.
- 6.7.8. In its SoCG with the Applicant, NWWT [REP6-052] requested pre-construction surveys to include population estimates to demonstrate that the translocation site at Mynydd Ithel had adequate capacity. The Applicant considered these to be unnecessary as there had been no significant change in the habitats present since the initial surveys were undertaken and Mynydd Ithel had sufficient capacity for the low numbers of common lizard and adder. However, at Deadline 9 the Applicant [REP9-006] confirmed that *"it would need to review the need for management and monitoring during the suspension period, in order to maintain the baseline. Horizon also confirmed that funding had been ringfenced for baseline monitoring. This is consistent with the written confirmation provided in [REP7-001, App 1-2], which states that "Horizon will also ensure that an appropriate level of technical environmental expert resource is available to advise on baseline data and to advise on what, if any, further survey work is required to maintain the baseline data.""*
- 6.7.9. IACC also requested that for Parc Cybi Logistics Centre translocation and habitat manipulation was used to ensure that reptiles were removed from the site prior to commencement of construction. The Applicant made these additions to the LCSCoP [REP10-027].
- 6.7.10. IACC [REP2-080] concluded that the retention of areas of rock outcrop and hedgerow and the planting of species rich grassland and new hedgerow would increase habitat value and produce a minor positive effect on reptiles at Parc Cybi Logistics Centre.
- 6.7.11. In conclusion, the ExA is satisfied that there will be no adverse impacts on reptiles as a result of the proposed development.

6.8. LIGHTING IMPACTS AND MITIGATION FOR BAT SPECIES

- 6.8.1. NRW in its WR [REP2-325] confirmed that it was satisfied that sufficient baseline information has been collected to inform the impact assessment for bats, which are present at WNDA [APP-128], Off-Site Power Station Facilities [APP-247], Dalar Hir Park and Ride [APP-274] and A4025 Off-Line Highway Improvements [APP-312].
- 6.8.2. NRW also noted [REP2-325] the draft mitigation licence submitted in relation to bats and advised *"that, as long as detailed mitigation measures are set out in a detailed Main Power Station Site Sub-CoCP, and approved by the discharging authority in consultation with NRW, the*

proposed works at the main site are (i) not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and/or (ii) not likely to adversely impact any local populations of British 'fully' protected species (protected under the Wildlife and Countryside Act 1981)". NRW [REP2-325] made similar comments regarding bats at Off-site Power Station Facilities, Dalar Hir Park and Ride and A4025 Off-Line Highway Improvements.

- 6.8.3. However, IACC in its LIR for WNDA [REP2-077] had concerns with the Applicants assessment in that it underplayed the significance of losing most habitat features across several hundred hectares for at least 10 years (and probably several decades for some features, such as tree roosts); and that there was a lack of clarity regarding the mitigation proposals, particularly for the loss of roosts, and hence the relationship to the assessment of effects.
- 6.8.4. During the Examination, IACC's main concerns were:
- there were several deviations from established survey guidance that were not explained, and which could affect the characterisation of the baseline [REP2-077];
 - that the provision of alternatives roost sites at WNDA was not sufficient [REP4-034];
 - requirement to provide a detailed lighting scheme that avoided light spill onto surrounding buildings [REP2-077];
 - no bat activity surveys at Dalar Hir [REP2-079];
 - the need for additional mitigation to include pre-construction survey of Building M3 and 'the old farm buildings' for bats at the Off-site Power Station Facilities [REP2-081]; and
 - the Applicant's assessment of minor positive effects upon bats at the A5025 Off-Line Highway Improvements was unsubstantiated with further information required before IACC could conclude the level of impact [REP2-080].
- 6.8.5. The Applicant responded that it considered baseline surveys were robust [REP3-004], that in addition to bat roosts, the Applicant had also offered a roosting tower which provided additional roosting opportunities in the WNDA [REP4-006], it had carried out bat surveys on the Off-site Power Station facilities site, which confirmed that there were no bats [REP3-049]. The Applicant included a requirement for pre-commencement surveys of all buildings being demolished on the Off-Site Power Station Facilities sub-CoCP [REP5-026, Section 11.5], including Building M3.
- 6.8.6. The Applicant [REP3-004] considered the assessment of bats as a grouped receptor to be robust in that sufficient information had been provided to the ExA to enable it to conclude the potential for significant effects, including the A5025 Off-Line Highway Improvements. IACC did not raise this matter again.
- 6.8.7. NWWT [REP2-349] and IACC [REP2-072] expressed concerns over the location of the Applicant's bat barn next to the MUGA. The lighting on the football pitches included six 15m floodlights [APP-016]. The Applicant

indicated that lighting of the MUGA would be time limited (turned off at 21:00) but the IPs were of the opinion that this would not help minimise impacts on bats at the beginning and end of the season when nights will still be sufficiently mild for both games activity and bat foraging.

- 6.8.8. At Deadline 7, both IACC [REP7-014] and NWWT [REP7-015] continue to consider that the location of the MUGA next to the bat barns is not optimal and that it considers it would be better to relocate the MUGA so that it can be used with artificial lighting after 9pm. The Applicant maintained its position [REP8-011] that the *"predicted lux levels next to the MUGA are low and screening from planting between the MUGA and the bat barn would reduce levels further so that they are considered to be of negligible effect to bats roosting within the barn"*. However, the Applicant did update section 4.4 of the MPSSSCoCP [REP10-021] to require the Applicant to prepare and submit for approval an overarching construction lighting scheme, secured by WN1(3)(f) of the dDCO [REP10-006] for the WNDA prior to commencement of works. The Applicant also stated [REP8-011] that the lighting scheme would include mitigation to protect dark corridors to and from Tyn-y-Maes bat barn which would be submitted to IACC in consultation with NRW.
- 6.8.9. NRW [REP2-325] in response to first written question [PD-009] stated that external lighting was not an issue over the winter period. It continued that it was satisfied with the proposed measures in respect of bats provided long-term issues were effectively considered and that detailed mitigation measures were approved by the discharging authority in consultation with NRW. In its SoCG [REP8-018] NRW also agreed that the project, through securing appropriate mitigation, was unlikely to be detrimental to the Favourable Conservation Status of terrestrial European and Nationally protected species. IACC in its SoCG [REP8-019] was content that the Applicant agreed to a phased construction lighting plan, secured as WN3 of the dDCO.
- 6.8.10. In its SoCG with the Applicant [REP8-019], IACC concluded that discussions between IACC and the Applicant had resolved to agree that the Applicant would provide for the installation of a total of 60 bat boxes in suitable locations across the main site. The boxes would be installed prior to commencement of building demolition and tree felling and would be retained for the operational life of the power station. In [REP7-014] IACC concluded that given the update provided by the Applicant regarding bat surveys [REP7-001, REP3-049] and the commitment to pre-construction surveys the IACC was now satisfied on building M3 and bats.
- 6.8.11. In conclusion, the ExA acknowledges that the draft EPS licence has been approved [REP3-027] and is satisfied that there will be no adverse impacts on bats as a result of the proposed development.

6.9. MITIGATION FOR WATER VOLES

- 6.9.1. NRW in its WR [REP2-325] confirmed that it was satisfied that sufficient baseline information had been collected to inform the impact assessment

for water vole, which were present at WNDA [APP-128], Off-Site Power Station Facilities [APP-247], Dalar Hir Park and Ride [APP-274], A4025 Off-Line Highway Improvements [APP-312] and Logistics Centre [APP-363].

- 6.9.2. NRW also noted [REP2-325] the draft conservation licence submitted in relation to water voles and advised *"that, as long as detailed mitigation measures are set out in a detailed Main Power Station Site Sub-CoCP, and approved by the discharging authority in consultation with NRW, the proposed works at the main site are (i) not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and/or (ii) not likely to adversely impact any local populations of British 'fully' protected species (protected under the Wildlife and Countryside Act 1981)"*.
- 6.9.3. IACC was in general agreement with the conclusions drawn by the Applicant for water vole at WNDA [REP2-077] and Parc Cybi Logistics Centre. [REP2-080]
- 6.9.4. For Dalar Hir IACC [REP2-079] had uncertainties regarding the scale of habitat loss/disturbance along watercourses that support water voles, with associated uncertainty regarding the mitigation approaches to be employed and required more detail on water vole mitigation. At the Off-site Power Station Facilities [REP2-081] IACC also required further detail on the measures to be taken with regard to the effects of drainage/outfall construction on otter/water vole.
- 6.9.5. IACC [REP2-082] was uncertain as to whether water vole habitats/burrows would be avoided for the A5025 Off-line Improvements and the extent of habitat loss/disturbance/severance. Given this uncertainty IACC sought clarification from NRW that it was content with the Applicant's proposal to undertake pre-construction surveys and if required, undertake destructive surveys under license. IACC requested that *"a detailed site-specific method statement be provided and that this should include for the use of buffers/fences to separate water vole habitats from construction activity, reinstatement and reconnection of water vole habitats, supervision of all works in proximity to habitats that support this species, as well as detailed, specific approaches to vegetation clearance, water vole displacement/exclusion and destructive searches. The mitigation should apply to all habitats that will be disturbed and are suitable for water vole and the sub-CoCP should be amended to reflect this request"*.
- 6.9.6. The Applicant responded [REP3-004] that it considered the embedded mitigation and proposed approach set out in the A5025 Off-line Highway Improvements Protected and Legally Controlled Species Report [APP-334], and secured within the WNCocP [REP10-018], and the A5025 Off-line Highway Improvements sub-CoCP [REP10-029] was sufficiently robust to manage any risks with regard to water vole.
- 6.9.7. NRW at Deadline 4 [REP4-039] confirmed that it was satisfied with the mitigation measures set out in the draft conservation licence for WNDA

and noted that the WNDASSCoCP had been updated to include a commitment to pre-construction surveys. However, detailed mitigation measures were not specified in the MPSSCoCP or other sub-CoCPs. NRW advised that the detailed Sub-CoCPs should be approved by the discharging authority, in consultation with NRW.

6.9.8. In the SoCG with the Applicant [REP8-018] NRW advised that sufficient mitigation has been identified in the relevant CoCP / Sub-CoCPs to demonstrate that the proposed development would not be detrimental to the favourable conservation status of water vole. The only area of disagreement was with Ecological Compliance Audits which NRW considered would confirm mitigation had been implemented appropriately and the Applicant considered unnecessary.

6.9.9. In conclusion, the ExA is satisfied that there will be no adverse impacts on water vole as a result of the proposed development.

6.10. MONITORING OF RED SQUIRREL

6.10.1. NRW in its WR [REP2-325] confirmed that it was satisfied that sufficient baseline information had been collected to inform the impact assessment for red squirrel.

6.10.2. Red squirrel were observed by the Applicant [APP-128] to be present on WNDAs and identified a negligible adverse effect on habitat loss and fragmentation. IACC in its LIR [REP2-077] expressed two concerns regarding habitat loss:

- The Applicant underplayed the potential significance of short-term connecting habitat loss and the isolation of the Dame Sylvia Crowe mound for 10+ years; and
- the National Grid North Wales Connection Project would remove a section of trees through the middle of the Dame Sylvia Crowe woodland and the cumulative impact assessment includes no substantive consideration of the effects of this scheme.

6.10.3. IACC considered that it should be assumed the squirrel population would be lost for duration of the works at least and that the LHMS needed to be designed to facilitate recolonisation from local known populations, with at least one woodland block over 10ha in area. The Applicant confirmed that landscaping would create 25ha of woodland to support expansion of the red squirrel population and that 10.5ha of woodland would be retained, which would be sufficient for one active drey. It considered the assessment of minor adverse effect to be correct. IACC in its SoCG [REP8-019] was satisfied with the mitigation proposals.

6.10.4. At Deadline 7, following official withdrawal of the National Grid NWC application, IACC [REP7-014] advised that *"its concerns on red squirrel relate to the interaction of the Wylfa Newydd and National Grid proposals on the woodland, given the withdrawal of the National Grid DCO application this issue is no longer current"*.

- 6.10.5. In conclusion, while the ExA is satisfied that there will be negligible adverse impacts on red squirrel as a result of the proposed development, the ExA does, however, draw the SoS's attention to the fact that, if the Order is made, reinforcement would be required for the connection to the national grid and at that point the cumulative effects of the two projects would need to be considered.

6.11. PROVISION OF HABITAT FOR GREAT CRESTED NEWT

- 6.11.1. Great crested newt (GCN) were identified by the Applicant as being present at the WNDA [APP-128], and A4025 Off-Line Highway Improvements [APP-312].
- 6.11.2. NRW in its WR [REP2-325] confirmed that it was satisfied that sufficient baseline information had been collected to inform the impact assessment for GCN and that a draft mitigation licence was submitted in relation to GCN. It advised "*that, as long as detailed mitigation measures are set out in a detailed Main Power Station Site Sub-CoCP, and approved by the discharging authority in consultation with NRW, the proposed works at the main site are (i) not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and/or (ii) not likely to adversely impact any local populations of British 'fully' protected species (protected under the Wildlife and Countryside Act 1981)*".
- 6.11.3. NRW also stated that GCN were present adjacent to the Dalar Hir site and advised that newt grids be installed across access points to the site which would collect newts that attempted to enter the site [REP8-018]. The Applicant [APP-274] had considered GCN absent from habitats at the site, as ponds supporting GCN were separated from the site by the A5 road and two mortared stone walls, although the Nant Dalar Hir links the two areas through a culvert. The Applicant continues "(t)he physical barriers *between the Park and Ride site and the small populations present in the two ponds, combined within the lack of evidence of GCN from ponds to the north of the A5, suggest that GCN are likely to be absent from terrestrial habitats within the boundary of the Park and Ride site*". By the close of the Examination, there remained disagreement about the provision of newt grids.
- 6.11.4. In its responses to the ExA's first written question [PD-009], NRW considered that post construction monitoring should be secured through the S106 Agreement to enable long-term proposals to be secured (as the licence provisions may be of shorter duration). The Applicant responded [REP2-375] that it had discussed the duration of protected species monitoring with NRW and agreed to develop its monitoring proposals in-line with these discussions. It included monitoring in the MPSSSCoCP [REP10-020] for years one, three and six following translocation. In its SoCG [REP8-018] NRW remained concerned about newt grids at Dalar Hir but made no further comment about long-term monitoring.

6.11.5. IACC in its LIR [REP2-077] did not agree that impacts to GCN would be positive as stated in the LHMS, rather that they would be neutral as there was no commitment to maintaining or increasing the number of ponds across the WNDA. However, the Applicant [REP3-004] committed to providing nine new ponds as part of the LHMS which would be designed and managed to maximise biodiversity benefit throughout the operation of the Power Station. This was secured in the LHMS [REP8-063] and IACC confirmed its agreement of a positive impact in its SoCG [REP8-019].

6.11.6. In conclusion, despite the NRW's concern regarding newt grids at Dalar Hir, the ExA is satisfied that there will be negligible adverse impacts on GCN as a result of the proposed development.

6.12. SECTION 7 HABITATS AND PROVISION OF HABITATS

6.12.1. IACC [REP2-077] raised concern that the areas of each Section 7 (S7) habitat that would be permanently or temporarily lost was not stated by the Applicant [APP-128], and nor was the timescale over which any effects would be offset by the LHMS. IACC believed that the Applicant needed to clearly identify the S7 habitats present at the site; the amounts permanently lost and temporarily lost; the net gain predicted as a result of the LHMS; and the timescales over which these gains will be realised.

6.12.2. With reference to the overarching policy framework of NPS EN-1, TAN5 and Environment (Wales) Act (2016) that developments should not result in net loss to the environment and that net gain and ecosystem resilience should be achieved, NWWT in its RR [RR-125] considered that "*the application as laid out in the DCO, including the Landscape Habitat Management Strategy, is evidentially and demonstrably a long way from meeting this UK and Wales policy requirement in important areas*". NT [REP2-319, REP6-049] also had reservations that the LHMS would be able to provide a net overall biodiversity gain for the project, that there was a missed opportunity to create habitats of higher biodiversity value and that there was little evidence that new on-site habitats have been designed to link with existing habitats.

6.12.3. In response to these concerns, the Applicant revised the LHMS to include a design principle to provide 200ha of terrestrial habitats to be managed primarily to maximise biodiversity value [REP2-039]. It considered that the LHMS provided clear illustrations of links across the WNDA and that there was a potential for biodiversity net gain [REP3-028] and noted [REP2-003] that Section 4 of the LHMS [REP8-063] contained a principal which required the final landscape design to distribute the specified habitats in such a way as to facilitate the movement of species across the restored site and into the surrounding landscape. The principle specifically referenced connectivity with the Notable Wildlife Enhancement site.

6.12.4. The Applicant also submitted tables showing the extent of habitat loss and gain [REP5-056] together with timescales which were outlined in the

Phasing Strategy document [REP10-032]. The net gain from the Applicant's information appeared to be in excess of 170ha. IACC [REP8-019] confirmed that it was content with the information provided.

- 6.12.5. However, NWWT [REP6-052] still did not agree that principle of no net loss or net gain had been applied and that the application did not consider habitat connectivity within/relating to the wider landscape for recolonisation. Similarly, NT [REP7-009] still considered that the LHMS habitat plan did not seek to connect the WNDA habitats to habitats adjoining the site and misses the opportunity to maximise the value of new habitats at a landscape scale.
- 6.12.6. In its Deadline 10 submission, NWWT [REP10-046] agreed with NT and further argued that the matter of the principle of no net loss or net gain of Section 7 habitats was more nuanced than simply the agreement over figures for habitat creation. It explained that the evaluation and extent of coastal grassland and lowland meadow within and adjacent to the proposed Site Campus *"has been well rehearsed within the Examination, with no resulting agreement between the Applicant and NWWT. The restoration of the TWA is currently identified as a matter of biodiversity enhancement rather than mitigation and/or compensation for impacts"*.
- 6.12.7. With reference to the loss of hedgerows and cloddiau, which is an Anglesey Priority Feature, NWWT stated that it was not possible to accurately assess the S7 biodiversity net loss, however, the Applicant indicated that compensation would be provided through greater species diversity within the replanted hedgerow and cloddiau. NWWT considered that the improvement in species diversity would not entirely compensate for the resulting reduction in landscape connectivity.
- 6.12.8. NWWT continued that as the LHMS was only indicative *"there is no way of assessing whether the recreated ponds would a) be suitable for priority species or b) be located in suitable places to allow priority species to recolonise them. This would apply equally to the loss of 4 toad breeding ponds as well as the two priority ponds identified with high value aquatic invertebrate resources. NWWT did not pursue a detailed case on the pond loss within the Examination."*

In conclusion, notwithstanding the agreement from the National Trust/NWWT over the final figures of habitat recreation that are presented within the LHMS and the apparent application of the principle of no net loss and biodiversity gain, there is still some deficiency in Section 7 habitat compensation/mitigation".

- 6.12.9. By the close of examination, NT [REP10-043] confirmed it was content that the LHMS [REP8-063] habitat creation proposals had the principle to prioritise grasslands and habitats of highest biodiversity value. NT point out that changes to the habitat creation areas agreed with the Applicant *"are now correctly stated in the LHMS [REP8-063] at Table 4.1 on page 61 (this is in chapter 4, the controlled section of the document). However, the figures in the text of section 6.5, have not been updated with the area figures in Table 4.1. The required changes are:*

- Close-sward species-rich grassland 25ha to be revised to 40ha
- Course-sward species-rich grassland 120ha to be revised to 75ha
- Marshy grassland 15ha to be revised to 30ha
- Coastal heath/grassland mosaic 15ha to be revised to 30ha"

6.12.10. As the Applicant is not able to revise the LHMS, there will remain a discrepancy in it.

6.12.11. After careful consideration of both the IPs arguments and regulatory policy the ExA conclude that there remains doubt that the Applicant has made provision for a net gain in habitat. As NWWT observe, the restoration of the Site Campus could be considered as a matter of biodiversity enhancement rather than mitigation and/or compensation for impacts. The discrepancy in the LHMS regarding areas gives no assurance that the correct values would be adhered to. With reference to EN-1, the ExA is not content that the Applicant has taken opportunities *"to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals"* (EN-1, 5.3.18). The ExA also has advises that the proposed development may not comply with the requirements of TAN 5 and with Part 1 of the Environment (Wales) Act (2016).

6.13. EXTENT OF AND MITIGATION FOR FUNGI

6.13.1. The combined results from fungi surveys and gathering of incidental data by the Applicant [APP-128] identified three survey sites with negligible value, and six survey sites in which the numbers of species found were indicative of assemblages with medium (three) or high value (three). All three sites of high value were within the Arfordir Mynydd y Wylfa - .Trwyn Penrhyn Wildlife Site and the Applicant assigned them grassland fungi of national importance.

6.13.2. In its WR [REP2-349] NWWT did not agree that fungi were restricted to outside of the Site Campus boundary and considered that the Site Campus supported the best examples of species rich semi-natural grassland within the WNDA boundary. NWWT expressed concern that grassland fungi (CHEG fungi) could not be recreated and is a nationally important resource.

6.13.3. NWWT considered that the Applicant had made attempts to *"obfuscate the limitations of the survey and the evaluation of the resource, rather than undertaking additional survey work"*. Surveys were undertaken once archaeological investigations had started and limitations due to disturbance and lack of agricultural management were identified by the surveyor.

6.13.4. At Deadline 3 the Applicant [REP3-027] explained that the baseline report was revised in 2017 following additional survey effort in 2016. The additional data collected in 2016 were included for review within the revised report [APP-128], allowing more detailed site valuations to be made. In conclusion, the Applicant stated that *"(t)his inland grassland area, identified as being mainly very poor for grassland fungi, would be directly affected by the footprint of the Site Campus, whereas the coastal*

grassland sites identified as nationally important, would be outside its boundary”.

- 6.13.5. In response to the ExA’s first written question [PD-013], asking how much CHEG grassland it considered would be lost, NWWT [REP5-075] stated that it was not possible to provide an accurate figure as it considered that all the fungi surveys submitted by the Applicant had been severely constrained, including the most recent one in 2017. NWWT argued that, based on observations from site visits the area from the coastline up to and including the rock outcrops, continuing further inland for a couple of tens of metres and along the shoulder of the slopes at the eastern end of the Site Campus had *“very high probability to support CHEG, by virtue of its structure and similarity to those areas where CHEG of national significance were recorded in 2017, is approx. 4.6ha within the SITE CAMPUS boundary, which represents approx 28% of the total site”.*
- 6.13.6. Throughout the Examination both parties maintained their position. In the SoCG [REP6-052] NWWT had specific concerns relating to *“impacts from scale, site infrastructure and foul sewer diversion on species rich semi-improved grassland and grassland fungi”.* The Applicant’s position was that they had *“undertaken fungi surveys in the fields where the Site Campus will be located. The surveys have identified hotspots in the field but these are along the coastal strip, outside of the perimeter fence, and will not be disturbed by the construction, operation, or decommissioning of the Site Campus”*
- 6.13.7. IACC was silent on this issue.
- 6.13.8. Having listened to and considered both sides of the argument and accepting that no agreement has been reached by the close of the Examination, the ExA is of the view that there is doubt over the comprehensiveness of the Applicants surveys and it is possible that parts of the Site Campus site may support CHEG grassland.
- 6.13.9. The Applicant has amended WN27 in the DCO [REP10-060] to require the undertaker to include, as part of its decommissioning scheme, proposals to restore the Site Campus in accordance with the principles in the LHMS which will provide details of how the biodiversity of the site will be enhanced through the use of appropriate agricultural practices. While this does resolve some of NWWT’s concerns, the ExA gives weight to NWWT’s concerns [REP2-349] that the nationally important GHEG grassland cannot be recreated.
- 6.13.10. The ExA concludes, applying the precautionary principle, that significant weight should be given to the loss of CHEG fungi when considering the impact of the Site Campus.

6.14. CONCLUSIONS

- 6.14.1. This overall conclusion considers those residual impacts that the ExA considers should be taken into account in determining the project. The

ExA is content that all mitigation is secured appropriately, with the exception of operational air quality, as discussed above.

- 6.14.2. The ExA considers that the long-term management of the ecological compensation sites beyond the 15-year lease would provide a valuable contribution to the legacy of the proposed development and recommends that the SoS consults with the Applicant and NWWT to resolve a long term management solution. As management and monitoring of other ecological schemes are secured in the LHMS for the lifetime of the Power Station the ExA is content that this additional requirement would not be onerous to the Applicant.
- 6.14.3. With regard to the SSSI sites, paragraphs 5.3.7 to 5.3.17 of EN-1 set out the need to ensure appropriate weight is attached to sites of international, national and local importance, as well as to protected species, habitats and species of 'principal importance'. The Applicant's case is that adverse impacts on biodiversity, ecology and nature conservation interests on the proposed development are an unavoidable consequence of delivery of the nationally significant infrastructure project. It considers that they are rendered acceptable in policy terms by the overriding national economic need for the proposed development as set out in the its Planning Statement [APP-046]. For the ExA's consideration of need, see Chapter 5.
- 6.14.4. Where significant harm cannot be avoided, then EN-1 expects appropriate compensation measures should be sought. The Applicant has committed to significant mitigation and compensatory measures as set out in the WNCOP [REP10-019] and sub-CoCPs, WNCOP [REP10-031], LHMS [REP8-063], WKFMS [REP8-065] and Phasing Strategy [REP8-069] all of which would be secured as certified documents in the DCO [REP10-060].
- 6.14.5. EN-6 Volume II accepts that there could be potential significant effects at Tre'r Gof SSSI but considers that the SSSI could be protected through a variety of engineered drainage mitigation measures to preserve surface and groundwater quality and quantity including protection of the mineral rich waters and hence protect the overall ecology of the SSSI. However, the Applicant [APP-391] accepts that this is not the case and that despite such measures there would still be major adverse residual impacts on terrestrial and freshwater ecology at Tre'r Gof SSSI.
- 6.14.6. The ExA acknowledge there are predicted adverse residual impacts to Tre'r Gof SSSI for water quality and quantity after mitigation during both construction and operation. This will, as NRW agree, significantly affect the functioning of the SSSI and likely to damage the SSSI features. The ExA has also considered EN-6 Volume II in which the Appraisal of Sustainability, at a strategic level, identified that sufficient land was available for development not to permanently affect any designated area and that Tre'r Gof SSSI could be protected through engineering measures to preserve surface and groundwater quality and quantity. Neither of these assessments have been achieved.

- 6.14.7. The Government noted, in EN-6 Volume II, that there would be further assessment of any proposal for the site at project level and that EN-1 sets out the detailed consideration that must be given to issues relating to nationally designated sites.
- 6.14.8. A second SSSI, Cae Gwyn SSSI has adverse effects from to air quality during construction and operation, and more precisely the effects of potentially raised levels of nitrogen deposition on Sphagnum moss. While the ExA acknowledges that this increase is short term, occurring in Year 2 during peak earthworks and marine works construction. NRW clearly expressed the view that the first species to be lost in the event of raised nitrogen levels would be those with very specific requirements and would be unlikely to recolonise due to the geographical isolation of the site. NRW considered that these impacts would be major adverse. The Applicant has included measures in the WNCOP [REP10-18] to limit emissions at source but the success of these measures cannot be predicted due to the difficulty of controlling all operations and machinery on large construction sites. Indeed, the Applicant states in the CoCP that plant emissions are controlled "*wherever safe and practicable*".
- 6.14.9. In terms of operational emissions, as these were not agreed by the close of the Examination and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects to Tre'r Gof, Cae Gwyn or Bae Cemlyn/Cemlyn Bay SSSIs from air quality during operation.
- 6.14.10. Having regard to EN-1, the ExA has carefully considered paragraph 5.3.11 which 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*".
- 6.14.11. The proposed development, as discussed above, is likely to have an adverse effect on both Tre'r Gof SSSI and Cae Gwyn SSSI after mitigation, and potentially Bae Cemlyn/Cemlyn Bay. The test is, then, whether the benefits of the proposed development 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. Applying this test to each individual SSSI will result in the benefits of the project outweighing the impacts on that site. However, the ExA advises that taking the three sites together, the benefits of the development at this site may not outweigh the broader impacts on the national network of SSSIs.

- 6.14.12. The ExA welcomes the Applicant's three proposed SSSI compensation sites and note that although the success of these sites remains uncertain, there is potential for moderate benefit in terms of biodiversity.
- 6.14.13. The ExA is concerned that there is insufficient scientific evidence, both from the literature and site observations, to conclude no adverse effects on Arctic or Sandwich tern. The ExA accepts NRW's advice that it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon the site at Bae Cemlyn/Cemlyn Bay or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival. EN-1, at 5.3.17, states that for species identified as being of principal importance, the examining body should *"refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the IPC should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development"*.
- 6.14.14. The ExA, therefore, concludes that there is serious risk of disturbance from the construction works leading to the tern colony abandoning the site and that great weight should be given to the potential adverse effects to the Arctic tern and Sandwich tern populations.
- 6.14.15. With reference to chough, the discrepancy in the LHMS between the figures for coarse and close-sward grassland provision in the ExA's view casts doubt over the security of the increased grassland provision for chough. The ExA also understands NWWTs concerns regarding the lack of provision of management plans. Using the precautionary principle, the ExA gives moderate weighting to the residual impacts to chough as a result of the proposed development.
- 6.14.16. While the ExA is satisfied that there will be negligible adverse impacts on red squirrel as a result of the proposed development, the ExA does, however draw the SoS's attention to the fact that if the Order is made, reinforcement would be required for the connection to the national grid and at that point the cumulative effects of the two projects would need to be considered .
- 6.14.17. Referring to Section 7 habitats the ExA conclude that there remains doubt that the Applicant has made provision for a net gain in habitat. As NWWT observe, the restoration of the Site Campus could have been considered as a matter of biodiversity enhancement rather than mitigation and/or compensation for impacts. The discrepancy in the LHMS between the figures for coarse and close-sward grassland provision in the ExA's view gives no assurance that the correct values would be adhered to and casts doubt over the security of increased grassland provision for chough. With reference to EN-1, the ExA is not content that the Applicant has taken opportunities "to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals" The ExA also advises that the proposed

development does not comply with the requirements of TAN 5 and with Part 1 of the Environment (Wales) Act (2016) in this respect.

6.14.18. With regard to the nationally important CHEG grassland and its presence or not on the Site Campus, and doubts about the ability to recreate CHEG grasslands the ExA concludes that neither the test at 5.3.17 of EN-1 nor TAN 5 are met and significant weight should be given to the loss of CHEG fungi when considering the adverse effects of the Site Campus.

6.14.19. The ExA concludes that:

- with respect to Tre'r Gof SSSI, the proposed development does not comply with the assessment given in EN-6 Volume II;
- considering 5.3.11 in EN-1, the benefits of the development at this site do not outweigh the broader impacts on the national network of SSSIs;
- the provision of compensation sites has the potential for moderate benefits in terms of biodiversity;
- it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon Bae Cemlyn/Cemlyn Bay and that as the test at 5.3.17 in EN-1 is not met, great weight should be given to the adverse effects;
- there is doubt that there would be a net gain in habitat for Section 7 habitats and therefore is not compliant with EN-1, TAN 5 or Part 1 of the Environment (Wales) Act (2016) in this respect;
- there is probability that the nationally important CHEG grasslands may be lost and not able to be re-created, which does not comply with 5.3.17 of EN-1 or TAN 5; and
- the proposed development does not conform to Article 8 (c) to (e) of the United Nations Environmental Programme Convention on Biological Diversity of 1992.

6.14.20. The ExA therefore concludes that overall biodiversity, ecology and nature conservation are matters which should weigh against the Order being made.

7. FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT (HRA)

7.1. INTRODUCTION, POLICY AND LEGISLATIVE CONTEXT

- 7.1.1. This chapter sets out the Examining Authorities (ExA) analysis and conclusions relevant to the assessment of effects on European sites. This will assist the Secretary of State for Business, Energy and Industrial Strategy (SoS), as the competent authority, in performing his duties under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) ('the Habitats Directive') and the Council Directive 2009/147/EC, as transposed in the UK through the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').
- 7.1.2. Consent for the proposed development may only be granted if, having assessed the potential effects on European sites², the competent authority considers that the relevant tests in the Habitats Regulations have been met.
- 7.1.3. The ExA has been mindful throughout the Examination of the need to ensure that the SoS has such information as may be required to carry out his duties as the competent authority. The ExA has sought evidence from the Applicant and the relevant Interested Parties (IPs), including Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) as the Statutory Nature Conservation Body (SNCB) through written questions and Issue Specific Hearings (IHS).
- 7.1.4. The ExA produced a Report on the Implications for European Sites (RIES) [PD-016] which compiled, documented and sign-posted evidence relevant to the effects on European sites provided in the Development Consent Order (DCO) application and submitted throughout the Examination by both the Applicant and IPs up to Deadline 7. The RIES was issued to ensure that the ExA had correctly understood the relevant factual information and the position of the various parties in relation to the effects of the proposed development on European sites. It was published on the Planning Inspectorate's National Infrastructure Planning website on 27 March 2019. Consultation on the RIES took place between 27 March and 10 April 2019.

² The term European sites in this context includes Special Areas of Conservation (SACs), Sites of Community Importance (SCI), candidate SACs (cSACs), Special Protection Areas (SPA), possible Special Protection Areas (pSPA) and listed Ramsar sites. For sites located in England the term also includes possible SACs (pSAC), proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites.

- 7.1.5. The Applicant's shadow Habitats Regulations Assessment (SHRA) [APP-050, APP-051 and AS-010] also identified effects on European sites in England, Scotland and Northern Ireland. The ExA wrote to the statutory nature conservation bodies for these countries, Natural England [PD-019], Scottish Natural Heritage [PD-018] and the Northern Ireland Department of Agriculture, Environment and Rural Affairs [PD-017] to give them the opportunity to comment on the RIES.
- 7.1.6. Comments on the RIES were received from the Applicant [REP9-005], NRW [REP9-037], the Ymddiriedolaeth Natur Gogledd Cymru/ North Wales Wildlife Trust (NWWT), the Royal Society for the Protection of Birds (RSPB) and the National Trust (NT) ('the eNGOs') [REP9-036], Natural England [REP9-030], Scottish Natural Heritage [REP9-049] and the Northern Ireland Department of Agriculture, Environment and Rural Affairs [REP10-039]. These comments have been taken into account in the drafting of this Chapter.

7.2. CHANGE REQUESTS

- 7.2.1. During the Examination the Applicant submitted six change requests (AS-020, AS-021, REP4-011, REP4-012, REP4-013 and REP7-001k). The ExA accepted these as non-material changes to be considered in the course of the Examination [PD-015] and [PD-022].
- 7.2.2. The Applicant evaluated the findings from the non-material changes in its environmental information and did not identify any new or significantly different environmental effects from those previously identified, which would affect European sites [REP6-015, REP6-016, REP8-005 and REP8-006]]. In relation to the changes to the blasting strategy [AS-020] and marine vessel movements [AS-021], NRW agree with this position [REP2-325, REP4-039 and REP5-081]. Other IPs raised concerns regarding these changes in relation to effects on the Morewnoliaid Ynys Môn/Anglesey Terns SPA [AS-020].
- 7.2.3. The Applicant maintains that the non-material changes do not alter the conclusions of its SHRA [REP8-014]. The ExA agrees with this conclusion.

7.3. HRA IMPLICATIONS OF THE PROJECT

- 7.3.1. The proposed development is not connected with, or necessary to, the management for nature conservation of any of the European sites considered within the Applicant's assessment.
- 7.3.2. The Order Limits of the proposed development do not overlap directly with any European site. The Applicant undertook a scoping exercise to identify European sites potentially affected by the proposed development which is reported in Chapter 4 of its SHRA [APP-050].
- 7.3.3. The scoping exercise took into account the strategic level HRA undertaken for National Policy Statement (NPS) EN-6. However, the main approach used was to define the zones of influence associated with the impacts from the proposed development and to establish 'connectivity' between these zones of influence and the qualifying features of European

sites. The potential impact pathways identified in the scoping exercise were:

- changes in visual and acoustic stimuli;
- land-take, including seabed or intertidal land;
- changes in marine water quality;
- changes in terrestrial water quality;
- changes in surface and groundwater hydrology;
- introduction of non-native species;
- change in radiation dose levels;
- change in air quality;
- alteration of coastal processes and hydrodynamics; and
- physical interaction between species and the infrastructure of the proposed development.

- 7.3.4. None of the responses from the statutory nature conservation bodies identified any European sites or qualifying features which they felt could be affected by the proposed development [REP9-030, REP9-037, REP10-039 and REP9-049].

Examining Authority conclusion on scope of Applicant's SHRA:

- 7.3.5. The ExA is satisfied that the Applicant has correctly identified all of the relevant European sites and the relevant qualifying features/interests for consideration within the HRA.

7.4. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS (LSE)

- 7.4.1. The Applicant's screening assessment for LSE was initially presented in Chapter 5 of the SHRA ([APP-050] and [APP-051]). These conclusions took mitigation proposals into account when reaching conclusions on LSE. The Inspectorate issued advice under s51 of PA2008, following acceptance of the DCO application, on the need to take European Court of Justice ruling C-323/17 into account [PD-002]. The Applicant submitted an updated assessment of LSE in response to this [AS-010].
- 7.4.2. The list of European sites and qualifying features which the Applicant identified as subject to LSE is presented in Annex 1 of the RIES [PD-016]. Only the works at the main Power Station site and the Marine Off-Loading Facility (MOLF) were identified as being likely to give rise to significant effects. Apart from the concerns described below, none of the IPs or statutory nature conservation bodies disputed the Applicant's conclusions on LSE.
- 7.4.3. The eNGOs raised concerns about the potential for predator displacement leading to significant effects on the Morwenoliaid Ynys Môn/Anglesey Terns SPA. They were concerned that the large-scale changes to land management resulting from the construction of the Power Station would attract undesirable predator species such as herring gulls or corvids. Predator control is already a regular management activity undertaken at

the Bae Cemlyn/Cemlyn Bay Nature Reserve; the eNGOs were concerned that predator displacement would increase the level of stress on the tern colony at the reserve (see [REP2-348, REP2-056 and REP6-046] for the NWWT responses, [REP2-360, REP2-358 and REP6-046] for the RSPB responses and [REP2-318 and REP6-049] for the NT responses. In their view, this is sufficient to lead to LSE, although adverse effects on integrity could be avoided if the Applicant committed to a predator control strategy, funded by contributions from the Applicant via a section 106 agreement [REP2-361].

7.4.4. The Applicant did not identify any potential LSE as a result of altered impacts from predators in the SHRA [APP-050]. It maintained that changes to predation risk were likely to be imperceptible because (REP2-045, REP2-056, REP3-005, REP3-026, REP6-046 and REP6-049):

- it is unlikely that Cemlyn lagoon would be the focus of displaced mammalian and avian predators, due to the abundance of suitable habitats immediately outside the WNDA;
- Cemlyn lagoon is already within the foraging range of most mammalian predators likely to be associated with the Power Station site and so displacement would not necessarily increase the likelihood of the tern breeding areas being favoured for foraging; and
- territoriality would operate to limit local densities of predators;
- Cemlyn lagoon is already within the foraging range of corvids (and other species) that may have territories on the main Power Station site, so the opportunities to exploit this resource are already present and unlikely to increase.

7.4.5. The ExA asked NRW for its view in its second written questions [PD-013]. In response to question 2.5.9, NRW [REP5-081] advised that, as the site preparation and clearance work west of the Cefnau would take place before the return of the tern colony for breeding, predators would have attempted to find new territories before the breeding season begins. If the tern colony was a suitable food source for existing predators then predation incidents would have been observed (as happened with otter predation in 2017) [REP5-081].

Decommissioning

7.4.6. The SHRA describes the assessment of LSE for decommissioning as problematic, given the proposed 60-year operational lifetime of the proposed development (paragraphs 5.6.1 – 5.6.2 [APP-050]). The assessment of LSE in the SHRA [APP-050] is based on the assumption that the effects associated with decommissioning would be equivalent or less than the effects associated with construction. A decommissioning scheme would be secured through Requirement PW10 of the dDCO [REP10-006]. This would require the decommissioning scheme, which would be approved by IACC, to include specific controls on activities including landscaping, site restoration, lighting and site drainage.

7.4.7. Table 5-6 of the SHRA [APP-050] lists the assumptions that the assessment of LSE from decommissioning has been based on. LSE is only

predicted from changes to marine water quality and changes in visual and acoustic stimuli (paragraph 5.6.7 [APP-050]).

- 7.4.8. The ExA queried in its first written questions [PD-009] queried to what extent, in the light of European Court of Judgement ruling C-323/17, the decommissioning scheme constituted a measure to avoid or reduce the effects of the proposed development [PD-009]. The Applicant maintained the position that the assumptions set out in Table 5-6 of the SHRA [APP-050] refer to the anticipated main features and characteristics of the decommissioning works rather than measures to mitigate the effects of the proposed development [REP2-375 and REP5-002].
- 7.4.9. None of the IPs made any comments on the Applicant's conclusions on LSE in relation to decommissioning.

In-combination effects

- 7.4.10. The Applicant's SHRA makes a distinction between effects generated through interactions with different elements of the proposed development and those generated through interactions with other plans or projects. Paragraph 3.3.34 of the SHRA [APP-050] states that additive or interactive effects between different elements of the proposed development have been treated as effects from the project alone. The in-combination assessment only deals with the effects arising from interactions with other plans or projects.
- 7.4.11. Paragraph 5.3.12 of the SHRA [APP-050] states that the approach to screening the effects from the proposed development alone was deliberately precautionary. LSE was concluded where the potential existed for any conceivable negative effect on an interest feature. The in-combination assessment therefore only considered effects from the proposed development which had already been identified as LSE. The plans and projects screened in to the in-combination assessment are described in paragraphs 5.5.2 – 5.5.3 of the SHRA [APP-050].
- 7.4.12. While NRW and the eNGOs expressed considerable concerns about the potential for cumulative intra-project effects on European sites, which are discussed further below, none of the IPs have expressed any concerns with the scope of the Applicant's in-combination assessment or identified any other plans or projects which should have been included.

Transboundary effects

- 7.4.13. The Applicant's SHRA identified LSE on European sites located in the Republic of Ireland. The sites and features identified were:
- Copeland Islands SPA (Manx shearwater);
 - Horn Head to Fanad Head SPA (fulmar);
 - Ireland's Eye SPA (guillemot);
 - Lambay Island SAC (grey seal and harbour seal);
 - Lambay Island SPA (fulmar, lesser black-backed gull, guillemot and puffin);
 - Rockabill to Dalkey SAC (harbour porpoise);

- Saltee Islands SAC (grey seal);
- Saltee Islands SPA (fulmar and gannet);
- Slaney River Valley SAC (harbour seal);
- Tory Island SPA (fulmar); and
- West Donegal Coast SPA (fulmar);

- 7.4.14. The Republic of Ireland's response [AS-0153] did not contain any specific comments regarding the conclusions reached by the Applicant in their shadow HRA [APP-050, APP-051]. However, the Republic of Ireland retains concerns regarding the adequacy of the Applicant's transboundary effects assessment and the certainty that can be placed on the continuation of the UK's nuclear regulatory regime considering the planned withdrawal from the European Union and the Euratom Treaty. It is on that basis that the Republic of Ireland consider adverse effects on the integrity of European sites cannot be excluded.
- 7.4.15. Its response [AS-0153] also addresses a potential in-combination effect on cetaceans from interaction with the proposed West Cumbria coal mine development. The response [AS-0153] includes limited detail to substantiate these concerns in terms of the project specification, geographical location (in respect of proximity to the marine environment), or demonstrable temporal or spatial pathways of potential in-combination effect.
- 7.4.16. The ExA notes that the response [AS-0153] was received at a late stage in the examination process and unfortunately it was not practicable to subject the concern to further scrutiny or examination. However, it is pertinent that the SNCBs, NRW [REP8-018] and NE [REP9-030], did not express concern regarding the other plans and projects assessed in the in-combination assessment. The Applicant's approach to identifying other plans or projects for the in-combination assessment is explained at paragraphs 5.3.13 - 5.3.21 of the SHRA [APP-050, APP-051] and demonstrates that relevant coastal and marine projects in the United Kingdom and Republic of Ireland were considered in accordance with the stated criteria to determine their relevance to the in-combination assessment. The stated criteria included reference and consideration of the marine licence register of projects in United Kingdom and the Republic of Ireland.
- 7.4.17. Having regard to these matters, the ExA does not consider that significant effects in-combination on cetaceans are likely. In reaching this conclusion the ExA takes comfort from advice provided by the SNCBs, however, the ExA acknowledges the lack of further scrutiny afforded to elements of the response from the Republic of Ireland and is aware of the ongoing duty on the SoS to have regard to the submissions made under EIA Regulation 24.

Examining Authority conclusions on LSE

- 7.4.18. The ExA has carefully considered the identification of LSE for predator displacement for the Morewnoliaid Ynys Môn/Anglesey terns SPA. It notes NRW's advice [REP5-081] that *"as the site preparation and clearance work west of the Cafnan would take place before the return of*

the tern colony for breeding, predators would have attempted to find new territories before the breeding season begins” is no longer relevant due to the Applicant’s Suspension of Project [AS-039] and uncertainty of when the site preparation works would be undertaken. On balance however, the ExA considers that, if the Order should be made, the Applicant’s reasoning for no LSE is sufficient to satisfy it that there is no LSE for predator displacement.

- 7.4.19. The ExA therefore recommends to the SoS that the Applicant has correctly identified the potential impacts and relevant European sites/features which would be subject to LSE.

7.5. CONSERVATION OBJECTIVES

- 7.5.1. As noted above, the Applicant identified LSE for a number of European sites. These sites were then assessed to determine if adverse effects on their integrity could be excluded. As part of this assessment, the Applicant included copies of the conservation objectives for the relevant sites in the SHRA [APP-050].

- 7.5.2. In its first written questions the ExA asked NRW to confirm that these were the correct conservation objectives [PD-009]. NRW advised that for European sites in/partly in Wales, the conservation objectives were correct, apart from the following sites:

- Pen Llyn a’r Sarnau/Lleyn Pensinsula and the Sarnau SAC;
- Bae Ceredigion/Cardigan Bay SAC;
- Afon Teifi/River Teifi SAC;
- Sir Benfro Forol/Pembrokeshire Marine SAC; and
- Ynys Seiriol/Puffin Island SPA.

- 7.5.3. NRW provided full copies of the conservation objectives for these European sites in its responses at Deadline 5 [REP5-081].

- 7.5.4. The ExA is content that when [APP-050] and [REP5-081] are taken together, the correct conservation objectives have been made available to it. As the conservation objectives are available through documents in the Examination library, they have not been reproduced here. However, the ExA has included summaries of the conservation objectives where the Applicant’s conclusions have been contested as these are pertinent to the ExA’s recommendations.

Conservation objectives for Bae Cemlyn /Cemlyn Bay SAC

- 7.5.5. For the coastal lagoon feature, favourable conservation status would be achieved when the following conditions are met:

- there is no loss of area other than that due to natural processes;
- the specialised plant and animal communities within the lagoon remain; and
- all factors affecting the achievement of these conditions are under control.

7.5.6. For the perennial vegetation of stony banks feature, favourable conservation status would be achieved when the following conditions are met:

- the extent of the vegetation of shingle banks is maintained unless altered by natural (storm) events;
- typical component species of vegetation of shingle banks are maintained;
- invasive alien species are absent; and
- the management of activities or operations likely to damage or degrade the population dynamics, natural range and supporting habitat of the feature is appropriate for maintaining favourable conservation status and is secure in the long-term.

Conservation objectives for the Morwenoliaid Ynys Môn / Anglesey Terns SPA

- the number of breeding terns within the SPA is stable or increasing (based on a five year mean of 460 breeding pairs for Sandwich tern);
- the number of chicks successfully fledged in the SPA and beyond is sufficient to help sustain the population (based on a five year mean of 0.85 chicks per pair for Sandwich tern);
- the range and distribution of terns within the SPA and beyond is not constrained or hindered;
- the extent of supporting habitats used by terns is stable or increasing;
- supporting habitats are of sufficient quality to support the requirements of terns;
- there are appropriate and sufficient food sources for terns within access of the SPA; and
- actions or events likely to impinge on the sustainability of the population are under control.

Conservation objectives for the Aber Afon Dyfrdwy / Dee Estuary SPA

- Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
 - the extent and distribution of the habitats of the qualifying features;
 - the structure and function of the habitats of the qualifying features;
 - the supporting processes on which the habitats of the qualifying features rely;
 - the population of each of the qualifying features; and
 - the distribution of the qualifying features within the site.

7.6. FINDINGS IN RELATION TO ADVERSE EFFECTS ON THE INTEGRITY (AEoI)

7.6.1. Table 4.1 of the RIES [PD-016] lists the sites and features which the Applicant included in its assessment of effects on site integrity. The

Applicant concluded that there were no AEoI of any European site as a result of the proposed development, either alone or in combination with other plans or projects [APP-050 and AS-010]. These conclusions were disputed by IPs throughout the Examination in relation to the Morewenoliaid Ynys Môn/Anglesey Terns SPA, the Aber Afon Dyfrdwy/Dee Estuary SPA and the Bae Cemlyn/Cemlyn Bay SAC.

Mitigation

- 7.6.2. The Applicant's conclusion of no AEoI depend in part on the successful delivery of various mitigation measures which are described in the control documents:
- the Wylfa Newydd Code of Construction Practice (WNCocP) [REP10-018];
 - the Main Power Station site sub-Code of Construction Practice (MPSSCoCP) [REP10-020];
 - Marine Works sub-Code of Construction Practice (MWSCoCP) [REP10-022];
 - the Code of Operational Practice (CoOP) [REP10-030]; and
 - the Workforce Management Strategy (WKFMS) [REP8-064].
- 7.6.3. The Applicant's dDCO lists the control documents as certified documents (Schedule 18 [REP10-006]). The dDCO also includes requirements (PW7, SPC3, WN1, WN13, WN20 and WN28) [REP10-006] relating to the construction and operation of the proposed development. Under these requirements, construction must be carried out in accordance with the control documents unless otherwise agreed by the Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) in consultation with NRW.
- 7.6.4. Other requirements relevant to mitigation on European sites are:
- Requirement PW8 – the undertaker must comply with the WKFMS during construction; the Wylfa Newydd Code of Conduct must be prepared in accordance with the principles in the WKFMS in consultation with the IACC and the Heddlu Gogledd Cymru/North Wales Police (NWP) and implemented throughout the construction of the authorised development.
 - Requirement WN2 - no phase of the Power Station works may commence until a construction drainage plan for that phase has been submitted, for information, to the IACC and NRW. The plan must be prepared in accordance with the Wylfa Newydd Development Area (WNDA) Overarching Construction Drainage Scheme approved under Requirement WN1.
 - Requirement WN32 - any marine dredged material arising from the authorised development that cannot be re-used must be disposed of at Holyhead North, unless otherwise agreed with NRW.
- 7.6.5. NRW initially raised concerns about the lack of detail contained in the control documents. It advised that the dDCO should include a requirement for the Applicant to prepare detailed versions for approval by the discharging authority in consultation with NRW prior to the commencement of construction [REP2-325, REP4-039].

- 7.6.6. The eNGOs also raised concerns about the reliance on the control documents to secure mitigation for effects on European sites. In their view the reliance on the control documents made it difficult to understand which body was responsible for agreeing and discharging mitigation measures [REP2-318, REP2-348 and REP2-360].
- 7.6.7. The ExA raised concerns in the first biodiversity ISH [EV-20o] about the removal of HRA related requirements in the dDCO. In response, [REP4-005] the Applicant noted that the intention of the removal was to avoid duplication between the requirements and the control documents, and to have controls in one place. However, it agreed to reinstate Requirements PW5 and PW6 in the dDCO. The Applicant also stated that it would consider how requirements could be referred to within the control documents (or vice versa) to ensure that contractors were aware of these additional obligations.
- 7.6.8. The Applicant continued to maintain that it was appropriate to secure mitigation through the control documents rather than directly through a requirement in the dDCO [REP2-375, REP3-035, REP3-026, REP5-084, REP6-009]. The control documents were updated in the course of the Examination, with the final versions submitted at Deadline 8 and 10 [REP8-021, REP8-042, REP8-044-046, REP8-063, REP10-018, REP10-020, REP10-022, REP10-023, REP10-025, REP10-027, REP10-028 and REP10-020]; the Applicant anticipated that the control documents would be sufficiently detailed by the end of the Examination for them to be approved as part of the dDCO and not to be subject to any further approval processes [REP3-035]. In its view, the fact that the dDCO would include requirements to construct and operate the proposed development provides sufficient certainty that mitigation measures would be delivered. Failure to comply with the control documents would constitute a break of the terms of the DCO which is a criminal offence under section 161 of PA2008 [REP2-375 and REP5-084].
- 7.6.9. Following the submission of updated control documents at Deadline 8, NRW were able to agree that it was unnecessary for the dDCO to include an additional requirement for approval of detailed versions of the control documents, with the exception of requirements relating to the Morewnoliaid Ynys Môn/Anglesey Terns SPA [REP9-037].

The ExA's findings on securing mitigation for European sites

- 7.6.10. As explained above, the ExA raised concerns that HRA related requirements should be in the dDCO and not in control documents. While the Applicant initially agreed to do this, they subsequently reverted to the position that it was appropriate to secure mitigation through the control documents rather than directly through a requirement in the dDCO. NRW were satisfied by the end of the Examination that the control documents would offer adequate certainty about the delivery of the mitigation.

- 7.6.11. The ExA is content that the dDCO requirements relating to the construction of the proposed development ensures that construction, and hence mitigation would be carried out in accordance with the control documents. As a general principle, the ExA is satisfied that securing mitigation through the control documents offers sufficient certainty that the mitigation will be delivered before harm to the European sites occurs. However, the ExA has specific concerns about the delivery and effectiveness of some of the Applicant's proposed measures which are discussed further below.

AEoI of SACs with marine mammal qualifying features

- 7.6.12. In relation to other European sites, the Applicant has concluded that AEoI on marine mammal qualifying features can be excluded. NRW advised initially that it agreed with this conclusion, provided the mitigation measures detailed in Table 11-1 of the SHRA [APP-050] were implemented and provided a Vessel Management Plan was in place to mitigate the potential risks from collision and disturbance. A commitment to provide detailed mitigation measures should be set out in the version of the MWSCoCP approved by the SoS as requested by NRW [REP2-325]. It requested that the dDCO should include requirements to:

- set out the Vessel Management Plan in the MWSCoCP and for it to be approved by the discharging authority, in consultation with NRW; and
- have detailed mitigation measures approved by the discharging authority in consultation with NRW.

- 7.6.13. At Deadline 5 the Applicant provided an updated version of the MWSCoCP [REP5-024] which included a commitment to produce a Vessel Management Plan in accordance with the Marine Licence to be issued by NRW, after approval of the DCO. In NRW's view, it "*may be appropriate*" for the detailed mitigation measures to be secured through the Marine Licence rather than the DCO [REP7-012] but noted that it was for the SoS to decide if the mitigation should also be secured through the DCO as well as the Marine Licence [REP7-012, REP9-037].

- 7.6.14. Notwithstanding their initial agreement with the Applicant's conclusion of no AEoI, NRW advised that the accepted underwater noise criteria for marine mammal injury and disturbance had altered since the Applicant prepared its SHRA, the assessment of effects on marine mammals should be revised to take account of the new criteria [REP2-325].

- 7.6.15. The Applicant provided an updated assessment [REP4-009], followed by further clarifications [REP6-027] in response to queries from NRW [REP5-081]. NRW raised a particular concern about the references to percussive piling in the non-material change request for alterations to working hours and whether these had been fully assessed [REP5-081]. The Applicant confirmed that no piling operations would be undertaken in the marine environment so there would be no implications for increases in underwater noise [REP6-027]. NRW then confirmed that their concerns had been fully addressed [REP7-012].

- 7.6.16. The Applicant also provided an updated assessment of the effects on marine mammal SAC features as a result of the change requests for the extension to blasting timescales, the number of vessel movements and the extension of working hours. The assessment concluded that the effects on marine mammal SAC features would not be any greater than the effects predicted in the ES and SHRA [REP8-005, REP8-014].

The ExA's findings in relation to SACs with marine mammal features

- 7.6.17. The ExA is of the view that securing the Vessel Management Plan and mitigation for marine mammals through both the DCO and the Marine Licence would lead to unnecessary duplication. The ExA is content that the Marine Licence would provide adequate security for delivering mitigation measures. However, since the Marine Licence had not been granted by the close of the Examination, the ExA does not place any reliance on the provisions that it may contain. The ExA therefore recommends that the SoS secures within the MWSCOCP:

- a detailed Marine Mitigation Management Plan, in line with the Joint Nature Conservation Committee guidance to be approved by the discharging authority in consultation with NRW.

AEoI of Bae Cemlyn/Cemlyn Bay SAC

- 7.6.18. The SAC is 0.1km from the Order Limits. It consists of a coastal lagoon separated from the sea by a shingle ridge which supports a distinctive vegetation type described as perennial vegetation of stony banks. The lagoon is a priority feature under the Habitats Directive [REP2-325].
- 7.6.19. The Applicant concluded that adverse effects on the integrity of the SAC could be excluded both alone and in combination with other plans and projects, provided the mitigation listed below is undertaken [APP-050 and AS-010]:

Construction

- management of surface water drainage during construction through the use of a Sustainable Drainage System (SuDS);
- from the time that earthworks on the west side of Mound E begin, no water would be discharged into Nant Cemlyn via discharge E1 until vegetation re-establishment had occurred and been agreed in writing with NRW (all water would be diverted and discharge into the Afon Cafnan via discharge E2);
- limits on the levels of suspended solid discharges into the lagoon from other discharge points;
- use of a polyelectrolyte coagulant dosing system to remove suspended solids below a particle size of 0.002mm. A flow proportional dosing system would be used to avoid 'notable' discharges of polyelectrolytes;
- controls on the discharge of treated sewage from the main construction site such that discharges would occur at a rate of

approximately 1,598m³ per day to the north of the Porth-y-Pistyll, with a limit on suspended solid of 30mg/L;

- surface water run-off from the concrete batching plant would drain into the main site surface water drainage. Run-off would be intercepted within the batching plant site and monitored for pH levels. The water would be treated before discharge if the pH level was above 8;
- vehicle engines would be switched off when stationary;
- electric generators would be used where practicable to avoid the use of petrol or diesel generators;
- management of construction dust emissions as described in the WNCocP;
- air quality and monitoring scheme would be developed in discussion with the IACC and NRW to prevent an exceedance of the nitrogen dioxide air quality objectives;
- preparation and implementation of Biodiversity Risk Assessments and Method Statements including a monitoring programme for non-native species. For the marine environment this would involve an initial survey followed by regular surveys once the breakwaters and MOLF have been completed;
- implementation of the WKFMS;

Operation

- all combustion plant would operate on ultra-low sulphur diesel where this does not compromise safety and operational requirements;
- standby generators and boilers would always be operated in line with the selected equipment manufacturer's operating procedures and appropriate routine maintenance would be undertaken; and
- for routine testing during normal operations only one standby generator would ever be tested at any one time. No routine tests on other standby generators would be undertaken within the same day to eliminate the potential for any combined short-term effects.

Effects on water quality

- 7.6.20. NRW requested further information on the mitigation proposed to deal with surface water run-off from Mound E to ensure that silt-laden water did not reach the lagoon. It was concerned that pumping capacity appeared to be limited and run-off could enter Nant Cemlyn during extreme climate events [RR-088, REP2-325 and REP2-049].
- 7.6.21. The eNGOs queried the adequacy of the assessment of the effects of construction drainage, particularly in relation to the baseline data used [REP2-318, REP2-348, REP2-360, REP2-056, REP2-058, REP4-044, REP6-049 and REP6-052]. In their view, the presence or absence of a small number of specialist species would affect the conservation status of the SAC and these species would be susceptible to the effects of sedimentation [REP4-044].
- 7.6.22. The eNGOs also queried how discharges would be diverted from point E1 to E2, whether the pumping plant would be able to cope with extreme storm events and suggested that the diversion proposals should be in

place as soon as earthworks begin in Construction Zone 10. They advised against any re-working of Mound E during the construction period as they felt this would extend the period over which impacts on European sites would occur [REP2-318, REP2-348, REP2-360, REP2-056, REP2-058, REP4-044, REP6-049 and REP6-052].

- 7.6.23. The Applicant maintained the position that the baseline water quality data was adequate [REP3-026] but provided an updated version of the MPSSCoCP at Deadline 2 [REP2-032] which included a commitment to baseline water quality monitoring in Nant Cemlyn to be agreed with NRW. Discharges would only be returned to Nant Cemlyn when an agreed water quality threshold has been met [REP2-049, REP2-056, REP4-005 and REP6-049].
- 7.6.24. The Applicant provided further clarification on the drainage proposals for Mound E [REP2-375 and REP3-035] and the capacity of the Mound E drainage system [REP2-049 and REP3-035]. It also provided a revised MPSSCoCP at Deadline 2 [REP2-032]; after reviewing this, NRW agreed that the mitigation proposed, particularly the commitment to pump run-off to Afon Cafnan, was sufficient to avoid the risk of pollution and to ultimately restore a state of natural drainage from Mound E to the lagoon [REP5-081]. Following the submission of the Deadline 5 version of the MPSSCoCP, NRW confirmed that it was satisfied that it contained sufficient detail for it to be confident that works on Mound E would not lead to AEoI of the SAC [REP7-012 and REP9-037].
- 7.6.25. In response to a request from the ExA during the ISH on 10 January 2019, the eNGOs provided details of the information they would require to allay their concerns about the effectiveness of the proposed mitigation [REP4-044]. The Applicant's position was that this information would largely be available at the post-consent stage [REP5-051]. The purpose of the mounds, including Mound E, was to store excavated material until it was required to backfill areas of the site which is why Mound E was likely to be re-worked during construction [REP4-005].
- 7.6.26. At the close of the Examination, the eNGOs' position remained that although they felt some progress had been made on the issues during the Examination, further measures could be taken to deal with the water quality and run-off issues and also address other material considerations before the ExA [REP9-036].

Changes in the salinity of Cemlyn Lagoon as a result of changes in surface water and groundwater flows

- 7.6.27. The eNGOs did not agree with the Applicant's assessment in the SHRA [APP-050] that the changes in surface water and groundwater flows were unlikely to affect the salinity of the lagoon. They considered that the specialist species within the lagoon may not be able to tolerate fluctuations in salinity and they advocate additional mitigation measures such as a monitoring and remediation strategy [REP2-318, REP2-348 and REP2-360].

- 7.6.28. The Applicant maintained that it had carried out an adequate assessment of the predicted changes in the salinity of the lagoon [REP3-026]. In view of the natural fluctuations in salinity NRW agreed with the Applicant's conclusion that changes in surface water and groundwater flows predicted in [APP-050] were unlikely to affect the functioning of the lagoon [REP2-325].

Effects on air quality

- 7.6.29. The Applicant concluded that AEoI from the deposition of construction dust could be excluded [APP-050 and AS-010]. NRW agreed with this conclusion but was initially concerned that the mitigation had not been adequately secured [REP2-325, REP2-049]. Following the submission by the Applicant at Deadline 8 of revised versions of the WNCocP [REP8-047] and the MPSSSCoCP [REP8-049], NRW confirmed that it was satisfied that AEoI would be avoided [REP8-018, REP9-037].
- 7.6.30. The SHRA [APP-050 and AS-010] assessed the potential for back-up combustion plant emissions during operation of the Proposed development to lead to increased nitrogen deposition and acidification of vegetation; it concludes that AEoI could be excluded. NRW disputed that the Applicant's modelling had considered the worst-case scenario and requested further information [REP2-325, REP2-049 and REP8-018]. The Applicant stated that it had provided additional information to NRW under the environmental permitting regime [REP2-049, REP8-018] but that this had not been submitted as evidence to the Examination.
- 7.6.31. The Applicant presented evidence [REP3-035] justifying its definition of the worst-case scenario but at the close of the Examination, NRW remained unable to agree with the Applicant's position. NRW advised that the impacts may be more appropriately assessed under the environmental permitting regime but noted that the relevant environmental permit application had been withdrawn [REP8-018 and REP9-037].
- 7.6.32. In its assessment of air quality effects, the Applicant took the approach of excluding the potential for in-combination effects where the process contribution from the proposed development was less than 1% of the critical load. The ExA queried whether this approach was in line with the judgement on the assessment of in-combination effects on air quality in *Wealden v SSCLG* [2017] EWHC 351 (Admin) [PD-009].
- 7.6.33. The Applicant maintained that the approach in [APP-050] was correct [REP2-375]. NRW did not agree with this interpretation of the judgement but advised that it is not aware of any other relevant projects which could lead to an in-combination effect on Bae Cemlyn/Cemlyn Bay SAC during construction of the proposed development [REP2-325, REP4-039 and REP9-037]. Its position on in-combination operational effects was that it would be more appropriate to assess these as part of a permit application [REP9-037].

Effects resulting from changes to coastal processes.

- 7.6.34. The shingle ridge, Esgair Gemlyn, is a feature in its own right (supporting perennial vegetation of stony banks) and also forms the coastal lagoon. The Applicant had undertaken modelling of wave conditions to predict the effects from the various structures in the marine environment. It concluded that there would be no AEoI [APP-050] as a result of changes to coastal processes.
- 7.6.35. NRW advised that it could not agree with the Applicant's conclusions on effects on coastal processes in relation to the potential effects on the shingle ridge. It disputed aspects of the Applicant's modelling of coastal processes and highlighted the risk of increased overtopping by waves, alterations to the profile of the ridge and the potential for complete breaches [RR-088, REP2-049 and REP2-325].
- 7.6.36. The eNGOs raised similar concerns; in their view the proposed development represented a serious risk to the long-term survival of the ridge and therefore of the SAC features [RR-125, REP2-348, REP6-052 and REP7-015 for NWWT responses and RR-053, REP2-316, REP2-318, REP2-056, REP4-038 and REP6-049 for NT responses and REP2-360, REP2-053 and REP6-004] for the RSPB responses].
- 7.6.37. The NT, acting on behalf of the eNGOs, presented their own analysis of the Applicant's assessment which disputed the methods used. The review suggested that the Applicant's approach was over-reliant on numerical monitoring and did not show sufficient consideration of how changes in the modelled significant wave height and bed shear stress would affect sediment erosion and longer-term effects on coastal morphology [REP2-316]. Both NRW and the eNGOs advised that there was potential for waves to be reflected from the proposed breakwater and focussed on a small section of the western part of the shingle ridge [REP2-316 and REP2-325].
- 7.6.38. In response to the IPs' concerns the Applicant produced additional information on its coastal processes modelling work and supplementary modelling which was carried out after the dDCO submission [REP2-007]. In response to a request from the ExA during the ISH on 10 January 2019 it also produced additional information on the effects of the cooling water discharge and sediment transport [REP5-084]. The Applicant maintained that the predicted effects of the proposed development would not be significantly different from the baseline situation and hence no significant morphological or compositional changes to the ridge would occur [REP2-007 and REP3-026].
- 7.6.39. NRW was able to agree that there was no risk from changes to coastal processes due to the cooling water discharges [REP7-012] but remained concerned about the degree of certainty around the modelling of effects on the shingle ridge. It did not consider that further modelling or gathering further data would be likely to resolve the uncertainty. Instead

it advised the use of monitoring and adaptive management [REP4-039, REP5-081].

- 7.6.40. The additional information presented by the Applicant did not assuage the eNGOs' concerns; they presented the results of additional fieldwork at the ISH on 10 January 2019 [REP3-056 and REP4-038]. They also advocated the use of a monitoring and remediation strategy for the shingle ridge [REP2-316, REP2-318, REP2-348, REP2-360, REP4-038, REP4-044, REP7-009 and REP7-010].
- 7.6.41. The eNGOs suggested that additional mitigation should be provided through the design of the breakwater [REP4-038 and REP4-044]. The Applicant's response was that the proposed design had been derived through an options appraisal process and represented the best option to limit environmental effects while protecting the cooling water system and MOLF [REP4-005].
- 7.6.42. The eNGOs also advocated the re-use of material removed during marine construction works to maintain the shingle ridge [REP2-316, REP2-318, REP2-348, REP2-360, REP4-038, REP4-044, REP7-009 and REP7-010]. The Applicant advised that material excavated during the marine works would either be disposed of at sea to maintain the sediment budget or re-used in the construction of the proposed development [REP3-026 and REP5-051]. The material derived from the marine environment during construction would be re-used wherever possible but would require additional handling facilities and may not be suitable for re-use on Esgair Gemlyn [REP5-051].
- 7.6.43. Notwithstanding the Applicant's position on the adequacy of its assessment and the lack of predicted significant effects, it undertook to develop a monitoring and adaptive management approach [REP4-005, REP5-051 and REP6-027]. The Coastal Processes Monitoring and Mitigation Strategy [REP6-010] was submitted at Deadline 6. Delivery of the strategy is included in the version of the MWSCoCP submitted at Deadline 5 [REP5-025].
- 7.6.44. NRW considers that the Coastal Processes strategy [REP6-010] combined with the measures in the revised MWSCoCP [REP8-051] submitted at Deadline 8 were sufficient for the marine works to avoid adverse effects on the integrity of the SAC. The eNGOs acknowledge that significant progress has been made on this point during the Examination but remain concerned about the level of detail provided in relation to the strategy and its implementation. They have also requested a commitment from the Applicant to provide financial contributions in the event of a major breach of the ridge [REP7-009 and REP9-036].

Effects from invasive non-native species (INNS)

- 7.6.45. The Applicant concluded no AEoI in relation to the effects from invasive non-native species on the basis of the mitigation proposed [AS-010]. NRW agreed that the risk of introducing/spreading INNS would be minimised by this approach but raised initial concerns about the level of detail provided in the control documents for both marine and terrestrial

INNS [REP2-049] and [REP4-039]. The Applicant provided an updated Biodiversity Risk Assessment at Deadline 5 [REP5-041].

- 7.6.46. Following the submission of an updated WNCocP at Deadline 5 [REP5-020], NRW confirmed that it agreed that the risk of the introduction and spread of terrestrial INNS could be adequately managed [REP7-012 and REP9-037]. In relation to marine INNS, NRW was satisfied that the Biodiversity Risk Assessment and Method Statement could be secured as a condition of the Marine Licence. In its view it will be up to the SoS to decide whether a detailed biosecurity risk assessment should also be secured as part of the DCO.

Effects from increased leisure use of the SAC

- 7.6.47. The presence of workers living in the site campus could lead to increases in visitor pressure within the SAC which could harm the perennial vegetation feature through trampling, littering etc. The Applicant concluded that AEoI could be excluded on the basis of the mitigation provided through the WKFMS [REP8-064]. The WKFMS sets out the principles that would inform the development of a Code of Conduct. The initial version of the dDCO [APP-029] required the undertaker to prepare and implement a Code of Conduct in accordance with those principles.
- 7.6.48. The eNGOs did not consider that the WKFMS provided sufficient detail to protect the conservation objectives of the SAC and advised that measures to secure the control of visitors/resident workers should be achieved through a requirement in the dDCO which should be linked to a section 106 agreement on funding of measures. They raised concerns as to whether the WKFMS could be enforced [REP2-318, REP2-348, REP2-360, REP2-346 and REP4-044]. They also remained concerned about the delivery mechanisms for the various mitigation methods [REP4-044 and REP7-015].
- 7.6.49. The Applicant's view was that adequate mitigation for potential effects would be provided through the WKFMS and s106 contributions, including a commitment to funding additional reserve wardens [REP2-375, REP3-005, REP4-005 and REP5-051]. The version of the dDCO submitted at Deadline 10 [REP10-006] included a revised Requirement PW8 which requires the undertaker to comply with the WKFMS in addition to preparing a Code of Conduct in accordance with the principles in the WKFMS.
- 7.6.50. The most recent draft of the WKFMS submitted to the Examination [REP8-064] stated that the workforce would be required to sign the Code of Conduct; a draft of the Code of Conduct is appended to the WKFMS but the final version would be agreed with suppliers and trade unions. The list of principles in the WKFMS includes, at item 19, a requirement for all personnel to be aware of sensitive ecological receptors, including the SAC and instructions to keep to defined paths and refrain from littering or damaging vegetation.
- 7.6.51. At Deadline 9, NRW advised that it did not consider that increased visitor pressure as a result of the presence of the construction workers for the

proposed development would lead to adverse effects on the integrity of the SAC [REP9-037]. The eNGOs remain concerned about the effectiveness of the WKFMS in dealing with visitor pressure [REP9-036] and this remained the case at the close of the Examination.

The ExA's findings in relation to Bae Cemlyn / Cemlyn Bay SAC

- 7.6.52. The ExA is content that the Applicant's commitment to baseline water quality monitoring in Nant Cemlyn, more detailed drainage proposals and further mitigation in the MPSSCoCP are sufficient to be confident that works on Mound E would not lead to AEoI of the SAC. In coming to this conclusion, the ExA has given weight to NRW's confirmation of acceptance.
- 7.6.53. The ExA understands the eNGO's concerns regarding re-working of Mound E increasing the risk of silt run-off. However, the ExA accepts that the purpose of Mound E is to store excavated material until it is required for re-use and therefore re-working would be necessary. The ExA is, therefore, content that mitigation measures are sufficient to avoid silt laden run-off.
- 7.6.54. Regarding potential changes in salinity of the lagoon, the ExA accepts NRW's agreement with the Applicant that changes in predicted surface water and groundwater flows are unlikely to affect the functioning of the lagoon and would not lead to AEoI of the SAC.
- 7.6.55. NRW confirmed that it was satisfied that with the secured monitoring and mitigation measures, AEoI would be avoided from air quality effects from construction dust. The ExA is content with this conclusion.
- 7.6.56. Regarding operational air quality, at the end of the Examination there remained disagreement between the Applicant and NRW over modelling and worst-case scenarios and the assessment of in-combination effects. NRW advised that the impacts may be more appropriately assessed under the environmental permitting regime but noted that the relevant environmental permit application had been withdrawn. The ExA concludes that it does not have sufficient evidence to determine the impacts of operational air effects and advises the SoS that this matter should remain with NRW to resolve during the permitting process, whenever this is re-submitted.
- 7.6.57. The ExA has considered representations from the eNGOs, NRW and the Applicant concerning the integrity of Esgair Gemlyn shingle ridge. It has given weight to NRW's consideration that the Coastal Processes Monitoring and Mitigation Strategy and measures in the MWSCoCP are sufficient for the marine works to avoid AEoI of Esgair Gemlyn and agrees with this conclusion.
- 7.6.58. With reference to the eNGOs' request for a commitment from the Applicant to provide financial contributions in the event of a catastrophic breach of the ridge, the ExA notes that the Environmental Mitigation

Fund in the s106 [REP10-009] includes for “*capital and maintenance projects to strengthen the resilience of Cemlyn Lagoon*”. It is the ExA’s view that this provision is sufficient.

- 7.6.59. The ExA is of the view that the measures in the CoCP [REP10-018] and MWSCoCP [REP10-022] will be sufficient to minimise the risk of introducing or spreading invasive non-native species and does not recommend that a detailed biosecurity risk assessment should be added to the DCO. The ExA notes that the MWSCoCP states that the detailed Biodiversity Risk Assessment and Method Statement for marine invasive non-native species will be approved by NRW under the Marine Licence. As the application for the Marine Licence has yet to be determined the ExA does not place any reliance on any provisions it may contain but is satisfied nonetheless that adequate mitigation measures are secured through the CoCP and MWSCoCP.
- 7.6.60. The ExA notes that NRW does not consider that increased visitor pressure would lead to AEoI of the SAC but to some extent shares the eNGOs’ concern about the effectiveness of the WKFMS [REP8-064] in protecting the SAC. The reference in the WKFMS to the need to avoid damage to sensitive receptors is point 19 in a list of 21 and no specific disciplinary action is linked to this point.
- 7.6.61. The ExA notes that the Applicant is contributing additional funding towards a tern warden who would be involved with managing recreational access to reduce the risk of disturbing breeding terns. It appears to the ExA that this warden could also have a role in managing recreational access to reduce impacts on the vegetated shingle. However, this does not fully address the ExA’s concerns on the adequacy of the WKFMS.
- 7.6.62. While the WKFMS is a certified document in Schedule 18 of the dDCO [REP10-006] the ExA is disappointed that it does not give much greater emphasis on the importance of protecting sensitive ecological receptors like the SAC and it has sympathy with the eNGOs that the need to avoid damage could be overlooked. The ExA urges the discharging authority to ensure that the provision in the WKFMS for management of leisure activities to avoid damage to Cemlyn SAC and Esgair Gemlyn is not overlooked.

AEoI of Morewenoliaid Ynys Môn / Anglesey Terns SPA

- 7.6.63. The SPA includes three colonies at Cemlyn lagoon, The Skerries and Ynys Feurig which support breeding colonies of four tern species, Arctic tern, common tern, Sandwich tern and roseate tern. The Order limits overlap with the SPA in the marine area. Cemlyn lagoon is adjacent to the Order limits. The colony at the lagoon is dominated by Sandwich tern (this is the only Sandwich tern breeding colony within the SPA) but small numbers of common and Arctic terns also breed at the lagoon.

- 7.6.64. The Sandwich tern colony is thought to have a sympatric relationship with black-headed gulls, possibly because the presence of the gulls provides protection against predators. The presence of the black-headed gull colony may be a key reason for the presence of the Sandwich tern colony [APP-050 and REP2-325].
- 7.6.65. The Applicant carried out baseline surveys for seabirds within the Zone of Influence of the proposed development [APP-225]. The Applicant also undertook surveys in 2017 and 2018 at the Bae Cemlyn/Cemlyn Bay colony to record the baseline noise levels at the colony and the response of the terns to incidents of disturbance. The surveys took place during the breeding season; in 2017 this extended from mid-May to late June as the colony was abandoned, probably as a result of otter predation [APP-050 and REP3-045].
- 7.6.66. The Applicant undertook noise modelling to predict the likely noise levels experienced at the colony during construction. The predicted noise levels from the construction of the proposed development and the assumptions that the modelling was based on are reported in the SHRA (see paragraphs 10.3.16 - 10.3.10.3.19 for non-impulsive construction noise, 10.3.20 - 10.3.21 for impulsive construction noise and Table 10-3 for noise levels from confined and unconfined blasting [APP-050]).
- 7.6.67. The Applicant also undertook trial blasting within the Wylfa Newydd Development Area during March 2019 to record the responses of black-headed gulls (the tests were carried out before the breeding terns had returned to the colony). Black-headed gulls were recorded as showing brief 'fly up' responses for noise levels between 68.2 dB to 72.1 dB [APP-225 and APP-050]. Fly ups are defined as the bird flying off and away from its nest.
- 7.6.68. The Applicant reviewed existing scientific literature for evidence on tern responses to noise disturbance. Evidence from studies of wintering waterbirds suggested that the level of response is low at noise levels below 60 dB(A) but it should be noted that these studies were not specific to terns and were provided by the Applicant for context. The review also included a paper assessing the responses of crested terns (an Australian species related to the Sandwich tern) to noise recordings of a piston aircraft. Birds apparently showed increased alertness to noise levels at 65 – 70 dB(A) but did not show stronger responses such as leaving the nest, until noise levels of 90 or 95 dB(A) were reached [APP-050].
- 7.6.69. The Applicant concluded that birds were unlikely to be disturbed as a result of the noise levels predicted to be experienced at the colony during construction. The Applicant's observations [APP-225, APP-050] suggested that 'fly up responses' by the terns were rarely associated with noise, where there were, noise levels were around 78.2 dB and 88.8 dB. Disturbance responses by the terns were usually associated with the presence of predators or human visitors or occasionally to unknown stimuli [APP-050 and REP3-045]. However, the Applicant concluded that there was potential for unconstrained blasts, and (in certain wind

conditions) for constrained blasts to lead to noise levels which might cause fly ups by the terns.

- 7.6.70. The Applicant also reviewed scientific literature relating to visual disturbance of nesting terns and gulls. The Applicant concluded that the information in the literature, with the evidence drawn from the observations of the terns' responses to anthropogenic disturbance, supported the conclusion that there would be no AEoI as a result of visual disturbance. The works would be more than 500m from the tern colony and only a small part of the construction area would be visible to the terns when nesting and raising chicks. The light spill from the MOLF was not predicted to be significant [APP-050].

Mitigation for noise and visual disturbance during construction [APP-050 and REP3-048]

- 7.6.71. During the period that the main earthworks would be carried out (expected to be the first two years but subject to change if the construction programme changes), blasting would only be carried out if the predicted noise blast at the colony would be less than 60 dB or daily ambient noise at the colony. Daytime construction noise at the colony would not exceed 59 dB LA_{eq}, 1-hour. The maximum night time construction noise would not exceed 43 dB LA_{eq}, 1-hour. These controls would be in place from 15 April to 15 August.
- 7.6.72. During the 'establishment period' when the birds are beginning to nest, blasting would only be undertaken when blast noise calculations predicted noise levels at the colony would be less than 55 dB LAF_{max}. The establishment period would run from 15 April (or earlier if there were signs of significant nest establishment before then) and run for 4 weeks.
- 7.6.73. The establishment of nesting territories would be measured by observation of aerial display flights over the nesting islands and/or birds showing courtship behaviour by making scrapes. If low numbers of black-headed gulls were recorded making nesting attempts then the establishment period measures would be established earlier. However, the establishment period would not be extended beyond four weeks and would end earlier if over 50% of the Sandwich terns expected to be present at the colony were considered to be sitting on nests (exact number to be agreed with NRW [REP3-048]).
- 7.6.74. As an additional mitigation measure, the reactive monitoring of the colony would be undertaken to establish if there was an increase in fly-ups. Initially the Applicant proposed that if the increase over the baseline number of fly-ups exceeded 3 per hour the most obviously disturbing activity would cease; if more than 2 fly-ups were observed in the following hour, the next most disturbing activity would cease. Activities which had been halted would re-start 7 days later under observation.
- 7.6.75. During the Examination, the Applicant modified the reactive monitoring proposals so that noise levels would be monitored against red and amber thresholds, so that when the amber thresholds were reached, a specific set of actions could be taken to ensure that the red noise thresholds

were not reached. Instead of the 'fly ups' threshold, action would be initiated when disturbance was observed that could be attributed to construction activities [REP3-005, REP3-035 and REP3-048].

7.6.76. The Applicant also provided revisions and clarifications to its mitigation proposals which, in addition to modifying the thresholds to be used during the reactive monitoring, state that [REP3-048, REP4-005 and REP5-002]:

- between 15 April and 15 August of each year, the colony would be continuously observed by independent, professional ornithologists during daytime working hours and the fly ups threshold for the reactive monitoring altered as necessary;
- activities responsible for causing fly ups would be identified through matching acoustic signatures;
- alternative working practices would be adopted where they were assessed as safe and practicable; and
- monitoring would continue to develop an understanding and improve control of the causes of fly up responses.

7.6.77. To avoid any risk of visual disturbance there would be no construction works undertaken within 500m of the nesting islands in Cemlyn lagoon and the areas on the shingle ridge occasionally used for nesting between 15 April and 15 May to cover the main pre-laying and nest establishment for the three tern species using the SPA. After 15 May there would be no bulk earthworks undertaken within 500m of any known active tern nests within the SPA. During the establishment period works would only be undertaken on the far side of Mound E that were not visible to the colony; the re-working of material in this area would be minimised [APP-050 and REP3-048].

7.6.78. Delivery of the mitigation measures would be secured through the MPSSCoCP and MWSCoCP.

Current status of the Sandwich tern colony

7.6.79. NRW advised that the colony is currently very vulnerable because there had been a sudden decline in the population from 2,600 breeding pairs in 2014-16 to 519 pairs in 2018 [REP2-325], although the five- year mean is apparently 2,062 pairs (compared with the conservation objective of 460 pairs) [REP4-039].

7.6.80. Productivity (measured as a five year mean of the number of chicks fledged per year) has declined following predation events in 2007 and 2008 but has also shown a general decline. Birds are provisioning chicks with multiple small prey items in one trip, rather than one prey item per trip which is interpreted by NRW as further evidence of stress on the colony [REP2-325]. Productivity (for the period 2013 to 2017) is 0.452 compared with the conservation objective of 0.85 [REP2-325 and REP4-039].

7.6.81. The Applicant disputes the statement that the colony is vulnerable, as the population has shown considerable fluctuations in the past, including

recovery following previous abandonment of the colony, which is typical for this species. The numbers recorded in 2015 and 2016 were the highest recorded as the colony had gone undergone a rapid expansion since 2007. It noted that although the number of breeding pairs in 2018 was estimated at 519, the maximum count of birds recorded by the Applicant's surveys was approximately 2,300 with a large number of birds arriving late in the season and not attempting to breed [REP3-035 and REP10-012]]. Productivity levels at the colony do show marked fluctuations between years; if the 2017 data (when the colony was abandoned) is excluded then annual productivity rises to 0.55 for 2012 – 2016 [REP6-009].

7.6.82. In the Applicant's view the available evidence suggests that heavy predation is the main risk to the colony [REP3-035 and REP6-009]. The Applicant queried whether the decline in productivity does represent a sign of stress and suggests that it could be a density dependent effect related to the high population size [REP3-005]. The Applicant also suggested stress in the SPA colony could be as a result of increased competition for food as a result of increases in colony size in recent years [REP4-005].

7.6.83. NRW agreed that the decline in productivity and the move to bringing back several food items could be linked to the overall increase in tern numbers but maintain that there was significant uncertainty about what stresses are currently affecting the colony [REP5-081].

7.6.84. The eNGOs agree that it is theoretically possible that there could be an effect on productivity if the ecosystem's carrying capacity has been reached. However, in their view, on the basis of evidence currently available there was nothing to support this conclusion and there could be a number of possible alternative explanations. Detailed studies would be required to determine the cause of the decline in productivity and changes in food provisioning behaviour [REP5-075-077].

Disturbance to the Sandwich tern colony from construction work onshore

7.6.85. NRW advised that the noise generated during construction could lead to increased pressure on the Sandwich tern colony in a variety of ways [REP2-325 and REP10-035]:

- disturbance of breeding birds, causing them to fly off the nest, leaving their eggs or chicks unattended and vulnerable to chilling or predation;
- alterations in hormone levels in the tern in response to stress effects leading to effects on body condition or breeding performance;
- complete abandonment of the colony as a result of breeding failure or high levels of disturbance – Sandwich tern are known to abandon their colonies in response to disturbance; and
- black-headed gulls ceasing to co-locate with the terns, leading to

7.6.86. These effects could lead to an adverse effect on the conservation objectives for productivity, range and population size [REP2-325, REP4-

039 and REP9-037]. Following the Applicant's proposed change to 24-hour working, NRW's concerns about productivity increased as it had concerns that the extent of stress responses and fly ups would increase.

- 7.6.87. The eNGOs queried the validity of the Applicant's baseline survey data for both terns and black-headed gulls (see [REP2-054, REP2-360, REP2-358 and REP6-046] for RSPB comments, [REP2-348] for NWWT comments, and [REP2-318 and REP6-049] for NT comments) although they subsequently confirmed that it was the Applicant's interpretation of the data that was its principal concern [REP4-038 and REP4-044]. NRW accepted the validity of the baseline surveys for seabirds [REP2-325 and REP4-039].
- 7.6.88. NRW and the eNGOs disputed several aspects of the evidence used by the Applicant to assess potential effects on the Sandwich tern population and as the basis for designing mitigation, notably:
- the Applicant's characterisation of the noise environment during construction;
 - reliance on 'fly ups' as a measure of tern disturbance (and as a trigger for mitigation measures);
 - the Applicant's interpretation of relevant scientific literature; and
 - the Applicant's interpretation of the results of the observational monitoring and blast trial.
- 7.6.89. The eNGOs stated that they did not dispute the Applicant's noise modelling or predictions but queried how they had been used to characterise the response of terns to noise, especially in relation to impulsive noise from blasting which is most likely to trigger responses (see [REP2-054 and REP2-360] for RSPB comments, [REP2-348] for NWWT comments, and [REP2-318] for NT comments).
- 7.6.90. The Applicant pointed out that the distance between the tern colony and the construction site would attenuate high frequency noises and multiple noise sources would combine to be heard as one single noise. Noise from rock blasting at its loudest would be 62.9 dB LAF_{max} (stated to be similar to the noise levels experienced in a restaurant). In the Applicant's view noise levels would be no higher than those currently recorded at the colony [REP4-005].
- 7.6.91. The eNGOs did agree that the proposed noise levels during the establishment period were appropriate but raised concerns about the Applicant's analysis of the rise time of the noise as well as the volume because of the limited sample size [REP4-038 and REP4-044]. They noted that although sounds attenuate with distance, impulsive noises would still be sudden, and terns may have a varying ability to pick out noises from the background soundscape [REP5-075 and REP5-077].
- 7.6.92. The Applicant disputed that the sample size was limited and pointed to the baseline disturbance surveys which recorded a large number of impulsive noise events at Bae Cemlyn/Cemlyn Bay [REP5-051]. However, the Applicant did agree three of the events recorded in the 2017 survey showed a sharp rise time [REP5-051].

- 7.6.93. The results of the noise recording at Bae Cemlyn/Cemlyn Bay undertaken by the Applicant in May and June 2018 showed a normally very quiet environment (32.5 – 47.2 dB LA₉₀) but also recorded maximum noise levels between 61.9 – 85.4dB LAF_{Max}) [REP4-022]. The Applicant maintained that its noise modelling had been highly precautionary (see above for a description of the assumptions that the modelling has been based on) and did not underestimate construction noise. The onset of impulsive sound would reduce with distance because of the multiple paths by which sound travels to a receptor and processes of refraction and reflection. Noise levels at Bae Cemlyn/Cemlyn Bay do include impulsive noise events such as overhead jets and this has been recorded in the Applicant's data [REP6-009].
- 7.6.94. NRW [REP2-325 and REP10-035] and the eNGOs [(see [REP2-054], [REP2-360] and [REP2-358] for RSPB comments, [REP2-348] for NWWT comments, and [REP2-318] for NT comments) suggested that it was likely that relying on fly ups as a measure of disturbance misses the more subtle stress effects experienced by the birds, even if they do not leave the nest. Such physiological stress responses could affect body condition and breeding success.
- 7.6.95. The Applicant did not agree that physiological stress responses were likely. It noted that where this type of response had been recorded in scientific studies, it was in response to the presence of people, which the birds are likely to perceive as potential predators. In the Applicant's view, this meant that physiological stress responses to construction noise were unlikely to be significant [APP-050, REP2-375, REP3-026, REP3-035 and REP4-009].
- 7.6.96. NRW and the eNGOs queried the reliability of the evidence from the observational monitoring, given that the 2017 data was collected in a season when the breeding colony had collapsed (and was slower than usual to establish in 2018) [REP2-325, REP2-318, REP2-360 and REP2-348].
- 7.6.97. The Applicant maintained that the observational monitoring undertaken in 2017 and 2018 showed consistent results (as measured by counting the number of fly-ups by the terns) despite the different conditions at the colony and therefore the response of the birds to disturbance was predictable [REP3-005 and REP4-005]. The colony already showed frequent fly responses (approximately 25 per day) of 35-45 seconds duration so it seemed unlikely that they represent an extreme reaction. In any case few additional fly ups were expected to occur as a result of the construction activities. The number of fly ups recorded was unlikely to be affected by the otter predation on the colony in 2017 since the predation events were nocturnal while the fly up responses were recorded during the day [REP3-026 and REP4-005].
- 7.6.98. NRW did not agree with the conclusion in the SHRA that a significant proportion of disturbance events were not related to anthropogenic disturbance. It also suggested that the colony may be habituated to disturbance events which occurred regularly over time such as jets flying

over or the presence of people [REP2-325 and REP10-035]. The Applicant agreed that the birds may show a degree of habituation to some sources of disturbance but disputes that this could apply to some of the incidents recorded during the observational monitoring such as the slamming of a tractor door or vehicle movements on nearby roads [REP3-035].

- 7.6.99. The Applicant disputed NRW's view that anthropogenic disturbance could not be excluded as a cause of a significant proportion of fly up responses. The observation monitoring was carried out by experienced bird observers who were fully able to observe any activities that could be linked to disturbance of the colony. It suggested instead that the fly up responses could be the result of interactions between the birds at the colony as has been recorded in published studies of other Sandwich tern colonies [REP3-035].
- 7.6.100. NRW observed that the observational monitoring indicated how the terns responded to regular events which occurred during the breeding season. It did not agree that this was a reliable prediction of how the birds would behave in response to unfamiliar noise from construction, particularly combined with visual changes [REP4-039]. Unlike the noises recorded during the observational monitoring, to which the colony may be at least partly habituated, the noises from construction would be novel and more frequent [REP10-035].
- 7.6.101. The interpretation of the scientific literature relied on by the Applicant in the SHRA was debated throughout the Examination. NRW and the eNGOs did not agree that studies of species other than Sandwich tern were applicable to the situation at Bae Cemlyn/Cemlyn Bay by the Applicant [REP2-325, REP2-318 and REP2-360]. The Applicant maintained that the studies provided useful context and did cover close relatives of the Sandwich tern, including the common tern [REP3-026, REP3-035 and REP4-005].
- 7.6.102. In the ExA's second written question (Q2.5.6, [PD-013]), the ExA asked the parties to provide references to any scientific literature that deals directly with the effects of construction disturbance on Sandwich terns or closely related species. All the parties cited the same papers in their responses [REP5-002, REP5-075, REP5-076, REP5-077 and REP5-081]. All the papers referred to had already been discussed in the SHRA. Only one (by Harwood et al) dealt directly with the effects on the construction of the Sheringham Shoal offshore wind farm on commuting and foraging Sandwich terns.
- 7.6.103. All the parties stated that they were unaware of any other relevant scientific studies. The eNGOs advised that they had also circulated the request to managers of tern reserves in both the UK and the Republic of Ireland with any other studies coming to light [REP5-075, REP5-076 and REP5-077]. The evidence base in the published literature appears, apart from the Harwood et al paper, to contain studies which can provide context, as the Applicant has stated, but which has limited direct relevance to the construction of the proposed development.

- 7.6.104. The ExA also asked NRW and the eNGOs to identify the sources of evidence behind the stated sensitivity of Sandwich terns to disturbance and the risk of complete colony abandonment (Q2.5.4 [PD-013]). The eNGOs provided several references from published scientific literature [REP5-075, REP5-076 and REP5-077], noting that one study of disturbance (Garthe and Flore (2007)) on the Sandwich tern in Germany recommended that all anthropogenic activities should be stopped near to colonies.
- 7.6.105. NRW listed two additional references which were not cited by the eNGOs, including a quotation from Taverner (1965) [REP5-081]:
- "...furthermore this species is very ready to desert a breeding site and move to a new area if disturbed in any way."*
- 7.6.106. While not disagreeing that Sandwich tern are sensitive to anthropogenic disturbance, the Applicant disputed the value of the papers cited by the eNGOs. It stated that the quote from the Garthe and Flore paper referred to colonies which were heavily visited by tourists each year so is not comparable to the situation at Bae Cemlyn/Cemlyn Bay. It quoted part of the same paper which noted that a Sandwich tern colony bred near a building used for water works where machinery movements took place even during the breeding period [REP6-009].
- 7.6.107. At the ISH on 10 January 2019 [EV-20o] the ExA asked the Applicant to explain how it had addressed the evidence in NRW's written representations on disturbance leading to colony abandonment. The Applicant responded that it was unaware of any evidence for anthropogenic disturbance as a cause of tern colony abandonment, but then noted that studies referred to by NRW demonstrated colony failure for terns as a result of disturbance. However, these studies were of tern colonies on sandy beaches where the birds were affected by the close proximity of people using the beaches for bathing, marinas, docks and off-roading. This was a different type of situation to the one that would arise as a result of construction activities [REP4-009]. In its view, the scientific literature showed that colony abandonment was consistently linked to predation and this species has been recorded as tolerating "*relatively intrusive disturbance*" without high rates of nest failure or colony abandonment [REP10-012].
- 7.6.108. NRW did not agree that the blasting trial provided evidence relevant to effects on breeding populations of terns or black-headed gulls since it only observed effects on black-headed gulls before the breeding season had begun. NRW also stated that since the tern colony was abandoned in 2017 the responses would not have been typical of an undisturbed colony [REP3-235]. The eNGOs expressed similar concerns and disputed the Applicant's description of the behavioural responses recorded during the blast trials [REP2-318, REP2-348 and REP2-360].

Mitigation for disturbance from onshore construction noise and visual effects

- 7.6.109. For the reasons described above, NRW and the eNGOs did not agree that the Applicant's evidence base supports its conclusion that the tern colony would not experience disturbance if noise levels at the colony are kept below the specified levels. They also raised concerns about the effectiveness and feasibility of the Applicant's mitigation proposals.
- 7.6.110. NRW and the eNGOs queried the practicality of measuring and enforcing noise levels on such a large construction site and how wind and weather conditions would be taken into account to in implementing the noise controls [REP2-325, REP2-318, REP2-348 and REP2-360]. Notwithstanding the revisions and clarifications to the mitigation proposals submitted by the Applicant (see below for details) [REP3-048], NRW's concerns were not resolved by the close of the Examination [REP4-039 and REP5-081].
- 7.6.111. The Applicant's position was that the mitigation measures would ensure that the commitment to control noise levels would be delivered. The noise modelling undertaken by the Applicant, validated by IACC and verified by trial blasts, meant that it would be able to predict with confidence the noise that would reach the colony under different wind and weather conditions. The Ecological Clerk of Works would have access to weather data so he/she would be able to inform the Site Manager what blast size should be used to comply with the agreed noise limits [REP6-009].
- 7.6.112. The eNGOs agreed that the proposed noise levels during construction "*were in the right area*" but felt that there was still no definition of what constitutes the ambient noise levels of the breeding colony, with potential implications for blasting to be carried out when the colony is already in a distressed or disturbed state [REP4-044 and REP4-038].
- 7.6.113. The definition of the establishment period was also challenged. NRW and the eNGOs both advised that it should begin when the black-headed gulls begin to nest. NRW suggested a date of 15 March [REP2-325] but the eNGOs suggested 7 March. NWWT manages the Bae Cemlyn/Cemlyn Bay nature reserve which includes the terns nesting territory and this earlier date was based on its observations of when the gulls usually start to establish. The eNGOs suggested that the date of 15 April missed the period earlier in the season when the terns undertake pre-breeding roosting and movement around a number of sites. These are part of the behaviours required for choosing mates and breeding sites and helping females reach full breeding condition [REP2-318, REP2-348 and REP2-360].
- 7.6.114. The eNGOs also noted that a four-week establishment period ending on 13 May could miss a significant number of nesting terns where there were late influxes of birds as happened in 2018. They argued that the evidence they had gathered and presented as part of their written representation showed that late movements of Sandwich terns are not unusual. They advised that the lower noise limit of 55 dB LAF_{Max} should be imposed from 7 March to 15 August. They also advocated the use of noise controls for the whole of the construction, not just the period when

the major earthworks are being undertaken [REP2-318, REP2-348 and REP2-360].

- 7.6.115. The incubation period for Sandwich tern is stated to be 26 – 28 days and the adults would then be brooding and feeding young, which in the eNGO's view meant they would still be vulnerable to disturbance when the establishment period ended [REP2-318, REP2-348 and REP2-360]. They pointed out that the establishment period did not match the definition of the bird breeding season given in British Standard BS42020. The Applicant's proposal to adjust the start date of the establishment period in response to information from NWWT was met with some scepticism by the eNGOs as this did not address their concerns about the length of the establishment period [REP4-038 and REP4-044].
- 7.6.116. The Applicant's position was that it was the establishment of the tern colony rather than the arrival and establishment of individual birds or species that was the key event. The Sandwich terns were the tern species which arrived first and therefore the establishment of the colony was determined by the arrival of this species. Noise controls would be in place for the whole season, the additional controls during the establishment period simply provided an extra degree of precaution [REP5-051]. It also noted that extension of the establishment period would increase the length of time required to complete the earthworks and add considerably to construction costs; if extended to cover the whole breeding season it could prevent the proposed development becoming operational in 2025 [REP3-005]. However, given the suspension of the proposed development, it does not appear to the ExA that this date is now relevant. In the event that the Order is made the ExA advise that the definition of 'tern breeding season' is given below at 7.10.16.
- 7.6.117. In relation to reactive monitoring, NRW and the eNGOs disputed the original fly up threshold proposed by the Applicant but as the Applicant later modified its proposals this will not be discussed further. NRW raised a general concern that the reactive monitoring would not be able to manage the risk of sudden colony abandonment or a decrease in productivity as a result of noise stress [REP2-325]. NRW and the eNGOs expressed considerable concern about the feasibility and effectiveness of the Applicant's proposals for reactive monitoring [REP4-038, REP4-039, REP4-044 and REP5-081].
- 7.6.118. The ExA asked the Applicant to provide more detail on the likely duration and frequency of surface blasting (Q5.0.28 [PD-009]). The Applicant stated that surface blasting was proposed when the presence of unfractured bedrock made other excavation methods inefficient. Most of this would occur during the first two years of construction. Blasts would be carefully designed and during the breeding season, only 'confined blasts' would be undertaken. The Applicant did not expect that noise levels resulting in fly up responses would occur frequently, particularly given the conservatism of the noise modelling but could not guarantee that these would never occur. The reactive monitoring was intended to deal with these situations. When the ExA asked the Applicant if there

were any other feasible measures to reduce noise levels (Q5.0.27, [PD-009]), it stated that there were no other measures that could be proposed in addition to the measures already described in the SHRA [REP2-375].

7.6.119. The ExA addressed a number of questions to the Applicant about the reactive monitoring proposals (see Qs 2.5.7, 2.5.12 and 2.5.13 [PD-013]). Based on the Applicant's responses to these questions in [REP5-002] and information provided in [REP4-005], the following points were established:

- the noise monitoring would be based on hourly averages - NRW were concerned that this would miss sudden impulsive noises [REP4-039 and REP5-081]. The Applicant argued that there were already frequent loud events which could cause the short-term average noise level to exceed the red or amber thresholds, causing false alarms. Using the hourly averages provided a balance between protection and practicality;
- the red thresholds were the noise control levels specified in the MPSSCoCP and MWSCoCP;
- the amber thresholds for construction noise would be agreed with NRW but the Applicant suggested that for construction this should be 2 dB below the red threshold. This should allow time to respond before the red threshold is reached;
- noise monitoring would be carried out at the tern colony and intermediate control receptors if necessary (currently proposed as six noise monitoring points arranged around the site);
- for blasting noise, if higher noise levels than expected were recorded at the colony this would be resolved before the next blast, for instance through using smaller blasts. The Applicant also suggested that the approach could be adjusted if the amber thresholds proved to be too conservative or not conservative enough;
- the Site Manager would be responsible for ensuring noise levels were kept below the specified levels, based on communications for the Ecological Clerk of Works and the ornithological observers and detailed information on the operating noise from the on-site plant; and
- the Site Manager would consider a range of options, taking account of health and safety concerns and environmental risk, to alter or stop site activities. If the activity causing the noise could not be stopped or altered then other construction activities would be altered or stopped instead to prevent or remedy any breach.

7.6.120. The eNGOs raised concerns about the novelty of the reactive monitoring proposals [REP4-038, REP4-044 and REP9-036]. In the second written questions [PD-013], the ExA asked the Applicant to identify any other developments which had used a similar approach. The Applicant's response noted that the approach was relatively novel, especially in relation to breeding seabirds. However, it did cite the construction of the Olympic Park in London where reactive noise monitoring was used to control noise levels experienced around the park. Other examples included the controls on the construction of the jetty at Hinkley Point C to

protect rafting shelduck from disturbance and the 'rafting auk procedure' applied in the post-breeding season during the construction of the Westernmost Rough Offshore Wind Farm [REP5-002].

- 7.6.121. NRW did not agree that the buffer area would be sufficient to address the potential risks from visual disturbance (but also state that noise and visual disturbance could not be separated and should be considered cumulatively) [REP5-081]. The Applicant maintained the position that the 500m distance would provide a sufficient buffer [REP6-009]. The eNGOs accepted that a 500m buffer was likely to be sufficient but remained concerned about the re-commencement from mid-May of bulk earthworks on late-arriving Sandwich tern.
- 7.6.122. In relation to the mitigation proposed for visual disturbance, the eNGOs queried why there was no control on the works to the west of the Afon Cafnan, as there had been on the TCPA application for the Site Preparation and Clearance works, given the scale of work proposed in the Mound E construction area [REP2-318, REP2-348 and REP2-360]. The Applicant undertook to include a control in the MPSSCoCP to meet these concerns [REP5-002] but there does not appear to be any direct reference to such a control in the final version of the MPSSCoCP.
- 7.6.123. The eNGOs produced an ecological options paper [REP2-361] which suggested measures they feel should be adopted by the Applicant as mitigation for effects on the SPA, although they still do not agree that the mitigation would be sufficient to avoid AEoI [RR-084, REP2-054, REP2-358 and REP6-046]. The Applicant's position was that although these measures were not necessary for mitigation, they may improve the resilience of the site; the measures have been secured through the draft s106 agreement [REP2-049, REP2-054, REP3-005, REP3-026, REP5-051] and REP6-046].
- 7.6.124. NRW advised that, although the 'resilience measures' proposed in the SHRA could improve the condition of the SPA they would not mitigate the disturbance effects of the proposed development. It was not aware of mitigation measures which could do so without imposing significant constraints on the timing of construction activities [REP2-325]. Similarly, although the eNGOs advocate the resilience measures they also took the view that it would not be possible to mitigate the effects of disturbance sufficiently to avoid AEoI [REP2-325, REP2-348 and REP2-360]

Disturbance to the terns using the marine environment during construction

- 7.6.125. The Applicant concluded, on the basis of existing scientific literature, that Sandwich terns were unlikely to show marked responses to noise levels below 70 dB(A) in the marine environment. Its assessment assumed that all the terns would avoid offshore areas where noise was predicted to exceed 65 dB(A) and calculated the additional foraging trip length. The additional energy costs associated with the added trip length represent an additional 1 – 2% increase in daily energy expenditure [APP-050 and REP3-005]. Observations of bird behaviour during the offshore ground

investigation works in the Porth-y-Pistyll area showed very limited flight avoidance by Sandwich terns [REP2-375, REP3-026 and REP5-002].

- 7.6.126. The Applicant's assessment predicted that the visual effects from construction activities, including vessel movements and dredging, would affect a smaller offshore area than would be affected by noise. As with the assessment of effects of noise disturbance, the Applicant considered that the evidence from published studies suggested that Sandwich tern are relatively insensitive to anthropogenic disturbance in the marine environment so it was unlikely that visual disturbance from construction activities would lead to AEoI [APP-050].
- 7.6.127. The eNGOs queried the reliability of the figures for vessel movements as in their view there appeared to be high degrees of uncertainty around the number of likely vessel movements associated with construction. They were particularly concerned about the potential for increases in energy expenditure and interruptions in food provisioning to chicks by the adults if they were forced to deviate from their normal routes or increase flight heights. They also noted that there had been no measurement of noise levels in the marine environment. They did not agree that the windfarm studies relied on by the Applicant to derive energetic costs were appropriate to the situation at Bae Cemlyn/Cemlyn Bay (see [REP2-054, REP2-358 and REP2-360] for RSPB responses, [REP2-348 and REP4-044] for NWWT responses and [REP2-318 and REP4-038] for NT responses).
- 7.6.128. The RSPB also raised concerns about the effects on the foraging dynamics to terns during the operation of the proposed development. The Applicant maintained the position that although the terns might slightly increase their expenditure of energy as a result of avoiding the MOLF and breakwater this would be significant [REP6-046].
- 7.6.129. The Applicant stated that the assessment in the SHRA was highly precautionary, given the evidence in the scientific literature that Sandwich terns are relatively insensitive to disturbance offshore and only a part of the offshore foraging area would be affected [REP3-026]. The increases in tern energy expenditure were calculated on the basis of published scientific literature and were not significant [REP5-051 and REP6-009]. Only the visual disturbance zone of influence was informed by the expected responses of terns to offshore wind farms [REP5-051].
- 7.6.130. NRW, in response to second written questions Q2.5.5 [PD-013], did not raise any particular concerns about the characterisation of the noise environment but reiterated concerns about cumulative effects which are discussed elsewhere in this report [REP5-081].

Increased disturbance from recreational users during construction

- 7.6.131. Potential AEoI had been excluded by the Applicant on the grounds that the Workforce Management Strategy (WKFMS) would provide mitigation for any effects from increased leisure use of Bae Cemlyn/Cemlyn Bay by resident workers [AS-010]. Both NRW [REP2-325] and the eNGOs queried whether there was sufficient detail in the WKFMS to be confident

that visitor behaviour could be adequately managed to avoid disturbance to the terns.

- 7.6.132. The eNGOs also highlighted the potential for visitors other than construction workers, to be attracted to Bae Cemlyn/Cemlyn Bay to view the construction of the Power Station. They expressed concerns about the lack of clarity about which measures were proposed to control non-worker visitor impacts and when these measures would be in place (see [REP2-256, REP2-348 and REP4-044] for NWWT responses, [REP2-318 and REP4-038] for NT responses and [REP2-360] for RSPB responses).
- 7.6.133. The Applicant produced updated versions of the WKFMS, partly with a view to addressing the concerns of NRW and the eNGOs. The final version was submitted at Deadline 8 [REP8-064]. It pointed out that the WKFMS was intended to set out the principles that would inform the development of the CoCP; construction in line with the CoCP is secured in the dDCO [REP3-005].
- 7.6.134. The Applicant maintained the position that the measures in the WKFMS, in conjunction with the measures secured in other control documents, the Landscape and Habitat Management Strategy [APP-424 and APP-425] and the draft s106 agreement would be sufficient to avoid AEoI [REP3-005, REP3-026 and REP6-052]. It had undertaken to part-fund a tern warden for the Bae Cemlyn/Cemlyn Bay nature reserve for the duration of the breeding period through the draft s.106 agreement and also to provide leisure facilities both on and off the Site Campus [REP2-056, REP3-026, REP6-052]. The level of funding available for supporting the tern warden was increased to extend the period of time the warden would be on site during the breeding seasons for the entire construction period [REP5-051].
- 7.6.135. At the close of the Examination, NRW's concerns remained outstanding [REP9-037]. The eNGOs also remained concerned about the clarity of the Applicant's proposals, although their concerns in part appeared to be a dispute about the level of funding [REP4-038, REP4-044, REP6-052 and REP9-036].

Effects on the shingle ridge

- 7.6.136. NRW [REP2-325] and the eNGOs [REP2-318, REP2-348 and REP2-360] note that alterations to Esgair Gernlyn could affect the survival of the islands within the lagoon where the majority of tern nest. This issue is discussed above in the section dealing with AEoI of Bae Cemlyn/Cemlyn Bay SAC so those points will not be repeated here.

Other effects

- 7.6.137. NRW agreed with the Applicant's conclusion of no AEoI in relation to effects on the fish populations which the tern feed on and supporting habitat [REP8-018]. The RSPB raised concerns about the effects on the foraging area that would be available to the tern (while acknowledging that the area affected by the marine works does not represent an important foraging area) [REP2-358]. These concerns appear to relate to

the degree of disturbance to the tern in the marine environment which are discussed above.

Effects on other tern species

- 7.6.138. NRW raised concerns about the potential for the increased noise and visual disturbance during construction to lead to effects on common and Arctic tern. In its view this could also lead to these species potentially abandoning the colony. This would undermine the delivery of the conservation objective relating to maintaining the range and distribution of these species within the SPA [REP2-325, REP5-081 and REP9-037].
- 7.6.139. The eNGOs raised similar concerns in relation to effects on common and Arctic tern [REP6-052, REP9-036]. They provided a summary of the NWWT reserve records which showed that common and Arctic tern were usually present on nests from mid-May to mid-June, after the noise controls covering the establishment period have ended [REP2-318, REP2-360 and REP2-348]. They were concerned that the establishment period would not cover the time when these species were establishing their nests [REP4-038 and REP4-044]. They are also concerned that beginning bulk earthworks again in mid-May within 500m of the nesting islands would lead to the disturbance of nesting Arctic and common tern [REP5-075 and REP5-077].
- 7.6.140. The Applicant maintained that its evidence base and assessment was robust so the conclusion of no AEoI for Sandwich tern also applied to the common and Arctic tern [REP3-035, REP9-005 and REP10-012]. As noted above, it thought that it was the establishment of the colony rather than individual birds that was key to defining the establishment period, and therefore it covered the arrival of the Sandwich tern. Noise controls would still be in place for the duration of the breeding season [REP5-051].
- 7.6.141. The Applicant excluded AEoI for roseate tern on the grounds that no breeding pairs had been recorded at the SPA since 2011 [APP-050]. The eNGOs agreed that this species had not bred at Bae Cemlyn/Cemlyn Bay in recent years but a project had been in place to establish a breeding population at Cemlyn and at the Skerries colony of the SPA. The eNGOs were concerned that the species breed much later in the season than the Sandwich tern and therefore would not be covered by the 'establishment period' [REP2-318, REP2-348, REP2-360 and REP9-036].

Intra-project effects

- 7.6.142. NRW and the eNGOs consistently raised concerns, notably in their response to the RIES [REP9-037 and REP9-036], about the potential for cumulative effects to arise from activities associated with the proposed development.
- 7.6.143. These concerns largely centred around the potential for cumulative disturbance from noise and visual effects. The tern could be exposed to such effects while nesting but also while commuting and foraging at sea. The length of time that the colony would experience sequential effects

was also highlighted [REP2-325, REP4-038, REP4-044, REP5-075, REP5-077 and REP6-052].

7.6.144. The Applicant's position was that, with the proposed mitigation in place, construction of the proposed development would be unlikely to have any detectable effects on the breeding success of the tern populations [APP-050]. The ExA asked the Applicant to provide further clarification on the potential for intra-project effects to combine to produce AEoI (Q5.0.35 [PD-009]). The Applicant responded by reiterating the evidence already presented in the SHRA [REP2-375].

7.6.145. A key point of dispute had been the degree of certainty about the combined effect of noise and visual disturbance occurring both on land and at sea. NRW's position was that there was significant uncertainty about the cumulative effects [REP5-081 and REP7-012]. The Applicant maintained that, given the assessments it had undertaken, no such uncertainty exists [REP6-009].

In-combination effects

7.6.146. In addition to the evidence presented in the SHRA, the ExA requested in the first written questions [PD-009] further clarification from the Applicant regarding the evidence it had relied on to reach its conclusions of no AEoI from in-combination effects with other plans or projects. The Applicant provided the information as requested [REP2-375], which included details of mitigation related to the decommissioning of the existing Wylfa Power Station and evidence available during drafting of the application, as agreed with IACC and NRW, in relation to Anglesey Eco Park, North Wales Connection Project, Holyhead Deep 10MW Tidal Kite Installation, West Anglesey Demonstration Zone, Almwch Liquid Natural Gas and Visitor and Media Reception Centre

The **ExA's findings in relation to the Morewnoliaid Ynys Môn/Anglesey Tern SPA**

7.6.147. The Morewnoliaid Ynys Môn/Anglesey Tern SPA was a contentious issue throughout the Examination, with NRW and the eNGOs fundamentally disagreeing with the Applicant's interpretation of their evidence base. One issue was the current status of the colony which appears to be experiencing a decline in productivity. While the ExA notes the Applicant's suggestion that this could be a consequence of the previous increase in the size of the colony, the ExA is concerned that the reasons for the vulnerability of the colony cannot be defined without further detailed studies. Due to the lack of certainty around the causes of declining productivity, the ExA concludes that the tern colony should be considered to be vulnerable to the effects of disturbance.

7.6.148. The ExA recognise that at present, the number of common or Arctic tern present at Bae Cemlyn/Cemlyn Bay are small and there are no roseate tern at all. If these species abandoned the breeding colony at Bae Cemlyn/Cemlyn Bay this would undermine the SPA conservation objective requiring the range and distribution of tern within the SPA not to be constrained or hindered.

- 7.6.149. When considering construction noise impacts, the ExA also considered the fact that the Wylfa Power Station was built in a similar neighbourhood to Bae Cemlyn/Cemlyn Bay during the 1960s. However, the behaviour of the tern colony at that time is unknown and more importantly there was little protection for species as Natura 2000 sites were not introduced until 1992. In addition, the scale of Wylfa Newydd Power Station development and modern-day construction plant is not comparable. Hence, the ExA has discounted this line of reasoning.
- 7.6.150. Considering the mitigation for noise and visual effects during construction, the ExA remains concerned about the lack of reliable scientific literature relating to disturbance due to construction effects on tern and the lack of agreement on interpretation of what literature is available. The evidence base in the published literature appears, apart from the Harwood et al paper discussed above, to contain studies which can provide context but which has limited direct relevance to the construction of the proposed development.
- 7.6.151. Turning to the blasting trial, the ExA shares the concerns of NRW and the eNGOs that as the Applicant only observed black-headed gulls the trials did not provide conclusive evidence relevant to the effects on breeding populations of tern. There were also limitations around the Applicant's description of the behavioural responses recorded during the blast trials.
- 7.6.152. To conclude, the ExA considers that there is insufficient evidence, both from the literature and site observations, to determine that the tern colony would not be disturbed by noise and visual effects from the construction works. Giving consideration to Waddenzee (Case C-127/02, 2004, ECR-17405) which states that "*All the aspects of the plan or project which can, either individually or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field*" the ExA advises the SoS that there is insufficient scientific knowledge to determine the effect on the conservation objectives of the SPA . The ExA accepts NRW's advice that it cannot be demonstrated, beyond reasonable scientific doubt, that the colony will not abandon the site or that the works will not lead to an increase in fly ups, with consequential effects on the breeding success of the tern.
- 7.6.153. With reference to mitigation measures, the ExA shares the eNGOs concerns about the novelty of the reactive monitoring proposals and the ability to implement these on a very large, complex construction site. The ExA also accepts the advice of NRW that although the 'resilience measures' proposed in the SHRA could improve the condition of the SPA they would not mitigate the disturbance effects of the proposed development. NRW was not aware of mitigation measures which could do so without imposing significant constraints on the timing of construction activities. The ExA therefore accepts NRW and the eNGOs advice that it would not be possible to mitigate the effects of disturbance sufficiently to avoid AEoI.

- 7.6.154. The ExA's conclusions on visitor pressure are as described above in relation to Bae Cemlyn/Cemlyn Bay SAC.
- 7.6.155. Considering intra-project effects, the ExA has considered the Applicant's position that, with the proposed mitigation in place, construction of the proposed development would be unlikely to have any detectable effects on the breeding success of the tern populations. This was tested throughout the Examination by the ExA, NRW and the eNGOs. The ExA concludes that there remains a high degree of uncertainty about the combined effect of noise and visual disturbance occurring both on land and at sea. The ExA accepts NRW's advice that it cannot be demonstrated beyond reasonable scientific doubt, that the colony would not abandon the site or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival.
- 7.6.156. As the ExA cannot recommend no AEoI for Sandwich tern it has then considered the effects of the proposed development on other tern species. Taking the precautionary principle and the site conservation objectives into account and NRW's advice that the potential increased noise and visual disturbance during construction could lead to effects on common and Arctic terns, which could also lead to these species potentially abandoning the colony, the ExA concludes that it cannot recommend no AEoI for these tern species which are features of the SPA. As roseate tern have not formed a viable breeding population at Bae Cemlyn/ Cemlyn Bay lagoon, notwithstanding the proposals to re-establish the species described by the eNGOs, the ExA concludes that AoEI for this species can be excluded.

AEoI of Aber Afon Dyfrdwy/Dee Estuary SPA

- 7.6.157. NRW advised that if the Sandwich tern abandoned the colony at Bae Cemlyn/Cemlyn Bay, this could affect the passage population of Sandwich tern which was a feature of the Aber Afon Dyfrdwy/Dee Estuary SPA and therefore lead to an AEoI on the SPA [RR-088, REP2-325 and REP8-018]. In response to a first written questions from the ExA [PD-009], NRW explained that it did not have any evidence of direct connectivity between the two SPAs [REP2-325].
- 7.6.158. In response to a second written questions from the ExA [PD-013], NRW confirmed that its concerns did not apply to the Aber Afon Dyfrdwy/Dee Estuary Ramsar site as it did not consider that the Sandwich tern passage feature forms one of the designated features of the Ramsar site [REP9-037].
- 7.6.159. The Applicant's position was that, since there was no AEoI of the Morewnoliaid Ynys Môn/Anglesey Tern SPA, there was no potential for the Sandwich tern passage feature of the Aber Afon Dyfrdwy/Dee Estuary SPA [REP3-035].

The ExA's findings in relation to the Aber Afon Dyfrdwy/Dee Estuary SPA

- 7.6.160. The ExA acknowledges NRW's advice that if the Sandwich tern abandoned the colony at Bae Cemlyn/Cemlyn Bay, this could affect the passage population of Sandwich tern which was a feature of the Aber Afon Dyfrdwy/Dee Estuary SPA and therefore lead to an AEoI on the SPA. However, as NRW does not have any evidence of direct connectivity between the two SPAs, the ExA concludes that the proposed development would not result in AEoI of the Aber Afon Dyfrdwy/Dee Estuary SPA.

AEoI of other European sites within the UK

- 7.6.161. For other SAC, SPA and Ramsar sites in Wales, NRW agreed with the conclusions of the SHRA on AEoI [REP9-037]. No other IP or SNCB has disputed the Applicant's conclusions in relation to AEoI for European sites within the UK. The ExA sees no reason to dispute the Applicant's conclusions.

7.7. **EXAMINING AUTHORITY'S CONCLUSIONS ON ADVERSE EFFECTS ON INTEGRITY**

- 7.7.1. The ExA recommends that the SoS as competent authority can conclude that AEoI can be excluded for European sites, apart from those discussed below.
- 7.7.2. In relation to effects on SACs where marine mammals are a qualifying feature, the ExA recommends that AEoI can be excluded, provided the relevant mitigation is secured through the DCO as a Marine Licence will not be granted before the DCO is consented,). The ExA recommends that the SoS consults with the Applicant and NRW on the drafting of an additional requirement within the MWSCoCP, which secures the production and implementation of a marine mammal mitigation plan to be approved by the discharging authority in consultation with NRW.
- 7.7.3. For the Bae Cemlyn/Cemlyn Bay SAC, the ExA is concerned that delivery of the conservation objectives for the perennial vegetation of stony banks feature could be undermined unless the following issues are resolved:
- agreement can be reached on the effects of operational air quality on the features of the SAC and appropriate controls attached either to the DCO or the relevant Environmental Permit; and
 - the package of measures intended to mitigate recreational impacts on the SAC are improved.
- 7.7.4. Subject to the resolution of these issues, the ExA recommends that a conclusion of no AEoI could be reached. The ExA appreciates the concerns expressed by NRW and the eNGOs regarding increased recreational disturbance at Cemlyn Bay. However, it considers that the measures in the WKFMS, in conjunction with the measures secured in the Landscape and Habitat Management Strategy and draft s106 agreement, would be sufficient to avoid AEoI
- 7.7.5. For the Morewenoliaid Ynys Môn/Anglesey Tern SPA, the ExA notes that the Applicant has carried out a considerable amount of work to support

their assessment but cannot agree that the evidence base supports their interpretation of no AEoI, particularly in light of the uncertainty around the cumulative effects of noise and visual disturbance during construction, in both the onshore and offshore environments. The ExA also has concerns about the practicality and feasibility of delivering the proposed mitigation, especially the reactive monitoring.

7.7.6. The ExA notes the Applicant's position that NRW's advice is overly precautionary [REP10-012] but recommends that it cannot be concluded beyond reasonable scientific doubt, that delivery of the following conservation objectives would not be undermined by noise and visual disturbance during construction:

- the number of breeding tern within the SPA is stable or increasing (Sandwich tern);
- the number of chicks successfully fledged in the SPA and beyond is sufficient to help sustain the population (Sandwich tern); and
- the range and distribution of tern within the SPA and beyond is not constrained or hindered (Sandwich tern, common tern and Arctic tern).

7.7.7. In relation to the Aber Afon Dyfrdwy/Dee Estuary SPA, as there does not appear to be any firm evidence linking the passage Sandwich tern feature of the SPA to the breeding population at Bae Cemlyn/Cemlyn Bay, the ExA recommends that AEoI can be excluded for this SPA.

7.8. CONSIDERATION OF ALTERNATIVES

7.8.1. NRW advised that, in the event that AEoI could not be excluded for the Morewnoliaid Ynys Môn/Anglesey Tern SPA the competent authority could only consent the proposed development if it could be shown that [REP2-325]:

- there were no alternative solutions;
- there are imperative reasons of overriding public interest (IROPI); and
- compensatory measures have been secured.

7.8.2. The eNGOs made similar statements in their Written Representations [REP2-318, REP2-348 and REP2-360].

7.8.3. The Applicant's position was that as AEoI could be excluded, there was no reason to proceed to consideration of alternative solutions or IROPI [REP2-375 and REP3-035]. However, in the ExA's second written questions (Q2.5.10, [PD-013]), the ExA asked the Applicant to consider the case for no alternative solutions and IROPI. The Applicant's response in relation to alternative solutions [REP5-044] covered the following points:

- the need for new nuclear generating capacity as identified in Government policy including NPS EN-1 and EN-6 and the Statement on Energy Infrastructure;

- the Strategic Siting Assessment that was undertaken by the UK government [EN-6 Volume II] which led to identification of the Wylfa site as being a potentially suitable site for new nuclear generation;
- the need for additional nuclear generating capacity based on the evidence in the Applicant's Planning Statement [APP-406]; and
- the objectives the proposed development is expected to achieve.

7.8.4. The Applicant's response also noted that although Hitachi had decided to suspend its nuclear development programme, this did not detract from the urgent need of 59GW of additional generating capacity by 2025 or the need for new nuclear generation. The ExA notes that with the suspension of the project, the Power Station will not be generating any power by 2025.

7.8.5. The Applicant re-stated the evidence used in its SHRA to support its conclusion of no AEoI for the SPA and stated that even if the SoS concluded that AEoI could not be excluded, the effects would be marginal. However, it then proceeded to screen a 'long list' of alternative solutions which could affect the noise and visual stimuli experienced by the tern, against the objectives and need for the proposed development. The majority of the alternative solutions on the long list were dismissed because they would extend the construction period which would delay the commencement of electricity generation, contrary to national policy, would be less safe than the methods currently proposed or would affect local communities unacceptably.

7.8.6. The three alternative solutions considered further were:

- acoustic screening for blasting noise;
- no blasting or construction in the breeding tern colony during the establishment period; and
- extend the establishment period to eight weeks.

7.8.7. The Applicant's assessment rejects all three solutions. Acoustic screening was assessed as being ineffective and not technically feasible. Avoiding blasting and construction during the establishment period would extend the construction period and add substantially to the costs of constructing the proposed development. The Applicant also argued that since, in its view, the effects of the noise levels at the colony during construction would be *de minimis*, there would be no environmental benefit from restricting blasting and construction. Extending the establishment period was assessed as adding very substantially to construction costs. The Applicant had therefore concluded that there were no alternative solutions which would have lesser effects on the SPA.

7.8.8. NRW commented that it had considered the Applicant's comments on alternative solutions in relation to the potential for avoiding or reducing AEoI of the SPA. It was not in a position to advise on the technical or financial feasibility of the alternative solutions considered by the Applicant. However, it did state that the only alternative solution that would not have potential for AEoI was to avoid blasting and construction during the tern breeding season which was a solution the Applicant had

rejected because it would add substantially to construction costs [REP8-080].

Examining Authority's conclusions on alternative solutions

- 7.8.9. The ExA advises that the Applicant's argument for need in response to no alternative solutions and the effect of Hitachi's suspension is fully examined in Chapter 5 of this report. The ExA recognises that it is for the SoS to consider the implications of need and alternative sites at a national level, but it is of the view that the Applicant has not demonstrated that there is no alternative to delivering this project.
- 7.8.10. The ExA concludes that on economic grounds, the Applicant has demonstrated that there are no alternative ways of delivering the project which would have lesser effects on the SPA. However, the ExA is of the view that there are technical solutions to reducing the effects on the SPA, such as avoiding blasting and construction during the establishment period, extending the establishment period and to avoid blasting and construction during the tern breeding season. The ExA suggests to the SoS that there is, therefore, a balance between economic viability and the need to protect the Sandwich, common and Arctic tern features of the SPA.

7.9. IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST

- 7.9.1. As noted above, notwithstanding the Applicant's position of no AEoI for the SPA, the ExA asked it to consider the case for IROPI (Q2.5.10, [PD-013]). The Applicant's response [REP5-045] covered the following points:
- based on the information in EN-1 and reports from the National Grid, demand for electricity in the UK is growing. Although estimates of long-term demand vary considerably, it is widely expected that demand will continue to increase;
 - generating capacity is predicted to decline significantly by 2035 as Power Stations come off stream, including 90% of existing coal and nuclear capacity (which currently provide 50% of UK generating capacity);
 - the UK has an ongoing need for baseload generation to ensure a reliable supply of electricity. According to EN-1, the UK will require an additional 59GW of new build electricity capacity by 2025 relative to the 2011 baseline. The proposed development would generate up to 3.1 GW of low carbon energy for its lifetime;
 - there is an urgent need for low carbon generating capacity to ensure that UK and Welsh Government policy aspirations are met. Nuclear generating capacity is needed alongside renewable energy sources which may generate intermittently to ensure a security of electrical supply. Analysis by National Grid concludes that to meet 2050 emissions targets, 14.5 GW of nuclear new build would be required by 2035;

- the reduction in greenhouse gas emissions associated with the generation of electricity represents a benefit of primary importance to the environment;
- the UK Government has expressed continued support for new nuclear generation capacity through the Statement on Energy Infrastructure and has identified a significant need for new nuclear generation. The Statement also states that the Government continues to give strong in-principle support for proposals at the sites already listed in EN-6;
- the UK Government's Strategic Site Assessment (SSA) considered the Wylfa site against a series of criteria and concluded that it was potentially suitable. In relation to effects on internationally designated sites of ecological importance, the SSA identified the potential for adverse effects on integrity. However, the Government concluded that there was an IROPI in favour of including Wylfa in EN-6 based on the need for new nuclear sites to be deployed by the end of 2025, the lack of alternatives and the availability of compensatory measures;
- there would be significant benefits to the Anglesey and North Wales economies from the jobs created during the construction and operation of the Power Station. Up to 9,000 workers are expected to be directly required during construction, with a further 120 – 350 full time equivalent jobs supported in the wider economy. A workforce of approximately 850 would be required during the operation of the proposed development;
- infrastructure improvements would be delivered on the A5025 which would reduce existing traffic levels within Llanfachraeth by more than 60% and reduce noise and air pollution associated with traffic in Valley, Llanfachraeth, Llanfaethlu and Llanrhuddlan. The logistics centre at Parc Cybi could also provide an employment use in the long-term; and
- the Applicant would provide up to £12 million in skills training for local people through the proposed s106 agreement. The Applicant has also committed to delivering apprenticeships and pre-16 education programmes to ensure young people to develop the skills necessary for the proposed development.

7.9.2. The Applicant noted that as the features of the SPA were not classed as priority habitats or species, the SoS can consider IROPI relating to social and economic benefits.

7.9.3. The Applicant concluded that it was imperative that the proposed development goes forward because of the need for increased power generation from low carbon sources, the likely shortfall in capacity and the need for nuclear power identified by the UK Government. The decision to suspend the proposed development does not detract from the identified need [REP5-045 and REP7-001].

7.9.4. The Applicant concluded that there were 'overriding' reasons for the proposed development to be constructed because of the range of national, regional and local interests that would benefit as a result (and which in the Applicant's view outweigh the risk of harm to the integrity of European sites). The proposed development is in the public interest because of the 3.1GW of energy it could provide, the relatively short

timeframe over which it could be delivered, the contribution to a reliable baseload of low carbon energy and the wider economic benefit. These benefits would be in place for the thirty-year lifetime of the proposed development [REP5-045].

Examining Authority's conclusions on IROPI

- 7.9.5. The ExA has considered EN-6 Volume II, which provides the site assessment for Wylfa. In terms of HRA, the Appraisal of Sustainability site report states *"The key findings of the Habitats Regulations Assessment are limited by the strategic nature of the assessment process and the information available, which does not generally allow for a definitive prediction of effects on the European Sites considered. However, a precautionary approach suggests that at this strategic level the assessment cannot rule out the potential for adverse effects on site integrity at six European Sites"*.
- 7.9.6. It continues that the Assessment *"has proposed a suite of avoidance and mitigation measures to be considered as part of any project level Habitats Regulations Assessment. At this stage, it is assessed that the effective implementation of these mitigation measures may help to address adverse effects on European Site integrity, but that more detailed project level Habitats Regulations Assessment is required in order to draw conclusions on their effectiveness"*.
- 7.9.7. The ExA is content that the Applicant has in its project level HRA considered the suite of avoidance and mitigation measures in the HRA site report.
- 7.9.8. In terms of IROPI, EN-6 Volume II concludes that *"there is an Imperative Reason of Overriding Public Interest that favours the inclusion of this site in the draft Nuclear NPS despite the inability to rule out adverse effects on European Sites at this stage. This takes into account the need for sites to be available for potential deployment by the end of 2025, the lack of alternatives, and the consideration given to compensatory measures. This site therefore passes this criterion"*.
- 7.9.9. The ExA's conclusion on need is presented in Chapter 5 of this report. The ExA accept that there is a clear and urgent need for new low carbon energy infrastructure and that the Application could contribute to meeting this need.
- 7.9.10. The ExA observes that the need for the site to be available for deployment by the end of 2025 is not met, which leaves the lack of alternatives and consideration of compensatory measures. The Applicant's argument for IROPI is primarily based on the national need for low carbon energy, rather than the particular uniqueness of this site. The ExA does not conclude that the Applicant has given sufficient consideration to compensatory measures as discussed below, and therefore has not demonstrated that there are imperative reasons of overriding public interest why the proposed development should go ahead at this particular site.

7.10. COMPENSATORY MEASURES

- 7.10.1. The ExA became aware through the relevant representations from the RSPB and NWWT [RR-084 and RR-125] that the Applicant was investigating potential compensatory measures for the SPA. The ExA asked the Applicant and NRW for their views in its first written questions (Q5.0.40 - 41, [PD-009]). The Applicant responded by explaining that although it maintained that there would be no AEoI of the SPA, it had undertaken a feasibility study of measures which could deliver replacement habitat for the breeding tern [REP2-375 and REP3-035].
- 7.10.2. The ExA continued to seek updates from the Applicant on the position which had been reached in relation to the package of compensatory measures (Q2.5.10, [PD-013] and [EV-047]). The Applicant provided an initial description of the measures it was considering [REP2-375 and REP3-035], followed by a more detailed position statement at Deadline 5 [REP5-046]. NRW [REP2-325 and REP8-080] and the eNGOs [REP7-015] provided comments on these documents. Comments from all the parties suggested that the Applicant was engaged in consultation with NRW and the eNGOs outwith the Examination on the nature and extent of the compensatory measures which could be required.
- 7.10.3. In response to a request from the ExA during the ISH on 8 March, [EV-048], the Applicant, while maintaining its position of no AEoI of the SPA, undertook to provide a requirement which could be included in the dDCO to secure compensatory measures. The new requirement was not included in the Applicant's final version of the dDCO [REP10-006] - the Applicant's position was that it would be for the SoS to decide whether to use it or not [REP7-001].
- 7.10.4. The Applicant produced a Tern Compensation Proposal at Deadline 9 [REP9-028] which included the dDCO requirement. It also describes the sites which the Applicant was considering for the provision of replacement habitat, the measures which would be taken to create suitable breeding habitat, the management which would be undertaken while the sites were being used by the tern and the measures that would be employed at the end of the construction period.
- 7.10.5. The draft requirement referred to a Tern Compensation Strategy which would be included in the MPSSCoCP and the MWSCoCP. The strategy was included in the versions of MPSSCoCP [REP10-020] and MWSCoCP [REP10-022] submitted at Deadline 10. The wording of the requirement and the proposals contained in the Tern Compensation Proposal have been disputed by NRW and the eNGOs.
- 7.10.6. The eNGOs propose a staged approach to developing compensatory measures. They suggest that any compensatory measures should first consider the potential for on-site measures (in addition to measures proposed to avoid or reduce effects on the SPA) and then go on to consider additional compensatory measures at existing tern colonies. Finally, consideration should be given to the creation of new tern breeding sites [REP2-318, REP2-348 and REP2-360].

- 7.10.7. The Applicant did not agree that the approach advocated by the eNGOs was necessary to deliver effective compensatory measures. It noted that the recent guidance from the EC states that while more distant locations can be used, the preferred option is to locate compensatory habitat within or near the Natura 2000 site as the local conditions necessary to reinstate ecological assets are more likely to be present [REP3-026]. NRW, while not in full agreement with the Applicant's compensation strategy, has not endorsed the approach recommended by the eNGOs.
- 7.10.8. A major point of dispute has been the number of sites that would be required to deliver the compensatory measures. The Applicant named four site sites in the draft requirement which it intended to consider for their suitability, but it only planned to deliver two sites. NRW and the eNGOs advocated the delivery of all four sites because [REP10-035 and REP10-040]:
- It was uncertain how successful any one site would be in providing alternative breeding habitat for the tern so using all four sites would maximise the chances of success.
 - It was unusual for all three tern species to co-exist in the way that they do at Bae Cemlyn/Cemlyn Bay and it may not be possible to create a situation which allows the species to co-exist. The use of four sites would increase the chances of providing breeding habitats for all three species.
 - Sandwich tern tend to forage in different areas to common and Arctic tern so if only two sites were provided within the same foraging area, they may not provide adequate access to foraging areas.
 - Only one of the four sites identified by the Applicant included both island habitat and a breeding black-headed gull colony. This makes establishing a Sandwich tern breeding colony at the other three sites much more difficult.
- 7.10.9. The Applicant noted the point that the three different tern species rarely nest together, but in its view all the breeding sites within the SPA, including the site at Bae Cemlyn/Cemlyn Bay would still be available to the tern. This would mean that three to five sites would be available during the breeding season. Provision of four sites would be disproportionate [REP9-005 and REP9-028]. However, it has provided alternative wording for the requirement which could be used in the event that SoSBEIS decided that four sites were required [REP9-028].
- 7.10.10. NRW and the eNGOs also had concerns about the timing of the creation of the replacement breeding habitat. The Applicant had undertaken to provide at least one site and the second if possible, a full breeding season before works commenced on the WNDA [REP9-028, REP10-020 and REP10-022]. NRW advised that ideally all four sites should be provided for a full breeding season before work commences. This would allow tern and black-headed gulls to find the sites and also for the various site establishment and management activities to be tested before an AEoI arises [REP10-035]. However, NRW do agree that it may be acceptable to deliver a minimum of two sites one full breeding season

ahead of construction beginning. It has suggested additional text for the requirement [REP10-035].

- 7.10.11. NRW and the eNGOs also disagreed with the definition of the tern breeding season in the proposed requirement. They suggested revising the start of the season to 15 March to ensure that it covered the period when the black-headed gulls arrive [REP10-035 and REP10-040].
- 7.10.12. NRW also disagreed with some details of the tern compensation strategy as presented in the MPSSCoCP and MWSCoCP. It advised that the operational area on the Abermenai Point and Morfa Madryn/Glan y Môr sites should be expanded [REP10-035]. It did not agree that the Applicant had identified all the measures that could be used to establish a tern breeding colony at the sites [REP10-035], notwithstanding the fact that the Applicant had added all the measures advised by NRW in its earlier comments [REP8-080].
- 7.10.13. The eNGOs did not agree that the draft requirement and compensation proposals were sufficient to secure effective compensation should the SoS conclude that compensatory measures were required. They are concerned that the Tern Compensation Strategy [REP9-028] includes a number of caveats which undermine the Applicant's commitment to delivering compensatory measures – for example, the construction of the site campus would be able to proceed before compensatory measures were in place [REP10-040].
- 7.10.14. The Applicant had not secured control over any of the four sites. Three of the shortlisted sites were owned by public bodies and one by a private landowner, all of whom have indicated that they were willing to proceed with the works. The Applicant had agreed heads of terms with the private landowner [REP7-001]. The eNGOs were of the opinion that the Applicant should be required to demonstrate that it had secured legal control of each of the sites required for the compensatory measures [REP10-040].

Examining Authority's conclusions on compensatory measures

- 7.10.15. The ExA has serious concerns regarding the compensatory measures, in that there is little agreement between the Applicant, NRW and the eNGOs regarding the number of sites, the approach to developing them, the definition of the tern breeding season, the wording of the draft Requirement and the proposals contained in the Tern Compensation Proposal. In addition, the Applicant has not secured control over any of the four sites. The ExA advises the SoS that little reliance can be put on the Applicant's current proposals given the lack of agreement on adequacy by NRW and the eNGOs.
- 7.10.16. The ExA has therefore considered the original drafting of the Requirement [REP9-028] and the reasoning behind it and the alterations suggested by NRW [REP10-035] and the eNGOs [REP10-040]. The original text is as below, with the ExAs proposed amendments underlined:

- "Tern breeding period" means the period from the date on which the first tern 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 May 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 Morwenoliaid Ynys Môn/Anglesey Tern 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 1 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:
 - o the identified sites at:
 - Dulas Bay;
 - Glan y Môr;
 - Morfa Madryn;
 - Abermenai Point; or
 - 'Tern Island' (Inland Sea); or
 - any other site which forms a suitable compensation site for one or more of breeding Sandwich tern, common tern or Arctic tern.

WN[x]

- (1) No Works shall commence on the WNDA unless ~~two~~ 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) 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) A minimum of 2 compensation sites must be delivered a full Tern breeding period prior to construction.

- (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-DRG-00034] (Appendix 1-1) during the tern breeding period, unless otherwise agreed with IACC).

7.10.17. The Tern Compensation Strategy is included in the MPSSSCoCP [REP10-020] and the MWSCoCP [REP10-022]. Again, neither NRW [REP10-035] nor the eNGOs [REP10-040] are content with the proposed additions. As these documents were submitted at the end of the Examination, the ExA recommends that, if the SoS is minded to accept IROPI, the SoS consults with the Applicant, NRW and the eNGOs on revising the Tern Compensation Strategy and the MPSSSCoCP and MWSCoCP to align with the DCO Requirement and to the satisfaction of all parties, as far as possible.

7.11. HRA CONCLUSIONS

7.11.1. The ExA advises that the Applicant has correctly identified all of the relevant European sites and the relevant qualifying features/interests for consideration within the HRA.

7.11.2. The ExA recommends that the SoS can conclude no AEoI for European sites with the following exceptions:

- the ExA recommends that the SoS can conclude no AEoI for SACs with marine mammal qualifying features, subject to the DCO securing the relevant mitigation; and
- the ExA recommends that the SoS can conclude no AEoI for the Bae Cemlyn/Cemlyn Bay SAC subject to the resolution of the issues around operational air quality and securing the delivery of a strengthened WKFMS through the DCO.

7.11.3. Regarding transboundary matters, the ExA advises that with respect to the Republic of Ireland's concerns regarding in-combination effects on cetaceans, further scrutiny should be afforded to elements of its response under the ongoing duty on the SoS to have regard to the submissions made under EIA Regulation 24.

7.11.4. Turning to SACs where marine mammal are qualifying features, the ExA recommends that AEoI can be excluded, provided the relevant mitigation is secured through the DCO as a Marine Licence will not be granted before the DCO is consented. The ExA recommends that the SoS consults with the Applicant and NRW on the drafting of an additional requirement within the MWSCoCP which secures the production and implementation of a marine mammal mitigation plan to be approved by the discharging authority in consultation with NRW.

7.11.5. The ExA advises that for Cemlyn Bay SAC, a conclusion of no AEoI could be reached provided that agreement can be reached on the effects of operational air quality on the features of the SAC and appropriate controls attached to the relevant Environmental Permit; and the package

of measures intended to mitigate recreational impacts on the SAC are improved. The ExA also urges the discharging authority to ensure that the provision in the WKFMS for management of leisure activities to avoid damage to Cemlyn SAC and Esgair Gemlyn is not overlooked.

- 7.11.6. In relation to the Morewnoliaid Ynys Môn/Anglesey Tern SPA, the ExA recommends that the SoS does not conclude that AEoI can be excluded. In arriving at its conclusions, the ExA acknowledges the lack of scientific evidence regarding disturbance effects on tern and, in considering Waddenzee (Case C-127/02, 2004, ECR-17405), advises that there is insufficient scientific knowledge to determine the effect on the conservation objectives of the SPA. It also accepts NRW's advice at the end of the Examination [REP10-035] that there is significant scientific doubt and that it is not possible to rule out adverse effects on the Sandwich, Common and Arctic tern of the Morewnoliaid Ynys Môn/Anglesey Tern SPA.
- 7.11.7. The ExA recognises that it is for the SoS to consider the implications of need and alternative sites at a national level, but it is of the view that the Applicant has not demonstrated that there is no alternative to delivering some aspects of the proposed development. The ExA suggests to the SoS that there is a balance between economic viability and technical solutions to protect the tern qualifying features of the SPA.
- 7.11.8. The ExA is of the view that protection of the sole Sandwich tern breeding colony in the Anglesey SPA is of great importance in maintaining the conservation objectives of the SPA. It considers that further consideration should be given to avoiding blasting and construction during the tern establishment period. It accepts that this would extend the construction period and add substantially to the costs of constructing the proposed development. It considers that in terms of the total investment in the project the additional costs should be manageable and essential in avoiding the potential loss of the colony.
- 7.11.9. While accepting that EN-6 Volume II did conclude that the site passed the IROPI criterion at the strategic level, on considering the compensatory measures at the project level, the ExA does not conclude that the Applicant has demonstrated that there are imperative reasons of overriding public interest why the proposed development should go ahead.
- 7.11.10. The ExA recommends inclusion of the ExAs draft Requirement and that the SoS consults with the Applicant, NRW and the eNGOs on revising the Tern Compensation Strategy and the MPSSSCoCP and MWSCoCP to align with the DCO Requirement and to the satisfaction of all parties, as far as possible.

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The Planning Act 2008

Wylfa Newydd Nuclear Power Station

Examining Authority's Report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Business, Energy and Industrial Strategy

Examining Authority

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VOLUME 2 OF 4

23 July 2019

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LIST OF REPORT VOLUMES

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This is Volume 2 of 4.

1. VOLUME 1: CHAPTERS 1 TO 7
2. VOLUME 2: CHAPTERS 8 TO 19
3. VOLUME 3: CHAPTERS 20 TO 31
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8. SOCIO ECONOMIC MATTERS

8.1. INTRODUCTION

8.1.1. The socio-economic effects of the proposal would arise from the number of workers that would be needed to construct and operate the proposed Power Station and associated development. This would consist of a construction workforce at peak of 9,000 workers and an operational workforce of 850 workers, with an additional 1,000 workers for planned outages every 9 months. It is acknowledged by all parties that due to the relatively small size of the local population and the skills needed, that a large proportion of these workers, particularly those needed during construction, would need to be recruited from outside of Anglesey.

8.1.2. Consequently, this chapter considers the effect that these workers would have on:

- Accommodation;
- Employment (including business and supply chain);
- Health and wellbeing (including safeguarding);
- Tourism and recreation; and
- Welsh language and culture (including education).

8.1.3. It is, however, important to note that whilst this chapter deals with these topics individually none of these matters are truly unidimensional in nature. Issues are crosscutting for example the needs for accommodation for construction workers also has implications for health and wellbeing and tourism. Consequently, the examination of certain aspects of an issue may be considered elsewhere within this chapter rather than under the main topic heading. For example, the effect of labour churn on the delivery of health services is considered under employment but is also referenced within the health and wellbeing section.

8.2. POLICY AND CONTEXT

National Policy Statements

8.2.1. National Policy Statement (NPS) EN-1 requires an applicant, where a project is likely to have socio-economic impacts at either local or regional levels, to undertake an assessment of those impacts as part of the Environmental Statement (ES) (paragraph 5.12.2). NPS EN-1 (paragraph 5.12.3) then provides a list of the relevant socio-economic impacts that could be considered and include, for example, the effects on tourism and the impact of a changing influx of workers during the different construction, operation and decommissioning phases.

8.2.2. With regards to the effects of new energy infrastructure NPS EN-1 (paragraph 5.12.6) states that the decision maker should have regard to the potential socio-economic impacts identified by the applicant and from any other sources that the decision maker considers to be both relevant and important to their decision.

- 8.2.3. NPS EN-1 (paragraph 5.12.8) also states that the decision maker should consider any relevant positive provisions the developer has made or is proposing to make to mitigate impacts (eg through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic effects.
- 8.2.4. Paragraph 5.12.9 advocates that the decision maker should consider whether mitigation measures would be necessary to mitigate any adverse socio-economic impacts of the development.
- 8.2.5. NPS EN-6 contains detailed policy specific to nuclear power stations and acknowledges that there are likely to be both positive and negative effects (paragraph 3.11.2) from this type of development. Paragraph 3.11.3 requires that the applicant should identify at local and regional levels any socio-economic impacts associated with the construction, operation and decommissioning of the proposed power station and that the assessment should demonstrate that the applicant has, amongst other things, taken account of the potential pressures on local and regional resources, demographic change and economic benefits (paragraph 3.11.4).
- 8.2.6. While the generic health impacts or energy NSIPs are covered in NPS EN-1, NPS EN-6 also considers the nuclear impact on human health and wellbeing (section 3.12).

Welsh National and Local Policy

- 8.2.7. Planning Policy Wales 10 (2018) (PPW) outlines the vision for Wales set out in the Well-being of Future Generations Act (WBFGA). This includes a move towards a low carbon, resilient society, providing secure and well-paid jobs, and building well-connected environments for everyone in Wales that improves lives and health and enhances well-being. Chapter 5 of PPW (productive and enterprising places) considers energy and highlights that the transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes (paragraph 5.7.1). It requires planning authorities to assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development (paragraph 5.9.2). Planning Authorities are requested to identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should, amongst other things, take into account the need to minimise impacts on local communities and to safeguard the quality of life for existing and future generations (paragraph 5.9.18).
- 8.2.8. Technical Advice Note 20: planning and the Welsh language (TAN20) emphasises the importance of the Welsh language and provides guidance as to how it may be given appropriate consideration.

- 8.2.9. Technical Advice Note 23: economic development (TAN23) highlights that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located (paragraph 1.2.1).
- 8.2.10. At a local level the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (the JLDP) requires proposals to accord with a number of criteria relating to socio-economic impacts. It also contains a suite of policies (PS 9- PS 12) specific to the proposals at Wylfa Newydd.
- 8.2.11. Policy PS 1 seeks to protect, promote and enhance the Welsh language in the Plan area.
- 8.2.12. Policy PS 5 states that development will be supported where it is demonstrated to be consistent with policies promoting sustainable development.
- 8.2.13. Policy PS 9 specifically relates to Wylfa Newydd and requires consideration to be given to the nature, scale, range and possible impact of any development. It advocates that local economic and community benefits need to be maximised, where feasible, through the agreement of strategies for procurement, employment, education, training and recruitment.
- 8.2.14. Policy TAI 10 states that campus style accommodation for construction workers will be permitted provided that they form part of the overall solution to providing temporary worker accommodation and subject to a number of criteria.
- 8.2.15. Further detailed guidance on socio-economic matters is contained within the Wylfa Newydd: Supplementary Planning Guidance (adopted May 2018) (the SPG) and include the following principles:
- GP 1 seeks to maximise the economic opportunities for local communities that could be achieved through the Anglesey Energy Island Programme and Anglesey Enterprise Zone.
 - GP 2 and GP 4 aim to maximise education and training opportunities through the preparation of an Employment and Skills Strategy which amongst other things should include the maximisation of local labour provision (GP 2) and support the local supply chain (GP 4).
 - GP 5 advocates that the construction and operation of the power station should not unacceptably adversely affect the value and importance of tourism to the island.
 - GP 6 requires that the applicant must ensure that community services and facilities including education, healthcare, IT communications/broadband, leisure facilities and emergency services are in place to accommodate the construction and operational phases of the project.
 - GP 7 and GP 8 deal with health. GP 7 requires a comprehensive assessment of health, well-being and amenity impacts and the identification of any appropriate mitigation measures. GP 8 resists the loss or damage of existing open space and recreational facilities.

- GP 9 requires that full account of the potential for the construction and operation of the project to affect community cohesion, safety and social inequalities be taken into account.
- GP 12 states that when accommodating the non-home-based construction workers within tourist accommodation the applicant has to ensure that there would be no unacceptable adverse economic (including on the tourism sector), social, linguistic or environmental impacts.
- GP 14 considers it essential that the project maintains and, where possible, strengthens Welsh language and culture as an important part of the Island's social fabric and community identity.

8.2.16. In its consideration of the Socio-Economic effects of the Application the Examining Authority (ExA) has had regard to the policies set out in NPS's EN-1 and EN-6; PPW; the relevant policies of the JLDP and the guidance contained in TANs 20 and 23 and the SPG.

8.3. SOCIO-ECONOMIC EFFECTS ASSESSMENT

8.3.1. The project-wide socio-economic effects have been addressed by the Applicant in Volume C of the ES [APP-088, APP-095, APP-096 and APP-097]. The socio-economic effects for each of the elements of the associated development are considered individually Wylfa Newydd Development Area (WNTA)[APP-122], Off-site Power Station Facilities [APP-241], Park and Ride [APP-268], Off-line Highways Improvements [APP-306] and Logistics Centre [APP-357].

8.3.2. The matter was also considered at the Issue Specific Hearings that were held in both January 2019 [EV-016 and EV-017] and March 2019 [EV-026 and EV-027] and was the subject of written questions and further written questions [PD-009 and PD-013].

8.3.3. The construction workforce is anticipated to peak at around 8,500 workers. However, to enable flexibility the Applicant based their assessment of impacts on circa 9,000 workers. This position has been taken to represent the worst-case scenario from a socio-economic perspective [paragraph 1.4.3 APP-088]. The ExA agree with this approach.

8.3.4. Defining the spatial scope for socio-economic assessments can be complex because of the wide range of receptors and the different ways that they might be affected. The geographic scope of the socio-economic assessment undertaken by the Applicant comprises the key socio-economic study area (KSA) and the Daily Construction Commuting Zone (DCCZ). A Local Area of Influence (LAI) was also identified around each of the sites that form part of the project. (table B2-11 APP-067 and figures C1-1 and C1-2 APP-119).

8.4. ACCOMMODATION

The Applicant's Case

- 8.4.1. The Applicant has indicated that the construction workforce would consist of 2,000 workers who would already be residing within the KSA. This would constitute the local or homebased workforce. Of the remaining 7,000 workers approximately 3,000 workers would be expected to enter existing/new accommodation within the KSA and up to 4,000 workers would be accommodated in Temporary Worker Accommodation (TWA) which would be in the form of a Site Campus located within the WNDA [paragraph 1.5.14 APP-088].
- 8.4.2. The Applicant advocates [paragraph 2.4.24 APP-067] that accommodation for workers would be provided in five ways. Through:
- existing tourist accommodation (including camping and caravanning);
 - private rented accommodation;
 - owner/occupied accommodation;
 - latent accommodation; and
 - temporary worker accommodation.
- 8.4.3. Whilst the Applicant acknowledges that there would be potential localised pressures for accommodation in north and west Anglesey, overall they consider that there would be sufficient existing spare capacity across the KSA to accommodate 3,000 non-home-based workers [APP-412]. The Applicant, advocates [APP-412] that any sub-level constraints between supply and demand could be managed through appropriate mitigation including the provision of a Workforce Accommodation Management Service (WAMS) that would be secured through the s106 [REP10-009].
- 8.4.4. Consequently, the ES [paragraph 1.5.20 APP-412] concluded that whilst the sensitivity in the housing market was high, the magnitude of change would be small and as a result the overall effect would be minor adverse and therefore not significant.
- 8.4.5. The Applicant recognised [APP-412] that the demand for accommodation could give rise to other socio-economic effects in relation to tourism, Welsh language and culture and health and wellbeing.
- 8.4.6. In order to address concerns regarding the potential effects of the proposal on accommodation the Applicant proposed the following embedded mitigation, good practice and s106 contributions.
- 8.4.7. Embedded mitigation in the provision of the Site Campus which would provide temporary accommodation for up to 4,000 workers.
- 8.4.8. Good practice mitigation which would be secured through the signed s106 [REP10-009] and which would, amongst other things, include the following measures:
- Establishment of a WAMS;
 - Creation of a workforce accommodation portal (to enable monitoring of accommodation choices);
 - A target occupancy for the TWA of 100% and if occupancy falls below 85% for more than three months then incentives via pricing and marketing to be introduced;

- A Covenant that the developer would not occupy more than 3,000 bed spaces in the KSA unless an assessment looking at housing capacity/availability has been submitted to and approved by the Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC). The assessment would look at the impact on housing, tourism, highways, Welsh language, access to facilities and services that would arise from the increase. It would detail the distribution of the existing 3,000 workers and anticipated distribution and number of additional workers.

- 8.4.9. The embedded and good practice mitigation which would be secured through requirements WN20 to WN27 in the draft Development Consent Order (dDCO) deal with the delivery of the Site Campus which would provide the TWA.
- 8.4.10. Finally, the signed s106 [REP10-009] would deliver a significant number of measures to mitigate the effect of the proposed development with regards to accommodation, details of these can be found in Appendix E of this report.
- 8.4.11. With regards to operation, it is envisaged that 85% of the proposed workforce of 850 would be based locally and as a consequence the Applicant considered [paragraph 1.5.124 APP-412], particularly after the delivery of additional permanent housing for construction workers, that there would be sufficient capacity within the housing stock within the KSA to accommodate any additional workers and whilst there may be some localised impacts these would be limited.
- 8.4.12. As a consequence, the Applicant concluded [APP-412] that through the proposed mitigation that the Application would not have a significant effect on the availability of accommodation within the KSA.

The Planning Issues

- 8.4.13. The effect that the proposal would have on the availability of accommodation was a key area of concern for IACC, Cyngor Gwynedd/Gwynedd County Council (GCC), Cyngor Bwrdeistref Sirol Conwy/Conwy County Borough Council (CCBC), the Welsh Government (WG) and a large number of IPs [including RR-003, RR-034, RR-037, RR-052, RR-054, RR-055, RR-064, RR-070, RR-101, RR-108, RR-117, REP2-276, REP2-337, REP2-340 and AS-005].
- 8.4.14. All three Local Authorities [REP2-068, REP2-289 and REP2-297] considered that the Applicant had significantly overestimated the availability of bed spaces within the KSA. Consequently, they believed that considerable pressures would be placed on accommodation within the KSA with a particular concern for north Anglesey.
- 8.4.15. They considered that such a shortage would result in a greater use of tourist accommodation than anticipated by the Applicant; potential price increases in the private rented and owner-occupied sector which could either result in local residents being priced out of the market, choosing to relocate or potentially being made homeless due to a reduced provision

of affordable housing. If this transpired, they believed that this would have an adverse effect on the tourist economy, weaken communities, potentially disperse Welsh speakers and lead to an increased level of commuting which would put a greater strain on the transport network.

- 8.4.16. Both IACC [REP2-068] and GCC [REP2-297] had concerns that the TWA accommodation would not be available early enough. As a result, they believed that all the spare capacity within the housing market would be utilised in the early years of the build programme. IACC also considered that workers should not be concentrated in one area and that the proposed Site Campus would not provide a legacy for the area. There was also a concern with regards to the quality and use of caravan accommodation and the effect of co-locating workers and tourists at caravan and camp sites.
- 8.4.17. All parties considered that the proposed mitigation measures would be insufficient. In particular the housing fund was deemed to be inadequate and IACC sought requirements limiting the number of workers on site until the TWA was available and the provision of an Applicant controlled worker caravan park.
- 8.4.18. By the end of the Examination IACC [REP8-019] indicated that the majority of their concerns had been satisfactorily addressed. They had reached agreement with the Applicant over how bed spaces should be calculated. As a consequence, they were satisfied that, in combination with a revised set of s106 contributions [REP10-009], workers could be satisfactorily accommodated within the KSA without detriment to existing communities. The only outstanding matter was over the use of triggers or dates for the delivery of the TWA.
- 8.4.19. By the end of the Examination GCC advised [REP10-041] that the only remaining concern that they had was in relation to the size of the proposed accommodation (contingency) fund which they considered to be insufficient to cover the potential mitigation risks in relation to variations from anticipated impacts.
- 8.4.20. CCBC [REP6-050] maintained its concerns regarding the baseline data; the effect of the proposal on housing as set out in REP4-053 and continued to have concerns with regards to the phasing of the TWA.
- 8.4.21. At the end of the Examination the WG [APP8-017] maintained its concerns with regards to the baseline data and consequently its position with regards to the pressure that it perceived would be placed on accommodation. To address this, WG consider that the TWA should be delivered/phased ahead of demand and remain in place until there was clear evidence that it would no longer be required. Furthermore, WG had concerns regarding the triggers/mechanisms behind each phase.
- 8.4.22. Finally, WG advocated the need for a further contingency fund with appropriate monitoring that could be accessed if there was an unplanned increase in the housing stress (such as the late delivery of the TWA). This position was maintained at Deadline 9 and Deadline 10 [REP9-029 and

REP10-038] with WG warning that IACC and the Applicant should not expect any additional recourse to its funding if their plans for accommodation did not meet the needs at the time and additional impacts arose that required further mitigation.

8.4.23. Similar concerns regarding the availability of accommodation were raised by a number of IPs [including RR-003, RR-034, RR-037, RR-052, RR-054, RR0-55, RR-064, RR-070, RR-101, RR-108, RR-117, REP2-276, REP2-337, REP2-340 and AS-005].

8.4.24. In addition to the above concerns regarding the amount of accommodation needed and the timing of the delivery of the TWA, Land and Lakes [RR-071, REP1-043-094, REP2-219-263, REP3-058 and 059, REP4-036, REP5-079, REP6-055, REP7-018, REP8-076, REP10-076] also questioned the quality of the proposed on-site accommodation and the appropriateness of delivering the accommodation on-site rather than off-site with particular reference to legacy and consistency with adopted policy.

The ExA's Consideration

8.4.25. The ExA are satisfied that the proposed 2,000 home based workers and the 4,000 workers that would be accommodated within the Site Campus would not place a strain on local housing.

8.4.26. Of the remaining 3,000 non-home-based workers, the Applicant envisaged that 1,900 workers would either be accommodated within the Private Rented Sector (PRS)/owner occupied (1,400) or in latent accommodation (500) with the remaining 1,100 workers utilising tourist accommodation [APP-412].

8.4.27. Initial calculations by IACC for the number of units that would be required to deliver the necessary bedspaces was based on a ratio of 2 workers per unit as opposed to a ratio of 2.6-2.9 used by the Applicant. As a result, at the start of the Examination, there was a significant difference between the parties as to the number of units that would be required. However, following discussions between IACC and the Applicant, IACC [REP7-014] agreed that a ratio of 2.5 workers per unit could be applied. Consequently, whilst the overall number of bedspaces required remained the same, the number of units needed to deliver them reduced considerably. Consequently, IACC advised that they were satisfied that the proposed development would not adversely affect the availability of housing within the KSA [REP8-019].

8.4.28. In response to the ExA's further written question [PD-013] requesting further detail on how this ratio had been agreed IACC advised [REP9-031] that they considered that the increase in the s106 Worker Accommodation Capacity Enhancement Contribution would mean that IACC would have the ability to control and monitor delivery of suitable sized units and so could achieve a greater number of workers per unit (2.5 as opposed to the original 2). They advocated that this combined with the revised phasing strategy for the TWA, which would require the

delivery of 1,500 bedspaces, rather than the 1,000 originally proposed, prior to the employment of 2,200 non-home-based workers, would mean that there would be less pressure on existing housing stock and consequently they were satisfied that a higher ratio could be used.

- 8.4.29. Whilst the ExA note this explanation it remains cautious about the appropriateness of using a higher ratio given the earlier evidence provided by IACC, WG, GCC and CCBC [REP4-053].
- 8.4.30. Furthermore, like the WG [REP2-367, REP7-004 and REP9-029] the ExA are concerned that the success of this approach is predicated on the ability of IACC to deliver a significant number of units in a short space of time. Were the programme to be unable to deliver the right sized units, be delayed or fail to achieve an increase in supply, then it is considered that there is a very real risk that additional pressure would be placed on what is acknowledged to be a limited supply of housing. This could give rise to adverse socio-economic effects including, amongst other things, the potential of increased rents in the PRS and rises in house prices which could result in local residents being priced out of the market, choosing to relocate or becoming homeless due to a lack of affordable housing. In turn, given the number of Welsh speaking residents, this could adversely affect Welsh language and culture.
- 8.4.31. It is noted that to address this concern the Applicant through the signed s106 [REP10-009] is proposing extensive monitoring. Should IACC and GCC be unable to ensure the delivery of the necessary units a remedial action plan is proposed [REP10-009] and additional funding would be triggered from the proposed Accommodation Contingency Fund. However, the ExA is unclear on the basis of the evidence submitted where the additional capacity that would be needed would be found without potentially adversely affecting other sectors such as tourist accommodation, placing additional pressures upon the PRS or requiring workers to reside further away and have a longer commute. In addition to which the ExA note that both GCC [REP10-041] and the WG [REP10-038] both consider the proposed contingency fund to be insufficient to cover potential mitigation should this situation arise.
- 8.4.32. The ExA consider that this potential problem has arisen in part because for the early years of construction the accommodation strategy is predicated on the use of existing/new housing stock. Throughout the Examination the possibility of delivering the TWA earlier than proposed to help relieve pressure on existing accommodation and minimise the use of tourist accommodation was suggested by a number of IPs including IACC, GCC, CCBC and WG. It was also explored by the ExA at the Issue Specific Hearings (ISH) in January and March [EV-016 and EV-027 and through a number of detailed written questions [PD-009, PD-013 and PD-015].
- 8.4.33. However, whilst in response to concerns from IACC [REP2-068] the triggers for delivery of the TWA were changed from dates to limits on the number of workers, due to operational constraints, the Applicant [EV-020a] advocated that the TWA could not come forward any earlier than

proposed. Consequently, even with the change to triggers it would still be delivered towards the peak of construction requiring the existing housing stock to absorb the early waves of construction workers.

- 8.4.34. With regards to the use of tourist accommodation. The WG [REP8-017] raised concerns that the amount of stock available to construction workers would be considerably below the spare capacity shown in the accommodation strategy and the required demand. To address this concern the WG [REP8-017] sought a requirement capping the use of tourist accommodation at 1,100 workers and an amendment that the first phases of the TWA be delivered earlier.
- 8.4.35. The majority of tourism stock is unfettered ie there are no restrictions on who it is rented to. Furthermore, because it is let on a short-term basis and the KSA and Anglesey in particular are tourist destinations it is more easily available than other forms of accommodation within the KSA. As a result, the ExA consider given the need for accommodation that would be generated by the Application there is a real potential that more of this stock could be used to house workers than is currently estimated. The ExA consider that given the importance of tourism to the KSA that a reduction in availability of accommodation for use by tourists could have a direct and significant effect on the tourist economy of the area.
- 8.4.36. Whilst the ExA accept the Applicants case that they could not bring the TWA forward earlier, it agrees with the WG [REP8-017] that a requirement which places a cap on the number of workers that could use tourist accommodation could partially address this concern. Given that where workers would be accommodated would be monitored as part of the WAMS it is considered that subject to the appropriate wording such a requirement would meet the test for requirements in terms of necessity, reasonableness, precision and enforceability. However, even with a cap in place the ExA remain concerned that should IACC be unable to deliver the additional capacity necessary then given the limited availability of housing within the KSA pressure would be brought to bear to use accommodation within the tourist sector.
- 8.4.37. Given the sensitivities of the local housing market and the importance of the tourist sector to the economy of the KSA the ExA do not therefore agree, even with the raft of mitigation proposed, with the Applicants conclusion that the effect of the Application on accommodation during construction would not be significant.
- 8.4.38. The initial request by IACC for the provision of an Applicant controlled worker caravan park in order to address concerns regarding the quality and use of caravan accommodation and the co-location of workers and tourists remains unresolved at the end of the Examination. The matter was not included in the Statement of Common Ground (SoCG) [REP8-019] or dealt with at Deadline 9 or 10. Although the ExA did not receive specific confirmation from IACC as to whether this problem remained outstanding at the end of the Examination, given that IACC indicated that there were no outstanding issues with regards to accommodation at Deadline 10 then the ExA consider that this matter has been resolved.

- 8.4.39. The JLDP contains a number of policies (PS 9, PS 10 and TAI 10) with regards to the provision of temporary worker accommodation. All of the policies are supportive of the provision of such accommodation subject to a number of caveats. These include the preference for use/re-use of existing accommodation or the provision of new permanent buildings capable of being adapted for permanent use following their occupation by construction workers (PS 10); that such a provision should be located within or adjacent to existing settlement boundaries (Policy TAI 10 (1)) and where it is to be provided outside of these areas the developer would, amongst other things, need to demonstrate why (Policy TAI 10 (2)). This is reinforced by the guidance provided within the SPG.
- 8.4.40. The proposed Site Campus which would deliver the TWA would not comply with these policies as it would not be located within or adjacent to existing settlement boundaries nor, given its temporary nature would it provide accommodation capable of being adapted for permanent use. As such it would not deliver the long-term legacy for Anglesey advocated by the JLDP and SPG. However, the ExA note that in accordance with Policy TAI 10 (2) the Applicant has provided an explanation [APP-439] as to why the TWA is proposed on-site; namely that it delivers significant planning benefits in terms of reduced traffic movements; it would enable delivery of the Power Station as early as possible whilst minimising the impacts on local communities; all the accommodation could be provided in one location rather than on several sites which would have benefits in terms of worker management and behaviours and that to provide it off-site would have viability implications for the Application.
- 8.4.41. As such given the concerns outlined earlier in this section regarding the potential stress on availability of accommodation within the DCCZ, the ExA acknowledge that the provision of TWA is a key element in the proposed mitigation to address the effects that such a shortage could have on the area. Therefore, whilst it is noted that the provision of the TWA on-site would not be strictly in accordance with the policies of the JLDP and the guidance contained within the SPG, the ExA consider that the harm that, in accommodation terms, would arise if the TWA was not provided in the way proposed including the potential to adversely affect the viability of the Application as a whole outweigh the loss of potential legacy accommodation.
- 8.4.42. The ExA are aware that there are potential alternative schemes that could provide the TWA off-site and that would deliver legacy accommodation as envisaged by the JLDP and the SPG. However, the ExA are satisfied with the conclusions submitted in the site selection process [APP-439] and in response to the comments submitted by Land and Lakes [RR-071, REP1-043-094, REP2-219-263, REP3-058 and 059, REP4-036, REP5-079, REP6-055, REP7-018, REP8-076, REP10-076] and the written questions asked by the ExA [PD-009, PD-013, PD-015, PD-021 and PD-023] that in order for this Application to be viable the TWA would need to be provided on site. As a result, whilst the ExA note the request for the imposition of a Grampian condition [REP4-036] to limit accommodation at the site to 500 for the reasons set out they do not consider that such a condition would be necessary

- 8.4.43. The concerns around the quality of the TWA accommodation relate to the living conditions of occupants with particular reference to the effect of noise and disturbance from construction works and air quality. This matter is considered in more detail in the chapters on noise and vibration (Chapter 16) and air quality (Chapter 11).
- 8.4.44. The effect of the delivery of the TWA on the WNDA and in particular the effect that this would have on the Tre'r Goff SSSI is considered in Chapter 6 of this report.
- 8.4.45. The ExA agree that with regards to operation given that 85% of the workforce would be home based, the operation of the Power Station would not adversely affect the supply of accommodation.

Conclusion

- 8.4.46. When considering the effect that the propose development would have on accommodation the LIRs [REP2-066, REP2-075, REP2-089 and REP2-297] raised concerns regarding the capacity of the housing stock within the KSA to accommodate the large workforce that would be needed. The ExA note that at the end of the Examination as a result of the measures contained within the signed s106 [REP10-009] both IACC [REP8-019] and GCC [REP10-041] considered that the majority of their concerns had been addressed. However, WG [REP10-038] and CCBC [REP2-289] concerns remained outstanding. The ExA agree with WG that the amount of stock available to construction workers could be below the spare capacity shown in the accommodation strategy and the required demand and even with the proposed raft of mitigation measures and the suggested additional requirement the ExA remain concerned that there would be the potential for the Application to have a significant negative effect on accommodation within the KSA.

8.5. EMPLOYMENT (INCLUDING BUSINESS AND THE SUPPLY CHAIN)

The Applicant's Case

- 8.5.1. The Planning Statement [APP-406] advocates that there would be major beneficial effects on the labour market in the DCCZ and KSA during construction. At peak construction up to 9,000 workers would be required. Based on an assessment of the labour market and available skills an estimated 2,000 of the peak workforce would be expected to already reside within the KSA/DCCZ (1,260 of which would be based on Anglesey). Applying a construction sector employment multiplier to calculate indirect and induced employment the Applicant estimates that a further 1,800 jobs in addition to the 2,000 cited above would be created in the DCCZ as a result of direct employment opportunities.
- 8.5.2. The Applicant considers that the sensitivity of the labour market in the DCCZ is high and the magnitude of local employment opportunities is large. As a result, the ES [APP-088] concludes that the significance of effects is considered to be major beneficial for the DCCZ and moderate

beneficial for Anglesey itself where the magnitude of change is considered to be large to medium.

- 8.5.3. The Applicant advocates [APP-088] that 60% of the £10+ billion project value during the construction phase would be spent within the UK. At this stage they are unclear as to how much of this value would be spent locally (ie within North Wales). However, using benchmarking from other similar projects the Applicant considers that between 2-4% of this spend would be realistic. This would equal an investment of between £200-400 million within North Wales over the construction period and represent the provision or safeguarding of between 120 to 350 Full Time Equivalent (FTE) jobs. Given the size of the local economy the significance of this effect is assessed as moderate beneficial.
- 8.5.4. The Applicant [APP-088] considers that the creation of these jobs would also carry positive implications for Welsh language and culture as they would enable the retention or return of Welsh speakers who might have otherwise had to leave the area to find suitable work. This matter is considered in more detail in the section on Welsh language and culture.
- 8.5.5. During operation the ES [APP-088] concludes that there would be major beneficial effects on the labour market within the DCCZ resulting from the creation of 850 permanent jobs at the Power Station. In order to maximise the opportunities for local residents a number of measures including training and development, apprenticeships, graduate programmes etc are proposed by the Applicant [REP10-009]. Given the long-term nature of the positions, the provision of high skilled jobs, the potential to reverse outward migration trends and the importance of the local labour market the significance of the effects on employment levels on Anglesey were assessed as major beneficial.
- 8.5.6. Finally, during planned periods of outage, which would occur every 9 months, there would be the need for an additional 1,000 staff. Due to the temporary nature of this work it is recognised that most of these staff would potentially be non-home based and therefore the creation of these jobs would have little or no effect on employment in Anglesey. Consequently, the ES [APP-088] considers the effect as not significant.
- 8.5.7. However, the Applicant [APP-088] recognised that local companies did provide services to the existing Wylfa Power Station during outages and that at Sizewell B the first outage recruited 37% of its workers from within the DCCZ. Consequently, they considered that it would be possible that outages could provide some beneficial employment outcomes.
- 8.5.8. The Applicant recognises [APP-088] that a potential adverse effect with the creation of this number of jobs is that it could give rise to labour churn (also referred to as displacement). The Applicant acknowledges that there are concerns amongst several stakeholders that a high level of labour churn could result in some businesses struggling to recruit and retain staff. However, when assessed against the existing turnover in the labour market and the mitigation and good practice measures proposed, the Applicant has concluded [APP-088] that the potential effect of labour

churn on local businesses and the local economy would be minor adverse and therefore not significant.

- 8.5.9. To address concerns regarding the potential effects of labour churn/displacement and to maximise the opportunities locally for employment the Applicant is proposing a raft of measures including apprenticeships, training schemes and contributions to organisations to deal with labour churn through the signed s106 [REP10-009]. Full details of the mitigation measures proposed in the s106 can be found in Appendix E of this report. In addition, requirement PW11 would ensure that digital connectivity and capacity for Anglesey would be maintained.
- 8.5.10. The Applicant therefore considers that the Application would have the potential to deliver significant economic benefits to both the local and wider economies. They are also satisfied that any potential harm that might arise as a result of labour churn would be addressed through the proposed mitigation.

The Planning Issues

- 8.5.11. Chapters 3 (economic development) and 4 (supply chain) of IACCs LIR [REP2-063 and REP2-064] consider the issues surrounding employment. They recognise that there are a significant number of positive effects that could result from the jobs that would be created and the potential opportunities for local businesses. However, they also identify labour churn as a key area of concern. The same benefits and concerns were raised by both GCC [REP2-297] and CCBC [REP2-289] in their LIRs.
- 8.5.12. Employment (education, skills and labour supply) and economic development were also a key concern of the WG [RR-092, REP1-024, REP2-367, REP3-061, REP4-053, REP6-062, REP8-071]. Again, the focus was on labour churn and the concern that this could destabilise a fragile economy. There was also a focus on the need to secure long-term economic benefits for both the local area and the wider region.
- 8.5.13. By the end of the Examination the SoCG with IACC [REP8-019] and CCBC [REP6-050] indicated that all issues on this matter had been resolved through amendments to the s106 [REP10-009]. The WG [REP8-017] retained a concern with regards to the baseline data that had been used to inform the Socio-Economic Assessment. GCC maintained their concern with regards to the robustness of the labour market and its ability to deal with labour churn [REP6-048].
- 8.5.14. A number of service providers including Gwasanaeth Tân ac Achub Gogledd Cymru/North Wales Fire and Rescue Service (NWFRS)[RR-095, REP2-344, REP3-053, REP4-042, REP5-087, REP6-056, REP7-008], Heddlu Gogledd Cymru/North Wales Police (NWP) [RR-124, REP1-096, REP2-345, REP3-062, REP4-043, REP5-071-74, REP6-057, REP7-006-007, REP8-075, REP9-038], Bwrdd Iechyd Prifysgol Betsi Cadwaladr/Betsi Cadwaladr University Health Board (BCUHB) [REP2-277-279] and Iechyd Choedus Cymru/Public Health Wales (PHW) [REP2-291]

raised concerns over labour churn and the effect that this could have on the delivery of key health and social services.

- 8.5.15. As set out in the tourism section (section 8.7) of this chapter the effect of labour churn was also a key concern to local tourist providers as a loss of employees from this sector and/or a difficulty in recruiting was considered to have the potential to adversely affect the delivery of tourist services within the KSA.
- 8.5.16. Many IPs [RR-018, RR-019, RR-026, RR-033, RR-039, RR-045, RR-054, RR-070, RR-066, RR-068, RR-102] acknowledged the benefits that the scheme could deliver to the local economy through job creation and economic opportunities. Albeit that a number of these [RR-018, RR-026, RR-039, RR-054, and RR-066] emphasised the need to ensure that local opportunities would be maximised.
- 8.5.17. Wales Anti-Nuclear Alliance [REP2-365] considered that the proposal would have a negative impact on local employment by detracting attention from investment in other industries and highlighting that when large-scale construction schemes end, they are often followed by a rapid rise in unemployment.

The ExA's Consideration

- 8.5.18. The ExA are satisfied that the potential effects of the Application on employment including business and the supply chain have been assessed through the ES [APP-088, APP-095-097] and have been tested through the Examination both through written questions [PD-009 and PD-013] and the oral evidence provided at the Hearings held in January and March 2019 [EV-20a -20h and EV-028-32].
- 8.5.19. Based on what it has read and heard the ExA agree that a major socio-economic benefit of the Application would be through the employment opportunities that would be delivered as a result of both the construction and operation of the scheme. The ExA note the concerns regarding the potential effect of the proposal on other employers and industries within the area through labour churn/displacement of staff. However, the mitigation measures that were developed through negotiations during the Examination and that would be delivered through the signed s106 [REP10-009] agreement are considered to address these concerns.
- 8.5.20. The ExA note the outstanding concern of the WG with regards to the baseline data used to inform the socio-economic assessment and its request that because of this there needs to be a contingency which recognises the uncertainty and limitations of the baseline. The ExA are satisfied that the assessment of effects was not solely based on survey responses, but amongst other things consideration of existing turnover in the market. Furthermore, monitoring and reporting mechanisms in the Supply Chain Action Plan which would be secured through the Wyfla Newydd Code of Construction Practice (WNCocP) [REP10-018] and the signed s106 [REP10-009] would enable a flexible approach to mitigation to address any uncertainty that might arise. As a result, the ExA are

satisfied for the Application to be considered on the basis of the data submitted.

- 8.5.21. The Wylfa Newydd Employment and Skills Service provided as part of the s106 [REP10-009] would be tasked with amongst other things helping local firms with displacement issues that may arise as a result of labour churn.
- 8.5.22. With regards to the specific concerns from BCUHB and PHW in relation to the effect of labour churn on the delivery of key health and social services it is noted that the s106 [REP10-009] would provide a financial contribution to BCUHB and IACC to address staffing and workforce planning to minimise the effect of potential labour churn. NWP and NWFRS would also, through the signed s106 [REP10-009], both receive contributions towards workforce planning.
- 8.5.23. A number of the s106 [REP10-009] contributions and schemes including the proposed Wylfa Newydd Employment and Skills Service would be specifically aimed at maximising local job opportunities locally.

Conclusion

- 8.5.24. The ExA conclude that the proposed development would deliver a number of significant positive benefits both locally and regionally through the provision of long term secure well paid jobs (both directly and indirectly) which would help boost the local and regional economies.

8.6. HEALTH AND WELLBEING (INCLUDING SAFEGUARDING)

Introduction

- 8.6.1. The focus on this element of the report is on health and wellbeing and not on workplace health and safety.
- 8.6.2. The Government states that the application should be determined on the basis that regulation would adequately mitigate radiation exposure to workers, the public and the environment [NPS EN-6 paragraph 3.12.4]. Based on this clear direction, the ExA has not examined the potential radiological effects that could arise as a result of the proposed development and how these may affect health and wellbeing.
- 8.6.3. As the power line connection to the grid does not form part of this application the ExA has also not considered the potential for electromagnetic field effects.

The Applicant's Case

- 8.6.4. At a national level the Applicant advocates [APP-406] that the proposed development would help bring a stable supply of low-carbon electricity to Wales and the UK. They believe that this has many direct and indirect effects on health and wellbeing, for example, at the most basic level, electricity enables people to heat and light their homes. A stable power

supply helps health and social care services to operate, jobs and economic activity to continue and technology to function. Low-carbon energy generation can also help to address the impacts of climate change.

- 8.6.5. The Applicant submitted a Health Impact Assessment (HIA)[APP-429] which assessed how the proposal may affect the health and well-being of people within the KSA.
- 8.6.6. The Applicant advocates [APP-429] that working improves mental and physical health. The proposed development would create employment opportunities for local workers, young people, school leavers and graduates as well as those who are currently unemployed or under-employed.
- 8.6.7. The Applicant is proposing to support training and education through the expansion of their existing Apprenticeship scheme and a number of s106 contributions [REP10-009] towards education provision within the KSA. Consequently, they advocate that the long-term health and well-being of communities on Anglesey would improve through the ability to get higher skilled and higher paid employment leading to a better overall quality of life.
- 8.6.8. The Applicant believes that the project would bring improvements to the local environment in the short, medium and long term that would improve people's health and wellbeing. For example, the proposed A5025 Off-line highways works in addition to enabling access to the site would improve road safety for everyone. Furthermore, these improvements in the medium/long term would also help reduce traffic noise and air pollution in those communities in Valley, Llanfachraeth and Llanfaethlu through which the A5025 currently passes but that would be by-passed as a result of the proposals.
- 8.6.9. However, in addition to these potential benefits that could be delivered by the scheme the HIA [APP-429] highlights a number of potential disbenefits. For example, during construction, people living closest to the WNDA and the local road network may experience noise disturbance and a change in air quality as a result of construction activities and delivery vehicles.
- 8.6.10. The Applicant acknowledges [APP-492] that given the number of construction workers pressure may be placed on the housing stock resulting in an increase in house prices and rents which could result in some existing residents having to relocate to accommodation that is of a poorer quality and/or further from existing jobs, schools and friends.
- 8.6.11. During construction there would be an increase in the number of vehicles using the local road network which could increase accident risk and affect healthcare related journey times (including blue light response times) across Anglesey and onto the mainland.
- 8.6.12. The Applicant acknowledges [APP-429] that the demand for labour, particularly during construction, would have implications for employers

within the KSA with competition for employees. This could have the potential to result in a strain being placed on the delivery of local health and community services if positions cannot be backfilled.

8.6.13. Furthermore, the influx of the number of workers required for construction, without the appropriate mitigation being in place, would have the potential to place a strain on existing health and social services within the KSA.

8.6.14. The Applicant expects that the workforce would be professional, hardworking and law abiding [APP-429]. However, they acknowledge that there is, given the number of workers involved, the potential for anti-social behaviour and safeguarding issues to arise.

8.6.15. To address the adverse effects to health and wellbeing the Applicant has developed a raft of mitigation measures that would be delivered through embedded mitigation; good practice and s106 contributions.

8.6.16. Embedded mitigation would include:

- Highway improvements along the A5025 between Valley and the WNDA. This would result in the bypassing of the communities of Valley, Llanfachraeth and Llanfaethlu;
- Provision of a Site Campus which would include an on-site medical facility to meet the health needs of workers; and
- Provision of the Park and Ride at Dalar Hir, the Logistics Centre at Parc Cybi and the Marine Off-Loading Facility (MOLF) to reduce and manage the traffic that would use the A5025.

8.6.17. Good Practice mitigation would be secured through the WNCocP [REP10-018] and the Workforce Management Strategy (WKMS), amongst other things, include the following measures:

- Regular communication meetings with key stakeholders and local communities through the Community Liaison Group;
- Advance notification of works to occupiers of nearby properties that will affect them;
- Establishment of free dedicated bilingual telephone hotline for anyone with concerns about the construction programme or proposed development including a system for logging and dealing with complaints;
- Submission and approval of a Community Safety Management Scheme which would set out how the effects of the project on community safety management (including aspects of safeguarding) would be monitored and managed;
- Collaboration with the Emergency Services Engagement Group;
- Preparation of safeguarding protocols with NWP and IACC which would be reviewed annually;
- Staff training in safeguarding; and
- Provision of code of conduct for construction workers.

- 8.6.18. The embedded and good practice mitigation would be secured through the following requirements:
- PW7 requires that the construction of the development must be carried out in accordance with the WNCocP [REP10-018] or the relevant Sub CoCP [REP10-020, 022, 023, 025, 027 and 028]. In addition, a Community Safety Management Scheme would need to be submitted to and approved by IACC prior to construction commencing.
 - PW8 requires the undertaker to comply with the Workforce Management strategy [APP-413] during construction and to prepare, submit and get approval from IACC in consultation with NWP for a Code of Conduct which would then be implemented throughout the construction of the development. Sub-contractors would be expected to put in place similar arrangements and enforce an equal standard of behaviour.
 - WN21 would prevent the Site Campus from being occupied until the details and design of the Site Campus medical centre have been submitted to and approved by IACC in consultation with BCUHB. The details must include provision of GP and pharmacy dispensing services, primary care for minor injuries and occupational healthcare and hygiene and service facilities.
- 8.6.19. Finally, the signed s106 [REP10-009] would deliver a significant number of measures to mitigate the effect of the proposed development with regards to health and wellbeing (including safeguarding), details of these can be found in Appendix E of this report.
- 8.6.20. The HIA [APP-429] identifies that whilst most of the adverse effects would be experienced during construction most of the benefits would be delivered during operation which would arise through maximising employment opportunities for local residents and the provision of a supply of low carbon energy to Wales and the UK.
- 8.6.21. The Applicant therefore considers that whilst the proposal has the potential to adversely affect health and wellbeing (including safeguarding) the package of mitigation measures proposed would minimise any harm to an acceptable level.

The Planning Issues

- 8.6.22. The LIR provided by IACC does not contain a specific chapter on health and wellbeing but includes chapters on Safeguarding (chapter 6) [REP2-066] and Community (chapter 15) [REP2-075]. With regards to safeguarding IACC seeks the active protection of local communities and vulnerable groups. They advocate that Anglesey benefits from a strong sense of community cohesion with low levels of crime and raised a concern that without appropriate mitigation that an influx of a large number of non-homebased workers could lead to community tensions and an increase in crime and anti-social behaviour.
- 8.6.23. GCC [REP2-297], whilst acknowledging that they were more remote from the application site, raised similar concerns. They concluded that it would

be unlikely that there would be significant local impacts in terms of health and wellbeing. However, they were concerned if the assumptions in the HIA [APP-429] and ES [APP-088] proved to be unrealistic that this could place pressure on public services and in particular third sector providers.

- 8.6.24. Apart from general concerns regarding access to accommodation and the backfilling of jobs CCBC did not raise any specific concerns regarding health and wellbeing in their LIR [REP2-289].
- 8.6.25. Healthcare in Wales is overseen by Iechyd Cyhoeddus Cymru/Public Health Wales (PHW) and in the local area is provided by the BCUHB which provides a full range of primary, community, mental health and acute hospital services. Both PHW [REP2-290] and BCUHB [REP2 -277-279] have concerns related to the demands the influx of workers would place on health and community services that the organisations delivered.
- 8.6.26. Both PHW and BCUHB engaged with the Applicant throughout the pre-application period and during the Examination. Consequently, by the close of the Examination the SoCGs submitted at deadline 6 [REP6-044 and REP6-041] indicated that the majority of concerns raised by the organisations had been satisfactorily addressed through the signed s106 [REP10-009] particularly in relation to the funding of the additional demands that the proposed development would place on health and community services.
- 8.6.27. However, both organisations retained concerns around safeguarding and that the HIA did not reflect the provision of worker accommodation through the provision of a Site Campus. With regards to safeguarding both organisations wanted to see the production of an overarching Community Safety Management Strategy (CSMS). In relation to the HIA both parties agreed with the Applicant that there was a need to focus on mitigation going forward. Finally, PHW continued to seek a financial contribution to cover the costs that may arise as a result of the potential migration of skilled medical staff.
- 8.6.28. NWP [RR-124, REP1-096, REP2-345, REP3-062, REP4-043, REP5-071-74, REP6-057, REP7-006-007, REP8-075, REP9-038] considered that the proposal had the potential to put considerable pressure on the police service. As a result, NWP sought to be involved in the approval of a number of key control documents such as the WKMS and Code of Conduct. They also requested a raft of s106 contributions to ensure that the police service would have the necessary resources in place to maintain their current levels of service provision and to address any policing issues such as anti-social behaviour that could arise as a result of the proposal.
- 8.6.29. NWP confirmed at deadline 10 [REP10-045] on the basis of the dDCO, control documents and signed s106 submitted at deadline 10 [REP10-006, REP10-018, REP10-009] that their original concerns had been addressed and that they had no outstanding objections to the Application.

- 8.6.30. However, they caveated this agreement by stating that *"if mitigation is not properly secured the impact on community safety would be unacceptable and would constitute an unacceptable risk, such that the NWP does not feel that it would be able to properly protect the public. In the event that any aspect of the DCO, s106, control documents or management strategies are amended prior to the SoS decision there is the potential risk that this could have a detrimental impact on police services and public safety and therefore NWP requested that it is formally reconsulted on any changes to these documents following the closure of the Examination"*
- 8.6.31. Fire and rescue services within the KSA are delivered by the NWFRS. Like NWP, NWFRS were concerned about how the Application would affect the delivery and resourcing of their services [RR-095, REP2-344, REP3-053, REP4-042, REP5-087, REP6-056, REP7-008]. The SoCG [REP6-034] highlighted a number of outstanding concerns including who would attend a fire at the Off-site Power Station facility; the amount of additional funding that would be required by NWFRS; concerns regarding staff displacement and the effect that this might have on the continued staffing of retained fire crew stations and an aspiration to ensure that the proposed construction workforce were educated in fire safety.
- 8.6.32. The Ymddiriedolaeth GIG Gwasanaeth Ambiwylans Cymru/ Welsh Ambulance Services NHS Trust (WAST) raised concerns regarding safeguarding and the potential effects of the Application on the services that they provide [RR-090 and REP2-363]. However, after on-going discussions throughout the Examination the SoCG submitted at deadline 6 [REP6-036] indicated that the only outstanding matters were a difference in opinion over the number of daily trips for secondary care NHS services that would arise at the peak of construction and the request for the production of an overarching CSMS.
- 8.6.33. Specific concerns raised by NWP, NWFRS and WAST with regards to traffic, transport and the road network are considered in Chapter 17.
- 8.6.34. The WG in their SoCG [REP8-017] advocate that in line with the WBFGA, they consider that it is essential that the proposed development does not adversely affect health and well-being. This includes the physical, mental and social well-being of both the proposed workforce and the existing population. During the construction phase they do not want to see a reduction and/or deterioration in access to and quality of services for the local communities and population of North Wales. The concerns raised by the WG reflect those raised by others including concerns regarding safeguarding and the need for a CSMS; labour churn; management of anti-social behaviour and the existing strain on health services. In addition, they raised a specific concern regarding the need for checks for health insurance for international workers; for further details in relation to contingency plans for emergency services and a question with regards to whether the community survey that forms part of the baseline work needed to be updated to reflect the changes to the way in which worker accommodation would be provided.

- 8.6.35. Health and wellbeing was a key concern for a number of community councils [including RR-012, RR-035, RR-039, RR-040, RR-045, RR-119] the concerns raised reiterated those detailed above including concerns in relation to increased competition for accommodation and potential pressures on existing local services including healthcare and the police services. In addition, the North Anglesey Councils Partnership (NACP)[REP6-042] which represents the town and community councils of Amlwch, Cylch y Garn, Llanbadrig, Llaneilian, Mechell and Rhosybol raised specific concerns about the potential effects of noise, dust and light pollution on residents during the construction period. They also questioned the quality of life for construction workers given the proposed working hours and shift patterns.
- 8.6.36. These views on the potential effect of the proposal on health and wellbeing (including safeguarding) were reiterated by a significant number of individual IPs [among them RR-001, RR-002, RR-012, RR-035, RR-039, RR-040, RR-045, RR-068, RR-070, RR-085, RR-101, RR-119].

The ExA's Consideration

- 8.6.37. The ExA are satisfied that the potential effects of the proposal on the health and wellbeing (including safeguarding) have been carefully assessed through the HIA [APP-432] the ES [APP-088, APP-095-097] and have been tested through the Examination both through written questions [PD-009 and PD-013] and at the Hearings held in January and March 2019 [EV-20a-20h and EV-28-032].
- 8.6.38. Whilst it is recognised that the proposal could deliver a number of benefits with regards to health and wellbeing there are also a number of concerns around the effect that the influx of a large workforce during the construction period would have on the KSA.
- 8.6.39. It is clear to the ExA that the Applicant, local organisations and service providers have worked together throughout the Examination to try to agree a raft of measures to address their concerns. The ExA is satisfied that these measures which would be secured through the dDCO [REP10-006], the WNCocP [REP10-018] or delivered through the signed s106 [REP10-009] satisfactorily address the majority of the concerns that were raised with regards to health and wellbeing.
- 8.6.40. However, at the close of the Examination there were a number of outstanding issues which are detailed below.
- 8.6.41. These include the potential pressures placed on accommodation and labour churn which are considered in more detail in the relevant sections of this chapter.
- 8.6.42. A number of organisations (PHW/BCUHB/WAST and the WG) advocated the need for an overarching CSMS to address concerns regarding safeguarding. Requirement PW7 would require the submission and approval of a CSMS by IACC in consultation with NWP, BCUHB, NWFRS, NWASt prior to commencement of development. As a result, the ExA are

satisfied that there are appropriate measures in place to ensure that this matter is managed appropriately.

- 8.6.43. The Applicant has indicated [REP6-034] that the proposed on-site fire and rescue service would attend events at the Off-site Power station facilities but that NWFRS would attend incidents at the Park and Ride site and Logistics Centre. The Applicant recognises that if the on-site crew had to attend an incident off-site that appropriate cover would need to be maintained at the main site for the duration of that event.
- 8.6.44. The ExA note at deadline 7 [REP7-008] that NWFRS considered the funding proposed in the draft s106 fell short of what they considered would be necessary. However, in the completed s106 submitted at deadline 10 [REP10-009] the ExA note that the contribution has increased by 25%. As a consequence, on the basis of the evidence submitted the ExA are satisfied that the financial contribution combined with the on-site fire service provision would be sufficient to ensure that the additional pressures placed on NWFRS as a result of the Application would be appropriately mitigated. Furthermore, the s106 Fire Service Contribution would cover training and as a result the ExA consider that this could be used to cover the cost of NWFRS educating the construction workforce on fire safety.
- 8.6.45. The majority of the fire service in Anglesey is delivered by Retained Duty System (or RDS) firefighters. NWFRS are concerned that should existing RDS firefighters take up a position created as a result of the Application they would not be available to fulfil their roles for NWFRS [REP6-034]. However, the Applicant confirmed at the Issue Specific Hearing on the 7 January 2019 [EV-20a-20d] and in the SoCG [REP6-034] that they do not envisage that it would work any differently for an RDS firefighter, unless employed in the role of a firefighter at the site, working for the Applicant as opposed to any other employer and as such would therefore be able to continue to fulfil their RDS duties. Consequently, the ExA are satisfied that the proposal would not adversely affect the staffing of the fire and rescue service on the island.
- 8.6.46. The s106 ambulance contribution would be to cover additional demands on the ambulance service which could include trips for secondary care. As a consequence, the ExA are satisfied that the additional pressures on the ambulance service would be adequately mitigated.
- 8.6.47. The requirement to check that workers from outside the EU have the requisite paperwork, include the appropriate health insurance, would be the responsibility of the Applicant or their sub-contractors and is not a matter for this Examination.
- 8.6.48. Whilst the community survey which was used for the baseline was undertaken in 2016 and was based on the delivery of a smaller Site Campus, the ExA is satisfied that it is robust for the purposes of the HIA and it is not considered necessary to update it as the larger Site Campus proposed would include a medical centre and other measures that would mitigate the effect on health and wellbeing.

- 8.6.49. The concerns regarding air quality, noise and vibration and their effect on health and wellbeing is considered elsewhere in this report (air quality in Chapter 11 and noise and vibration in Chapter 16).
- 8.6.50. Concern over potentially long working hours and the effect that this would have on the health and wellbeing of the workforce was raised by the NACP[REP2-342] a number of IPs [RR-007, REP1-034, REP4-051, REP7-040] and at the Open Floor Hearing [EV-038]. The ExA note that working hours would be managed through the WKMS for both construction and operational staff.
- 8.6.51. The ExA is concerned that as currently worded, Requirement WN21 the details of the site campus medical centre, are only required prior to occupation ie after the building has been completed thereby potentially restricting the medical facilities and services that could be provided. In order to ensure that the site campus medical centre would meet the needs of users and not place additional pressure on exiting medical provision within the KSA the ExA consider that the wording of the requirement needs to be amended to require the details of the site campus medical centre to be submitted for approval prior to commencement rather than prior to occupation in order to ensure that the facility can be designed and laid out in such a way as to ensure all the necessary services and medical facilities could be accommodated. Suggested amended wording for the rDCO is as follows:
- "Prior to commencement of the construction of the Site Campus written details and designed for the provision of the Site Campus medical centre shall be submitted to...."*
- 8.6.52. As the proposed operational workforce would be predominantly homebased, the ExA consider that this opportunity for long term skilled employment has the potential to improve health and wellbeing within the KSA.
- 8.6.53. NPS EN-6, in addition to the positive effects on health that can arise from positive socio-economic effects of new nuclear powers stations (paragraph 3.12.6) and the effect on healthcare provision (paragraph 3.12.5), also refers to other aspects of human health. Paragraph 3.12.2 notes that due to the costal location of sites there is the potential for impact on land that has residential and amenity value (this aspect of the scheme is considered in Chapter 13 – landscape and Visual and in the relevant sections of this chapter). Paragraph 3.12.3 notes that with the appropriate mitigation the effects of noise, vibration and air quality on human health is unlikely to be significant. This is considered in more detail in Chapters 11 (air quality) and 16 (noise and vibration). Finally, with regards to radiation (paragraph 3.12.4) whilst it notes that it requires careful management it also recognises that safety systems in place in the design of stations and compliance with the UK's robust legislative and regulatory regime mean that the risk of radiological health detriment posed by nuclear power stations is very small.

Conclusion

- 8.6.54. For the reasons outlined above, the ExA are satisfied that the potential effects on health and wellbeing would be appropriately mitigated and would therefore avoid any adverse impacts that could arise as a result of the proposed development. Furthermore, the ExA consider that through the provision of a source of low carbon energy and long-term skilled employment the proposed development would deliver a number of significant positive benefits for the health and wellbeing of residents both locally, regionally and nationally.

8.7. TOURISM AND RECREATION

The Applicant's Case

- 8.7.1. The Applicant acknowledges that tourism is vital to the economy of Anglesey. Furthermore, it recognises that north Wales, of which Anglesey forms part, is seen as a popular tourist destination which provides a substantial contribution to the tourist economy of Wales as a whole. The Applicant understands that tourism is also central to employment on the island. The effect of the Application on tourism is considered in the ES [APP-088, APP-095-097].
- 8.7.2. The Applicant advocates that the use of some of the tourist accommodation on the island to house construction workers would provide an increase in revenue for tourist providers as the accommodation would be occupied throughout the year. In turn they consider that this would help to safeguard/support jobs within the tourist industry. However, they acknowledge that higher levels of occupancy over a longer period of time may lead to poor maintenance which could in the long term adversely affect the quality of the stock.
- 8.7.3. They accept that visitor behaviour may change as a result of the Application including tourists choosing to visit other parts of the island; undertake different activities; stay for a shorter period; not making a return visit or in some cases not visiting at all. Whilst they concluded that the actual visitor numbers that would be lost would be limited it was recognised that this could have a disproportionate effect on tourist revenue/spend albeit that they concluded that any drop-in tourist revenue would be compensated for by the spend from construction workers.
- 8.7.4. The Applicant concluded that the food and drink sector on the island had the opportunity to benefit from not only the additional spend from construction workers, but opportunities provided by facilities management and catering contracts.
- 8.7.5. Due to the location of the WNDA the proposal would affect land that currently has a recreational value. In addition to the Wales Coastal Path a number of Public Rights of Way (PRoW) crisscross the area. As a result of the Application a number of these PRoW (including the Wales Coastal Path) would need to be stopped up or diverted either on a temporary basis to enable construction or on a permanent basis as the current route would be lost as a result of the proposed development. However, the

Applicant [APP-406] considers that there would be an increase in the recreational amenity of new footpaths compared to baseline conditions as a result of the provision of routes suitable for wheelchair users, picnic areas, interpretation boards and a nature trail.

- 8.7.6. The Applicant acknowledges that due to the proposed number of construction workers additional pressure could be placed on recreation facilities within the KSA.
- 8.7.7. Due to the importance of tourism and recreation to Anglesey the Applicant is proposing extensive mitigation measures to help protect and promote the Anglesey brand.
- 8.7.8. The Site Campus would include a floodlight Multi Use Games Area (MUGA), gym and outdoor recreation areas.
- 8.7.9. This signed s106 [REP10-009] would deliver a significant number of measures to mitigate the effect of the proposed development with regards to tourism and recreation, details of these can be found in Appendix E of this report.
- 8.7.10. The Applicant accepted that there is a significant natural fluctuation in visitor numbers which made it difficult to identify the potential effects and that it was not feasible to accurately assess the total scale of the effects on the tourism brand. Nevertheless, they concluded that the effect of the Application on tourism could be moderate adverse but that given the importance of tourism to the economy of Anglesey this could have a significant affect. However, they concluded that the package of mitigation proposed would address these concerns and therefore minimise any harm.
- 8.7.11. During operation of the Power Station the Applicant stated that there would be very limited effects on tourism [APP-088].

The Planning Issues

- 8.7.12. Chapter 5 of IACC's LIR [REP2-065] deals with Tourism. The LIR confirmed the importance of tourism to the economy of Anglesey. IACC estimated that it is the largest economic sector on the island and provides over 5,000 jobs. The LIR listed a number of impacts to tourism that IACC considered would arise as a result of the proposal. These included loss of tourist accommodation; disruption to staff/supply chain through labour churn; threats to the brand/reputation of Anglesey as a tourist destination and the effect that this may have on visitor perception; worries that construction traffic could make it difficult to move around the island; and that visual, noise and air pollution would have a negative effect on a number of key tourist attractions in the vicinity of the WNDAs including the Wales Coastal Path, the Area of Outstanding Natural Beauty (AONB) and the PRow network.
- 8.7.13. Chapter 15 of IACC's LIR [REP2-075] which deals with community also includes leisure and recreation. It highlighted a concern by IACC that the proposed on-site leisure and recreation facilities would be insufficient to

meet the needs of all non-home-based workers and that contributions would be needed to enhance existing leisure and recreation facilities in order to enable them to meet the increased demand.

- 8.7.14. GCC LIR [REP2-297] highlighted that tourism is also important to the economy of Gwynedd and across the DCCZ. Consequently, they believe that a minor negative effect in this sector could have a major economic impact. Whilst GCC recognise that the main effects of the development would be experienced on Anglesey they are concerned about the adverse effect that the Application may have on the perception of the wider area as a tourist destination. Like IACC they are concerned about the availability of tourist accommodation for tourists should it be used to accommodate workers. They advocate [REP2-297] that mitigation would be required to minimise the risks to tourism and request that they are fully involved in the development and delivery of monitoring and mitigation measures relating to tourism.
- 8.7.15. Although CCBC [REP2-289] supported the Application in principle they raised similar concerns to IACC and GCC in relation to tourism and seek comprehensive monitoring supported by appropriate mitigation.
- 8.7.16. Neither GCC or CCBC raised any concerns with regards to leisure and recreation.
- 8.7.17. As with other topics the Applicant maintained an on-going dialogue with the parties to try to resolve these concerns. By the close of the Examination the SoCG with IACC [REP8-019] indicated that they had no outstanding concerns in relation to tourism and recreation. Whilst there remained a disagreement between the Applicant and IACC in terms of the baseline capacity of tourism stock IACC were satisfied that the impacts on tourism accommodation together with the spatial distribution of the works could be monitored and mitigated through the 'Housing Fund' and the WAMS Oversight Board. The only outstanding matters for GCC [REP6-048] were concerns with regards to labour churn and the potential displacement of staff working within the tourism sector being greater than suggested by the Applicant and a request that part of the tourism fund should be allocated to Gwynedd. There were no outstanding matters with CCBC [REP6-050].
- 8.7.18. The WG concerns reflected those raised by IACC, GCC and CCBC albeit that their concerns focused on the effects on tourism at a regional/national level. At the close of the Examination although agreement had been reached on several matters there remained a number of outstanding concerns in relation to tourism [REP8-017]. These include a concern that the tourist accommodation stock available to construction workers would be considerably below the capacity shown in the accommodation strategy and the required demand. To address this concern the WG considered that a cap of no more than 1,100 workers using tourist accommodation and an amendment to the phasing of the proposed Site Campus would be required.

- 8.7.19. The Applicant has worked with Destination Anglesey Partnership, who work to ensure that private sector interests are represented on all tourist matters, to prepare a SoCG [REP6-042]. Similar concerns about the potential effect of the proposal on tourist accommodation were raised but with a particular emphasis to ensure that Anglesey must remain, 'open for business'; they want staff to be encouraged to utilise tourism facilities; they highlight importance of monitoring and mitigation to address any adverse impact on the perception of Anglesey as a tourist destination; they have concerns about the effect of construction/worker traffic would have on the road network and tourist traffic; they emphasised the need for an active tourism marketing and promotion campaign pre, during and post construction; had concerns regarding labour churn; and sought support for training in the hospitality industry. A further representation at deadline 9 [REP9-034] clarified that they did not agree with IACC position [REP8-019] with regards to the effects of the proposal on tourism.
- 8.7.20. Similar concerns with regards to the effects of the proposal on tourism were also raised by a number of IPs [RR-012, RR-033, RR-034, RR-037, RR-039, RR-044, RR-045, RR-047, RR-054, RR-055, RR-119, REP2-340 and REP2-340]. The NACP [REP2-340] also raised specific concerns that the proposed new routes for the Wales Coastal Path and the Copper Trail were unsatisfactory and would result in lower levels of usage.

The ExA's Consideration

- 8.7.21. The ExA are satisfied that the potential effects of the proposal on tourism and recreation have been considered in the ES [APP-088, APP-095, APP-096 and APP-097] and have been tested through the Examination both through written questions [PD-009 and PD-013] and at the Hearings held in January 2019.
- 8.7.22. The effects of the proposal on tourism are cross cutting with a number of other issues considered in this chapter. The potential loss of tourist accommodation to house construction workers is considered in detail in the accommodation section. The effects of labour churn and training is considered in the employment section and the effect of construction traffic on the road network is considered in Chapter 17 which deals with traffic and transport. The effects of the proposal on the Wales Coastal Path, AONB and the PRow network in relation to landscape and visual, air quality and noise and vibration are considered in the relevant chapters of this report respectively.
- 8.7.23. It is clear from the evidence submitted that tourism is important to the economy of Anglesey and the wider region. Given the importance of tourism to the local and regional economy the ExA consider that a precautionary approach should be taken with regards to the effects on tourism given the significant effects the Application could have if not appropriately mitigated
- 8.7.24. The ExA consider that the raft of measures proposed through the s106 [REP10-009] and the WNCocP [REP10-018] would address the majority

of concerns, particularly with regards to monitoring and the need for marketing to ensuring that the island remained 'open for business', that could arise as a result of the development.

- 8.7.25. However, as covered in more detail in the accommodation section the ExA have concerns regarding the potential use of tourist accommodation to house construction workers. The ExA consider that a reduction in availability of accommodation for use by tourists would have a direct and significant effect on the tourist economy of the island.
- 8.7.26. To address this concern, the WG in their SoCG [REP8-017] have suggested that there should be a requirement that would cap the maximum number of workers allowed to use accommodation within the tourist sector to 1,100 and that the phasing for the Site Campus should be amended so that it is brought forward earlier in the process to relieve pressure on demand for accommodation within the tourist sector.
- 8.7.27. The issue of the phasing of the proposed Site Campus is considered in detail in the accommodation section.
- 8.7.28. Given the concerns regarding the effect to the tourist economy that could arise should more tourist accommodation be used than predicted the ExA consider that the use of a requirement limiting the number of workers allowed to use accommodation in this sector could help to partially address this concern. The proposed 1,100 cap suggested by WG is considered reasonable as it is based on the number of workers that the Applicant has allocated to tourist accommodation when assessing the effect of the proposal on accommodation. Given that where workers would be accommodated would be monitored as part of the WAMS it is considered that subject to the appropriate wording such a requirement would meet the test for requirements in terms of necessity, reasonableness, precision and enforceability.
- 8.7.29. The ExA accept that the proposal would result in the need to re-route the Wales Coastal Path. The matter was considered in detail at the ISH on the 8 January 2019 [EV-017]. As a consequence, the ExA are satisfied that whilst the proposed new route of the Wales Coastal Path would require a diversion away from the coast and extension in length that this would be necessary in order to enable the operation of the Power Station and ensure security of the site. In planning the new route the Applicant has tried to ensure that it remains as scenic as possible and the ExA is therefore satisfied that the proposed changes would have a limited effect on the number of users.
- 8.7.30. The ExA recognises that the proposed development would also require the closure (both temporary and permanent) of a number of PRoW that currently crisscross the WNDA. However, whilst the ExA recognise that the proposal would diminish the current PRoW provision within the area it acknowledges that the Applicant has attempted where possible to minimise any permanent loss of routes and that the proposed improvements including provision of routes suitable for wheelchair users, picnic areas, interpretation boards and a nature trail would ensure that

the PRoW would not be adversely affected to such a level as to warrant the SoS refusing the Order.

- 8.7.31. The effect of the proposed development on the Copper Trail is considered in the Chapter 17 - traffic and transport.
- 8.7.32. The ExA are satisfied that the proposed s106 contributions to existing off-site leisure and recreation facilities would enable these facilities to meet any additional demand from workers. Whilst the proposed on-site leisure and recreation facilities would be limited the ExA are satisfied that they would be sufficient, when combined with the off-site provision, to meet the needs of the residents of the Site Campus.
- 8.7.33. Therefore, subject to the introduction of such a requirement the ExA consider that the proposal would comply with Policy PS 9 of the JLDP that requires consideration to be given to the nature, scale, range and possible impact of any development at Wylfa Newydd. It would also meet the conditions of principle GP 5 of the SPG which states that construction and operation of the Power Station should not unacceptably affect the value and importance of tourism on the island.
- 8.7.34. With regards to the operational phase of the Power Station the ExA agree with the Applicant that, the operation of the Power Station is likely to have a very limited effect on visitor numbers and tourist activity. Furthermore, although not part of this Application the development of the proposed visitor centre or contribution towards the delivery of an alternative facility elsewhere that would be delivered as part of the s106 could help increase the tourism offer on the island.
- 8.7.35. In terms of leisure and recreation the enhancement of existing off-site leisure and recreation facilities to meet the needs of construction workers would be available for the operational workforce. As a result, the ExA are satisfied that the proposal would not adversely affect leisure and recreation facilities during operation.

Conclusion

- 8.7.36. In conclusion the ExA is satisfied that, subject to the proposed mitigation, that the Application would not adversely affect tourism and recreation provision within the KSA. Furthermore, through the proposed enhancements to off-site leisure and recreation facilities to accommodate the needs of construction workers there would be a minor long-term benefit to the residents of Anglesey

8.8. WELSH LANGUAGE AND CULTURE

- 8.8.1. Anglesey has a population of approximately 70,000. 57.2% of the population speak Welsh, the second highest rate in Wales. In the north of Anglesey where the Power Station would be located 52.4% of the population of Llanbadrig ward and 61.1% of Mechell ward classify themselves as Welsh speakers [REP2-069, REP2-137 and REP2-167].

The Applicant's Case

- 8.8.2. The Applicant undertook a Welsh Language Impact Assessment (WLIA) [APP-432] in order to understand how the proposal might affect Welsh language, culture and traditions. The WLIA [APP-432] assessed the effects on the Welsh language and culture against five key aspects of community life (population characteristics, quality of life, economy, infrastructure supply and education, social and cultural) with a view to establishing both the effects of the application on the community in general and more specifically on Welsh language and culture.
- 8.8.3. As part of the assessment, effects which would benefit Welsh language and culture as well as those which would have an adverse effect were identified. The Applicant (in consultation with various organisations) then developed a raft of measures that sought to enhance beneficial effects and mitigate adverse ones.
- 8.8.4. The WLIA highlighted the significant local employment opportunities offered during the construction phase. It considered that the proposal could potentially help reduce out-migration of young people, many of whom are Welsh speakers, from the KSA thereby reversing a long-term pattern of out-migration from this age group.
- 8.8.5. Around half (41.8%) of the existing local construction workforce speak Welsh. At least 2,000 local workers are expected to be employed during peak construction and whilst the jobs would be temporary (albeit that construction would last for a nine-year period) they would represent a significant employment opportunity for local people.
- 8.8.6. During the construction phase an existing apprenticeship scheme run by the Applicant for technical apprentices related to operations, would be expanded to include construction trade apprenticeships which would generate further opportunities for training and employment locally [REP10-009]. During operation, it is envisaged that around 85% of the workforce would be local.
- 8.8.7. Consequently, the Applicant considered that there would be a moderate beneficial effect on Welsh language and culture as a result of the employment opportunities that would arise from the development during construction and operation [APP-432].
- 8.8.8. The WLIA advocates that the proposal could generate major benefits to local businesses. Given the high percentage of the population on Anglesey and in the KSA that are Welsh speakers [APP-432] this economic spend could be beneficial to businesses which are owned by or who employ Welsh speakers, or who provide services through the medium of Welsh.
- 8.8.9. The WLIA considers that an increased demand for community facilities, by workers, would be beneficial in terms of safeguarding the provision of local services and facilities. It advocates that as such facilities act as social gathering places where the Welsh language is used daily, this could help to safeguard social and day-to-day opportunities where the Welsh language would be spoken. In turn this would contribute towards

creating sustainable communities, where Welsh language and culture form part of the social fabric.

- 8.8.10. The WLIA advocated that the retention of Welsh speaking local people in the KSA including those who may be active in youth/voluntary/activity groups would help safeguard the future of such groups.
- 8.8.11. In addition to the benefits highlighted above the WLIA also identified a number of adverse effects that could potentially arise as a result of the proposal. These include at peak construction, the in-migration of up to 7,500 workers, some of whom could bring their families, from outside the KSA. As it is unlikely that these workers would be Welsh speakers, the WLIA concludes that this could have a major adverse effect on the balance of Welsh and non-Welsh speakers in the KSA and could adversely affect the use and prominence of the Welsh language within communities.
- 8.8.12. Given the location of the proposed development, and the proposed location of the Site Campus, which would house up to 4,000 workers, the WLIA considers that the effect of non-Welsh speaking workers on communities would be expected to be greatest in the north of the island with the wards of Llanbadrig, Llanfaethlu, and Mechell being most affected.
- 8.8.13. The WLIA identified that some tourism businesses in the north of the island could be affected by a reduction in visitors during construction and that any effects on local businesses would affect Welsh language. The A5025 Off-line highways works would result in the by-passing of a number of villages. It was considered that this could affect businesses in these villages due to the reduction in passing trade. The WLIA concluded that such effects may have indirect effects on Welsh language and culture.
- 8.8.14. Housing affordability is an issue in Anglesey and whilst the Applicant considers that there is sufficient housing stock to accommodate workers moving to the area, it recognises that the increase in demand could result in an increase in the price of accommodation which could affect the ability of the local population including Welsh speakers to remain living locally.
- 8.8.15. The introduction of construction workers' children to local Welsh-medium schools would affect the balance of Welsh and non-Welsh speakers. The WLIA recognises that without appropriate mitigation this could adversely affect the status, prominence and use of the Welsh language amongst school aged children.
- 8.8.16. Whilst the benefits of an increased demand for community facilities are outlined earlier in this chapter this needs to be balanced against the adverse effects which could arise from the use of these facilities by predominantly non-Welsh speaking construction workers which could dilute the use and prominence of the Welsh language within the community.

- 8.8.17. Finally, the WLIA notes that due to the disruption that would result from construction activities and the potential degradation of the environmental quality in the WNDA LIA during construction, existing residents might choose to relocate which could lead to an out migration of local people, including Welsh speakers.
- 8.8.18. The effects of the Application on Welsh language and culture would be addressed through good practice in the form of a Welsh Language and Cultural Strategy (WLCS) that has been developed by the Applicant which would be secured through the signed s106 [REP10-009]. This would include, amongst other things, the development of a Welsh Language Skills Competency Framework and Assessment tool to maintain and increase the Workforce's Welsh language skills; the establishment of a Polisi Iaith Gymraeg/ Welsh Language Policy and a Welsh language Management group; promotion of recruitment and career opportunities for Welsh speakers including with sub-contractors and the delivery of an annual Welsh Language Report.
- 8.8.19. In addition to the WLCS the signed s106 [REP10-009] would deliver a significant number of measures to mitigate the effect of the proposed development with regards to health and wellbeing (including safeguarding), details of these can be found in Appendix E of this report.
- 8.8.20. There are no specific requirements in the dDCO in relation to Welsh language and culture and as outlined above the majority of commitments to the Welsh language would be delivered through the signed s106 [REP10-009]. However, the various CoCPs [REP10-018, REP10-020, REP10-022, REP10-023, REP10-025, REP10-027, REP10-028] and the Code of Operational Practice (CoOP) [REP10-030], that would be secured via requirement PW7, include measures to protect and enhance Welsh language including requiring community liaison meetings to be held in Welsh and English; an undertaking that all community communications would be in Welsh and English; a bilingual complaints process and the use of bilingual signage.
- 8.8.21. The Applicant therefore considers that whilst the proposed development has the potential to adversely affect Welsh language and culture, the wider benefits that the scheme could deliver, and the package of mitigation measures proposed would minimise any harm.

The Planning Issues

- 8.8.22. Against this background chapter 9 [REP2-069] of IACC LIR considers the potential effects of the proposal on Welsh language and culture. IACC acknowledge that Anglesey has a declining working age population. It considers that the proposal could have the potential to provide well paid jobs for existing Welsh speaking residents and could attract former residents (including Welsh speakers) back to the area. It considers that potentially this could help reverse the current fall in the working age population, which would in the long-term help to protect and enhance the Welsh language.

- 8.8.23. However, IACC also highlights a number of concerns including but not limited to the fact that the number of temporary workers needed to construct the proposal could have the potential to overwhelm local communities; that Welsh language support for non-Welsh speakers in the school system is currently at capacity; that the proposal could result in labour churn as existing residents in roles which require a Welsh language capability such as social and health care could be attracted to work on the project causing problems in backfilling these roles and finally that the proposed monitoring would be retrospective and consequently the mitigation/enhancement measures maybe insufficient and/or too late.
- 8.8.24. Similar concerns were raised by GCC in their LIR [REP2-297] and by the WG [RR-092, REP1-024, REP2-367, REP3-061, REP4-053, REP6-062, REP8-071].
- 8.8.25. CCBC in their LIR [REP2-289] highlighted a specific concern with regards to the influence workers children who may not speak Welsh or English would have in the community and the effect that this may have in schools particularly in the east of the borough where there was limited capacity to provide support.
- 8.8.26. By the end of the Examination, following discussions between the parties and through the introduction of a comprehensive package of s106 contributions and mitigation measures, the SoCG between the Applicant and IACC [REP8-019] lists the only outstanding concern regarding Welsh language and culture is in relation to the pre-construction surveys of baseline positions used in the WLIA [APP-432].
- 8.8.27. WG in their SoCG [REP8-017] requested further sensitivity testing and monitoring of construction workers with particular reference to the distribution of non-home-based workers. Whilst GCC had similar concerns to WG regarding monitoring of construction workers, its main issue centred on the focus of the mitigation measures on Anglesey rather than the wider KSA and that should workers not locate as predicted (as it argued, has happened at Hinkley Point C) then it considers there would be insufficient flexibility in the mitigation measures set out in the s106 to ensure that the mitigation would be directed where it was needed [REP6-048].
- 8.8.28. The effect of the proposals on Welsh language was also raised by a large number of IPs amongst them a number of schools [RR-018, RR-024, RR-030]; community groups and councils [RR-012, RR-026, RR-028, RR-029, RR-034, RR-035, RR-039, RR-040, RR-041, RR-054, RR-119]; and individuals [RR-006, RR-036, RR-109]. The key concern for IPs was the effect that the non-local workforce would have on the Welsh language. Given these concerns the ExA requested at the ISH on 24 October 2018 that the Applicant engage with local language groups on this matter [EV-050 and EV-051]. A SoCG [REP6-032/033] between Fforwm Iaith Môn and the Applicant was submitted at Deadline 6.

- 8.8.29. Fforwm Iaiath Môn is a multi-organisational partnership whose main aim is increasing the number of Welsh speakers and the overall use of Welsh language on Anglesey. In this instance it acted as an enabler for various language organisations such as Menter Iaiath Môn, Urdd Gobiath Cymru Ynys Môn and Mudiad Meithrin to engage directly with the Applicant during the Examination. However, whilst direct discussions were undertaken, no agreement on any matter had been reached before the end of the Examination. Consequently, their concerns regarding the effect of the proposal on Welsh language and culture remained outstanding at the close of the Examination.
- 8.8.30. Fforwm Iaiath Môn's concern focused on the potential effects that a non-local workforce would have on the Welsh language and in particular the stated aspiration of a number of the organisations to increase the number of Welsh speakers in the area. To address this, it was seeking a number of measures such as a requirement that all workers must learn Welsh and that every post (including those at management level) should be bi-lingual. As with the GCC and the WG there was a concern regarding the level and quality of monitoring [REP8-017].

The ExA's Consideration

- 8.8.31. The ExA are satisfied that the potential effects of the proposal on the Welsh language and culture have been carefully assessed through the WLIA [APP-432] the ES [APP-088, APP-095, APP-096 and APP-097] and have been tested through the Examination in both through written questions [PD-009 and PD-013] and at the ISHs held in January and March 2019 [EV-016, EV017, EV026 and EV-027].
- 8.8.32. All parties recognise that the proposal could deliver a number of benefits with regards to the Welsh language and culture. All parties also agree that the main adverse effect could relate to the influx of a large non-Welsh speaking workforce during the construction period on the KSA.
- 8.8.33. The ExA consider that the raft of measures proposed through the signed s106 and the WNCOP and CoOP would satisfactorily address the majority of the concerns raised. However, the ExA remains concerned about the level and quality of monitoring and the ability to direct mitigation where it is needed. This is dealt with in OPSF5.
- 8.8.34. Monitoring would be delivered/managed through the signed s106 [REP10-009]. It would be undertaken annually by the Applicant and this information would be analysed by the Welsh Language and Culture Engagement Group. It would then prepare an Annual Welsh language report which would be issued within two months of the monitoring data being provided. The s106 (paragraph 1.11.4) enables the report to include recommendations to implement alternatives or revised forms of mitigation provided that it is consistent with the mitigation set out in the s106 and would not require any additional financial contributions.
- 8.8.35. The Welsh Language and Culture Engagement Group would be made up of a representative from each of IACC, the Applicant, the WG, GCC,

Menter Môn and Llais Ni with an independent chair. As such the ExA are satisfied that both GCC and the WG would have on-going involvement with the level and quality of monitoring and that should circumstances arise that may require alternative mitigation to that currently envisaged there is the flexibility within the s106 to enable this to occur.

Conclusion

- 8.8.36. The ExA acknowledge that the proposed development would, through the number of temporary workers needed to construct the proposal, have the potential to overwhelm local communities which could adversely affect the use of the Welsh language. However, the ExA is satisfied that the potential for significant residual effects on Welsh language and culture has been addressed through appropriate mitigation so as to avoid any unacceptable adverse impact. Furthermore, through the provision of employment opportunities the ExA consider that the proposal would have the positive benefit of enabling Welsh speakers to remain within the KSA.

8.9. DECOMMISSIONING

- 8.9.1. Decommissioning of the first unit would take place around Year 67 based upon an operational period beginning during Year 7. Consequently, the ExA accept the Applicant's argument that firm predictions on the socio-economic effects that would arise as a result of decommissioning cannot be made at this stage. Furthermore, a detailed decommissioning Environmental Impact Assessment (EIA) would be required to be submitted as part of the decommissioning strategy and as a result the ExA are satisfied that the socio-economic effects of decommissioning would be considered in full at the relevant point in the process.

8.10. OVERALL CONCLUSION

- 8.10.1. NPS EN-1 (paragraph 5.12.6) states that the decision maker should have regard to the potential socio-economic impacts of new energy infrastructure either identified by the applicant and from any other sources that the decision maker considers to be relevant and important to its decision. This advice is repeated in Section 3.11 of NPS EN-6.
- 8.10.2. NPS EN-1 also advocates (paragraph 5.12.8) that the decision maker should consider any relevant positive provisions the developer has made or is proposing to make to mitigate impacts (eg through planning obligations) and any legacy benefits that may arise.
- 8.10.3. The ExA is satisfied that in accordance with the requirements of NPS EN-1 and NPS EN-6 the Applicant has considered the socio-economic effects that would arise from the proposed development through the ES [APP-088, APP095-097], the HIA [APP-429] and the WLIA [APP-432].
- 8.10.4. As outlined above the ExA acknowledge that the proposed development would deliver several significant positive benefits. It would provide a source of low-carbon energy, which would have the potential to improve health and wellbeing, not only for residents within the KSA and DCCZ but regionally and nationally. The proposed development would provide local

training and employment opportunities (both directly and indirectly), which in turn would have a positive effect on the local and regional economy and provide opportunities for Welsh speakers to remain within the KSA.

- 8.10.5. These elements of the proposal would therefore enable the delivery of the objectives of PPW, which seeks a move towards a low carbon, resilient society, providing secure and well-paid jobs, and building well-connected environments for everyone in Wales and that improves lives and health and enhances well-being. It would also help achieve many of the WBFGA well-being goals, most notably helping to deliver a globally responsible Wales; a prosperous, resilient and healthier Wales with a thriving Welsh language. It would comply with the requirements of the JLDP policies PS 1 and PS 5 and the guidance contained within the SPG. Consequently, the ExA consider that these matters should weigh in favour of the Application.
- 8.10.6. The ExA consider that the proposed development would have the potential to adversely affect tourism; although, with the exception of the potential effect on tourist accommodation, the ExA are satisfied that these impacts could be appropriately mitigated. The proposal would help deliver the WBFGA goals of a prosperous Wales and a Wales of cohesive communities. It would comply with policy PS 9 of the JLDP and GP 5 of the SPG which seeks to ensure that construction and operation of the power station should not unacceptably affect the value and importance of tourism to the island. As a result, the ExA consider that the effect of the proposal on tourism, apart from its effect on tourism accommodation, neither weighs in favour or against the proposal.
- 8.10.7. However, for the reasons outlined above (see section 8.1) the ExA consider that during the construction period the demand for accommodation would be such that it would have the potential to adversely affect the availability of accommodation within the KSA. As outlined at the start of this chapter socio-economic effects are not unidimensional in nature. As a result, the ExA consider that a shortage of accommodation would, due to the limited availability of accommodation within the KSA, have the potential to place additional pressures on the PRS, to use of tourist accommodation or result in workers needing to reside further away and have a longer commute. This in turn would not only adversely affect tourism but employment and the local economy; health and wellbeing, Welsh language and culture and traffic levels on the road network.
- 8.10.8. As such the proposed development would not deliver on the objectives of PPW as it would adversely impact on local communities and their quality of life (Paragraph 5.9.18). It would undermine the delivery of the well-being goals of the WBFGA and it would be contrary to policies PS 5, PS9 and the guidance contained within the SPG in particular GP 12, which states that when accommodating non-home-based construction workers within tourist accommodation there should be no unacceptable adverse economic (including on the tourism sector), social, linguistic or

environmental impacts. Consequently, the ExA consider that this issue needs to be given significant weight in the planning balance.

The need for any changes to the dDCO

8.10.9. In light of the above should the SoS be minded to grant the Order the ExA consider that the following changes to the dDCO and control documents would be required:

- The insertion of a requirement that would cap the number of construction workers that could occupy tourist accommodation to a maximum of 1,100 workers. Suggested wording 'The number of construction workers occupying accommodation in the Tourist Sector shall at no time exceed 1100'. The ExA does not consider that Tourist Sector would need to be defined in Schedule 3(1) interpretation as the ExA consider that the enforcing authority would be able to rely on the natural meaning of the words as there would appear to be a general understanding between the parties as to what accommodation in the tourist sector consists of.

8.10.10. The ExA consider that the wording of WN21 needs to be amended to require the details of the site campus medical centre to be submitted for approval prior to commencement rather than prior to occupation in order to ensure that the facility can be designed and laid out in such a way as to ensure all the necessary services and medical facilities could be accommodated. Suggested amended wording for the rDCO is as follows:

"Prior to commencement of the construction of the Site Campus written details and designed for the provision of the Site Campus medical centre shall be submitted to...."

9. HISTORIC ENVIRONMENT

9.1. INTRODUCTION

- 9.1.1. The Examining Authorities (ExA's) discussion of the Examination of the effects of the Application on the historic environment are set out below, including a brief explanation of the Applicant's case; a review of the planning issues, including the principal issues raised during the Examination; the policy considerations and the ExA's conclusions.
- 9.1.2. The ExA's examination was also mindful of the additional appropriate legislation and policies set out in Chapter 3 of this report.

9.2. POLICY CONTEXT AND BACKGROUND

Infrastructure Planning (Decisions) Regulations 2010

- 9.2.1. Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 requires the decision maker, when deciding an application which affects a listed building or its setting, to have regard to the desirability of preserving or enhancing the listed building or its setting or any features of special architectural or historic interest which it possesses.

National Policy Statements

- 9.2.2. National Policy Statement (NPS) EN-1 states (paragraph 5.8.8) that applicants should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. Paragraph 5.8.6 explains that the decision maker should consider the impacts on other non-designated heritage assets, as identified through the development plan making process (local listing) or through the Nationally Significant Infrastructure Project (NSIP) decision making process, on the basis of clear evidence that the assets have a heritage significance that merits consideration in its decisions, even though those assets are of lesser value than designated heritage assets.
- 9.2.3. NPS EN-1 directs the decision maker (paragraph 5.8.11) to seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset.
- 9.2.4. Paragraph 5.8.14 explains that significance, of heritage assets, can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It goes on to explain that substantial harm to, or loss of, a Grade II listed building, park or garden should be exceptional. Substantial harm or loss of designated assets of the highest significance including Grade I and Grade II* listed buildings should be wholly exceptional.

- 9.2.5. Paragraph 5.8.15 explains that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification will be needed for any loss.
- 9.2.6. Furthermore, NPS EN-1 (paragraph 5.8.18) notes that when considering applications for development affecting the setting of a designated heritage asset, the decision maker should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset. When considering applications that do not do this, the decision maker should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated asset, the greater the benefits that will need to justify the approval.
- 9.2.7. NPS EN-6 which deals specifically with nuclear power generation does not include any guidance on heritage assets.

Welsh Policy

- 9.2.8. The Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. Planning Policy Wales (Edition 10, December 2018) (PPW) provides the national planning policy framework for the consideration of historic environment and this is supplemented by guidance contained within Technical Advice Note 24: The Historic Environment (TAN 24) and Cadw associated best practice guidance on the historic environment.
- 9.2.9. PPW states that the Welsh Governments (WG) specific objectives for the historic environment, amongst other things, seek to:
- Conserve archaeological remains, both for their own sake and for the role in education, leisure and the economy;
 - Safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; and
 - Preserve the special interest of sites on the Register of Historic Parks and Gardens.
- 9.2.10. PPW requires that any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of the individual historic assets and their contribution to the character of the place.
- 9.2.11. PPW in paragraph 6.5.9, states that when a development proposal affects a listed building or its setting, the primary material consideration is to have special regard to the desirability of preserving the building, or its setting, or any features of special archaeological or historic interest which it possesses.

Local Policy

- 9.2.12. Policy PS 20 of the Anglesey and Gwynedd Joint Local Development Plan (the JLDP) states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets.
- 9.2.13. The Wylfa Newydd: Supplementary Planning Guidance (2018) (the SPG) requires the applicant to ensure that the Island's designated cultural heritage assets and their settings (including important views to and from sites/features) are conserved and where appropriate enhanced in accordance with JLDP PS 20 (GP 23). It highlights that the Registered Garden at Cestyll is in very close proximity to the main site and requires specific and detailed consideration and that a staged programme of archaeological work should be implemented.
- 9.2.14. In its consideration of the effects of the Application on the historic environment the ExA has had regard to the legislation and the policies set out in NPS EN-1, PPW, the JLDP and the guidance contained within TAN 24 and the SPG.

9.3. **THE APPLICANT'S CASE**

- 9.3.1. In the Planning Statement [APP-406] the Applicant summarises its assessment of the construction, operation and decommissioning impacts on cultural heritage receptors arising from the development in the following terms:
- Within the WNDA, following the implementation of embedded mitigation and good practice measures, no significant residual effects on any known archaeological remains are predicted (para. 6.4.204).
 - During construction moderate and major residual adverse effects at Felin Gafnan Corn Mill, a Grade II* Listed Building located immediately to the west of the Power Station Site and WNDA (para. 6.4.205).
 - Moderate residual adverse effects during the construction phase at the Corn-Drying House and Mill House at Felin Gafnan, as well as Cafnan House and Outbuildings. (Appendix A, para. 4.2.142)
 - Moderate adverse residual effect identified for St. Padrig's Church in Llanbadrig (para. 6.4.205).
 - Major adverse residual effect identified at Cestyll Garden, a Grade II Registered Historic Park and Garden, due to the permanent removal of the Kitchen Garden, the plot of land where Cestyll House formerly stood, and parts of its Essential Setting (para. 6.4.205) amounting to substantial harm (Appendix A, para. 1.2.147ff).
- 9.3.2. The operational phase would result in effects on historic assets (regarding loss of amenity and visual intrusion) which cannot be mitigated due to their location on the landscape (para.6.4.206 and Appendix A, para. 4.2.145):
- a loss of amenity for the setting of Felin Gafnan Corn Mill, and for the settings of the Corn-drying house and Mill House at Felin Gafnan, due to the presence of the Power Station and breakwater, altering the

coastal rural setting and intruding on views of the mill from Cestyll Garden;

- a loss of amenity for the settings of Cafnan House and Outbuildings due to the presence of the Power Station, landscape mounds and planting;
- visual intrusion into the setting and Significant Views of Cestyll Garden, a Registered Historic Park and Garden; and
- visual intrusion into key views of Dame Sylvia Crowe's landscape.

9.3.3. During decommissioning, many of the buildings on the Power Station Site would be removed, which would restore the setting of some of the cultural heritage assets. The following effects on historic assets would be expected:

- noise and visual intrusion on the setting of Felin Gafnan Corn Mill, and the Corn-drying house and Mill House at Felin Gafnan, and on Cafnan House and Outbuildings, due to the operation of demolition plant, the removal of Power Station structures and remediation of the site; and
- visual intrusion due to the continued presence of the breakwater in significant views from Cestyll Garden. (Appendix A, paragraph 4.2.146).

9.3.4. After mitigation, no significant adverse effects on heritage assets are identified for the Off-Site Power Station Facilities, Park and Ride or Logistics Centre (paragraph 6.4.212).

9.3.5. Significant adverse residual effects are identified during construction and operational stages for two archaeological remains and on three historic buildings during construction in respect of the A5020 Off-Line Highways Improvements (para. 6.4.213):

- Capel Soar Standing Stone (Scheduled Ancient Monument Asset 146);
- Two Small Orthostatic Stones on Slight Mound, south of Tyn Felin (Non-designated Asset 241);
- Siop Soar (Grade II Listed Building Asset 149);
- Black Lion Inn, Llanfaethlu (Grade II Listed Building Asset 150); and
- Melin Ty'n y Felin, possible former site of, Cylch y Garn (Non-designated Asset 243).

9.4. THE PLANNING ISSUES

9.4.1. In its Local Impact Report (LIR) Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) addresses the potential effects of the Application on the historic environment in the five chapters dealing with site specific impacts:

- Chapter 17 Wylfa Newydd Development Area (WNSDA) [REP2-077]
- Chapter 18 Site Campus [REP2-078]
- Chapter 19 Dalar Hir Park and Ride [REP2-079]
- Chapter 20 Parc Cybi Logistics Centre [REP2-080]
- Chapter 21 Off Site Power Station Facilities (OSPSF) [REP2-081]
- Chapter 22 A5025 Off Line Highway Improvements [REP2-082]

- 9.4.2. In its short summary conclusion to the LIR as a whole [REP2-083] IACC identify within the WNDA: protection and ongoing management of historic features including archaeological remains, scheduled monuments, listed buildings and Registered Park and Gardens as one of several key (non-exhaustive) defining examples of site-specific recommended mitigations, *'for which funding will be allocated via planning obligation'*.
- 9.4.3. At para. 4.5.2 in Chapter 17 of the Summary to LIR [REP2-077] IACC sets out its principal concerns in relation to the WNDA historic environment as summarised below.
- 9.4.4. The proposed development would potentially give rise to negative impacts resulting in substantial harm to the significance of designated heritage assets (or non-designated heritage assets of equivalent significance) at:
- Cestyll Garden Registered Park and Garden (HLT 2);
 - Dame Sylvia Crowe's Landscaping (HLT 3);
 - Felin Gafnan Corn Mill, Porth y Felin (Grade II* Listed Building Asset 137);
 - Potentially nationally-significant, non-designated archaeological remains, including those at Porth Wylfa, Porthyr-Ogof, Pennant and Tyddyn Gele; and
 - Non-designated historic buildings at Tyddyn Gele and Nant Orman.
- 9.4.5. Clear justification needs to be provided of the harm to Cestyll Garden, the Corn Mill at Felin Gafnan and archaeological sites at Site 05 South and Wylfa Head, referencing detailed studies of options and alternatives to the proposed development in order for these effects to be considered acceptable. With regards to Cestyll Garden, the Applicant should also provide clarity regarding exactly what is to be lost, how Cestyll Garden and its Essential Setting will be affected by the final design and the mitigation and restoration proposed within and around the Garden.
- 9.4.6. An Arboricultural Survey of the woodlands in the Dame Sylvia Crowe Designed Landscape is needed.
- 9.4.7. At Felin Gafnan, a clearer and more robust description of mitigation measures intended to preclude potential structural damage to the building is needed.
- 9.4.8. Clarification of the significance of non-designated buildings at Nant Orman and Tyddyn Gele is required.
- 9.4.9. The proposed development would give rise to Negative impacts amounting to harm of less than substantial magnitude to a number of designated heritage assets or heritage assets of equivalent significance, comprising:
- Listed buildings at Felin Gafnan, comprising the Corn Drying House (Grade II Asset 141) and Mill House (Grade II Asset 144); and
 - The Grade II* listed church of St Padrig at Llanbadrig (Asset 26).

- 9.4.10. In the LIR [REP2-080] IACC assess the effects that would result from the Logistics Centre on the Ty-Mawr standing stone (Asset 22) and Trefignath burial chamber (Asset 22) as greater than that assessed by the Applicant. It considers that it would result in negative impacts, which are 'likely to give rise to a limited degree of harm to the significance of both assets that would constitute significant adverse effects in terms of the EIA Regulations and should be considered against the benefits of the proposed Logistics Centre'.
- 9.4.11. In Chapter 22 of the LIR A5025 Off-Line Highway Improvements [REP2-082] IACC comment in relation to the historic environment:
- The conclusions presented do not explicitly consider the potential beneficial effects on historic buildings within the villages which are to be bypassed. Most notably at Llanfachraeth, there are several listed buildings which front directly onto the present line of the A5025 and where the removal of through traffic could reinforce the historic character of the village, thereby enhancing the contribution of the setting of these heritage assets to their significance. In the opinion of IACC this would be a lasting Neutral or slight Positive impact; and
 - Agreement with the Applicant's assessment of the moderate adverse effect (negative impact) on the significance of the Capel Soar Standing Stone at Llanfaechlu (Asset 146) and negative impacts arising through change to setting of Grade II listed buildings at Siop Soar (Asset 149, LB 28414) and the Black Lion Inn (Asset 150, LB 24794) and the non-designated Rhos-ty-Mawr (Asset 173) at Llanfaechlu that effects would constitute moderate harm to significance for a limited period, a temporary and short-lived negative impact.
- 9.4.12. In para. 13.1.6 of its written representation [REP2-367] WG summarises its principal historic environment concerns as:
- The substantial harm on Cestyll (Grade II) Registered Park and Gardens.
 - Exclusion of temporary sewerage treatment plant located within Essential Setting of Cestyll Gardens from the Environmental Impact Assessment.
 - Horizon's proposed mitigation strategy for Cestyll Gardens.
 - The potential impacts and mitigation strategy for buried archaeology within and around the Wylfa Newydd Development Area (WNDA).
 - The mitigation and restoration strategy for historic buildings.
 - The setting impacts on Trelignath Burial Chamber Scheduled Monument.
- 9.4.13. The National Trust (NT) is recorded as having the following concerns in relation to the 'heritage impacts' of the application in the first Statement of Common Ground (SoCG) with the Applicant [REP2-058]:
- The scale and proximity of the proposed nuclear island in combination with the scant proposed intervening visual screening will result in a major change to the setting of Cestyll Garden, the Grade II listed Mill House at Felin Gafnan and Corn-Drying House at Felin Gafnan, and

the Grade II* listed Corn Mill at Felin Gafnan. The proposed mitigation is inadequate and lacks the necessary ambition required for these important heritage assets. The approach taken by Horizon to monitor and manage is opposed by NT.

- Insufficient detail in the ES on the proposed development during construction or operation to enable a full assessment of the impact of the proposed power station on the heritage assets to be undertaken.
- Two intertidal archaeological sites in Porth-y-Pistyll and Porth-y-Felin, adjacent to NT land, which have not been identified in the marine archaeological baseline and have not been assessed in the heritage impact assessment.

9.4.14. In its submission [AS-037] the Welsh Historic Garden Trust (WHGT) identified several key concerns in relation to the historic environment:

- The effects of airborne pollution during construction which could have a detrimental effect upon the planting in the Valley Garden.
- The consequences of potentially destabilising vibration during construction, especially with regards to the health of mature trees.
- The proposed redirection of ground water into the Afon Cafnan and through the Valley Garden and the potential for 'catastrophic' erosion of the planting and banks of the stream running through the Valley Garden.
- The effect upon the seaward view during and after construction, especially the industrial nature of the proposed breakwater which would dominate this essential view from the Valley Garden.
- The viability of the existing shelter-belt on the eastern side of the Valley Garden and the necessity of augmenting it immediately, for it to have any mitigatory effect during construction.
- That the Kitchen Garden has been assessed as of low significance in itself but its position as part of a designed landscape is particularly significant. The Kitchen Garden has already been damaged during initial clearance phases so any mitigation in the form of reconstruction would enhance the relevance of the Valley Garden and increase the cohesion of the garden as a whole.
- That the assessment of significance of Dame Sylvia Crowe's Landscape Design in terms of its Evidential, Aesthetic and Communal Value is insufficiently detailed and deserves a status of higher significance and should be protected and managed accordingly.

9.5. HISTORIC BUILDINGS

The Grade II* listed Corn Mill (Asset No 137) and Grade II listed Corn-Drying House (Asset No 141) and Mill House at Felin Gafnan (Asset No 144)

9.5.1. There is a complex of heritage assets at Felin Gafnan: a corn mill (Grade II* listed building, HB No. 24416), a corn-drying house (Grade II listed building, HB No. 24417), a mill house (Grade II* listed building, HB No. 24418), and a range of small derelict buildings built into an enclosure between the mill and the drying house. The complex is located

immediately west of the WNDA and Main Power Station boundaries to the south of Porth-y-Pistyll on rising ground west of the Afon Cafnan.

- 9.5.2. The plan Figure 1a Q66,017 in Appendix 6A of REP2-002 shows the relationship of the Felin Gafnan complex of heritage assets to Cestyll Garden Essential Setting, Kitchen Garden and the former site of Cestyll House and the Valley Garden and the WNDA boundary.
- 9.5.3. The Applicant commented on the setting of the Corn Mill:
- "Key elements of setting which contribute to the value of the asset comprise the relationship of the mill to associated buildings within the Felin Gafnan complex (Assets 141 and 144), its tranquil coastal position and relationship to the Afon Cafnan which provided power for the mill, and views of the structure from Cestyll Garden where it is seen against the backdrop of the rocky coast" [APP-202].*
- 9.5.4. All three buildings are owned by the NT and the Mill House and Corn-drying House from part of the premises occupied by Felin Honeybees Ltd., on whose behalf several verbal and written submissions were made during the Examination.
- 9.5.5. The Applicant concluded that the Felin Gafnan Corn Mill is an asset of high value and that there is:
- A potential for a large magnitude, adverse permanent effect of national significance causing potential physical damage from vibration due to the use of the vibratory pile hammer in close proximity to this heritage asset; but that following mitigation this major adverse potential significant effect would be reduced to a small magnitude of change of moderate adverse significant residual effect; and
 - Construction of Power Station buildings, the MOLF, temporary causeway and breakwater would introduce noise and visual intrusion into the setting of the mill, transforming its tranquil coastal setting and intrude on the views of the mill from Cestyll Garden (HLT 2, high value) and the Anglesey coastal path which would have an adverse short-term effect of national importance, with a large magnitude of change post-mitigation and a residual effect of major adverse significance [APP-130].
- 9.5.6. The Corn-Drying House (Asset 141) and Mill House (Asset 144) are both assessed to be of medium value. Both are assessed as likely to experience adverse, regional, short-term effects from the construction of both the Power Station and the Marine Works; the potential magnitude of change is predicted as large and the significance of effect moderate, adverse. The post-mitigation assessment of magnitude of change is major and of moderate adverse significant residual effect.
- 9.5.7. In respect of the three listed buildings at Felin Gafnan [PD-009]Q6.013-17 of the ExA's first written questions were directed at the Applicant and Interested Persons (IPs) to seek further information and their views.

Mitigation

9.5.8. The Examination focused on:

- Direct physical effects during construction, especially, noise and vibration – and how they could be mitigated.
- Setting, particularly in relation to the impact of visual intrusion and loss of amenity during all phases and the adequacy of mitigation.
- Whether a conservation management plan would be appropriate and how it might be secured.

9.6. **DIRECT PHYSICAL EFFECTS DURING CONSTRUCTION**

Noise and Vibration

9.6.1. The general mitigation controls that would be implemented for noise and vibration during operation are described in section 8 of the Wylfa Newydd CoCP [REP10-018] and for construction in the Noise and Vibration Management Strategy of the Main Power Station sub-CoCP [REP10-020]. Mitigation measures during construction for noise and vibration, including blasting, include:

- Compliance with British Standard vibration thresholds guidelines (paragraph 8.2.1), including BS 5228-2 for buildings;
- Paragraph 8.3.1 commits to “undertake a vibration risk assessment as part of the Section 61 application for any construction activity involving vibratory or impact equipment to be used on the Power Station Site”.
- Noise and vibration monitoring by the installation of noise monitoring equipment at seven locations representative of the closest residential receptors to the WNDA and shown in general terms on Fig 8-1, including:
 - at, or in the vicinity of, Felin Cafnan (location 3) – noise and vibration monitoring; and
 - at the Grade II Listed Corn Mill near Felin Cafnan (location 3)

9.6.2. In respect of the Grade II*listed Felin Gafnan Corn Mill (Asset No 137) the Applicant commits in its Mitigation Route Map [REP9-008] to undertake a vibration risk assessment as part of the s61 application for any construction activity involving vibratory or impact equipment to be used on the Main Site.

9.6.3. These mitigation measures would be secured through Schedule 3 Requirement WN1 of the draft Development Consent Order (dDCO) [REP10-006] and paragraph 8.3.1 of the Main Power Station Site sub-CoCP [REP10-020].

9.7. **SETTING**

9.7.1. The Applicant and IPs disagree about the significance of the impact of the proposed development on the setting of the group of listed buildings at Felin Gafnan during construction, operation and decommissioning.

However, there is unanimity that the effects are adverse and, in certain cases, major during both construction and operation. The Applicant's assessments are set out in Table D11-5 of WND A Development D11 – Cultural Heritage [APP-130].

- 9.7.2. IACC argued that: *"even where structural damage to the asset can be avoided, that the transformation of the setting during construction would constitute, or approach, substantial harm. While this change would reduce following the completion of construction, the proximity and scale of the new power station and the retained MOLF and cooling water breakwaters would still present dominant and detracting elements in the countering setting of the asset. There would be a sizeable magnitude of harm that would remain for an indefinite duration"* [REP2-153]. NT agreed [REP2-058 and REP6-049].
- 9.7.3. The Applicant points out that in all phases the relationship between the three buildings remains unchanged and, in this regard, setting is not affected [APP-130]. The mitigation proposed by the Applicant to deal with the substantial harm caused by the significant changes to setting and visual amenity comprises:
- Screen planting secured through the landscape and Habitats management strategy (LHMS) [REP8-063];
 - Historic Building Surveys [REP9-008 and REP10-020];
 - Financial contributions [REP10-009 and see Appendix E]; and
 - Conservation Management Plan [REP10-009 and see Appendix E].
- 9.7.4. In the Applicant's SoCG with IACC [REP8-019] it is recorded that there is agreement on:
- Assessment of effects on Cestyll Garden and Felin Gafnan Corn Mill;
 - Felin Gafnan Mill (Grade II* Listed Building) - assessment of substantial harm;
 - Corn drying house and the Mill House at Felin Gafnan – assessment of impact;
 - Felin Gafnan Mill (Grade II* Listed Building) - adequacy of mitigation and lack of compensation.
- 9.7.5. The ExA recognises the presumption in favour of conservation in respect of the heritage assets at Felin Gafnan and welcomes the additional mitigation secured during the Examination and the agreement on important matters of assessment, mitigation and compensation agreed between the Applicant and IACC.
- 9.7.6. It recognises that the three buildings would be conserved; that measures would be in place to monitor, manage and respond to adverse environmental effects during construction; and that provision would be made in the s106 agreement [REP10-009] for surveys, repairs, additional interpretation and a conservation management plan for the Felin Gafnan Corn Mill.
- 9.7.7. The ExA recognises that the three buildings are currently located in a landscape where the Existing Power Station is a significant presence and

the element of setting comprising the relationship of the three buildings to each other and of the Felin Gafnan Corn Mill to Cestyll Garden is unchanged. It agrees that there would be major changes to their wider setting, which would cause harm to their significance in all phases of the proposed development and particularly during construction. However, construction is for a temporary period (as in the longer term is the proposed power station itself) and the repair and re-interpretation of the Grade II* Felin Gafnan Corn Mill would achieve an enhancement of the heritage asset. In the ExA's view, the level of harm would reduce during operation as the screen landscaping matures and the Marine Off-Loading Facility (MOLF) and breakwater develop a more natural appearance. As a result, taking all factors into account, the harm will be less than substantial and does not weigh against the Application.

The Grade II Cestyll Registered Park and Garden

- 9.7.8. Cestyll Garden [APP-203] is a designated Registered Historic Park and Garden on the Cadw Register of Parks and Gardens of Special Historic Interest in Wales. This historic landscape lies partially within the WNDA and immediately west of the WNDA boundary and comprises three principal elements: The Valley Garden, the Kitchen Garden and the attached former house plot.
- 9.7.9. The Kitchen Garden and remains of the non-designated heritage asset, the Gardner's Cottage, are located within the WNDA on a site south of Porth-y-Pistyll which would be required for a laydown area giving access to the temporary causeway needed for the construction of the breakwater and MOLF and the site of a temporary waste water treatment works. As a result, the development would require the complete removal of the Kitchen Garden and its associated heritage assets [APP-406].
- 9.7.10. The Valley Garden is set within and on either side of the Afon Cafnan, close to its point of discharge into Porth-y-Pistyll. The Wales Coast Path is routed around its northern extremity, crossing the Afon Cafnan via a stone clapper bridge close to the Grade II* Listed Felin Gafnan Corn Mill. There are significant views out of both the Kitchen Garden and Valley Garden to the north-west towards Porth-y-Pistyll and the sites of the MOLF, breakwater and temporary causeway. The WNDA boundary is co-terminus with the Valley Garden on its south and east boundary and would be approximately 20m from the Main Power Station site security fence at its closest point. It is likely to sit below the height of the Power Station platform.
- 9.7.11. The Applicant's Planning Statement [paragraph 6.4.205 APP-406] states: "A major adverse residual effect is identified at Cestyll Garden, a Grade II Registered Historic Park and Garden, due to the permanent removal of the Kitchen Garden, the plot of land where Cestyll House formerly stood, and parts of its Essential Setting".
- 9.7.12. The proximity of the Main Power Station and the Marine Works would have a profound impact on the heritage assets and their setting, including the two Significant Views out towards Porth-y-Pistyll, from the

Cestyll Registered Garden. In paragraph 11.7.8 D-11 Cultural Heritage [APP-130] the Applicant assessed the residual effects to be of major adverse significance during construction and operation.

- 9.7.13. IACC, WG, WHGT and NT were the principal IPs engaged with Cestyll Garden through the Examination.
- 9.7.14. The principal issues discussed in relation to Cestyll Registered Garden were:
- Adequacy of mitigation in respect of the effects on the heritage assets including the loss of one of the Registered Areas (the Kitchen Garden, Gardener's Cottage and House Plot) plus a substantial proportion of its Essential Setting (including the original driveway to the House and adjacent field boundary wall);
 - Effects on and mitigation of the effects of the MOLF, breakwater and, during construction, the temporary causeway, on the significant views from the Garden across Porth-y-Pistyll;
 - Reinstatement of the Kitchen Garden and proposals for the configuration and restoration of the adjoining lay-down area;
 - Impacts of vibration, noise, dust, air quality and soil quality during construction on the Valley Garden;
 - Effects of the waste water treatment plant during construction;
 - Potential overshadowing effects of the Main Power Station on the Valley Garden;
 - Public access to the Valley Garden and the impact of diverting the Wales Coast Path on tourism;
 - The need for a Conservation Management Plan (CMP);
 - Ownership of Cestyll Garden (currently the Nuclear Decommissioning Authority);
 - Mound E drainage; and
 - Mound D modification to retain and enhance the route of the original driveway to Cestyll Garden.
- 9.7.15. Mitigation is proposed at Appendices D11-6 – Effects on heritage assets [APP-213] and D11-8 - Integrated Landscape Heritage and Architectural Plan for the Wylfa Newydd Project [APP-215].
- 9.7.16. The Valley Garden at Cestyll is in the ownership of the Nuclear Decommissioning Authority (NDA). Both parties agreed to produce a Conservation Management Plan (CMP) for Cestyll Garden to be secured through a s106 agreement and during the Examination were exploring the option of a voluntary agreement for the Applicant to acquire the Cestyll (Valley) Garden [REP6-040]. The ExA understands that following the announcement on 17 January 2019, suspending the Wylfa Newydd DCO Project [REP8-038] negotiations for the acquisition of Cestyll (Valley) Garden were not concluded.
- 9.7.17. In the SoCG between the Applicant and NDA [REP6-040] it is reported that a revised private means of access has been agreed to gain access to Valley Gardens (Cestyll Garden) [APP-012].

- 9.7.18. The signed s106 makes provision for a number of contributions and actions in relation to the historic environment and in particular with regards to Valley Garden, including identifying the location for and restoration and reinstatement of the former site of the Kitchen Garden as close as possible to the original location and similar in size and provision for public access. Further details of the provisions of the s106 [REP10-009] can be found in Appendix E.
- 9.7.19. Provision is made for a range of circumstances in which the Developer acquires ownership of or an interest in the Valley Garden to enable it to carry out the scheme; or, failing this to use its reasonable endeavours to work with the landowner to fund and implement the Valley Garden component of the CGRMP up to the maximum of the 'Valley Garden Landowner Payment' (£0.75m). If this strategy fails, there is provision for the Developer to pay the Council the 'Cestyll Garden Payment' (£1.0m) to be expended on the enhancement of other heritage assets in the vicinity of the site in consultation with Cadw.
- 9.7.20. In addition to its good practice and embedded mitigation, by the end of the Examination the following additional mitigation measures in relation to Cestyll Registered Garden were registered in the Mitigation Route Map [REP9-008] and secured:
- A commitment to seek to integrate new structures within the marine environment, such as MOLF and breakwaters, into the existing seascape character, through selection of appropriate materials in accordance with the Design principles in volume 2 of the Design and Access Statement (Volume 2 - Power Station Site, Additional Design Principle 50 [REP8-044]).
 - A number of marine ecological enhancement measures, which over time would produce a more natural appearance of the MOLF and breakwaters when viewed from Cestyll Garden, are proposed and secured in the Marine Works sub-CoCP, paragraph 11.3 [REP10-022], including 90 precast vertical rockpools installed at various heights on the MOLF wall; retro-fitting additional surface heterogeneity at the centimetre scale (e.g. tiles with grooves and crevices) to the MOLF following construction and seeding areas of rock armour (including the leeward face of the western breakwater, and any rock revetment) with natural rock won from the site where practicable. Alternatively, imported material akin to natural rock would be used.
- 9.7.21. The Applicant responded to WHGT in answering the ExA's second written question Q2.6.4 at Deadline 5 [REP5-002] and outlined its position and the mitigation secured:
- Additional mitigation to reduce oxide of nitrogen (NOx) emissions from construction plant, machinery and marine vessels is specified and included in the Main Power Station Site sub-CoCP and Marine Works sub-CoCP;
 - The effect of applying these mitigation measures was modelled and showed that predicted NOx concentrations at Cestyll Garden would be below the criteria for indicating potential damage to vegetation.

- The potential for significant effects to the vegetation from the lower nitrogen and acid deposition rates with the additional mitigation in place would be extremely limited;
- Soil pH monitoring and visual inspection of the condition of the plants at Cestyll Garden would be proposed to be undertaken during construction, as set out in the Main Power Station Site sub-CoCP;
- A comprehensive suite of dust prevention and control measures would be put in place during construction to control dust emissions at source, including a detailed monitoring strategy with continuous monitoring of particulates and dust deposition monitoring at several locations around the Wylfa Newydd Development Area (one location close to Cestyll Garden), use of trigger values to initiate investigation and action on site to identify and mitigate potential dust issues. Consequently, the effect due to dust emissions was concluded to be not significant (see chapter D5 [APP-124] of the Environmental Statement). Dust prevention, control and monitoring are secured in the Wylfa Newydd Code of Construction Practice [REP10-018]
- The possibility of flooding and plant and root erosion within the Valley Garden was assessed as small. An increase in flood flows is predicted as a result of a higher runoff rate and more rapid response on the worst case modelled. At worst case there would be a 7.9% increase in average velocity, which would not result in catastrophic erosion, as the bulk of the change would be in the centre of the water column where velocities are highest.

9.7.22. The ExA is satisfied that measures would be in place to control and monitor adverse environmental effects on Cestyll Valley Garden during construction.

9.7.23. The ExA sought additional information about the proposed temporary waste water treatment plant to be located to the north of the Valley Garden and west of the Kitchen Garden at Q2.6.3 [PD-013] and R17.4.3 [PD-021]. During the third DCO ISH held on 6 March 2019 the ExA requested:

- a drawing showing the elevational treatment of the waste water treatment plant. The Applicant provided drawing number Fig. 1-1 in Appendix 1-1 Horizon's Response in Relation to Construction Waste Water Treatment Plant Elevation [REP7-001]; and
- that the Sewage Treatment Plant adjacent to Cestyll Garden be controlled either through a requirement or a scheme listed in Schedule 21 of the dDCO (now Schedule 4 of the dDCO [REP10-06]) to enable consultation with the WG and submission/approval by IACC to reflect its location adjacent to a designated heritage asset (Action Point 8) [OD-012].

9.7.24. In its final SoCG with the Applicant WG stated: *"Welsh Government is concerned that the impact of the sewerage treatment works have (sic) not been captured as part of the EIA, and there are no specific requirements to control its potential impact on the Registered park and garden"* [REP8-017].

- 9.7.25. The final dDCO [REP10-006] would secure through Requirement WN1(3)(c) at Schedule 4 Site-Specific Schemes, the submission to IACC for approval of an Overarching Construction Drainage Scheme for the WNDAs to include (d) the location and indicative design parameters of the sewerage treatment plant; and to be subject to consultation with NRW and Welsh Ministers in respect of the location of the sewerage treatment plant in relation to heritage assets.
- 9.7.26. In the Applicant's SoCG with IACC [REP8-019] it is recorded that there is agreement in relation to Cestyll Registered Park and Garden on:
- 9.7.27. Assessment of effects – noting: *"The assessment of effects requires consideration of the combined impacts (noise, dust, vibration, lighting, visual impact, etc.) on Cestyll Garden and its associated Grade II* Listed Building (Corn Mill), and the measures proposed to mitigate these as much as possible"*.
- 9.7.28. Adequacy of Mitigation, Compensation and Enhancement and securing mechanism – noting:
- IACC is satisfied that a Conservation Management Plan for Cestyll is secured as part of the S106. The plan shall cover both the Valley Garden and Kitchen Garden.
 - It is important that the CMP for both Cestyll Gardens and Felin Gafnan has co-ordination as the Corn Mill lies within the essential setting of the Garden and that the water wheel attached to the back wall of the mill is within the Garden area.
 - IACC would still wish to see the toe of Mound D pulled back to avoid encroaching on the original driveway to Cestyll House and Gardens.
- 9.7.29. In its submission at Deadline 9 [REP9-029] WG confirms:
- The potential direct effects of overshadowing on the Cestyll Garden because of the revised design to the Power Station and supporting earthworks will be addressed through the agreed CGRMP;
 - That the Sewage Treatment Plant adjacent to Cestyll Garden would be controlled either through a requirement or a scheme listed in Schedule 21 of the DCO (now Schedule 4 of dDCO [REP10-006]) to enable consultation with the Welsh Government and submission/approval by IACC to reflect its location adjacent to a designated heritage asset; and
 - Its satisfaction with "the overall package of mitigation being provided for the Kitchen Garden and Valley Garden".

9.8. THE DAME SYLVIA CROWE DESIGNED LANDSCAPE

- 9.8.1. The Dame Sylvia Crowe woodland located east and south of the Existing Power Station is a non-designated heritage asset shown at Fig.2-4 of the Landscape and Habitats Management Strategy [REP8-063], which the Applicant describes as: *"Dame Sylvia Crowe's Landscaping Area (HLT 3), located to the south-east of the Existing Power Station, was designed in the 1960s to complement the power station buildings (HLT 8). HLT 3 is characterised by an undulating wooded landscape cut by paths and*

comprising two significant Mounds (man-made Drumlins) and a plantation of coniferous, broad-leaved trees and two stone walls to the south-west and north-east. Crucial components in the creation of this landscape were the introduction of nature trails, a landscaped viewing platform looking out to sea, the retention of native plant species and the incorporation of the Anglesey Coastal path. Due to its historical association with Dame Sylvia Crowe, an internationally renowned landscape architect, HLT 3 has been assessed to be of medium value.”
Paragraph 11.3.100 [APP-130]

- 9.8.2. The effect on Dame Sylvia Crowe’s Landscaping Area (HLT 3) during construction is assessed to be of moderate adverse significance. (paragraph 11.5.27) [APP-130] and the magnitude of permanent effects assessed to be medium and the significance of effect as moderate adverse (paragraph 11.5.42)
- 9.8.3. During operation the effect on Dame Sylvia Crowe’s Landscaping Area (HLT 3) is assessed by the Applicant to be of moderate adverse significance (paragraph 11.5.52]. The Power Station and new landscaping and woodland planting would form dominant elements in key views of Dame Sylvia Crowe’s Landscaping Area (HLT 3; medium value). The magnitude of this medium-term effect is assessed to be medium and the significance of effect to be moderate adverse (paragraph 11.5.55). During operation the significance of residual effect for Dame Sylvia Crowe’s Landscaping Area (HLT 3) is assessed to be moderate adverse (11.7.9)
- 9.8.4. The Applicant’s Assessment of Significance of Dame Sylvia Crowe’s Landscape Design at the Existing Power Station [APP-212] Section 7 states: The landscape surrounding the Existing Power Station was designed in the 1960s by Dame Sylvia Crowe. The designed landscape has been assessed to be of medium significance, based on the following:
- Its connection with Dame Sylvia Crowe, a pioneering, award-winning landscape architect who worked internationally and was instrumental in the founding of Landscape Institute, and who provided landscape schemes for two notable nuclear power stations in Wales;
 - Its value as evidence of the development and practice of landscape architecture in the post war period;
 - Its connection with the Existing Power Station and its unique and bold architecture;
 - It represents an expression of a bygone era of positive and hopeful attitudes towards large industrial and nuclear developments;
 - Being an example of good landscape design performing multiple functions; and
 - Its communal value resulting from its association with the Existing Power Station, which has been an important employer in Anglesey since the 1970s, and the presence of public footpaths, including the Wales Coastal Path, as an integral part of the design.
- 9.8.5. In its LIR IACC observed that under the current proposals the relationship of the Dame Sylvia Crowe landscaping with the natural and built form of the area would be disrupted [paragraph 4.1.8 and 4.2.30 –

4.2.35, REP2-077]. It agrees that its historic and evidential value is high; however, IACC considers its aesthetic value to also be high (rather than medium). Paragraph 4.2.33 suggests that that mitigation be set out in a detailed Conservation Management Plan (CMP), to include a Woodland Management Plan, to ensure that appropriate restoration and enhancement measures would be identified and secured.

- 9.8.6. In its submission WHGT [AS-037] argued that it is appropriate to ascribe greater aesthetic value to this landscape when it is rightly regarded as an art work in its own right. "These factors when added to those discussed in the above report would suggest a high Aesthetic Value". It concluded that the ES did not assess the significance of the Sylvia Crowe landscape in enough detail and considered it deserving a status of high significance and should be protected and managed accordingly.
- 9.8.7. The Applicant justified and maintained its position in response to IACC at [REP3-004] and to WHGT in its answer to ExA Further Question Q2.6.4 [REP5-002]. The Applicant's response to the LIR records that a draft management plan for Dame Sylvia Crowe's Mound Woodland Site has been produced and issued for consultation to environmental non-governmental organisations in September 2018. The management plan identifies how landscape features associated with Dame Sylvia Crowe's designed landscape, such as the existing broadleaved and coniferous woodland, would be managed [paragraph 17.5.61 REP3-004].
- 9.8.8. By the end of the Examination the following additional mitigation had been secured in relation to the Dame Sylvia Crowe Landscape:
- Historic landscape survey to Level 2 standards [REP10-020];
 - Requirements WN11 (Construction landscape and habitat management schemes); WN12 (Final landscape and habitat scheme) and WN14 (Operational landscape and habitat management schemes) of the dDCO [REP10-006] ensure that appropriate landscape management schemes would be submitted to and approved by IACC in respect of the Dame Sylvia Crowe Designed Woodland at construction (management, protection, monitoring and maintenance) and operation (management and maintenance) phases.
 - Landscape management would include controls for the management and enhancement of retained trees, scrub and hedgerows including the area of Dame Sylvia Crowe Designed woodland and the control of unwanted plant species including invasive species; secured in the Main Power Station Site sub-CoCP, [paragraph 11.20.2 REP10-020] and the LHMS [REP8-063].
- 9.8.9. The ExA notes that IACC and the Applicant did not reach agreement on the assessment of the value of Dame Sylvia Crowe's Woodland. IACC arguing that: "the Dame Sylvia Crowe Landscape has been understated and the value/heritage significance of HLT3 should be high as a consequence of its high evidential, historical and aesthetic values and medium communal value"; a view shared earlier in the Examination by WHGT. The Applicant's view is that the assessment of value is based primarily on historical association and it is content that the assessment of

the value as medium is appropriate and that the mitigation is appropriate to the value of the asset and the impact predicted [REP8-019].

- 9.8.10. The ExA is mindful of the significance of the Dame Sylvia Crowe Woodland in historic terms and as an exemplar in the successful integration of newly designed landscape forms and major industrial structures, within a distinctive, natural landscape. However, having considered the evidence, particularly the discussion on aesthetic value put forward by the Applicant [APP-212], where the overall aesthetic value of the site is assessed to be medium, the ExA accepts the Applicant's reasoning.
- 9.8.11. In its LIR at paragraphs 4.2.34 and 4.2.35 [REP2-077] IACC submit that, in its view, the Applicant has not considered sufficiently the potential impact of the North Wales Connection Project, in combination with the Wylfa Newydd Nuclear Power Station, on the Designed Woodland and that it could have adverse impacts on its heritage, landscape, visual and ecological value. The application for a DCO in respect of the North Wales Connection Project was withdrawn during the course of the Examination, following the Applicant's announcement that it was suspending its pursuit of the Wylfa Newydd Power Station, and therefore was not a matter the ExA has taken into consideration. The ExA does, however, remind the SoS that if the Connection Project is brought forward in the future, careful consideration will need to be given to any impact on the Designed Woodland's heritage purpose that any new proposals might bring about.

9.9. TERRESTRIAL ARCHAEOLOGY

- 9.9.1. In its LIR [REP2-077] IACC summarises the key issues in respect of terrestrial archaeology as:
- Potential for Negative impacts resulting in substantial harm to the significance of designated heritage assets (or non-designated heritage assets of equivalent significance) including nationally-significant archaeological remains, including those at Porth Wylfa, Porth-yr-Ogof, Pennant and Tyddyn Gele.
 - In the light of the NPS EN-1 requirement that development causing substantial harm to the significance of these heritage assets to be 'exceptional' or 'wholly exceptional' and clearly justified as being unavoidable in order to achieve the substantial public benefits of the wider development; the Applicant needs to provide clear justification of the harm to archaeological sites at Site 05 South and Wylfa Head, referencing detailed studies of options and alternatives to the proposed development in order for these effects to be considered acceptable.
 - That the Applicant should also provide clarification of the significance of two further sites, the Roman Settlement at Port-yr-Ogof and West of Porth Wylfa, drawing on field survey that has already been undertaken, to identify whether these are of equivalent value to scheduled monuments.
- 9.9.2. In its initial representation WG [REP1-024] asked the Applicant to *"provide a commitment to the provision of funds for the assessment,*

recording and archiving of artefacts found during onsite excavations.”
[REP1-024]

- 9.9.3. In [REP2-367] WG stressed the need for a strategy for buried archaeology in the WNDa to address potential impacts and mitigation. It concluded that at the earliest opportunity:

“ . . . a robust mitigation strategy must be enforced to ensure archaeological assets within the WNDa are protected. To avoid any substantial harm (as described in NPS EN-1) to archaeological assets within the WNDa, Horizon must provide:

Detailed Summary Reports for all excavation works completed on-site in a timely manner. Horizon must also commit to undertake a programme of analysis, reporting, archiving and dissemination commensurate with the results of the investigations. This will be developed based on the results of post-excavation analysis, reporting, archiving and dissemination.

A Written Scheme of Investigation for the 18-remaining archaeological ‘hot-spots’. At the time of writing, Horizon has not confirmed the feasibility and/or methodology for preserving the remaining archaeological ‘hot-spots’ in-situ or a programme for completing the remaining excavation works.”

- 9.9.4. Cadw sought reassurance that *“the risk of damage to archaeological artefacts at the Wylfa Newydd Development Area (WNDa) has been removed”* and warned: *“The developer will be aware that where unexpected archaeological discoveries are of national importance, which is the case at Wylfa Newydd, the Welsh Ministers have the power to schedule the site. In the event of scheduling, Horizon will be required to seek separate scheduled monument consent before any further construction work can continue.”*

- 9.9.5. The issue of how the results of archaeological work undertaken before and during the examination under permitted development rights on a large number of sites within the WNDa, most if not all of which could not be secured or preserved in situ if the development proceeded, were to be analysed, reported, archived and the information disseminated in an appropriate manner to meet the test of EN1 of avoiding substantial harm, became one of the main terrestrial archaeological issues during the Examination.

- 9.9.6. In its response to the LIR [REP3-004] the Applicant:

- Explained the archaeological investigations completed in the WNDa up to the time the Baseline Report [APP-204 and APP-205] was compiled and the approach to assessing value it had adopted. (paragraph 17.5.2 – 17.5.8).
- Challenged the view that assessment criteria do not adequately reflect the significance-based approach to understanding value of, and effects on, heritage assets as set out in NPS EN-1 or Cadw 2011 Conservation Principles: Policies and Guidance for the Sustainable

Management of the Historic Environment in Wales (paragraph 17.5.10) or that that the historic interest of many heritage assets has not been appropriately considered. (paragraph 17.5.11)

- Confirmed that its assessment of the Roman Settlement at Porth-yr-Ogof (Asset 573), flint processing site West of Porth Wylfa (Asset 579) and Enclosure and Cist Cemetery at Pennant (Asset 205) as 'high importance' means that these assets are considered to be of equivalent significance to scheduled monuments in the ES (paragraph 17.5.12) and that in its view:

9.9.7. *"that through the completion of archaeological investigations (including archaeological excavation) (which have been agreed with Cadw and Gwynedd Archaeological Planning Service (GAPS) and monitored by GAPS in their role as Curator) and the programme of reporting, analysis, publication, dissemination and archiving means that substantial harm to these heritage assets have been avoided"* (paragraph 17.5.13).

9.9.8. Agreed that a Written Schemes of Investigation (WSI) needed to be in place prior to the archaeological investigation; it disagreed that they needed to be in place in advance of the determination of the DCO (paragraph 17.5.92). These issues were pursued through a series of questions and requests for further information, in submissions by the parties and, particularly, at the ISH on 4 March 2019 [EV-028-33], which concentrated on a range of cross-cutting issues around proposals for the WNDA. A brief account of the discussion, the position at the end of the Examination and the ExA's recommendation is set out below in relation to the following issues:

- Post excavation works within the WNDA;
- The wording of Requirement SCP8; and
- Securing a commitment to Schemes of Archaeological Mitigation and Written Schemes of Investigation in the dDCO.

Post excavation works within the WNDA

9.9.9. In advance of the ISH on 4 March 2019 WG issued an update on architecture and heritage matters [REP7-005]. It expressed serious concerns that following the decision to suspend involvement in the project and confirmation that all intrusive archaeological work in the WNDA area had ceased and the Applicant had confirmed, that it would no longer be adhering to the agreed WSI submitted to IACC, GAPS, and Cadw, in June 2017 and August 2018. The Applicant also highlighted a risk that it may no longer be able to proceed in carrying out any post-excavation reporting, analysis, publication, dissemination and archiving. WG sought appropriate and immediate mitigation and stated:

9.9.10. *"This is of grave concern to Welsh Government and Cadw. The ES concluded that without appropriate archaeological recording there would be large, major adverse effects on 47 heritage assets within the WNDA. Only with the archaeological recording does the ES conclude that there would not be significant adverse impacts. In addition, Welsh Government and Cadw are concerned that, in the absence of any commitment from Horizon to complete the post-excavation requirements, this nationally*

important archaeological assemblage will degrade and may be at risk of being permanently lost” [paragraph 2.1.7 REP7-005]

- 9.9.11. WG commented further: *“Unless a satisfactory mitigation solution can be agreed, Welsh Government will submit representations that a Section 106 commitment or DCO Requirement is necessary to mitigate the potential harm on these heritage assets”* (paragraph 2.1.9) and in its 1 March 2019 letter WG highlighted how the archaeological works were part of the “project” for EIA purposes and had been included in the environmental assessment for the development applied for. Therefore, they considered that the excavation works had clearly been carried out for the purposes of the project. WGs position was that unless the full programme of works, including post-excavation assessment, analysis, reporting, publication archiving, and dissemination is completed in accordance then substantial harm would be caused by the project. Without an appropriate commitment, this would represent unmitigated substantial harm as this is mitigation relied upon in the ES [paragraph 3.1.5 REP7-004].
- 9.9.12. The Applicant submitted its Archaeology Site Summary Reports and Plans [REP8-015], in respect of the recent further investigations and excavations within WNDA, alongside its Environmental Statement Addendum (Revision 2.0) [REP8-005], which sets out in section 5.8 a revised assessment of effects based on the more recent investigations and concluded the number of high value archaeological remains of schedulable quality be reduced in number from nine to six (see location plan at Annexe 1 [REP9-029]).
- 9.9.13. It is evident from the Applicant’s Baseline Study Report on Cultural Heritage [APP-130] that several archaeological assets of high value and in some cases national importance are located within the WNDA and this is confirmed by the Archaeology Site Summary Reports and Plans [REP8-015] submitted during the Examination and by the submissions from WG. WG set out what is required to avoid substantial harm being caused to the significance of these high-value assets, pointed out their significance and made clear the possibility of scheduling those sites deemed to be of national importance.
- 9.9.14. The Applicant responded to the ExA’s request for further information [REP9-006] confirming:
- All of the archaeological finds have now been secured on Anglesey in suitable conditions.
 - It is working to achieve full post-excavation assessment and analysis of the archaeological finds in accordance with best practice guidance before the end of October 2019. It will work alongside its archaeological contractors and IACC to develop an appropriate work programme that is informed by the ongoing processing and assessment work to address reporting and publication.
 - For all post-excavation works, IACC would be provided with regular updates on progress up to the completion date.

- All of the post-excavation works form part of the Archaeological Mitigation Scheme which would be secured by Requirement WN1 in the dDCO [REP8-030] and would be funded by the Applicant.

9.9.15. IACC welcomed the submission of the Archaeology Summary Reports and Plans by the Applicant [REP9-031] and confirmed:

- Its reassurance that the finds had all been brought back to the Island for storage and that contracts were being put in place for processing, archiving and assessing the finds in accordance with practice guidance and standards.
- That IACC is seeking to engage further with the Applicant in order to agree the programme for completing this work which will include assessment, analysis, reporting, publication, archiving and dissemination of the finds.
- That this detail is required to provide clarity and certainty on the archaeological field work undertaken across the Wylfa Newydd Development Area and aligns with the Applicant's previous written assurances and Written Schemes of Investigation which were guided by the standards laid down by the Chartered Institute for Archaeologists.
- The Council is committed to continued engagement and collaboration to achieve a satisfactory outcome that ensures that harm to these heritage assets is avoided.

9.9.16. At Deadline 9 WG stated: "Cadw consider that further actions are required. Currently the sites have been excavated but the WSIs and best practice dictate that the remains recovered now require appropriate processing, analysis, examination, reporting, dissemination and archiving. These points have previously been highlighted through WG/Cadw representations to the Examination (REP7-005), and through discussions with Horizon". [REP9-029]

9.9.17. The issue of previously excavated archaeological remains at the WNDA site was not fully resolved by the end of the Examination. The submissions presented to the ExA indicate that the issue was being pursued by the Applicant and IACC as local planning authority. However, there was no financial provision made in the signed s106 [REP10-009] as requested by WG; nor, apart from the proposed amendments to Schedule 3, Requirement SCP8 of the dDCO [REP10-006] (see discussion below), would any further measure be secured in the dDCO.

9.9.18. There were clear indications that steps were being taken to fulfil the requirements of the WSI agreed with IACC and GAPS prior to the work on site commencing. The ExA cannot be certain that this outcome is secured, but it notes that Schedule 3, Requirement WN1(3)(a) of the dDCO [REP10-006] requires the developer to have a WNDA Archaeological Mitigation Scheme approved by IACC before commencement of any works. The Scheme is described in Schedule 4, Part 2 of the dDCO and consultation with Cadw is specified.

9.9.19. The Applicant states in paragraph 17.5.13 of its response to IACC's LIR [REP3-004]: "While the public benefits resulting from the Wylfa Newydd

DCO Project would outweigh the harm resulting from their removal, which is required for the construction of the Power Station, in the case of effects on archaeological remains assessed to be of high value (including those heritage assets identified above) it is Horizon's view that through the completion of archaeological investigations (including archaeological excavation) (which have been agreed with Cadw and GAPS and monitored by GAPS in their role as Curator) and the programme of reporting, analysis, publication, dissemination and archiving means that substantial harm to these heritage assets have been avoided."

- 9.9.20. While it is possible for the Applicant to rely on the argument that public benefit outweighs substantial harm to important heritage assets (paragraph 5.8.15 of NPS EN-1), paragraph 5.8.14 of NPS EN-1 is clear that this should be wholly exceptional and in paragraph 5.8.20 that 'where the loss of the whole or a material part of the heritage assets significance is justified, (the decision-maker) should require the developer to record and advance understanding of the heritage asset before it is lost'. The Applicant has put forward mitigation quoted previously that in its opinion would avoid substantial harm to these archaeological assets; there is evidence that at the close of the Examination steps were being taken to recover the position and that IACC were being kept informed; and there would be provision in the dDCO to require archaeological investigations on the WNDA site to be undertaken in accordance with a Scheme of Archaeological Mitigation approved by IACC in consultation with Cadw.
- 9.9.21. The ExA cannot be clear that this has been achieved and is concerned that the archaeological work appears to have been undertaken prior to either approval of the planning application for site preparation and clearance works (now withdrawn) or the making of the DCO. The ExA does not have a locus in matters taking place outside the Examination; but in this case the archaeological investigations, carried out in accordance with an agreement with IACC and GAPS, are part of the mitigation submitted in the ES to avoid substantial harm to the assets in accordance with paragraph 5.8.14 of NPS EN-1. The ExA accepts that if the work of investigation is satisfactorily completed, including reporting, analysis, publication, dissemination and archiving to the agreed standards substantial harm is avoided; but if not, then substantial harm has been caused to the assets and needs to be justified and, in this case, should be wholly exceptional.

The wording of Requirement SCP8 Archaeological written scheme of investigation

- 9.9.22. WG pressed through the Examination that the wording of SCP8 'Archaeological written scheme of investigation'; be amended to bring control mechanisms for the continuing archaeological investigations in the WNDA, proposed to be undertaken as part of the site clearance and preparation works, in line with the approach proposed for all sites during construction in the dDCO, by referring to the need for an approved Archaeological Mitigation Scheme to be in place prior to work commencing (paragraph 2.1.11 and 2.1.12) [REP7-005].

9.9.23. In its response to R17.2.21 at Deadline 9 [REP9-029] WG proposed that for the reason that (a) it will assist for clarity in view of the potential for change of personnel, (b) the length of time since the existing WSI was produced and (c) the significant features and areas identified; that a mitigation scheme is required as the WSI would relate more to methodology and that this approach would ensure consistency with Requirement WN1, which refers to both an Archaeological Mitigation Scheme and WSI; the following alternative wording to be incorporated into Requirement SCP8:

"A) No development shall take place within the area (Plans submitted in response to R17.4.2 [REP9-029]) 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 by the application (sic) and approved in writing by the local planning authority, in consultation with Cadw.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured."

9.9.24. The Applicant resisted this suggestion, arguing [REP10-014] that its position expressed at Deadline 9 remained namely that it was not considered necessary to provide an Archaeological Mitigation Scheme in addition to an Archaeological Written Scheme of Investigation in respect of the SPC Works *"due to the scale and generally non-intrusive nature of these works; but it is appropriate that a WSI is required, and this was agreed with IACC as part of the TCPA planning conditions (which this requirement is based on) - was unchanged [REP9-006] and therefore the wording proposed in the dDCO [REP10-006] was adequate"*.

9.9.25. It is the ExA's view that, for the reasons set out by WG, the wording proposed by WG be substituted for the current wording for Schedule 3 Requirement SCP 8 'Archaeological written scheme of investigation'; and that Requirement SCP8 read:

- 1) No development shall take place within the WND 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.
- 2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).
- 3) 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.

- 9.9.26. In the ExA's view, this amendment to the dDCO would properly secure the requirements of paragraph 5.8.20 of NPS EN-1 and as a result avoid substantial harm to these assets of potentially high value and importance. Consequently, this impact of less than substantial harm should not weigh against the Application.

Securing a commitment to Schemes of Archaeological Mitigation and Written Schemes of Investigation in the dDCO [REP10-006]

- 9.9.27. The requirement to submit to and obtain approval from IACC for an Archaeological Mitigation Scheme, including a written scheme of investigation before commencement of the relevant work would be secured through the following Requirements in the dDCO [REP10-006]:
- WN1(3)(a) Main Power Station Site Sub-CoCP and schemes (including Power Station Works, Marine Works and Site Campus) – WNDA Archaeological Mitigation Scheme
 - OPSF1(2)(a) Off-site Power Station Facilities Sub-CoCP and schemes – Off-Site Power Station Facilities Archaeological Mitigation Scheme
 - PR1(2)(a) Dalar Hir Park and Ride Sub-CoCP and schemes – Park and Ride Archaeological Mitigation Scheme
 - LC1(2)(a) Parc Cybi Logistics Centre Sub-CoCP and schemes – Logistics Centre Archaeological Mitigation Scheme
 - OH1(2)(a) A5025 Off-Line Highway Improvements Sub-CoCP and schemes – A5025 Off-Line Highway Improvements Archaeological Mitigation Scheme
- 9.9.28. Schedule 3 Requirements Interpretation section explains that, for each Development area, 'Archaeological Mitigation Scheme' means *"the scheme for archaeological investigations within the appropriate Order Limits to be submitted for approval under the relevant Requirement (see above) and Schedule 4 of this Order"*.
- 9.9.29. Schedule 4 Control Documents and Schemes, Part 2 Site Specific Schemes sets out for each of the five development areas the detail of the required Archaeological Mitigation Scheme; including that;
- The scheme will be prepared in accordance with Section 12 of the appropriate Sub-CoCP.
 - It will be prepared in accordance with the Chartered Institute of Archaeologist's standards and guidance and provide:
 - The type of investigation proposed, proportionate to the significance of the assets and the significance of the effect under the ES.
 - Aims and objectives of the investigation

- Method and programme for fieldwork previously undertaken and to be undertaken and post-field work assessments, reporting, analysis, publication, dissemination and archiving; and
 - Proposals for public engagement and participation
- 9.9.30. It is a requirement that Cadw are to be consulted by IACC during its consideration of the Archaeological Mitigation Schemes.
- 9.9.31. The ExA considers that the undertaking of further archaeological investigation in a satisfactory manner, with the requirement for the approval by IACC, in consultation with Cadw, of Archaeological Mitigation Schemes including a written scheme of investigation to the appropriate standard would now be secured by Schedules 3 and 4 for all sites in the dDCO [REP10-006] and therefore, it is not an issue that should weigh against the Application.
- 9.9.32. The Wylfa Newydd Code of Construction Practice [REP10-018] at Section 12 'Cultural heritage management strategy' puts in place an over-arching framework for achieving mitigation for effects on cultural heritage; under the subtopics of archaeological remains, historic buildings, and the historic landscape, including procedures to be adopted if unknown archaeological remains are discovered, which, the ExA considers satisfies the requirements of paragraph 5.8.22 of NPS EN-1.

Site-specific mitigation controls to be implemented for cultural heritage

- 9.9.33. These are described in section 12 of the relevant sub-CoCPs and outlined below:
 - Main Power Station Site Sub-CoCP [REP10-058]
 - Off-Site Power Station Facilities Sub-CoCP [REP10-023]
 - Park and Ride Sub-CoCP [REP10-025]
 - Logistics Centre Sub-CoCP [REP10-027]
 - A5025 Off-Line Highway Improvements Sub-CoCP [REP10-028]
- 9.9.34. In each case provision would be made for the preparation and submission for approval by IACC in consultation with Cadw, a WNDA Archaeological Mitigation Scheme (including a Written Scheme of Investigation) in accordance with the Requirements in Schedule 3 and Schedule 4 of the Order prior to the commencement of the Power Station Works (except for Work No. 12).
- 9.9.35. Further, provision would be made to ensure that: "if unknown archaeological remains are discovered and construction works will affect those remains, works in that area will cease immediately so that appropriate mitigation measures could be developed in consultation between Horizon and IACC. Works would continue in the vicinity of the remains upon implementation of the approved mitigation" (Section 13 Cultural heritage Strategy of the Wylfa Newydd Code of Operational Practice [REP10-030]).

- 9.9.36. The ExA welcomes these commitments, secured in the dDCO [REP10-006] to ensure Schemes of Archaeological Mitigation would be required to be approved in relation to both the NSIP and associated development sites, which address the requirements in paragraphs 5.8.11 to 5.8.14 and 5.8.20 and 5.8.21 of NPS EN-1. Further, the ExA notes the measures set out in the Wylfa Newydd CoCP [REP10-018] to deal with the discovery of unknown archaeological remains, which, as referred to earlier, which the ExA consider would address the requirements of paragraph 5.8.22 of NPS EN-1. The ExA therefore concludes that further archaeological investigation would not result in substantial harm and should not be weighed against the Application.

Marine archaeology

- 9.9.37. Figure D11-18 shows the extent of the Wylfa Newydd Development Area study area for marine archaeological remains and the location of cultural heritage assets of high, medium and low value. Figure D11-19 provides similar information in respect of the proposed Holyhead Deep Disposal Sites [APP-328].

- 9.9.38. There are no Scheduled Monuments or Protected Wrecks within the Marine Study Area. In summary, the archaeological resource in the Marine Study Area [APP-208] comprises:

- Three known wrecks, lost in the 19th century: the Abbotsford, the Earl of Chatham, and the Olinda;
- Two potential wreck sites (A1 geophysical anomalies);
- 44 A2 geophysical anomalies of possible archaeological interest and one U1 geophysical anomaly of certain origin and no archaeological interest;
- Potential for:
 - Derived prehistoric material;
 - shipwrecks dating from the Neolithic to the modern period; and
 - aircraft crash sites and associated material.

- 9.9.39. There are currently no sites within the proposed Holyhead Deep Disposal Sites Study Area that are subject to statutory protection from the Protection of Wrecks Act 1973, the Protection of Military Remains Act 1986 or the Ancient Monuments and Archaeological Areas Act 1979; the three legislative acts that could be used to protect marine archaeological sites. [APP-209]. The marine archaeological baseline environment within the Holyhead Deep Disposal Sites Study Area comprises:

- seven paleogeographic features;
- six charted sites;
- 40 geophysical anomalies of uncertain origin of possible archaeological interest;
- the potential for discovering material relating to seabed prehistory, maritime and aviation archaeology, and
- areas pertaining to seascape character.

- 9.9.40. In its SoCG with the Applicant NT [REP6-049] opined that there are two intertidal archaeological sites in Porth-y-Pistyll and Porth-y-Felin, adjacent to NT land, which have not been identified in the marine archaeological baseline and have not been assessed in the heritage impact assessment. The Applicant explained its research and survey work and explained that it identified one intertidal site in Porth-y-Pistyll and Porth-y-Felin, adjacent to NT land, comprising two landing places. There would not be a physical effect; but an effect on setting during construction and that after additional mitigation in the form of a photographic survey, the significance of residual effect had been assessed to be negligible adverse. During operation the significance of residual effect had been assessed to be minor adverse. The ExA accepts this reasoning.
- 9.9.41. No further issues were raised in relation to marine archaeology and the ExA is satisfied that the baseline and survey information is adequate. In its Planning Statement at Appendix A paragraph 4.2.130 [APP-406], the Applicant summarises its assessment of significant environmental effects to the historic environment during construction and, in relation to marine archaeological remains, concludes there would be no significant adverse effects. The ExA agrees with this assessment.

Scheduled Monuments

The effects resulting from the Parc Cybi Logistics Centre on Ty-Mawr standing stone and Trefignath burial chamber

- 9.9.42. The Logistics Centre is located between the Ty Mawr Standing Stone and the Trefignath Burial Chamber, both of which are Scheduled Monuments. The Applicant recognises that they may be susceptible to adverse change arising from visibility of the proposed works and/or noise during their construction and operation. It concludes that there are two key contributing elements of the setting of these heritage assets; intervisibility between the two assets; and their alignment with the winter solstice sunrise. The Applicant predicted effects of minor adverse significance for two archaeological remains, during construction, operation and decommissioning [APP-406].
- 9.9.43. In its LIR [REP2-080] IACC opined: "that the assessment conclusions resulting from the Logistics Centre on Ty-Mawr standing stone and Trefignath burial chamber would be greater than that assessed by the Applicant and would constitute negative impacts [...] The much altered nature of the setting of these assets means that conservation of the remaining contributing elements of setting should be prioritised, and cannot be taken as indicating a reduced sensitivity to change." It suggested that mitigation might take the form of enhanced interpretation at the two monuments.
- 9.9.44. In its submission at Deadline 2 [REP2-367] WG agreed with this view and Cadw expressed concern that the ES did not detail the location of any proposed landscape planting; so, it is unclear how any proposed planting would relate to the setting of the Scheduled Monuments. It asked that Cadw be consulted and agree to the scope and extent of any landscaping

and planting measures undertaken as part of the Logistics Centre to ensure that adequate provision would be made to screen the logistics centre and minimise its intrusion onto the setting of the burial chamber and that Cadw should also be consulted on the long-term restoration plan for the site on completion of the project.

9.9.45. At the close of the Examination the following mitigation had been secured in the dDCO [REP10-006] to address these issues:

- Prior to the commencement of the Logistic Centre Works, the preparation and submission for approval by IACC in consultation with Cadw, a WNDA Archaeological Mitigation Scheme (including a Written Scheme of Investigation) in accordance with the Requirements in Schedule 3 and Schedule 4 of the Order [REP10-006]
- Provision at LC5(1) of Schedule 3 of the dDCO [REP10-006] that 12 months prior to the operation of the Logistics Centre, plans and written details of the landscape design and maintenance of non-operational areas of the Logistics Centre must be submitted to and approved by IACC, in consultation with Cadw.
- Photographic survey to record the setting and provide a permanent visual record of the current conditions of the Ty Mawr Standing Stone (Asset 22) and the Trefignath Burial Chamber (Asset 21). Logistic Centre Sub-CoCP [REP8-057]
- Key Design and Masterplanning Principles secured within the Design and Access Statement (DAS) [REP8-046]:
 - Buildings (with the exception of the security kiosk and driver instruction point) and the HGV parking area will be sited to the north half of the Logistics Centre site to maintain the sight line between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments. (Key Design Principle (KDP) 3.4.9)
 - All buildings and structures will be removed following the operational period of the Logistics Centre to reinstate an open view between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments (KDP 3.4.12)
 - The design will minimise harm to the setting of and retain intervisibility between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments, as far as reasonably practicable within security and operational requirements. (Masterplanning Principle (MP) 3.4.18)
 - The number, massing and siting of buildings which comprise the Logistics Centre will serve to reduce the impact on the Scheduled Monuments, as far as reasonably practicable within security and operational requirements (MP 3.4.23)
- Section 11, paragraph 9.2 of the signed s106 [REP10-009] provides for a Heritage Interpretation Board Contribution to be applied to improve, supplement or replace the existing interpretation boards at Trefignath Burial Chamber and Ty Mawr Standing Stone (and Capel Soar Standing Stone – see below).

Capel Soar Standing Stone at Llanfaechlu

- 9.9.46. In its LIR [REP2-0] IACC agreed with the Applicant that a potential moderate adverse effect (negative impact) on the significance of the Capel Soar Standing Stone at Llanfaechlu because of construction activities and the realignment of the road has been identified and that any harm would be of a limited magnitude. As the stone is easily visible from the current A5025 the Applicant should identify potential compensation measures which could include an information board or similar at an appropriate location.
- 9.9.47. In addition to several proposed measures designed to lessen the impact on the setting of this scheduled monument, which will be at a greater distance from the new highway, during construction and operation of the A5025 Off-Line Highway Improvements secured in the Landscape Design principles of Volume 3 of the Design and Access Statement [REP8-045]. As described earlier, Section 11, paragraph 9.2 of the signed s106 Agreement [REP10-009] would provide for a Heritage Interpretation Board Contribution to be applied to improve, supplement or replace the existing interpretation boards at three sites, including Capel Soar Standing Stone.

Other Historic Environment issues

- 9.9.48. The heritage assets assessed as experiencing negative impacts from the proposed development and set out below were considered during the Examination through further survey and analysis or provision of additional mitigation. The ExA is of the view that in each case the significance of the asset was properly assessed, adverse impacts suitably mitigated, and measures secured to preserve or enhance the assets' significance and setting and, therefore, the harm should not weigh against the Application.

The Grade II listed church of St Padrig at Llanbadrig (Asset 26)

- 9.9.49. IACC were concerned in its LIR [REP2-077] that the proposed development would give rise to negative impacts amounting to harm of less than substantial magnitude to several designated heritage assets or heritage assets of equivalent significance including the Grade II listed church of St Padrig at Llanbadrig.
- 9.9.50. The Main Power Station Site Sub-CoCP [REP8-0] proposes that photographic survey will be undertaken to record the current setting and provide a permanent visual record of the current conditions of this heritage asset; and
- 9.9.51. The signed s106 [REP10-009] in Schedule 10 Construction Noise Mitigation allocates up to £250,000 to enable appropriate noise insulation or other measures to reduce or mitigate noise impacts to Eglwys Sant Padrig Church for the construction period.

The Grade II Listed Black Lion Inn (Asset 150) and Siop Soar (Asset 149) at Llanfaethlu

- 9.9.52. These two heritage assets from a group with the Capel Soar Standing Stone scheduled monument. As part of the construction of the A5025 Off-Line Highway Works it is proposed to slackening the earthwork slopes at the Llanfaethlu off-line section to reduce adverse effects on views from adjacent residential properties and to provide integration with the surrounding landform and reduce impacts on the setting of Capel Soar Standing Stone Scheduled Monument (Asset 146; high value), Siop Soar Listed Building (Asset 149; medium value) and the Black Lion Inn Listed Building (Asset 150; medium value), wherever practicable against existing land constraints. This mitigation is secured in Design and Access Statement – Volume 3 – Associated Developments and Off-Site Power Station Facilities, Appendix 1-5, Landscape Design Principle 21 [REP8-046]
- 9.9.53. The ExA concludes that there is no loss of significance.
- Grade II Listed Old Farmhouse at Plas Cemlyn (Asset 215)
- 9.9.54. IACC expressed concern in its LIR [REP2-077] that the Old Farmhouse at Plas Cemlyn (Asset 215; LB 24415) would be subject to a degree of harm to significance during construction as a result of visible and audible change to setting arising from construction activities and this would produce a negative impact.
- 9.9.55. In its response [REP3-004] the Applicant stated: construction activities would result in visual and noise intrusion in the rural setting of this heritage asset; however, the interrelationship with the other farm buildings at Plas Cemlyn would be retained and this heritage asset's location on Cemlyn Bay would not be affected. Using professional judgement and the criteria presented in table B11-12 of chapter B11 [APP-076], this constitutes a slight change to this heritage asset's setting. Based on this, before mitigation the significance of this effect was assessed to be minor adverse. No mitigation was proposed, and the significance of residual effect was therefore assessed to be minor adverse.
- 9.9.56. The ExA agrees with the Applicant's assessment
- Non-designated historic buildings: Tre'r Gof Uchaf (Asset 263),**
Nant Orman (Asset 138),
- 9.9.57. IACC raised concerns in its WNDA LIR [REP2-077] that non-designated historic buildings Nant Orman (Asset 138) and Tre'r Gof Uchaf (Asset 263) had been assessed to be of medium value, suggesting that the loss of these buildings should be treated as substantial harm to the significance of a designated heritage asset in line with NPS EN-1 (paragraphs 5.8.14 and 5.8.15).
- 9.9.58. The Applicant reported in its response [REP3-004] that further survey work had been undertaken and as a result Nant Orman value of this historic building has been revised from medium to low and the negligible adverse residual significance of effect predicted in chapter D11 (Cultural heritage) of the ES [APP-130] is appropriate and would not constitute

substantial harm. It further anticipated that as a result of a Level 3 Historic Buildings Survey at Tre'r Gof Uchaf (Tyddyn Gele and Tyddyn Gele Garage) support the assessment of low value presented in chapter D11 (cultural heritage) of the ES [APP-130]. The Applicant also considers that the negligible adverse residual significance of effect predicted in chapter D11 is appropriate and would not constitute substantial harm.

- 9.9.59. The Main Power Station Site Sub-CoCP [REP8-049] proposes mitigation at Nant Orman to 'potentially include a targeted archaeological watching brief, targeted excavation and targeted strip, map and sampling.' The ExA accepts this reasoning and proposed potential action.

Cafnan House and Outbuildings (Asset 181)

- 9.9.60. Cafnan House and Outbuildings are non-designated heritage assets located within the WNDA, which will remain through all phases. It is described by the Applicant as an excellent example of a substantial Anglesey farmhouse from the early 19th century and of regional importance. The Applicant assess it as of medium value and predicts in all phases of the project the residual effect would be moderate adverse. During construction the Applicant describes the potential effect as: "Construction activities and infrastructure, including the heavy lifting crane, would be very intrusive within the setting [...] resulting in noise and visual intrusion and transforming the rural character of its setting. When complete the Mounds D and D1 would reduce visual intrusion from the construction works." [APP-130]
- 9.9.61. The Main Power Station Site sub-CoCP [REP10-020] secures construction phase mitigation in the form of:
- Photographic survey to record the current setting; and
 - Historic landscape recording to Historic England's Level 2 standard.
- 9.9.62. Dust and air quality and noise and vibration monitoring would be undertaken to the standards set out in the Main Power Station Site sub-CoCP and monitoring stations for both dust and air quality and noise and vibration would be in close proximity [REP10-020]
- 9.9.63. There would be major changes to the setting of these heritage assets; however, the ExA agrees with the Applicant's assessment of significance as medium and it considers that the buildings will be conserved and therefore, with the proposed mitigation and proposed monitoring of environmental effects, the harm would be less than substantial and should not weigh against the Application.

Bristol Beaufighter crash site (Asset 185)

- 9.9.64. In its LIR at paragraph 4.3.23 [REP2-077] IACC is concerned by the absence of further information on the Bristol Beaufighter crash site and raise the possibility that the site could be designated as a controlled area under the Protection of Military Remains Act 1986. The Bristol Beaufighter VI X8194 (Asset 185) was identified as the possible crash site of an aircraft within the WNDA and is recorded on the National Monuments Record of Wales; however, its exact location is not known.

The Applicant responded [REP3-004] at paragraph 17.5.77 that while it is unlikely there are any associated archaeological remains within the WNDAs associated with the Bristol Beaufighter crash site, the assessment of medium value, as presented in paragraph 11.3.39 of chapter D11 and paragraph 4.2.48 of appendix D11-1, reflects a precautionary assessment in consideration that any remains would be automatically designated a Protected Place under the Protection of Military Remains Act 1986, if identified.

9.9.65. The ExA accepts this reasoning.

Intertidal archaeological sites in Porth-y-Pistyll and Porth-y-Felin

9.9.66. In the first SoCG between the Applicant and NT [REP6-049], NT were concerned that: There are two intertidal archaeological sites in Porth-y-Pistyll and Porth-y-Felin, adjacent to NT land, which have not been identified in the marine archaeological baseline and have not been assessed in the heritage impact assessment (NT12). The Applicant's response in the SoCG is to explain that: The National Monuments Record of Wales was consulted and no additional intertidal archaeological sites in Porth-y-Pistyll and Porth-y-Felin, adjacent to National Trust land were identified from this source. In Appendix D11-1 (APP-202 and APP-203) identified one intertidal site in Porth-y-Pistyll and Porth-y-Felin, adjacent to National Trust land, comprising two landing places. These are identified in Appendix D11-1 as Asset 110. An assessment of potential effects on Asset 110 is presented in Appendix D11-6 (APP-213). There would not be a physical effect on this heritage asset but there would be an effect on its setting. During construction, and after additional mitigation in the form of a photographic survey, the significance of residual effect has been assessed to be negligible adverse. During operation the significance of residual effect has been assessed to be minor adverse. This photographic mitigation is secured as Mill Bay Landing Places (Asset 110) the Main Power Station Site Sub-CoCP [REP8-049]. The ExA accepts this reasoning and proposed action.

9.10. EXA RESPONSE AND CONCLUSIONS

Terrestrial archaeology

9.10.1. Within the WNDAs most heritage assets would be removed, and the critical issue would be to ensure substantial harm and total loss of significance are avoided by analysis, reporting, archiving and dissemination commensurate with the results of the investigations according to a scheme agreed with IACC and Cadw. The need for investigations to take place prior to commencing work on all sites through an approved Scheme of Archaeological Mitigation, including a written scheme of investigation, would be secured and, at the close of the Examination, there was evidence that the archaeological assets previously recovered from the WNDAs were being treated in accordance with the arrangements previously agreed with IACC and GAPS. The ExA

notes WG's likely intention to schedule those sites within the WNDA identified as of national importance.

- 9.10.2. In the case of archaeological remains within the WNDA it is extremely unfortunate that the Applicant's suspension of the project led to a hiatus in the archaeological investigation that was underway. The ExA notes that during the Examination progress in retrieving, storing and recoding excavated artefacts appears to have been made and that IACC reported it was in discussion with the Applicant to continue with the agreed written scheme of investigation. It notes WG's submissions in relation to this issue, the possibility that sites within the WNDA may be considered for scheduling and that substantial harm to high-quality heritage archaeological assets impacted by development can only be secured by implementation of an agreed Scheme of Archaeological Mitigation. The ExA believes that changes to the dDCO made during the Examination, particularly the requirement embodied in Schedule 4 and secured by Article 85 and requirements in Schedule 3 for all sites, both NSIP and associated, to have an Archaeological Mitigation Scheme approved and in place before work commences secures an appropriate approach should the development proceed.
- 9.10.3. In respect of those archaeological works proposed as part of the Site Preparation and Clearance stage (Work No 12), a significant amount of which appears to have been undertaken, the ExA accepts WG's reasoning and proposal for revised wording for Requirement SCP8 and recommends the SoS accept the wording proposed earlier in this Chapter.
- 9.10.4. The ExA clearly has a difficulty in concluding in respect of the archaeological investigations undertaken in the WNDA in advance of the Order being determined and when the work has been unilaterally suspended. The Applicant submits that undertaking these works in an approved manner to the satisfaction of IACC, GAPS and Cadw is sufficient mitigation to avoid substantial harm to these assets of great significance and value and IPs do not appear to disagree with this view. However, because of the suspension and then reported resumption of the work during the Examination, the ExA cannot know whether the works have been undertaken in a satisfactory manner to avoid substantial harm. If it is the case that substantial harm has not been avoided, great weight needs to be placed on this outcome and consideration given to whether, in the SoS's opinion, there has been a clear and convincing justification and that this is a wholly exceptional circumstance.
- 9.10.5. Consequently, the ExA's advice to the SoS in determining the Application is:
- Consult with WG, IACC and GAPS to ascertain whether, in their opinion, the work has, or is likely to be, completed to the required standard and thereby avoid substantial harm to archaeological heritage assets in the WNDA.
 - If the view of those consulted is that it has not, or is unlikely to be, completed to the required standard, it is likely that substantial harm has taken place and a determination of whether a clear and

convincing justification has been presented and that this is a wholly exceptional circumstance needs to be made in accordance with NPS EN-1 paragraph 5.8.14.

- 9.10.6. The ExA consider that, a clear and convincing case has been made for further sources of low-carbon energy and that, subject to concerns expressed elsewhere, the proposed development could make a significant contribution to meeting this need, which would support an argument for wholly exceptional circumstances in this case.
- 9.10.7. In relation to terrestrial archaeology in the Application as a whole, the ExA considers the dDCO [REP10-006] contains the necessary requirements and mitigation measures to ensure that substantial harm to archaeological heritage assets would be avoided and that the tests in NPS EN-1 in relation to archaeological remains would be met and should not weigh against the Application.

The Grade II * listed Corn Mill at Felin Gafnan Grade II listed buildings at Felin Gafnan, comprising the Corn-Drying House and Mill House

- 9.10.8. The ExA has taken into consideration all the documents and other representations from the Applicant and the IPs that commented on the impact the development would have on the physical fabric and setting of the heritage assets at Felin Gafnan. In addition, the ExA requested additional information to help understand the impact of the proposed development on setting and visited the sites on the Accompanied Site Inspection and, in the case of the Corn Mill, on its unaccompanied site visit.
- 9.10.9. The ExA agrees with the Applicant's assessment that the Grade II* Felin Gafnan Corn Mill is an asset of high significance and the Grade II Corn-drying House and Mill House of medium significance. It places significant value on the important relationship between the three buildings, as representing an historic and socio-economic association. It notes that the buildings would be preserved, in accordance with paragraph 5.8.14 of NPS EN-1, and, in accordance with paragraph 5.8.13, that the proposed investment in maintaining their fabric and providing interpretation will enhance that significance and contribute to sustainable communities and economic vitality.
- 9.10.10. The ExA further agrees that the impact on the setting of all three buildings from the Power Station and the Marine Works would be severe during construction and operation, only softening over time as the woodland screening on the Power Station boundary matures and the breakwater and MOLF take on a more natural appearance. In a time period of around ninety years the Power Station would be decommissioned; but the Intermediate Level Waste and Spent Fuel storage facilities would be a presence in the background for several generations. The ExA has considered carefully the submissions made in respect of setting; and, bearing in mind the buildings are conserved and

mitigation is in place to provide screening and a more natural setting, in its view, the harm caused to setting would be less than substantial.

- 9.10.11. Overall, the ExA consider that given the commitments to conserve the buildings, enhance their significance through recording, maintenance, management and interpretation and mitigate the negative impacts on setting over time, the harm caused to all three assets would be less than substantial and the harm that would be created would be justified by the public benefit to both low-carbon energy production and the economic well-being of the Isle of Anglesey.
- 9.10.12. In this regard the ExA believes the tests set out in NPS EN-1 have been met and the Application also meets the policy requirements of PPW and Policy PS 20 of the JLDP and guidance contained within the SPG and that, on balance, the harm to the Felin Gafnan heritage assets has been mitigated and should not weigh against the Application.

The Grade II Cestyll Registered Park and Garden

- 9.10.13. By the close of the Examination progress had been made in securing additional mitigation. The ExA notes that:
- the Valley Garden would be retained, and mitigation would be in place to address adverse environmental effects; provide restoration; interpretation; maintenance until the end of the operation period; and improve public access;
 - the substantial harm caused to the significant views out of the Garden by the temporary causeway, MOLF and breakwater would be mitigated in part by the measures to use appropriate materials and create a more natural appearance;
 - the Kitchen Garden would be reinstated, which represents an important enhancement of the asset;
 - that the location and indicative design of the proposed Sewerage Treatment Plant in relation to heritage assets will be further consulted upon with NRW and Welsh Ministers prior to a decision on the Overarching Construction Drainage Scheme by IACC; and
 - that a CGRMP for Cestyll Garden and associated funding for its preparation and delivery and on-going maintenance would be secured through the dDCO s106 Agreement.
- 9.10.14. It further notes that by the end of the Examination both IACC and WG expressed agreement with the level of mitigation that had been secured.
- 9.10.15. The ExA is mindful of the requirement in paragraph 5.8.14 of NPS EN-1 that there should be a presumption in favour of the conservation of heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be and that substantial harm to or loss of designated heritage assets of the highest significance including Grade II and II*Registered Parks and Gardens, should be wholly exceptional.
- 9.10.16. The ExA recognises the high level of significance and value of the Cestyll Registered Park and Garden and that the proposed development would

cause a major adverse residual effect to its Essential Setting in all phases. It has examined the potential of the Garden being excluded from the WNDA boundary and accepts the Applicant's reasoning set out in the Planning Statement [APP-406] to justify the exceptional circumstances leading to substantial harm to this high value heritage asset and thereby meets the criteria of NPS EN-1 paragraph 5.8.14. The Applicant and IPs have worked through the Examination to secure mitigation, including a commitment to re-instate the Kitchen Garden which would, in the ExA's view, provide enhancement to the significance of Cestyll Garden and contribute to Anglesey's socio-economic well-being.

- 9.10.17. The ExA recognises that Cestyll Garden is located in a landscape where the Existing Power Station is a significant presence. It further notes the measures that would be in place to mitigate adverse impacts during construction, including monitoring and management of adverse environmental effects, and measures to create a more natural appearance for the breakwater and MOLF in respect of the Significant Views.
- 9.10.18. The ExA consider that the steps that would be taken to preserve and enhance the heritage assets, including the CGRMP; the commitment to reinstate the Kitchen Garden and the steps to restore, manage, encourage access and provide interpretation for the Valley Garden would provide a positive public benefit and, as a result the harm would be less than substantial.
- 9.10.19. In this regard the ExA believes the tests set out in NPS EN-1 have been met and the Application also meets the policy requirements of PPW and Policy PS 20 of the JLDP and the guidance contained within the SPG and that, on balance, the harm to The Grade II Cestyll Registered Park and Garden heritage asset has been mitigated, would be less than substantial and should not weigh against the Application.

The Dame Sylvia Crowe Designed Landscape

- 9.10.20. The Dame Sylvia Crowe Designed Landscape is a non-designated heritage asset and the ExA, in accordance with paragraph 5.8.6 NPS EN-1, recognises it has medium value heritage significance and merits consideration.
- 9.10.21. The ExA is satisfied that in respect of the Dame Sylvia Crowe Designed Landscape mitigation would be secured to ensure that the landscape is surveyed to an appropriate standard and landscape management plans would be in place to provide for management, protection, monitoring and maintenance. It agrees with the Applicant's assessment of the significance of effects and concludes that the harm to this non-designated heritage asset would be less than substantial and consequently, in the ExA's view, the less than substantial harm should not weigh against the Application.
- 9.10.22. The effects resulting from the Parc Cybi Logistics Centre on Ty-Mawr standing stone and Trefignath burial chamber

- 9.10.23. The ExA is content that adequate mitigation would be in place to address negative impacts to the two scheduled monuments during construction, operation and decommissioning of the Logistics Centre, secured by LC8. It welcomes the commitment to enhance these heritage assets by the provision of improved interpretation. It concludes that the residual effects would be minor adverse and there is less than substantial harm and minor loss of significance and, therefore, this should not weigh against the Application.

Capel Soar Standing Stone at Llanfaechlu

- 9.10.24. The ExA concludes that adequate measures would be in place to mitigate adverse effects during construction of the A5025 Off-line Highway Improvements and welcomes the measures to enhance the heritage asset through additional interpretation during operation. It concludes that there is less than substantial harm and this should not weigh against the Application.

All other heritage assets subject to the Examination

- 9.10.25. The Applicant identified over 900 heritage assets in its WNDAs Cultural Heritage Report, in a study area that extended 6km from the WNDAs boundary [APP-130]. This chapter has discussed the examination of all those for which the Applicant predicts a residual effect of major or moderate adverse. All other impacts of upon heritage assets were assessed as minor or negligible and therefore not significant. The ExA agrees with the assessed impact levels and notes that future archaeological investigations, including potentially undiscovered assets would be secured in the dDCO [REP10-006].

9.11. CONCLUSIONS ON HISTORIC ENVIRONMENT

- 9.11.1. The Applicant has complied with the requirements of NPS EN-1 in relation to the historic environment set out in paragraphs 5.8.8 to 5.8.9.
- 9.11.2. The ExA concludes that the tests set out in NPS EN-1 are met. There are heritage assets of high significance that would be harmed by the proposed Power Station development; however, by virtue of the mitigation measures that would be in place, substantial harm is avoided, and significant enhancement would be undertaken that would contribute to the social and economic well-being of North Anglesey.
- 9.11.3. The Application is submitted under s105 of PA2008 and the ExA has had regard to the submitted LIRs; the prescribed matters set out above; and, other important and relevant matters. For the purpose of its consideration of the historic environment the ExA places significant weight on national policy as expressed in NPS EN-1, Welsh policy and local policies as outlined earlier.
- 9.11.4. The ExA has identified and assessed the particular significance of the heritage assets affected by the proposed development and has examined all those assets, and particularly those of the highest significance, for which significant adverse effects have been identified during construction

and operation, along with those issues of most concern to IPs. It has sought to take into account the particular significance of the heritage asset and the value they hold. It recognises the need to protect and where appropriate enhance that significance and the presumption in favour of the conservation of designated heritage assets and that substantial harm to or loss of assets of the highest significance should be wholly exceptional.

- 9.11.5. Several heritage assets of high value and important significance, including scheduled monuments, listed buildings and a registered historic garden are located in close proximity to the development areas and would be adversely impacted by the proposed development in all phases, with particular concern about adverse effects on their setting. All of these assets would be conserved, there would be no loss of significance and harm to setting is mitigated through screening; the use of recessive colours on the Main Power Station buildings and structures; and the use of appropriate materials to reflect the seascape character; and marine ecological enhancement measures to produce a more natural appearance of the MOLF and breakwaters when viewed from Cestyll Garden. All of which would, over time, reduce the impact of the Power Station and Marine Works on the setting of these assets.
- 9.11.6. In addition, The ExA welcomes the commitments secured through the s106 Agreement for additional recording; interpretation; a Cestyll Garden Regeneration and Management Plan; the restoration of the Kitchen Garden; and the protection and enhancement secured for the Felin Gafnan grouping, including a conservation management plan for the Grade II* listed Corn Mill as positive steps that will enhance the significance of these assets.

The need for any changes to the dDCO or the control documents

- 9.11.7. In light of the above should the SoS be minded to grant the Order the ExA consider that the following actions and change to the dDCO and control documents would be required:
- Seek confirmation from WG, IACC and GAPS that the WNDA post excavation archaeological investigations have been, or will be completed, in a satisfactory manner to confirm mitigation against substantial harm and loss. If this is not confirmed, consider whether a public interest case has been made to allow the development to proceed in a wholly exceptional circumstance.
 - Substitute the wording set out below in Requirement SCP 8 'Archaeological written scheme of investigation':
 - 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.

- No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).
- 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.

10. WATER RESOURCES

10.1. WATER FRAMEWORK DIRECTIVE - **APPLICANT'S ASSESSMENT**

- 10.1.1. The Applicant submitted a Water Framework Directive (WFD) Compliance Assessment with the application [APP-444]. The water bodies and non-reportable WFD water bodies screened in the assessment were listed in Table 4-7.
- 10.1.2. The assessment concluded that the proposed development would not cause deterioration to any WFD water bodies on a non-temporary basis and would not prevent WFD water bodies from attaining Good Ecological Status or Potential, with the following exceptions:
- Ynys Môn Secondary groundwater body:
 - there was potential for the proposed development to jeopardise the ongoing attainment of good status of the saline intrusion test in the Ynys Môn Secondary groundwater body as a result of dewatering during construction; and
 - the proposed development could cause deterioration in the status of the Ynys Môn Secondary groundwater body with respect to the effects on Tre'r Gof SSSI Groundwater Dependent Terrestrial Ecosystem (GWDTE).
 - The Skerries water body:
 - There is potential for the morphological conditions quality element of the water body to deteriorate from high to good status as a result of the proposed development.
- 10.1.3. The Applicant provided information to support an application for derogation under Article 4(7) for these two water bodies in [APP-445], which concluded that for the current design of the proposed development, the conditions of Article 4(7) could be met sufficiently.

10.2. ISSUES DISCUSSED DURING THE EXAMINATION

The Skerries Water Body – biological quality elements

- 10.2.1. The Skerries water body comprises the coastal environment from the Existing Power Station out to around 2km north-west of The Skerries islands and to just south of Porth Trwyn on the west coast of Anglesey. The biological quality elements of the water body are at high status (based on benthic invertebrates) [APP-444].
- 10.2.2. The Applicant's WFD Compliance Assessment [APP-444] acknowledged the potential for impacts to benthic invertebrates, including the loss of habitat within the water body. However, it considered that the breakwater structures in Porth-y-Pistyll would function as an artificial reef providing new surfaces for colonisation and would include ecological enhancements to enhance the rate of colonisation and the species diversity on the structures. The Applicant concluded that the proposed development would neither cause deterioration in the status of The Skerries water body, nor comprise the ongoing achievement of its objectives. [APP-444, APP-132].
- 10.2.3. However, Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) [RR-088][REP2-325] advised that further information was required to demonstrate that benthic invertebrates would not be at risk of deterioration at The Skerries coastal water body, including information on: the scale of impact; the relationship between hydromorphology and biological quality; cumulative effects; direct loss due to the marine structures; impacts from increased temperature and Total Residual Oxygen (TRO); impacts of operational cooling water discharge upon coastal processes; and the temporary waste water outfall.
- 10.2.4. The Applicant [REP3-035 and REP6-015] responded that based on a worst-case assessment, the proportion of The Skerries waterbody potentially at risk of deterioration for marine invertebrates did not exceed 5% of its surface area, nor did it cover a contiguous surface area which exceeded 0.5km². It considered that the predicted cumulative effect to marine invertebrates as a biological quality element of The Skerries was not inconsistent with classification as high ecological status. It also argued that not all invertebrates within the total area of the waterbody would be at risk of deterioration and that the cooling water outfall had been designed to direct the plume away from the seabed thereby further reducing effects to benthic invertebrates.
- 10.2.5. The Applicant also concluded that any changes to the flow field from cooling water were localised and not large enough to change overall patterns within The Skerries waterbody [REP5-084, App 1-3].
- 10.2.6. Regarding effects of TRO, the Applicant [REP6-015] considered that most benthic invertebrate species would not experience lethal effects from TRO at the highest concentrations modelled close to the outfall. It also considered there to be no impact to invertebrate species from additional

chemical changes associated with cooling water and other construction or operational water discharges

- 10.2.7. The Applicant concluded that the benthic invertebrate fauna would remain at high status during construction and operation of the proposed development [REP6-027]. Nevertheless, NRW [REP5-081 and REP8-018] noted that the Applicant had not considered the link between hydromorphology as a supporting element to the biology in the WFD compliance assessment. It considered that the benthic invertebrate element in the Skerries Coastal water body should be considered for derogation under Article 4(7) in addition to the hydromorphology, on the basis that the hydromorphology was a supporting element to the biology and benthic invertebrates were the primary receptor to changes in the hydromorphology.
- 10.2.8. The Applicant did not agree with NRW's conclusion [REP6-027 and REP8-068], however it submitted material in respect of benthic invertebrate fauna to support a case for derogation under Article 4(7), including mitigation measures, on a 'without prejudice' basis. Article 4(7) derogations are considered further later in this section.

Anglesey North Water Body

- 10.2.9. The Anglesey North water body comprises the coastal environment extending from the existing power station to the east and following the coast as far as Trweyn Du. It is classified as having moderate status overall (biological quality elements are at good status; physico-chemical quality elements are high; and hydromorphological supporting elements are high). However, the water body fails the chemical standard for mercury and its compounds, resulting in the moderate overall status. The Applicant concluded that the proposed development would not cause deterioration in the status of The Anglesey North water body.
- 10.2.10. However, additional information was requested by NRW [REP2-325] to assess the impact on load and distribution of additional/concentrated mercury due to cooling water discharge and to assess the effects of cooling water on hydrodynamic processes during operation.
- 10.2.11. The Applicant provided technical clarification regarding mercury contamination [REP5-084, App 1-1]. It confirmed that mercury would be present in the potable water supplied to site by Dŵr Cymru/Welsh Water which would be removed during operation of the power station by the 'make-up water treatment plant' prior to any discharge to surface water. The removed mercury would be concentrated at ten times the original concentration supplied and would be discharged via the cooling water outfall. However, the concentrations of mercury discharged would be several orders of magnitude below the laboratory limit of detection and would not be detectable at the scale of The Anglesey North waterbody. The Applicant concluded that this would not contribute towards a deterioration of any quality elements in terms of the WFD.

- 10.2.12. Regarding the effect of cooling water discharge on coastal process, the Applicant concluded that any changes to the flow field from cooling water were localised and not large enough to change overall patterns within The Anglesey North waterbody [REP5-084, App 1-3].
- 10.2.13. As a result of this information, NRW agreed in its SoCG [REP8-018] that the Anglesey North coastal water body would not deteriorate as a result of the proposed development.

The Skerries and North Anglesey water bodies

- 10.2.14. Part 5 of the Applicant's WFD Compliance Assessment [APP-444] considered the potential risk to biological quality elements in The Skerries and Anglesey North water bodies from the introduction of non-native species during operation of the marine off-loading facility. It considered that the production and adherence to a Biosecurity Risk Assessment and Method Statement and a monitoring programme, increased the probability of detecting the introduction and/or spread of non-native species, allowing time for additional action to be taken if necessary. The Applicant therefore concluded that effects on benthic invertebrates and aquatic flora would neither cause deterioration in the status of The Skerries and Anglesey North water bodies, nor compromise the ongoing achievement of their objectives.
- 10.2.15. However, NRW [REP2-325] identified a number of outstanding gaps that would need to be addressed in the final Biosecurity Risk Assessment to support the Marine License application. The Applicant submitted a Biodiversity Risk Assessment Strategy at Deadline 5 of the examination [REP5-041]. See Marine Environment in this Chapter, for further details.

Ynys Môn Secondary groundwater body

- 10.2.16. The majority of the application site is underlain by the Ynys Môn Secondary WFD groundwater body which is at 'poor' overall status. NRW agreed with the Applicant's original assessment that the Ynys Môn Secondary groundwater body may be subject to deterioration as a result of the proposed development due to both saline intrusion and effects on the Tre'r Gôf SSSI GWDTE, and that there may be a need for an Article 4(7) derogation [REP2-325 and REP10-035].
- 10.2.17. NRW [REP2-325] also advised that it was not clear that all impact pathways have been fully assessed and, as discussed in Chapter 6 of this report, had concerns with the Applicant's baseline conceptual groundwater model on which assessment of impacts on Tre'r Gôf SSSI GWDTE was made. NRW's concerns related to the significance of all dewatering activities (including that of the outfall tunnel construction) on Tre'r Gôf SSSI, both during construction and operation, having not been fully explored. Therefore, it considered that there was a risk of dewatering activities altering groundwater contributions to the SSSI which could constitute a risk of deterioration in the status of the Ynys Môn Secondary groundwater body. NRW were not able to confirm that all

feasible mitigation has been considered as required under the derogation provisions of Article 4(7).

Cemlyn Lagoon Coastal Water Body

- 10.2.18. The Cemlyn Lagoon water body is located to the west of the WNDA. It is a heavily modified water body classified as having Good Ecological Potential, with 'good' supporting hydromorphological element (surface water) and good chemical status. The Applicant concluded that the proposed development would not cause deterioration in the status of Cemlyn Lagoon water body. [APP-444]
- 10.2.19. Nant Cemlyn flows in a northerly direction along the western boundary of the WNDA prior to draining into Cemlyn Lagoon. Mound E would be located in the western part of the NWDA boundary (Figure D1-9 of [APP-237]). The ES confirms that during construction, there would be no discharges to the Nant Cemlyn as drainage would be collected, treated and routed to Afon Cafnan. However, once the western side of Mound E is vegetated, drainage would be re-routed back to Nant Cemlyn [APP-127].
- 10.2.20. NRW [RR-088, REP2-325 and REP5-081] advised that further information was required to demonstrate that Cemlyn Lagoon would not be affected by impacts on water quality due to surface water run-off from 'Mound E' (as described in section 6.3 of [REP8-063]). It advised that Cemlyn lagoon is particularly sensitive to water quality impacts, and that drainage from Mound E during the construction period, before it is fully re-vegetated, could contain a greater concentration of suspended sediments and impact on water quality in the lagoon.
- 10.2.21. NRW also advised [REP2-325] that additional information was required to demonstrate that changes in coastal processes due to the presence of the marine structures (namely the MOLF and breakwater structures) would not affect the shingle ridge, which supports the functioning of Cemlyn Lagoon. NRW was therefore unable to agree with the Applicant's conclusion that *"the Wylfa Newydd Project would neither cause deterioration in the status of the Cemlyn Lagoon water body, nor compromise the ongoing achievement of its objectives"*.
- 10.2.22. At Deadline 2, the Applicant confirmed that with respect to surface water run-off from Mound E, the Applicant had amended the main site sub-CoCP [REP2-032] to clarify its plans to use monitoring data to establish thresholds for reverting from pumped drainage from Mound E to the Afon Cafnan to 'natural' drainage to the Nant Cemlyn. With respect to changes in coastal processes due to the presence of the marine structures, the Applicant conducted further coastal modelling, specifically coupled hydrodynamics and 99th percentile wave condition to support their position that there would be no deterioration to the Cemlyn Lagoon [REP2-007].
- 10.2.23. Details of the discussions during examination relating to impacts to water quality and coastal processes supporting Cemlyn Lagoon are detailed in

HRA Chapter 7 of this report. Further to these discussions, the Applicant updated its WFD Compliance Assessment [REP8-067] which continued to conclude that the proposed development would not cause deterioration in the status of the Cemlyn Lagoon water body, nor compromise the ongoing achievement of its objectives.

- 10.2.24. By the close of examination, NRW was satisfied that the main site sub-CoCP provides sufficient information to demonstrate that the works on Mound E would not have adverse effects on the integrity of Cemlyn Bay SAC. NRW did not explicitly confirm that the proposed development would not cause deterioration to the Cemlyn Lagoon water body; however, it did not identify it as a waterbody that required consideration and information to support any derogation under Article 4(7) in [REP10-035].

Article 4(7)

- 10.2.25. Article 4(7) of the WFD makes provision for the competent authority to derogate from compliance with the directive in situations where the environmental objectives in Article 4(1) cannot be met (subject to strict conditions). For a derogation to be granted by the competent authority, the criteria in Article 4(7) must be satisfied.
- 10.2.26. NRW agreed with the conclusions of the Applicant's original WFD Compliance Assessment [APP-444] that there would need to be a derogation under Article 4(7) for The Skerries coastal water body (hydromorphological quality element) and Ynys Môn Secondary groundwater body (saline intrusion and GWDTE quality element) [RR-088, REP2-325].
- 10.2.27. However, during the course of the examination it advised that further evidence was required to support the Article 4(7) Information Report regarding mitigation measures, environmental impacts and alternatives considered. It also advised that further evidence was needed in relation to technical feasibility and disproportionate cost and the delivery of adaptive management to support the Article 4(7) Information report [APP-445].
- 10.2.28. The Applicant revised its WFD Compliance Assessment and Information to Support Article 4(7) derogation report twice during the examination; first at Deadline 6 [REP6-024 and REP6-025] and subsequently at Deadline 8 [REP8-067 and REP8-068] to take into account discussions between the parties during the Examination. [REP8-068] also included information to support an Article 4(7) derogation in respect of benthic invertebrate fauna of The Skerries water body.

10.3. CONCLUSION ON WATER FRAMEWORK DIRECTIVE

- 10.3.1. Having considered the information available and the advice of NRW, as the 'appropriate authority', the Examining Authority (ExA) agrees with NRW that there is a need for Article 4(7) derogation for:

- The Skerries coastal water body:

- hydromorphology elements supporting the biological elements; and
- composition and abundance of benthic invertebrate fauna element.
- Ynys Môn Secondary groundwater body:
 - saline intrusion; and
 - GWDTE.

10.3.2. With regard to the biological quality element of The Skerries coastal water body, the ExA notes the Applicant's assertion that the benthic invertebrate fauna will remain at high status; however, the ExA has taken on board advice from NRW that the benthic invertebrate element in the Skerries Coastal water body should be considered for derogation under Article 4(7) in addition to the hydromorphological element on the basis that the latter is a supporting element to the biology and benthic invertebrates [REP8-018, REP10-035].

10.3.3. The ExA agrees with the Applicant's assessment that the proposed development would not cause deterioration to any other WFD water bodies identified in the Applicant's WFD compliance assessment, nor would it prevent any other WFD water bodies from attaining Good Ecological Status or Potential. No evidence has been presented to suggest deficiencies in the Applicant's approach to the identification of project activities and relevant WFD water bodies for consideration as presented in section 4 of [REP8-067], and the ExA is therefore satisfied that the appropriate water bodies have been identified.

10.3.4. Taking the conditions of Article 4(7) in turn, the ExA concludes:

- Article 4(7)(a) - it concurs with NRW [REP10-035] that on the basis of the evidence available, a reasonable case has been made that all practicable steps will be taken to mitigate the adverse impacts on the status of the Skerries coastal water body and the Ynys Môn Secondary groundwater body;
- Article 4(7)(b) - it notes NRW's response [REP10-035] that the reasons for the modifications will be reported in the next publication of the Western Wales River Basin Management Plan for the 3rd cycle (2021-2027);
- Article 4(7)(c) – it agrees with NRW [REP10-035] that on the basis of the information available a reasonable case has been made that the reasons for the proposed development are of overriding public interest; and
- Article 4(7)(d) – it agrees with NRW [REP10-035] that on the basis of the evidence available, a reasonable case has been made that the beneficial objectives served by these modifications to the Skerries coastal water body and the Ynys Môn Secondary groundwater body cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option within Wales.

10.3.5. In respect of Article 4(7)(c), NRW advised in [REP2-235] that it would only provide advice in respect of the "first limb" of the criteria (i.e. overriding of public interest). It, therefore, did not give a specific view on

whether the wider benefits of the proposed development to the environment and to society outweigh the benefits of achieving the objectives as set out in Article 4(1). The ExA, in the absence of a counter position put forward by any of the IPs, considers that the wider benefits to the environment and to society of the proposed development do outweigh the benefits of achieving Article 4(1) objectives.

- 10.3.6. Giving consideration to NPS EN-1, the ExA acknowledges that the proposed development will have an adverse effect on the achievement of the environmental objectives established under the WFD. It recognises that it *"will generally need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Framework Directive"* However, it recommends that the SoS, WG and NRW can conclude that the UK would not be in breach of the WFD as the conditions of Article 4(7) have been satisfactorily addressed for The Skerries and Anglesey North water bodies.
- 10.3.7. In respect of the Ynys Môn secondary groundwater body, the ExA is satisfied that the mitigation measures outlined in tables 5-1, 5-2 and Appendix 1 of [REP8-068] are sufficiently secured by existing provisions of the dDCO such that further specific requirements are not deemed necessary in satisfying the conditions of Article 4(7). However, it was agreed between the Applicant and NRW [REP8-018] that the SoS would need to decide whether detailed mitigation measures secured through the abstraction licence should be controlled through a requirement of the DCO. Should the SoS consider this to be necessary, then it was agreed that additional approval of the detailed mitigation measures, by the discharging authority (in consultation with NRW), would be required. In [REP6-017] the Applicant states that it intends to apply for water abstraction licences after the DCO has been determined. The ExA, therefore, suggests that as the mitigation measures to satisfy Article 4(7) are secured, it is not necessary for the SoS to add a requirement in the DCO regarding additional mitigation arising from the abstraction licences.
- 10.3.8. The ExA is also satisfied that on the basis of the evidence available, the application of Article 4(7), subject to appropriate regulatory control, would not permanently exclude or compromise the achievement of the objectives of this Directive in other bodies of water within the same river basin district. It advises that derogation under Article 4(7) would be consistent with the implementation of other Community environmental legislation and guarantees the same level of protection as under existing EU legislation as per Article 4(8) and 4(9) of the WFD.

10.4. **SURFACE WATER & GROUNDWATER RESOURCES - APPLICANT'S ASSESSMENT**

- 10.4.1. The Applicant's assessment of impacts on surface water and groundwater is set out in the following documents:

- ES Volume B - Introduction to the environmental assessments B8 - Surface water and groundwater [APP-073];
- ES Volume D – WNDA Development D8 – Surface water and groundwater [APP-127];
- ES Volume E – Off-Site Power Station Facilities: AECC ESL and MEEG E8 – Surface water and groundwater [APP-246];
- ES Volume F - Park and Ride F8 – Surface water and groundwater [APP-273];
- ES Volume G - A5025 Off-line Highway Improvements G8 – Surface water and groundwater [APP-311]; and
- ES Volume H - Logistics Centre H8 – Surface water and groundwater [APP-362].

10.4.2. The assessments are supported by a number of appendices that contain technical reports and details of surveys and data collection, including Flood Consequence Assessments (FCAs) for each site.

- The ES identified the following significant adverse residual effects at the WNDA (of 'moderate adverse' significance unless stated otherwise):
- Tre'r Gof SSSI and catchment - changes in water surface flows and water availability during construction, increased suspended sediment in runoff from landscape mounding, reduction of the catchment area resulting in lower flows during operation;
- Afon Cafnan catchment – reduction of the catchment area resulting in lower flows during operation;
- Cemlyn Road in the Afon Cafnan catchment – increase in fluvial and pluvial flood depth during construction and operation (major adverse for operation);
- Cemaes catchment - increased suspended sediment in runoff from landscape mounding during construction, reduction of the catchment area resulting in lower flows during operation, and decreased long-term base flow to Nant Cemaes; and
- Cemlyn catchment and Cemlyn Bay SSSI – changes in catchment area which could alter flow rates during operation.

10.4.3. No significant adverse residual effects were identified for any of the other sites. However, a moderate beneficial effect was identified at the Off-site Power Station Facilities as a result of a reduction in flood risk to off-site built development (residential property and sewage works).

Environmental Statement Addendum and Non-material Change requests

10.4.4. The Applicant submitted an Addendum to the ES at Deadline 6 [REP6-015] and a further updated Addendum to the ES [REP8-005] at Deadline 8. The Addenda as updated captures and provides a record of the environmental assessment of the Proposed Development considering updated information on the development that has arisen since the DCO application was made. In terms of surface water and groundwater, the Deadline 6 Addendum provides updates of:

- inclusion in Landscape Habitat and Management Strategy (LHMS) [REP8-063] of a construction phase design principle requiring the drainage system to be designed to ensure that there would be no increase in flow from the WND A to Cemaes Stream;
- Appendix 1-6 of [REP6-010] demonstrated that the current preliminary drainage design presented in Appendix D8-8 [APP-167] would result in no increase in flow to Cemaes Stream, Afon Cafnan and Nant Cemlyn;
- based on this assessment, the residual effect following implementation of the preliminary drainage strategy would be negligible to minor beneficial during construction and operation;
- the conceptual model of groundwater behaviour in the Tre'r Gof catchment was revised with additional monitoring results, and confirmed that deeper seated bedrock aquifers and superficial aquifers form a continuous groundwater body;
- the revisions to the model resulted in:
 - o clarification that the groundwater model assessed the effect of dewatering of the deep excavation and not dewatering of the cooling water tunnels;
 - o review of the influence of construction dewatering activities associated with deep excavations and the cooling water tunnels in view of the broadened interpretation and limitations of the groundwater model;
 - o details of embedded mitigation for the cooling water tunnels which will be lined post construction; and
 - o details of additional mitigation secured within the MPSSSCoCP [10-021];
- the addition of flood attenuation areas in the north east of the site adjacent to Nant Dalar Hir;
- amendments to car park and spine road elevations to ensure that these were above the predicted flood level in a 1% Annual Exceedance Probability (AEP) event, with a 15% allowance for climate change;
- further good practice mitigation during operation to include regular inspection of the culverts on the Nant Dalar Hir to proactively clearance; and any debris to avoid the risk of blockage and flooding; and
- an alteration to the conclusions regarding the residual significant effects reported in the original ES, from adverse to beneficial.

10.4.5. The Deadline 8 Addendum provides updates related to the removal of the access roundabout and inclusion of the revised highway arrangement at Dalar Hir, which would not affect the surface water or groundwater regime.

10.4.6. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. The only one relevant to surface water and groundwater was Dalar Hir Park and Ride Junction Improvement [REP7-001k]. The change request was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely

environmental effects than those reported in the ES. The ExA has considered the environmental effects of the changes together with IPs concerns in its examination of the issues discussed in this chapter.

Issues Discussed During the Examination

10.4.7. A number of issues relating to flooding and drainage arising from the proposed development were raised and discussed during the Examination. Many of the issues are discussed along with wider issues in this report, but this section aims to draw these together and assess the overall impacts.

10.4.8. The main issues considered during the Examination were:

- Cae Gwyn SSSI – discharge from Mound C;
- Cemlyn Bay – discharge from Mound E;
- Tre'r Gof SSSI – drainage from Mound A and discharges;
- Construction surface water drainage;
- WNDA - flood risk;
- Dalar Hir Park and Ride – flood risk; and
- A5025 Off-line Highway Improvements – flood risk.

10.4.9. The ExA examined these issues, with reference to the appropriate legislation and policies described in Chapter 3, through written questions and in three ISHs on 10 and 11 January and 8 March 2019. Concerns relating to these issues were expressed throughout the Examination by Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) and NRW, and these are discussed in this Chapter. Drainage is also discussed in relation to effects on biodiversity in Chapter 6 and HRA in Chapter 7.

Discharge from landscaping mounds

10.4.10. Issues relating to impacts from the discharge of water from landscaping mounds to Cae Gwyn SSSI (Mound C), Bae Cemlyn/Cemlyn Bay (Mound E) and Tre'r Gof SSSI (Mound A) are discussed in Chapters 6 and 7 of this report.

Construction surface water drainage at the WNDA

10.4.11. The Applicant presented a preliminary design for construction surface water drainage in [APP-167]. The ES confirmed that the surface water drainage system would be installed prior to any major earthworks (including topsoil stripping) and would remain in place throughout the construction works. Following construction, most of the drainage system would remain a passive system (i.e. the ditches and swales and settlement ponds would remain but the active polyelectrolyte treatment equipment and any additional temporary measures such as silt fences, would be removed) [APP-127].

10.4.12. IACC, in its Local Impact Report (LIR) [REP2-077] expressed significant concerns with regards to proposed sustainable drainage solutions at the WNDA. IACC considered that, in the absence of further detail relating to the proposed drainage schemes (construction and operation phases), it

was unable to agree with the Applicant's assessment. IACC needed to be satisfied that the mitigation as proposed was likely to be sufficient to reduce impacts related to changes in water quantity and increased suspended sediment in run off to minor/moderate adverse.

- 10.4.13. The Applicant confirmed that the principles in respect of the final drainage design were set out in the LHMS and the DAS and would need to meet the proposed measures and criteria set out in the MPSSCoCP [REP2-375]. Nevertheless, the Applicant was also committed to submitting an overarching construction drainage scheme for the WNDA for approval by IACC prior to construction on the WNDA (requirement WN1(c)). It also committed to submitting phased construction drainage plans in accordance with the overarching scheme, to IACC and NRW for information (requirement WN2); this approach was adopted as construction drainage would evolve during the course of construction [REP5-002].
- 10.4.14. IACC [REP5-057 and REP6-061] considered the provision of an overarching strategy to be appropriate. It initially requested that the phasing plans should also be approved [REP7-014], however by the close of the Examination it had confirmed [REP9-031] that it was content with the drafting of the requirements for phased construction drainage plans in WN2 [REP10-006].
- 10.4.15. The ExA is content that the Applicant's proposals for surface water drainage are adequate to manage changes in surface water run-off as a consequence of the proposed development.

Flood Risk - WNDA

- 10.4.16. The Applicant's Flood Consequence Assessment (FCA) for the WNDA [APP-150 to APP-157] identifies moderate and high risks from fluvial and pluvial sources to Cemaes village during both construction and operation but based on professional judgement reduced these to low risks. It also identifies high risks of flooding to properties upstream of Cemaes village during both construction and operation, however concludes that through the implementation of mitigation, the effects would be reduced to negligible.
- 10.4.17. However, IACC [REP2-077] and NRW [RR-088 and REP2-325] expressed concern that the proposed development could result in an increase in flood risk receptors on the Nant Cemaes (the main channel in the Cemaes catchment) during both construction and operation. Both parties noted that the Applicant committed to design out risk, but that no mitigation was presented as part of the DCO application to demonstrate that measures could be delivered to mitigate the increased flood risk. NRW [REP2-325] also considered that the modelled increase in flood depth at Afon Cafnan showed unacceptable increased risks.
- 10.4.18. The Applicant [REP5-002] explained that a final design for flood risk mitigation needs to be developed by, or in consultation with, the selected contractor in accordance with relevant DCO control documents as well as

Environmental Permitting requirements, which were yet to be fully determined.

- 10.4.19. It acknowledged [REP6-010 App 1-6] that the conclusions of the FCA are non-compliant with TAN15 but maintained that any residual impact on flood risk would be dealt with through the development of a detailed drainage design that builds on and enhances the preliminary drainage design presented in [APP-167]. It submitted further information on the preliminary drainage design for the WNDA site, to demonstrate that the proposed drainage system would provide sufficient restriction and attenuation of runoff up to and including the 1% AEP event with an allowance for climate change such that there would be no increase in runoff for these events from the sites surface water drainage system [REP5-002].
- 10.4.20. At Appendix 1-6 of [REP6-010], the Applicant concludes that *"the impacts on flood risk predicted on Cemaes Stream, Afon Cafnan and Nant Cemlyn are expected to be largely beneficial, and at worst neutral. The exception is during construction, when the additional transfer of water from discharge point E1 on Nant Cemlyn to the Afon Cafnan could continue to result in an increase in peak discharge rates and some increase in flood levels. It is proposed that provision of additional attenuation storage, for which there is adequate space, be investigated at the detailed design stage.*
- "The outcome of the provision of this additional information and clarification is that the impacts on flood risk at Cemaes, Cemlyn Road and to land at Cestyll Gardens and adjacent to the Afon Cafnan and Nant Cemlyn is avoided".*
- 10.4.21. NRW [REP7-012] welcomed the clarification about how the potentially adverse offsite flood risk impacts identified in the FCA [APP-150] would be offset by an on-site surface water drainage scheme (discussed above in this report). It agreed that a drainage scheme could be delivered on site which would accommodate the volumes of surface water required to manage potential offsite flood risk impacts. It also welcomed that the preliminary drainage design shows there are likely to be flood risk benefits to areas downstream of the WNDA as a result of a reduction in peak flows coming off the developed site.
- 10.4.22. IACC [REP7-014] also confirmed that it was satisfied an approvable drainage strategy could be submitted. This is, in the view of the ExA, compliant with TAN 15 and appropriately secured under requirement WN2 of the DCO [REP10-006]. However, the ExA does note that the detailed plans are submitted for information to IACC and NRW and suggests that the SoS may require WN2 to include the requirement for IACC to approve the construction drainage plan.
- 10.4.23. With regard to the marine works, NRW [REP2-325] noted that the Applicant had not considered risks to construction personnel, plant and materials and advised that a detailed flood action plan should be produced and adhered to at all stages of the marine works; it advised that the details for this be set out in the MWSCoCP. The Applicant

responded [REP3-020] that its commitment to ensure flood risk was managed safely was set out in section 10.5 of the WNCocP [REP10-018] and that this covered all of NRW's expectations.

- 10.4.24. The ExA is content that the commitments in the WNCocP [REP10-018] complies with the NPS EN-1 requirements for emergency planning documents, flood warning and evacuation procedures.

Flood risk - Ecological compensation sites

- 10.4.25. The Applicant's FCA for the Ecological Compensation sites [Annex 2 of APP-137] concluded that the impact on the risk of flooding to both the SSSI Compensation Sites and off-site receptors was considered to be low to negligible.
- 10.4.26. However, NRW [REP2-325, REP8-018] expressed concern with the environmental impacts of fen creation works within the SSSI compensation sites. It advised that a backwater analysis (an analysis of the effect of the works on upstream water levels, in terms of increased levels and extent) of the compensation sites be undertaken. It acknowledged that hydrological and hydrogeological data required for this work was not yet available and therefore advised that the MPSSCoCP include the requirement for an FCA be undertaken prior to commencement of construction, to demonstrate that no third-party land would be subject to an increase in flood risk and would be compliant with TAN15.
- 10.4.27. The Applicant [REP6-047] noted that an adaptive management approach would be followed to ensure no detrimental change to flood risk to the Corysdd Mon SAC or the Corse Bodeilio SSSI. It confirmed that the backwater analysis would be required to inform detailed design of the compensation site so would be included in the LHMS.
- 10.4.28. NRW [REP7-012] proposed additional text for inclusion in the LHMS to secure the backwater analysis, which the Applicant included [REP8-063]. However, the Applicant included the term 'significant' but NRW [REP9-037] advised that the term 'significant' be removed, or a definition be provided of what would constitute a "significant increase".as TAN15 requires that there is "*no flood risk elsewhere*".
- 10.4.29. The Applicant responded at D10 [REP10-03] acknowledging NRW's position and explained that the term 'significant' ensures that the commitment in the LHMS is in line with environmental assessment and stated FCA methodologies presented in the SSSI Compensation Site FCA [APP-137 Annex 2]. The Applicant continues that "*(a)ny potential residual 'significant' effect would prompt further identification of measures secured as part of the LHMS that avoid or mitigated the impact identified. It is Horizon's view that this is consistent with the objectives of TAN15*".
- 10.4.30. NRW was not able to respond, but the ExA is content with the Applicants explanation.

Flood Risk - Dalar Hir Park and Ride

- 10.4.31. The Applicant's FCA for Dalar Hir Park and Ride [APP-281] concluded that parts of the Park and Ride were at high risk of flooding from both fluvial and pluvial sources. It confirmed that additional mitigation measures were being considered to reduce the risk from flooding.
- 10.4.32. NRW [RR-088 and REP2-325] had significant concerns that the proposed development would result in unacceptable flood risk, noting that mitigation measures had not been provided or were unclear and that no evidence was provided to demonstrate the proposal would comply with TAN15. IACC [REP2-079] similarly had significant concerns about the implications of flood risk for the operational phase of the park and ride facility and considered that the lack of details of mitigation was not acceptable.
- 10.4.33. In response, the Applicant provided further details of the flood attenuation design [REP2-029 and REP2-030]. It undertook further flood modelling [REP2-372] on the more detailed design and concluded that by introducing lower ground levels to act as storage, raising car park levels to avoid impacts and incorporating structural changes at the crossing of the Nant Dalar Hir on the Park and Ride site reduced the flood risk to the development and to the A5 downstream. This had a beneficial effect on flood risk as there was a high flood risk in the baseline scenario. The Applicant considered 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.
- 10.4.34. The Applicant further explained [REP4-006] that the only remaining area that was subject to flood risk at Dalar Hir was the bottom corner of a single parking space. An adjustment of levels removed this bay from flooding [REP5-056].
- 10.4.35. NRW [REP4-039] sought confirmation regarding flows used in the model and considered that car park spaces should be flood free for the site to be compliant with TAN15 and requested a blockage scenario assessment. IACC supported NRW's request [REP4-034].
- 10.4.36. The Applicant submitted additional information in relation to blockages, the spine road, the location of single parking space and changing field levels [Appendix 1-7 and 1-9 of REP5-056]. As a result, NRW was in agreement with the conclusions of the Applicant's report and; was satisfied that flood risk at the Park and Ride could be managed, and that the development was compliant with TAN15 [REP7-012].
- 10.4.37. IACC [REP6-061] stated that although the Applicant's conclusion that the operational site would not be at risk if culverts were to block demonstrated compliance with TAN15, it was concerned that the modelling did not assess the proposed spine road crossing; it noted that debris from the upstream Nant Dalar Hir would be first caught against that structure, which could result in the spine road/car parks being inundated.

- 10.4.38. This issue was not addressed by the Applicant, nor raised again by IACC before close of examination. NRW [REP7-012] did comment that *"given that the new structure is to be a clear span structure and that there is a lack of large/coarse debris in the watercourse catchment, we consider it appropriate for the blockage assessment to have focussed primarily on the existing A5/A55 culvert"*. The ExA is, therefore, satisfied with the Applicants FCA and additional information.

Flood Risk - A5025 Off-line Highway Improvements

- 10.4.39. The Applicant's FCA for the A5025 off-line highway improvements [APP-323] concludes that the significance of effect on the works from tidal, fluvial or reservoir sources would range from neutral to slight across the sections of highway improvements, and that the significance of effect of the works on fluvial and pluvial flood risk elsewhere would range from neutral to slight.
- 10.4.40. The FCA concluded that there was no risk of flooding from tidal, fluvial or reservoir sources at Llanfaethlu (Sections 5) and Cefn Coch (Section 7) and no additional mitigation was proposed. No IP commented on these sections and the ExA is content with the Applicant's conclusions.
- 10.4.41. With regards to flood risk at Valley (Section 1), NRW [RR-088] noted that the tidal defence embankment would be overtopped when climate change allowance factors were considered and that the impacts of the highways works on flood risk elsewhere (should such a breach occur) had not been fully assessed by the Applicant. It also highlighted a lack of justification for the location of the works within flood zone C (high risk) [REP2-325].
- 10.4.42. The Applicant undertook breach modelling associated with defence failure under extreme tidal conditions, which was submitted at Deadline 4 [Appendix 1-4 of REP4-010]. This concluded that there would be no increase in flood depth compared to baseline conditions.
- 10.4.43. Both NRW [REP5-081, REP8-018] and IACC [REP5-057] were content with the modelling provided in the Valley Tidal Defence Breach technical note [REP4-010] and considered that through implementation of the flood risk mitigation and compensation measures outlined in [APP-323 and APP-311] that the works at Valley would be compliant with TAN15.
- 10.4.44. With regards to flood risk at Llanfachraeth (Section 3), the Applicant's FCA [APP-323] concluded that there would be a minor adverse effect on undeveloped land within the floodplain through both tidal and fluvial flooding due to a slight reduction in conveyance introduced by the proposed viaduct. The Applicant assessed the significance of effect on tidal and fluvial flood risk as slight.
- 10.4.45. However, NRW [RR-088] advised that the Applicant had not demonstrated that minor ground re-profiling without increasing flood risk elsewhere could be achieved and it was not clear whether this could be carried out within the DCO application limits. It considered that an increase in flood risk to agricultural land of 0.09m would be contrary to TAN15 [REP3-035, REP5-081].

- 10.4.46. IACC in its LIR [REP2-082] also had significant concerns regarding potential flood risk impacts at the Afon Alaw viaduct, noting that the Applicant's assessment concluded that detailed design would be able to prevent the predicted minor increase in flood risk; IACC wished to understand the fall-back position should such design prove physically/financially infeasible. IACC concurred with NRW that the proposal to allow flooding on private land would be contrary to TAN15 [REP4-034, REP6-061].
- 10.4.47. The Applicant [REP3-035, Appendix 1-8 of REP5-056, REP7-001 and REP8-018] acknowledged an increase in flood risk upstream (east) of the proposed viaduct and both fluvial and tidal conditions although noted that no properties would be affected. It acknowledged the increase would be non-compliant with TAN15 and explained that an area of potential compensatory storage had been identified to the east of the viaduct. However, this would be negligible in terms of overall peak flood level and flood extent and hence the proposal was dismissed. It considered that additional alternative options would have significant environmental and cost implications. The Applicant therefore explained that it was pursuing a legal agreement with the landowner to allow flooding on the land and that it would re-visit the flood compensatory storage requirements as part of the detailed design of the viaduct.
- 10.4.48. By close of examination, the Applicant had not reached agreement with the landowner to allow flooding on the land.
- 10.4.49. NRW advised [REP7-12, REP8-018] that *"(t)he 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"*.
- 10.4.50. While the scheme is accepted as being non-compliant by all parties, the ExA is of the view that for the A5025 works, the level of increase in run-off is insignificant compared to baseline conditions.
- 10.4.51. In addition, the ExA has considered TAN 15 at para7.3 *"(w)here development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible and there is:*
- minimal risk to life;
 - minimal disruption to people living and working in the area,
 - minimal potential damage to property;
 - minimal impact of the proposed development on flood risk generally, and;
 - minimal disruption to natural heritage.

"7.4 Therefore, before deciding whether a development can take place an assessment, which examines the likely mechanisms that cause the flooding, and the consequences on the development of those floods, must be undertaken, which is appropriate to the size and scale of the proposed development."

- 10.4.52. The ExA concludes that an assessment has been undertaken, which was appropriate to the size and scale of the proposed development, and on that basis the development could take place.

Flood Risk - Sequential test and exception test

The WNDA site

- 10.4.53. NPS EN-6 confirms that the Sequential Test does not need to be conducted for any of the listed sites as this was undertaken by the Government as part of the Strategic Siting Assessment. The ExA notes that the order limits do not exactly match the site identified in NPS EN-6, particularly along the south-western boundary. However, the ExA is satisfied that NPS EN-6 still applies and that a sequential approach has been applied to ensure that, where possible, critical infrastructure within the WNDA is located in the lowest flood risk areas.
- 10.4.54. The Applicant's WNDA FCA [APP-150 – see figure D8-4-5] confirmed that the WNDA was predominantly located in Flood Zone A except the following areas:
- low lying areas inland of Porth-y-Pistyll in Zone C where extreme sea levels result in inland flooding;
 - along the main Afon Cafnan channel southwards to Ty-Croes, and along the downstream end of the Nant Caerdegog Isaf, where areas within fluvial Flood Zone C2 are shown; and
 - five low lying marshy areas in the study area, including one inland of Porth Wylfa associated with Tre'r Gof SSSI, that are shown to be within Zone B.
- 10.4.55. NPS EN-1 states that the Exception Test should be applied where infrastructure projects are located in Zone C. The ExA considers that that the Exception Test¹ can be passed on the basis that:
- the project provides wider sustainability benefits to the community that outweigh flood risk; and
 - the WNDA elements of the project will be safe, without increasing flood risk elsewhere.
- 10.4.56. The ExA notes that the only areas of the WNDA located within Flood Zone C are those associated with the marine works.

Associated development

- 10.4.57. The Off-site Power Station Facilities, the Park and Ride and the Logistics Centre are all located in Flood Zone A [APP-254, APP-281 and APP-370]. However, Sections 1, 3 and 7 of the A5025 offline highway improvement works are partly or wholly located in Flood Zone C [APP-323].
- 10.4.58. The Applicant's FCA [APP-323] does not provide justification for these works being located in Flood Zone C. However, in applying the sequential

test, the ExA concludes that due to the restrictions in alignment of the improvements to the A5025 it is satisfied that there is no reasonably available site in Flood Zone B or A.

- 10.4.59. In consideration of the exception test², the ExA is satisfied that:
- the project provides wider sustainability benefits to the community that outweigh flood risk;
 - although the project is not located on previously developed land, that there are no reasonable alternative sites on developable previously developed land; and
 - the WNDA elements of the project will be safe, without increasing flood risk elsewhere.

- 10.4.60. Increases in flood risk to agricultural land at Llanfachraeth cannot be avoided or wholly mitigated, however the ExA is satisfied that the increase in present and future flood risk can be mitigated to an acceptable level and in weighing up the increased flood risk against the benefits of the A5025 highway improvement project, consider this to be acceptable.

10.5. CONCLUSIONS ON SURFACE WATER & GROUNDWATER RESOURCES

- 10.5.1. In considering the significant adverse residual effects presented in the ES at the WNDA, the ExA takes note of the reduction in catchment areas and altered flow rates during operation for the Afon Cafnan, Cemaes and Cemlyn catchments and Cemlyn Bay SSSI. In addition, Cemlyn Road in the Afon Cafnan catchment will have major adverse effect during operation from increased fluvial and pluvial flood depths and the Cemaes catchment will have increased suspended sediments in run-off from landscape mounding during construction. With reference to NPS EN-1, the ExA is content that no additional mitigation measures are needed over and above those proposed by the Applicant.
- 10.5.2. The conclusions relating to changes in water surface flows and water availability during construction, increased suspended sediment in runoff from landscape mounding and reduction of the catchment area resulting in lower flows during operation for Tre'r Gof SSSI and catchment are given in Chapter 6 of this report.
- 10.5.3. In considering TAN 15, the ExA notes that it states "*development in Flood zones c1 and c2 will only be acceptable if it is necessary as part of a local regen scheme or to sustain an existing settlement or if key to support employment objectives*" Sections of the A5025 highway improvement project are in Flood Zone C, but the ExA considers that the

² The ExA notes that NPS EN-6 confirms the second limb of the Exception Test does not apply to new nuclear development.

improvements are key in supporting employment objectives and so comply with TAN 15.

10.5.4. Referring to the Applicant's approach to mitigating the impacts on flooding and the NRW's view, the ExA accepts that while the flooding of agricultural land at Llanfachraeth is in contravention with the TAN 15 requirement for no increase in flood risk, it also has given weight to paras 7.2, 7.3, 7.4 and 8.3. The ExA acknowledges that the Applicant [REP5-056] has explored other mitigation options. The ExA therefore advises the SoS that in its view the Applicant has provided sufficient information to satisfy the requirements of paragraph 7.3 in that there is no risk to life or damage to property and minimal impact on flood risk generally from the proposed development, including the off-site Power Station Facilities. There are no natural heritage features affected. The ExA advises that in considering TAN15 it is of the view that the proposed development is compliant with the policy.

10.5.5. Considering NPS EN-1, the ExA is satisfied that:

- the application is supported by an appropriate FRA;
- the Sequential Test has been applied as part of site selection;
- a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk;
- the proposal is in line with any relevant national and local flood risk management strategy;
- priority has been given to the use of sustainable drainage systems (SuDs); and
- in flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed over the lifetime of the development.

10.5.6. With the exception of changes in water flow and drainage at Tre'r Gof SSSI, which is assessed in Chapter 6 of this report, the ExA concludes that flooding and drainage should be given little weight against the Order being made.

The need for any changes to the dDCO and control documents

10.5.7. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to water resources.

11. AIR QUALITY

11.1. INTRODUCTION

11.1.1. This chapter sets out the air quality effects of the proposed development.

11.2. THE APPLICANTS CASE

11.2.1. The Applicant's assessment of impacts on air quality is set out in the following documents:

- ES Volume B - Introduction to the environmental assessments B5 – Air Quality [APP-070];
- ES Volume C – Project-wide effects C4 – Air quality effects of traffic [APP-091];
- ES Volume D – WNDA Development D5 – Air Quality (excluding emissions from traffic) [APP-124];
- ES Volume E – Off-Site Power Station Facilities: AECC, ESL and MEEG E5 – Air Quality [APP-243];
- ES Volume F – Park and Ride F5 – Air Quality [APP-270];
- ES Volume G – A5025 Off-line Highway Improvements G5 – Air Quality [APP-308];
- ES Volume H – Logistics Centre H5 – Air Quality [APP-359]; and
- ES Volume I – Cumulative effects Appendix I4-1 – Project-wide and WNDA Development intra-project air quality assessment [APP-393].

11.2.2. The assessments are supported by a number of technical appendices [APP-083, APP-114, APP-115, APP-139, APP-140, APP-141, APP-251, APP-278, APP-320 and APP-367]).

Potential impacts and receptors

11.2.3. The Applicant's assessment considered the following potential impacts:

- construction dust emissions;
- release of odorous substances;
- plant, vehicles and marine vessel emissions during construction;
- emissions from standby electrical power generation plant and steam-raising boiler plant during operation; and
- emissions from road vehicles during construction and operation.

11.2.4. The Applicant assessed potential impacts on terrestrial and freshwater habitats and ecosystems ('ecological receptors') and human populations. The Environmental Statement (ES) [APP-070] and Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) [REP2-073] confirm that IACC has not declared any Air Quality Management Areas or any relevant exposure areas where Air Quality Objectives (AQOs) are exceeded or could potentially be exceeded across the island.

11.2.5. The AQOs applied in the assessment for the protection of human health and ecological receptors are detailed in Tables B5-14 and B5-17, respectively, of [APP-070].

Mitigation

- 11.2.6. As explained in Chapter 1.4 of ES Volume B1 [REP-066] the Applicant had proposed three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.
- 11.2.7. Embedded mitigation to reduce traffic flows and related air quality effects during construction included the logistics centre to control the flow of heavy goods vehicles to /from the Wylfa Newydd Development Area (WNTA) and a park and ride facility at Dalar Hir to reduce the number of private vehicle movements. During operation, the A5025 off-line highway improvements were intended to divert sections of the road away from certain villages and ecological sites to reduce pollutant concentrations [APP-091].
- 11.2.8. Embedded mitigation at the WNTA included: capping of haul roads; design of the concrete plant; dust emission control measures within the air quality management strategies; enclosure of the package sewage plant, design of Site Campus (e.g. non-opening windows, roof mounted intake for the heating and ventilation system); upgrades to the existing Cemaes waste water treatment works (WWTW). Good practice mitigation considered the selection of and use of plant and appropriate mitigation included selection of stack heights and the use of ultra-low sulphur diesel in all combustion plant [APP-124].
- 11.2.9. At the Off-Site Power Station Facilities, embedded mitigation included stack height design and selection of standby generator equipment with good combustion controls and the use of ultra-low sulphur diesel in all combustion plant [APP-243].
- 11.2.10. Good practice mitigation for construction road traffic included measures to promote and encourage car sharing and public transport with a dedicated shuttle bus service during construction, and an operational traffic and transport strategy to promote sustainable modes of travel [APP-091]. A number of good practice mitigation measures for dust, odour and vehicle/plant emissions and operational emissions across the project elements were set out in the air quality management strategies within the relevant Code of Construction Practices (CoCPs) and Code of Operational Practice (CoOP).
- 11.2.11. The ES [APP-124] identified the potential for NO_x emissions from construction plant and machinery during peak earthworks and marine works (around year 2), to lead to exceedances of the one-hour mean AQO for NO₂ at two residential properties (R14 and R15) and increases in annual mean NO₂ concentrations. Therefore, additional mitigation was proposed to include: a comprehensive monitoring and reporting scheme for the construction phase; a fleet mix that would include newer non-road mobile machinery (NRMM) complying with EU Stage IV emissions standards; management of plant and machinery operating in close proximity to the key exceedance areas; and the use of continuous NO_x and NO₂ monitoring to track compliance against air quality objectives and

mitigation objectives and to adapt management strategy on an ongoing basis [APP-124].

Environmental Statement Addendum and Non-material Change requests

- 11.2.12. The Applicant submitted an Addendum to the ES at Deadline 6 [REP6-015] and a further updated Addendum to the ES [REP8-005] at Deadline 8. In terms of air quality, the Deadline 6 Addendum provided updates of the improvements in NRMM plant emissions standards and reductions in NO_x emissions from marine vessels and construction plant. The Deadline 8 Addendum provided updates related to two change requests involving the increase in the number of marine vessel movements and extension of working hours for specified activities into the evening or 24-hour working.
- 11.2.13. As detailed in Chapter 3 of this report the Examining Authority (ExA) accepted six non-material change requests submitted by the Applicant. Those relevant to air quality were Marine Vessel Movements [AS-021], Worker Shift Patterns [REP4-011], Working Hours [REP4-012] and HGV Delivery Window [REP4-013]. Each of these change requests was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely environmental effects than those reported in the ES. The ExA has considered the environmental effects of these changes together with Interested Parties (IPs) concerns in its examination of the issues discussed in this chapter.

Applicant's conclusions

- 11.2.14. The Applicant's assessment was informed by a construction dust risk assessment; an assessment of odorous substances; dispersion modelling of plant, vehicles and marine vessel emissions during construction; dispersion modelling for standby electrical power generation plant and steam-raising boiler plant during operation; and dispersion modelling of emissions from road vehicles during construction and operation.
- 11.2.15. The ES predicted increases in emissions and pollutant concentrations and nitrogen and acid deposition during both construction and operation. However, it concluded that following the implementation of embedded mitigation, good practice mitigation and additional mitigation, there would be no significant adverse residual effects from emissions to air either from the individual project elements [APP-091, APP-124, APP-243, APP-270, APP-308, APP-359] or as a result of intra-project additive effects [APP-393].

11.3. ISSUES DISCUSSED DURING THE EXAMINATION

- 11.3.1. A number of IPs raised concerns relating to air quality at the relevant representation stage, including [RR-076, RR-099 and RR-092, RR-051, RR-052, RR-050, RR-054, RR-101, RR-104, RR-117 and RR-118].

- 11.3.2. The main EIA issues considered during the Examination included;
- dust at the WNDA;
 - sufficiency of the proposed monitoring strategy;
 - road traffic emissions on the A55 trunk road at Llanfair Pwllgwyngyll;
 - odour at the Site Campus;
 - construction phase emissions to protected sites; and
 - operational emissions to protected sites.
- 11.3.3. Welsh Government (WG) in its Relevant Representation (RR)[RR-092] commented about air quality in the context of the Well-Being of Future Generations Act 2015 (WBFGA), which requires air quality standards to extend beyond simple compliance with legal limits. The applicant responded to the ExA's first written questions [PD-009] at length in its [REP2-375] and concluded that "*the environmental impact assessment undertaken in respect of potential air quality effects, and the embedded, good practice and additional mitigation proposed to address such effects is comprehensive and consistent with the relevant policy context*". There was no further discussion on policy context and the ExA is content that the Applicant has conformed with the 2015 Act.
- 11.3.4. The Welsh Historic Garden Trust (WHGT) [AS-037] raised concerns relating to the effects of airborne pollution during construction on the planting in the valley garden, this is discussed in Chapter 11 of this report.

Dust at the WNDA

- 11.3.5. IACC [REP2-073] did not agree with the Applicant's conclusion that the likely dust emissions on human health and amenity during construction would not be significant, due to a lack of detail in the air quality management strategies in the WNCocP and MPSSCoCP. It also had concerns over the Applicant's use of the annual average AQO of 25µg/m³ as the assessment criteria for PM_{2.5} concentrations; noting that the average PM_{2.5} level for Anglesey in 2016 was 5µg/m³. It advised the Applicant to adopt the annual averaged World Health Organisation (WHO) Guideline (non-statutory) value of 10µg/m³ as a threshold for monitoring exceedance of PM_{2.5} levels in order to comply with the vision of the latest Welsh policy guidance in the Well-Being of Future Generations Act 2015.
- 11.3.6. The Applicant [REP3-004] confirmed that any increases in PM_{2.5} concentrations due to construction activities would be as low as reasonably practicable. It would not commit to the non-statutory WHO guidelines and noted that the air quality standards were based on a consensus amongst Member States based on scientific opinion as to the effectiveness of the limit values to protect human health [REP6-045]. The MPSSCoCP [REP10-020] therefore contained an annual mean compliance target of 25µg/m³.
- 11.3.7. Nevertheless, the Applicant did agree in its Statement of Common Ground (SoCG) with IACC [REP6-045] to adopting the annual mean level of 10µg/m³ for PM_{2.5} to trigger a joint review between the Applicant and

IACC to determine whether site activities had contributed to the threshold being exceeded, and if so for an action plan to be developed. The action plan would include reasonably practicable measures and would not include suspension/cessation or reduction of works or activities, unless the measured annual mean concentration approached the AQO of 25g/m³. This commitment was included in the MPSSSCoCP [REP10-020].

- 11.3.8. Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) [REP2-325] also noted the potential for dust to affect designated ecological sites through deposition and advised that detailed dust monitoring and mitigation measures should be set out in the MPSSCoCP. Following revisions to the MPSSCoCP, NRW was content by close of examination that mitigation in the WNCaCP [REP10-018] and MPSSSCoCP [REP10-020] would be sufficient to demonstrate that dust impacts on protected sites would be appropriately mitigated [REP8-018].

Proposed construction phase monitoring strategy

- 11.3.9. The application version of the MPSSSCoCP [APP-415] provided details of the Applicant's proposed monitoring strategy during the construction phase. IACC [REP2-073] requested further details, including for the real time web-based environmental system, the location of monitoring equipment, thresholds and exceedance trigger levels, the process of investigating exceedances, the complaints process and the proposed Community Liaison Groups.
- 11.3.10. NRW [REP2-325] noted the air quality monitoring and reporting scheme referenced in the MPSSSCoCP but was concerned that there was no requirement in the draft Development Consent Order (dCO) to secure the final approval of the scheme.
- 11.3.11. The Applicant provided further details of agreed monitoring locations, equipment, and trigger thresholds for dust emissions in the Deadline 2 CoCP's [REP2-031 to REP2-036, REP2-373]. It also included a commitment for a minimum of 90% of NRMM to meet EU Stage IV emissions standards, in response to IACC's request [REP2-073]. It submitted a report presenting the findings of the assessment of the potential air quality effects of emissions from plant, machinery and marine vessels with the additional mitigation in place [REP3-052]. This concluded that the predicted concentrations of NO_x and NO₂ and nitrogen and acid deposition rates at human and ecological receptors from the WNDA would be considerably lower than those presented in the ES [APP-124].
- 11.3.12. The Applicant [REP7-001b] also committed to giving greater weight to bus suppliers who could provide better than Euro IV emissions standard, this was secured in the WNCaCP [REP10-018]. However, it explained that setting a minimum emissions standard of Euro VI for the shuttle service for construction workers (from the Site Campus to the WNDA) would not achieve any measurable decrease in pollutant concentrations at the nearest sensitive locations. The Applicant was also concerned that a

commitment to Euro IV as a minimum could exclude local island-based bus firms with older fleets bidding for the contracts. This could result in local firms not benefitting from the development and a fleet of Euro VI buses may have to come from further away which would have implications for traffic volumes and also mean that any benefit from a cleaner engine would be negated by the longer journey.

- 11.3.13. The Applicant considered the CoCPs to be sufficient for submission as approval as part of the DCO application rather than being submitted for approval at a later date, with the exception of the micro-siting of the monitoring stations which would be submitted for approval by IACC at a later date [REP2-049]. Further to a request from IACC for monitoring at the Site Campus to ensure the health and wellbeing of residents [REP7-014], an additional monitoring station was included in the final MPSSSCoCP [REP10-020].
- 11.3.14. IACC confirmed [REP8-019] that subject to the inclusion of the monitoring location within the MPSSSCoCP, it was satisfied with the details of the proposed air quality monitoring at the WNDA and the Associated Development sites, including on: the number, locations and pollutants; the equipment; the trigger levels; the responses to trigger exceedances; data management and access; and the reporting regime. It also confirmed in the SoCG [REP8-019] that IACC was in agreement with the Applicant regarding the sufficiency of the WNCaCP [REP10-018] and sub CoCPs [REP10-020, REP10-022, REP10-023, REP10-025, REP10-027, REP10-028].

Road traffic emissions on the A55 trunk road at Llanfair Pwllgwyngyll (R36)

- 11.3.15. The ES [APP-091] explained that IACC had requested that specific consideration be given to the likely effect of changes in the short-term (one hour mean) NO₂ concentrations at locations along the A5025 and A55; one of these locations was R36 at the edge of the layby closest to the A55 carriageway. The ES predicted that the future baseline NO₂ concentration at R36 in 2020 (the opening year of the A5025 off-line Highway Improvements) would be 39.4µg/m³ without the proposed development and that this would increase to 40.8µg/m³ with road traffic emissions from the proposed development. The Applicant applied an empirically derived value of 60µg/m³ as a representative threshold for consideration of the potential risk of exceedance of the one-hour mean AQO of 200µg/m³, based on Defra Local Air Quality Management: Technical Guidance (2016) [APP-091]. It concluded that an exceedance of the one-hour mean AQO (200µg/m³ not to be exceeded more than 18 times per calendar year) was very unlikely.
- 11.3.16. However, IACC requested the installation of monitoring systems at the layby location to allow the one-hour mean AQO for NO₂ to be monitored in real-time for exceedances as a result of additional traffic [REP2-073, REP5-057].

- 11.3.17. The Applicant [REP3-004] considered that $60\mu\text{g}/\text{m}^3$ should be a trigger for considering a likely exceedance of the one-hour mean NO_2 AQO and noted that IACC had adopted this threshold in all of its LAQM assessments since the peak concentration recorded in 2010. It explained that the probability of exceedance of the one-hour mean NO_2 AQO would be around 1% for annual mean concentrations of $40\mu\text{g}/\text{m}^3 - 49\mu\text{g}/\text{m}^3$.
- 11.3.18. It further explained IACC had not identified the layby as a location where the one-hour mean NO_2 AQO could be exceeded. It noted that the predicted concentration at R36 is considerably lower than the peak concentration of $49.4\mu\text{g}/\text{m}^3$ recorded in 2010 for which IACC did not investigate further and concluded that the one-hour mean AQO would be unlikely to be exceeded. The Applicant considered that the proposed development would result in a relatively small predicted increase on current NO_2 concentrations and that there would be a very low risk of exceedance of the one-hour mean AQO.
- 11.3.19. The Applicant therefore did not agree that real-time monitoring would be required. [REP6-045]. Having considered the evidence presented to it, the ExA is content to accept the Applicant's view.

Odour at the Site Campus

- 11.3.20. The ES [APP-124] noted that odours would be detectable within 100m of the Cemaes WWTW operated by Dŵr Cymru/Welsh Water and that four of the proposed accommodation blocks of the Site Campus would be located within this distance. However, it states that Site Campus buildings within 70m of the WWTW would have central heating, ventilation and air conditioning system with a roof mounted intake (or similar) and non-opening windows. The ES concluded that there would be a negligible adverse residual effect at all accommodation within the Site Campus.
- 11.3.21. The Applicant [REP4-007] in response to an action point from the ISH of 7 January 2019, Land and Lakes Limited's case was that the Site Campus would not be a suitable location for temporary workers accommodation due to the potential for odour nuisance from the WWTW. Land and Lakes [REP4-036 and REP6-055] considered that any necessary measures to mitigate odour impacts would increase the costs of the Site Campus and potentially elongate delivery timescales, as well as providing a less than desirable location for workers in areas where odour could not be mitigated. The Applicant [REP4-007 and REP5-048] reiterated the embedded mitigation measures proposed in the ES [APP-124] and maintained that there would be no significant effects from odour at the Site Campus, therefore it would not be un-attractive to workers.

Construction emissions to protected sites

- 11.3.22. Air quality emissions during the construction phase of the proposed development are discussed in Chapter 6 of this report. The sites discussed are:

- Tre'r Gof SSSI;

- Cae Gwyn SSSI;
- Cemlyn Bay SSSI;
- Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site; and
- Trwyn Pencarreg Wildlife Site.

- 11.3.23. The ExA concludes, in Chapter 6, that the proposed development is likely to have an adverse effect on both Tre'r Gof SSSI and Cae Gwyn SSSI after mitigation, and potentially Bae Cemlyn/Cemlyn Bay. Applying the NPS EN-1 test of whether the benefits of the proposed development 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 to each individual SSSI will, the ExA assesses, result in the benefits of the project outweighing the impacts on that site. However, the ExA is concerned that taking the three sites together, the benefits of the development at this site may not outweigh the broader impacts on the national network of SSSIs.
- 11.3.24. The ExA accepts NRW's advice that it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon the site at Bae Cemlyn/Cemlyn Bay or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival. The ExA concludes that great weight should be given to the potential adverse effects to the Arctic tern and Sandwich tern populations as a result of disturbance.
- 11.3.25. With the exception of fungi, the ExA concludes that minimal weight should be given to residual air quality effects at Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site and Trwyn Pencarreg Wildlife Site. With regard to the nationally important CHEG grassland and its presence at Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site and possibly the Site Campus, and doubts about the ability to recreate CHEG grasslands the ExA concludes that significant weight should be given to the loss of CHEG fungi when considering the adverse effects of air quality of the Site Campus.

Operational emissions to protected sites

- 11.3.26. During the operational phase, combustion plant would be used as back-up generators, during routine testing and during the commissioning phase. The ES [APP-124] concluded that the predicted annual mean NO_x and SO₂ concentrations at all ecological receptors were relatively small and considered to be not significant. It concluded that no designated site was predicted to experience a 24-hour mean NO_x concentration above the relevant critical level as a result of the maximum operation of the house boilers, routine testing of the standby generators, and exercise of the mobile emergency response equipment (even when the sources were modelled continuously).
- 11.3.27. However, NRW raised concerns in relation to modelling of the operational combustion emissions of the back-up generators and was therefore unable to provide advice on the exceedances predicted at Tre'r Gof SSSI, Cae Gwyn SSSI and Bae Cemlyn/Cemlyn Bay SAC/SSSI [REP2-325].

11.3.28. The Applicant's conclusions in relation to these sites was as follows [APP-128]:

- Tre'r Gof SSSI – long-term nitrogen deposition rates would increase by 0.8% but this would lead to a very minor loss of, or detrimental alteration to the site's interest features (less than 1% of the total species richness within the site) and would be a negligible adverse effect.
- Cae Gwyn SSSI – potential exceedances of the 24-hour mean NO_x levels critical level of 75µg/m³ during commissioning testing of the plant occurring during two 24-hour periods within the operational lifespan of the Power Station would result in negligible adverse effects.
- Bae Cemlyn/Cemlyn Bay SAC/SSSI - no exceedances in critical loads or critical levels above the threshold at which significant effects could arise.

11.3.29. Exceedances of the 24-hour mean concentrations of NO_x were also predicted in the ES [APP-128] for the use of standby generators during loss of off-site power and loss of coolant accident (LOOP/LOCA) incidents. However, these exceedances were predicted to be a one in 200-year event and were not considered further by the Applicant.

11.3.30. The Applicant [REP3-035] considered that the modelling was undertaken appropriately and adequately considered the worst case. It provided specific responses to NRW's individual concerns raised in [REP2-325] which were:

- building downwash had not been adequately considered in air dispersion modelling;
- that while O₃ concentrations increase in the presence of VOCs/CO and sunlight, that does not necessarily result in a NO₂/NO_x ratio decrease;
- the need for further information on how the effects of fewer stable conditions and an increase of high temperature, and sunny summer days interact with respect to ground concentrations;
- provide clarity on testing scenarios set out within ES Volume D5-3 [APP-124];
- clarification as to how the emission source term of the single effective generator was derived, and whether there were hourly exceedances from this exercise; and
- where there were any exceedances from individual runs of Emergency Diesel Generators, Back-up Building Generators or Auxiliary Standby Generators.

11.3.31. It also noted that similar queries had been raised in relation to the application for an Environmental Permit.

11.3.32. The Applicant confirmed [REP8-018] that NRW had requested further quantitative sensitivity analysis and that it had proposed the scope of such works.

11.3.33. At Deadline 9 NRW [REP9-037] considered that the operational combustion emissions may be more appropriately assessed by NRW

Permitting Service as part of the Operational Combustion Installations permit application and did not comment further on the modelling. However, this permit has now been withdrawn.

- 11.3.34. The ExA considers that as operational emissions were not agreed by the close of the Examination and with the withdrawal of the Operational Combustion Installations permit application, by the Applicant, the ExA remains concerned that there would be no secured mitigation to ensure against adverse effects from air quality during operation.

11.4. CONCLUSIONS

Human populations

- 11.4.1. The ExA considers that the Applicant's approach to the assessment of air quality impacts to human populations, including the baseline and data collection, the assessment methodology and assessment criteria is sound, a position shared by IACC [REP8-019]. It does however acknowledge that there are predicted increases in pollutant concentrations as a result of the proposed development during both construction and operation.
- 11.4.2. NPS EN-1 states that some construction impacts on amenity for local communities is likely to be unavoidable but should be kept to a minimum and should be at an acceptable level. The ExA is satisfied that impacts from the construction phase on air quality including dust emissions and odours would be kept to a minimum through implementation of mitigation, including the measures set out in the relevant CoCPs. The Applicant's final draft CoCPs [REP10-018, REP10-020, REP10-022, REP10-023, REP10-025, REP10-027 and REP10-028] would be certified documents as identified in Schedule 18 to the dDCO [REP10-006] and compliance with the CoCP would be controlled through Requirements PW7, SPC3, WN1, WN20, WN28, OSF1, PR1, LC1, OH1 and ECS1.
- 11.4.3. The ExA is content with the Applicant's proposal for dust monitoring at the WND A within the MPSSSCoCP [REP10-020] which now includes the WHO value of $10\mu\text{g}/\text{m}^3$ as a trigger to review site activities. It agrees that effects from dust emissions would not be significant.
- 11.4.4. The ExA also agrees with the Applicant and IACC [REP8-019] that there would be no significant effects from emissions to air from construction plant and equipment. The ExA considers that the Applicant has demonstrated reasonable efforts to mitigate effects, including through the commitment to 90% Euro Stage IV NRMM and the air quality monitoring and reporting scheme. It has also demonstrated that as a result of commitments made during the Examination, the predicted concentrations of NO_x and NO₂ from the WND A would be considerably lower than those presented in the ES.
- 11.4.5. In relation to emissions from road vehicles, the ExA notes that all annual mean concentrations at long-term exposure locations are below the AQO value and it is satisfied that the proposed development would not result

in any substantial changes in air quality to human receptors at these locations.

- 11.4.6. Regarding short-term exposure from road vehicle emissions, the ExA notes IACC's request for real-time one-hour NO₂ monitoring at R36. However, the ExA considers that this is not IACCs usual practice, given the predicted annual mean concentration at this location (40.8µg/m³). The ExA is persuaded by the Applicant that a trigger of 60µg/m³ is an appropriate trigger level and that exceedance of the one-hour mean AQO at R36 in 2020 is unlikely. The ExA also notes that annual mean NO₂ concentrations at this location are predicted to decline to 36.1µg/m³ by the peak construction phase (2023) and to 35.5µg/m³ by peak operation (2033), therefore the risk of short-term exceedances would be short lived. The ExA also considers it reasonable to assume that concentrations would drop off with distance from the layby and would be below the AQO at any mean annual receptors (i.e. residential properties). The ExA therefore do not consider monitoring to be necessary.
- 11.4.7. The predicted NO₂ concentrations from road traffic emissions at all relevant short-term exposure locations for any of the assessment years are within the empirically derived value of 60µg/m³. The ExA is therefore satisfied that exceedance of the one-hour mean AQO at all short-term exposure locations would be unlikely.
- 11.4.8. The ExA considers the Applicant has made adequate provision for construction traffic management (sections 5 and 7 of [REP10-018]) and has demonstrated reasonable efforts to mitigate effects of vehicular emissions. The ExA is satisfied that there would be no significant effects to air quality as a result of emissions from road vehicles during construction and operation. The ExA is also satisfied with the Applicant's proposed construction phase air quality monitoring strategy as detailed in the final MPSSSCoCP [REP10-020].
- 11.4.9. With regard to effects of odour, the ExA is satisfied that subject to the application of mitigation measures (secured through the DAS [REP8-045, REP8-046]), impacts of odour from the WWTW would not have an adverse effect on the Site Campus residents. The ExA has not been presented with any persuasive evidence to the contrary.
- 11.4.10. Regarding the operational phase, the ES [APP-124] predicts two potential exceedances of the one-hour mean for NO₂ AQO from Loss of Off-site Power and Loss of Coolant Accident (LOOP/LOCA) incidents, but that probabilistic analysis shows these exceedances are very unlikely. It also predicts a short-term emergency exercise scenario where the one-hour mean NO₂ AQO is predicted to be exceeded at several receptors; however, this would occur for one hour per year and the Applicant considers the probability of an exceedance to be zero. The ExA therefore considers the exceedance of the one-hour mean would be unlikely.
- 11.4.11. Overall, the ExA is content that operational emissions would result in small and not significant increases in annual mean concentrations of all assessed pollutants at human receptors. It is content there would be no

exceedances of any AQOs, or substantial changes in air quality. However, as operational phase emissions were not agreed by the close of the Examination, and with the Operational Combustion Installations permit application has been withdrawn.

- 11.4.12. Paragraphs 4.10.1 to 4.10.3 of NPS EN-1 are clear that the planning and pollution control systems are separate but complimentary; and that in considering the appropriateness of the proposed land use, the ExA should work on the assumption that the relevant pollution control regime (and other environmental regulatory regimes) will be properly applied and enforced by the relevant regulator. There is no evidence that indicates: any other approach would be appropriate in this case; or that a future permit application would be likely to be unsuccessful.
- 11.4.13. Nor is it apparent that in relation to the air quality that would be experienced by people in the areas around the proposal, the development would cause unacceptable adverse effects on air quality to breach the objectives of section 5.2 of NPS EN-1.

Ecological receptors

- 11.4.14. The ES concludes that there would be no significant effects to ecological receptors during construction. In reaching this conclusion, it predicted that increases of nitrogen and acid deposition rates at Tre'r Gof SSSI from construction plant, machinery and vehicle emissions could lead to measurable changes in the attributes and quality of Tre'r Gof SSSI (where critical load values for nitrogen deposition were already in excess of critical loads for alkaline fens) [APP-128].
- 11.4.15. However, NRW [REP4-039 and REP8-018] was content that mitigation, including botanical monitoring and an annual cutting regime, would be secured through the MPSSSCoCP [REP10-020] and the MWCoCP [REP10-022]. The ExA is therefore content that there would be no adverse effect to Tre'r Gof SSSI from construction plant, machinery and vehicle emissions.
- 11.4.16. Regarding the effects from construction plant, machinery and marine vessel emissions on Cae Gwyn SSSI, the ExA agrees with NRW's [REP9-037] advice that there could be an adverse effect on the features of the SSSI from air quality emissions and considers that the success of point source mitigation for construction plant and machinery cannot be relied upon.
- 11.4.17. For Bae Cemlyn/Cemlyn Bay SSSI, Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site and Trwyn Pencarreg Wildlife Site, the ExA shares the view of NRW [REP8-018] that emissions from construction plant, machinery and marine vessel would not have adverse effects on protected sites. In reaching this conclusion, the ExA notes the Applicant's commitment to 90% of NRMM to meet EU Stage IV emissions standard results in lower predicted concentrations of NO_x and NO₂ and nitrogen and acid deposition rates than those presented in the ES. The ExA also notes NRW's agreement that the modelling approach is appropriate to

inform the assessment of effects to ecological receptors from construction plant, machinery and marine vessels [REP2-325].

- 11.4.18. The assessment of air quality effects of traffic [APP-091] indicates that there would be predicted increases in annual mean NO_x concentrations at Beddmanarch-Cymyran SSSI, Malltraeth Marsh/Cors Ddyga SSSI and Coedydd Afon Menai SSSI from road traffic associated with the proposed development. However, the ExA notes and agree with NRW's view that the designated features of the SSSIs within the areas of predicted increases are not likely to be damaged by construction or operational traffic emissions [REP2-325, REP2-049].
- 11.4.19. By the close of the Examination, there was no agreement between the Applicant and NRW on the operational phase emissions modelling. It is, therefore, not possible for the ExA to come to a view on the outcome of the results that might arise from a different approach to the modelling of operational emissions.
- 11.4.20. As operational phase emissions were not agreed by the close of the Examination, and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects from air quality during operation. Given this situation, the ExA is unable to conclude that there would be no adverse effects to protected sites from operational combustion emissions. Whilst there does not appear to be any reasons in principle why the permit would not be granted, the ExA has no assurances from NRW that operational emissions could be mitigated to an acceptable level within the parameters of the proposed development.
- 11.4.21. However, NPS EN-1 states that consent should not be refused on the basis of pollution impacts unless the decision maker has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents would not subsequently be granted.
- 11.4.22. The consideration of the balance between the benefits of the proposed development against the adverse impacts on SSSIs includes a number of other considerations as well as air quality and is given in Chapter 6.
- 11.4.23. The ExA cannot conclude that emissions to air would not cause damage to ecological receptors during construction and operation and therefore air quality is a matter which should weigh against the Order being made.

The need for any changes to the dDCO and control documents

- 11.4.24. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to air quality.

12. CLIMATE CHANGE

12.1. INTRODUCTION

- 12.1.1. This chapter sets out the Climate Change effects of the proposed development.

12.2. THE APPLICANTS CASE

- 12.2.1. The Applicant's assessment of impacts of climate change through mitigation and adaptation is set out in Chapter 5.6 of the ES Sustainability Statement [APP-426].
- 12.2.2. The Applicant expected the Power Station to deliver a nominal gross electrical capacity of 3.1 GWe (3,100MWe) of low carbon energy for an anticipated 60-year operational phase. It predicted a significant offset of the carbon dioxide equivalent (CO₂e) impact of the construction and greenhouse gas (GHG) consuming operational phases when compared to the net power generated by the Power Station. The project also included a number of design measures, construction and operational commitments that would manage and mitigate climate change effects.

Potential Impacts

- 12.2.3. It was acknowledged by the Applicant [APP-426] that the proposed development would generate large quantities of GHG emissions throughout the construction and operational phases of the project. The generation of GHG emissions was both inevitable and unavoidable; however, the Applicant proposed measures to manage and reduce such emissions.
- 12.2.4. In order to capture and report anticipated GHG emissions the Applicant produced a Carbon and Energy Report [APP-423] The findings of the report indicated a significant offset of the CO₂e impact of the construction and GHG consuming operational phases when compared to the net power generated by the Power Station. In simple terms, the construction and operational phases of the proposed development were estimated to result in a total GHG emissions impact of 7.4 MtCO₂e, with decommissioning contributing a further 2.7 MtCO₂e.
- 12.2.5. The Applicant [APP-423] considered that a significant net carbon and energy offset (total emissions minus the energy offset) of 84 MtCO₂e could occur from the proposed development, through avoided electricity emissions, and if it was considered to directly replace other more GHG emission intensive energy generating technologies over its lifespan.
- 12.2.6. In terms of other impacts, the Applicant referred to two aspects:
- mitigation - controlling factors that contribute to predicted climate change, such as emissions and carbon use; and
 - adaptation - managing the likely impacts of climate change, for example, considering predicted flood risk in design.

Mitigation

- 12.2.7. The Applicant [APP-426] proposed a number of areas for mitigating the potential impacts of the proposed development during construction:
- transport of workers and goods – to reduce impacts of emissions from transport the Applicant proposed a high proportion of freight movements to be via sea, and construction and operational travel planning to encouraging worker movements to be via low emission public transport vehicles or walking and cycling;
 - workers accommodation – the Applicant intended to make use of available and affordable existing accommodation in order to meet the requirement for temporary accommodation, in addition to the Site Campus, and did not envisage the development of any permanent buildings to house construction workers, so limiting the creation of new sources of GHG emissions. The Site Campus would be modular, high thermal and energy efficiency buildings designed for dismantling and would offer the opportunity to re-use the units on other projects [REP8-045];
 - the location of the Site Campus within the WNDA would reduce the overall energy and resource requirements associated with construction worker movements;
 - photovoltaics on the roofs of the Park and Ride, Logistics Centre and the amenity building within the Site Campus, to support energy demands within these buildings, are secured in the DAS [REP8-046], the DAS;
 - ancillary buildings - where practicable, designing in modular style buildings with high thermal efficiencies and which were suitable for re-use and/ or repurposing. Where modular buildings were not practicable, designing buildings for disassembly, secured in the DAS [REP8-045, REP8-046];
 - the WNCocP [REP10-19] required contractors to encourage sustainable water and energy consumption initiatives, encourage working practices to ensure engines were not left running unnecessarily, stating preferential use of mains electricity or battery-powered equipment instead of diesel or petrol-powered generators; and
 - the proposed development would be constructed under an environmental management system accredited to British Standard EN ISO 14001: Environmental Management [REP10-19].
- 12.2.8. During both construction and operation, vehicle fleets would include a mix of Euro IV Standard class power units. The mix would include vehicles of larger engine sizes compliant with Euro Stage IIIB emissions standards for non-road mobile machines as a minimum, secured in WNCocP [REP10-18].
- 12.2.9. Non-motorised transport modes (i.e. cycling and walking) would be encouraged through the provision of a cohesive network of high quality recreational and commuter routes; and the provision of lockers and cycle storage facilities at all of the Applicant's development sites. Facilities at the Off-site Power Station Facilities and Site Campus are secured in

[REP8-045] and the Park and Ride site in [REP8-046]. There is no provision at the Logistics Centre [REP8-045].

Adaptation

- 12.2.10. With regards to climate change adaptation, the Applicant [APP-426] confirmed that the design of the proposed development had been informed by the 2009 UK Climate Projections Science Report, particularly considering potential flood risk and sea level change over the operational lifetime of the Power Station and other elements of the proposed development. Examples secured in ES Chapter D1 [APP-120] included:
- the MOLF structure was based on present day sea levels due to its relatively short design life;
 - the breakwater design accounts for predicted sea level rises;
 - ancillary buildings had been designed to account for predicted flood risk, the coastal location and regional norms for wind and snow loading, taking account of climate change predictions for various factors including air temperature, sea level, sea temperature and rainfall; and
 - the Off-Site Power Station Facilities had been designed and arranged to reflect site-specific assessments of up to a 1 in 10,000 year flood event.
- 12.2.11. The Sustainability Assessment [APP-426] predicted major positive, significant beneficial effects for the power station (based on the net carbon and energy offset) and minor positive non-significant beneficial effects for transport of workers and goods and accommodation of construction workforce.

12.3. ISSUES DISCUSSED DURING THE EXAMINATION

- 12.3.1. The main issues relating to Climate Change considered during the Examination included;
- compliance with requirements of NPS EN-1 and EN-6;
 - sea level rises and storm surges;
 - flood risk
 - compliance with WG policies; and
 - compliance with 2018 UK Climate Projections.
- 12.3.2. The Examining Authority (ExA) examined these issues through written questions [PD-009 and PD-013] and in two ISHs on 11 January and 8 March 2019 [EV-20s and EV-048]. Concerns relating to these issues were expressed throughout the Examination by, Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC), Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW), the environmental NGOs (eNGOs) and several IPs including People Against Wylfa B (PAWB), Greenpeace UK and IPs concerned with transboundary issues. These issues are discussed below.

Compliance with NPS EN-1 and EN-6

- 12.3.3. The ExA, in its first written questions [PD-009] sought clarification from the Applicant on how it had fully complied with the requirements of NPS EN-1 and EN-6 regarding climate change and, in particular, with adaptation. The Applicant [REP2-375] provided a comprehensive response to Paragraph 4.8.6 of NPS EN-1, including using the latest UK Climate Projections (2009) to ensure it had identified appropriate mitigation or adaptation measures for the estimated lifetime of the infrastructure.
- 12.3.4. The Applicant also considered climate change impacts related to flood risk during operation and decommissioning, coastal change for marine facilities, coastal erosion, sea level rises and surface and groundwater due to drier summers. Paragraph 1.4.76 of ES Chapter B1 [APP-066] stated that *"The design has considered predicted climate change trends up to the year 2183 (the expected end of spent fuel storage and decommissioning)"*.
- 12.3.5. With respect to adaptation, satisfying Paras 4.8.7, 4.8.8 and 4.8.10 of NPS EN-1, the Applicant [REP2-375] explained that two future scenarios had been considered in wave modelling and pluvial and fluvial flood events ("reasonably foreseeable" and "credible maximum") at 2087 (the end of power generation) and 2187 (the end of de-commissioning). The Power Station site platform and Cooling Water System, the critical parts related to operation of the Power Station had been designed to not be affected by sea level rise up to the year 2183. The Applicant continued that *"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. As such, the potential for additional adaptation measures to be added through detailed design is considered to be small, with the potential for those adaptation measures to result in consequential environmental effects also considered to be small"*.
- 12.3.6. Greenpeace [REP2-293 and REP7-013] commented that since the designation of the NPS in 2011, there had been a significant number of relevant changes of circumstance, including: a radical development in climate change science, independent expert recommendations, plus international commitments which post-date the policy.
- 12.3.7. In [REP7-013] Greenpeace expanded on the announcement in February 2019 of an inquiry into the future of UK energy by the Business Energy and Industrial Strategy Committee which would consider whether to change the Government's current approach to delivering a low cost, low carbon energy system, describing the 'giant hole' which had developed in the UK energy policy and admitting that the prospects for nuclear were "looking unclear".
- 12.3.8. The ExA acknowledge the points made by Greenpeace and have considered these in its discussion in Chapter 5 of this report on policy and need.

Sea level rises and storm surge

- 12.3.9. A number of IPs, including [RR-032, RR-060, RR-074, RR-127, RR-131, REP2-352, REP4-048 and REP4-052] both from within the UK and other European States, expressed concern about the impacts of climate change on sea level rises, storm surges and the heating of oceans. The Applicant [REP2-375] accepted that sea level rise was a key concern and that, the proposed development had been designed to account for predicted sea levels at 2183. The Applicant also confirmed that other climate change features that were considered during the design of the proposed development included sea temperature changes; increase in precipitation; and changes in wind speed, air temperature and humidity.
- 12.3.10. NT [REP2-316] expressed particular concern regarding wave modelling in relation to Bae Cemlyn/Cemlyn Bay and possible overtopping of Esgair Gemlyn shingle ridge. It considered that there was an over-reliance on hydrodynamic modelling and wave modelling with only very limited use of other assessment approaches including analysis of field data, historical survey and background environmental information; with no apparent use of physical modelling. This issue is discussed in the Coastal Processes and Coastal Geomorphology section of this Chapter and HRA Chapter 7 of this report.
- 12.3.11. The eNGOs [REP2-361] considered that the creation of the MOLF and flood defence structure of the breakwaters had significant potential to compound impacts and increase the levels of uncertainty of those impacts and outcomes in-combination with those of climate change. The proposed development would change coastal geomorphological processes and wave action particularly for localised effects of storm events.
- 12.3.12. In response to the ExA's first written questions [REP2-375] the Applicant stated that the sensitivity of the MOLF, breakwaters, and Cooling Water System to inundation were classed as low, as these were water compatible and future overtopping would not adversely affect the structures. The use of the MOLF would be restricted to appropriate operating conditions to avoid exposure of people, assets or materials to unnecessary risk. While most bulk materials and AIL components would be delivered through the MOLF during construction, it would only be used very infrequently during operation, linked to the delivery of AIL (likely to be less than one per year).
- 12.3.13. The Applicant confirmed it was also assessing the potential impacts of all external hazards, including hazards arising from flood and coastal erosion on the power station design, operation and decommissioning. These matters would form part of the Safety Case, integral to the nuclear site-licencing arrangements independently regulated by the ONR.
- 12.3.14. The ExA notes that the application for the nuclear site licence has been withdrawn by the Applicant [REP10-037] as a result of the suspension of the project so it cannot rely on the content of this licence.

Flood Risk

- 12.3.15. Both IACC [REP2-077] and NRW [REP2 325] expressed concern regarding potential flooding as a consequence of climate change, along with IPs from Austria and Poland commenting on transboundary issues [RR-139, RR-141, RR-143].
- 12.3.16. In its LIR [REP2-077] IACC was concerned about an increase in flood risk to receptors on the Nant Cemaes (Brookside Garage and adjacent residential properties) during both construction and operational phases. It requested details of mitigation to be included as part of the dDCO and confirmation that mitigation measures were feasible and deliverable to mitigate the increased flood risk, during both the construction and operational phase. IACC also asked for evidence that the proposals were compliant with NPS-EN1 and TAN15 in addition to JLDP policy PS 5.
- 12.3.17. In addition, IACC [REP2-079] expressed concerns about potential flooding at Dalar Hir Park and Ride, as the Applicant's modelling [APP-273, Figures 7.1 and 7.2] indicated that some areas of car park could flood to depths in the 1m to 1.5m deep band.
- 12.3.18. NRW [REP2 325] had significant concerns about the A5025 Off-line highway improvements at Valley. It was concerned that the tidal defence embankment would be overtopped when climate change was considered for the lifetime of the development. It also stated that the impact the works would have on flood risk elsewhere had not been assessed should a failure or breach of the tidal defence occur.
- 12.3.19. At Llanfachraeth (Section 3), NRW considered that if the proposed development was constructed, the water level immediately upstream of the bypass would increase in the Afon Alaw and Afon Llywenan in all flood events. It considered that achieving the mitigation referred to in Table G8-8 [APP-323] which would involve "...*minor ground reprofiling without increasing flood risk elsewhere....*". had not been demonstrated. It was also unclear if this could be carried out within the current DCO application limits. NRW therefore advised it was unclear whether the proposed development was compliant with TAN15.
- 12.3.20. All of these concerns are discussed in the Water Resources section of this Chapter.
- 12.3.21. To summarise, the ExA concludes that flood risk from climate change are not matters which should weigh against the Order being made for the reasons set out in the Flooding and Drainage section of this Chapter.

Compliance with Welsh Government Policies

- 12.3.22. The ExA requested at first written questions [PD-009] the Applicant to confirm that the proposed development would help deliver the following:
- Climate Change Strategy for Wales (Welsh Government, 2010);
 - Low Carbon Revolution – Welsh Government Energy Policy Statement (2010); and
 - Energy Wales: A Low Carbon Transition (2012 and 2019).

- 12.3.23. In response, the Applicant [REP2-375] stated that *"the application for development consent delivers the objectives and goals set out in all relevant national and local policy and guidance including the documents referred to in this question"*.
- 12.3.24. Regarding the Climate Change Strategy and Energy Wales, the Applicant explained that Sustainability Statement [APP-426] section 4.2 provided a list of relevant plans, policies and programmes that the Applicant had reviewed to develop the SA framework. This list included the 'Climate Change Strategy for Wales 2010' (CCSW) and 'Energy Wales: A Low Carbon Transition 2012' and the 2019 update. The Planning Statement Appendix G provided analysis and evidence in relation to the urgent need for low carbon energy such as new nuclear power, over and above that considered in NPS EN-1 and EN-6. This was summarised in section 5.2 of the Planning Statement [APP-406].
- 12.3.25. The Carbon and Energy Report [APP-423] also referred to the CCSW and the WG's vision in the CCSW was reflected in the Applicant's Corporate Sustainability Policy. The Energy Wales: A Low Carbon Transition 2012 document was also reviewed by the Applicant to inform and set the context for the Carbon and Energy Report.
- 12.3.26. In 'A Low Carbon Revolution - The Welsh Assembly Government Energy Policy Statement 2010', the WG's key aim was to maximise the short and long-term benefits for Wales' economy and society of the move to a low carbon energy system. The Applicant stated that while *"this document is not specifically referred to within the application documentation, the Sustainability Statement recognises the importance of low carbon energy. In addition, the Carbon and Energy Report sets out a number of existing carbon and energy management measures as an inherent element of sustainability which have been incorporated within the Project to date and which will be considered during iterative design development throughout the Project's lifecycle"*.
- 12.3.27. At Deadline 5, IACC submitted its Topic Paper 7: Climate Change [REP5-059]. IACC stated that although "the County Council is not the consenting authority for the NSIP, it will seek to ensure that development has regard to the strategic policies and principles of the Development Plan (the Anglesey and Gwynedd Joint Local Development Plan (JLDP)), the relevant NPPs, national (Wales) planning policy and guidance, and Supplementary Planning Guidance. The JLDP is the spatial plan that gives effect to, inter alia, the Anglesey Economic Regeneration Strategy and the Energy Island Programme (EIP)". In addition to the national policies listed above, the Topic Paper also considered the Environment (Wales) Act 2016, TAN 8: Renewable Energy (2005), TAN 12: Design (2016), TAN 14: Coastal Planning (1998), TAN 15: Development and Flood Risk (2004), TAN 18: Transport (2007) and Wales Spatial Strategy (2008).
- 12.3.28. The conclusion of the Topic paper was that the Applicant *"will need to include guidance and detailed criteria which seeks to ensure that the Wylfa Newydd Project tackles and adapts to climate change"*. In its SoCG

with the Applicant [REP8-019], IACC was satisfied that the design of the development would allow it to adapt to the effects of climate change.

- 12.3.29. There was no further discussion of compliance with Welsh policies throughout the Examination. The ExA is content that the explanation the Applicant has provided in respect of compliance with relevant climate change policies.

Compliance with 2018 UK Climate Projections

- 12.3.30. The ExA was aware that new UK Climate Projections were published in November 2018 shortly after the Examination of the application started. Therefore, in the second ISH on Biodiversity on 11 January 2019 [EV 020s] the ExA in accordance with 4.8.6 of NPS EN-1, requested the Applicant to provide an update of the potential impacts of climate change based on the latest predictions to ensure that it had identified appropriate mitigation and adaptation measures for the proposed development.
- 12.3.31. At the second ISH on Biodiversity, on 11 January 2019 the Applicant [REP4-006] responded that the standard UK Climate Projections 2018 output did not yet include a full data set, for example it did not include sea surface temperature, which was required to confirm/calculate the surface heat flux coefficients used in the wave model. Although the Applicant did not have the data, it agreed to provide a qualitative assessment of the Application against the 2018 projections.
- 12.3.32. The Applicant submitted into the Examination Appendix 1-6 of [REP5-056] which provided the qualitative predictions. Its conclusions were that:
- rainfall intensity was likely to increase, however UKCP09 values remained the best available at the present time;
 - peak river flows were slightly higher than UKCP09 peak flows, based on Environment Agency assessments in England. The same might be expected in Wales and Anglesey on the basis of the changes in precipitation noted in Section 2.3.3 and 2.3.4 of the Appendix [REP5-056]. Until detailed predictions were available, UKCP09 values remained the best available at the present time; and
 - wave height information was not available, however, based on predicted slight increases in wind speed in the second half of the 21st century, wave heights were expected to increase, albeit the degree to which there was an increase could not be quantified.
- 12.3.33. Overall, the Applicant considered that the information available from UKCP18 did not sufficiently differ from UKCP09 projections used within the study, to indicate that further resilience or adaptation mitigation was required. It considered that this was consistent with the Met Office's view that *"results in the latest set of climate projections are broadly consistent with UKCP09"* and that *"UKCP18 sea level rise is projected to be higher than in UKCP09, but this increase has already been factored into current adaptation planning."*

- 12.3.34. The ExA is content that the Applicant has complied, within the limits of available data, with the 2018 UK Climate Projections.

Adapting to Climate Change

- 12.3.35. In its LIR, [REP2-077] IACC quoted its policy GP20 Adapting to Climate Change;

"Requires appropriate inclusion for the effects of climate change in designs, with regards to remaining operational during times of flooding, compensatory flood storage, uses of SuDS, requires flood warning and evacuation plans.

Policy therefore provides support to require Horizon to ensure the flood risk measures are 'comprehensive'; and to ensure that the natural environment is fully protected".

- 12.3.36. IACC considered that the submitted application did not provide sufficient confidence that the Tre'r Gof SSSI could be protected through detailed design and engineering measures as expected within NPS EN-6 and stated that the potential loss of the SSSI *"would be contrary to national (PPW) policy and to local policy particularly JLDP Policy PS 19"*.

- 12.3.37. Notwithstanding the Applicant's accepted major adverse residual effects on terrestrial and freshwater ecology at Tre'r Gof SSSI [APP-391], by Deadline 8 in its SoCG with the Applicant [REP8-019], IACC was satisfied that *"the design of the development will allow it to adapt to the effects of climate change"*.

12.4. CONCLUSION

- 12.4.1. In terms of compliance with the requirements of NPS EN-1 and EN-6 the ExA concludes that the Applicant has complied with the requirements.

- 12.4.2. The ExA concludes that climate change impacts resulting in sea level rises and storm surges, flood risk and dispersion modelling are not matters which should weigh against the Order being made.

- 12.4.3. The ExA also concludes that the proposed development is in compliance with WG policies and within the limits of available data, 2018 UK Climate Projections. The ExA draws the SoS's attention to the fact that more detailed data sets and modelling of the 2018 projections are anticipated in 2019 and may need to be considered in determining this Application.

The need for any changes to the dDCO and control documents

- 12.4.4. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to climate change.

13. LANDSCAPE AND VISUAL EFFECTS

13.1. INTRODUCTION

- 13.1.1. National Policy Statement (NPS) EN-1 observes in paragraph 4.5.3 that: "Whilst the applicant may not have any or limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation." NPS EN-6 states: "The decision maker should consider how good design can act to mitigate the impacts of new nuclear power stations, such as landscape and visual impacts" (paragraph 2.8.3.).
- 13.1.2. For any Nationally Significant Infrastructure Project (NSIP) as large as a nuclear power station, and particularly for one located in a remote and comparatively undeveloped landscape, achieving 'good design' will be closely linked to the way in which landscape and visual impacts are mitigated and vice versa. A point made in paragraph 4.5.3 of NPS EN-1.
- 13.1.3. This chapter examines landscape and visual effects and their mitigation and provides a context for the examination of 'good design' in chapter 14 that follows.
- 13.1.4. The Examining Authorities (ExA's) discussion of the Examination of the effects of the Application on landscape and visual matters are set out below, including a brief explanation of the Applicant's case; a review of the planning issues, including the principal issues raised during the examination; the policy considerations and the ExA's conclusions.

13.2. POLICY CONTEXT

National Policy Statements

- 13.2.1. NPS EN-1 (paragraph 5.9.5) directs the Applicant to carry out a landscape and visual assessment and report it in the Environmental Statement (ES). The assessment should include effects on landscape components, on landscape character and on views and visual amenity during the construction of the project and its operation (paragraph 5.9.6). Factors that should be considered when judging landscape impacts include existing character of local landscape, its current quality, how highly it is valued and its capacity to accommodate change (paragraph 5.9.8).
- 13.2.2. NPS EN-1, paragraph 5.9.8, also accepts that virtually all nationally significant energy infrastructure projects will have an effect on the landscape, but the aim should be to design the project carefully, taking account of the potential impact on the landscape, minimising harm and providing reasonable mitigation where possible and appropriate. It explains, in paragraphs 5.9.14-5.9.17, that outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly

restrict acceptable development. It explains that the decision maker should consider whether any adverse impact is temporary, such as during construction and/or whether any adverse impact on the landscape is capable of being reversed in a timescale that the decision maker considers reasonable. The decision maker should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape by including relevant mitigation.

- 13.2.3. Paragraph 5.9.10 in NPS EN-1 confirms that the decision maker may grant development consent in nationally designated landscapes, such as Areas of Outstanding Natural Beauty (AONBs), in exceptional circumstances.
- 13.2.4. It also states (in paragraph 5.9.13) that the fact that a proposed project would be visible from within a designated area should not in itself be a reason for refusing consent.
- 13.2.5. NPS EN-6 states (paragraph 3.10.8) that the decision maker should not expect the visual impacts associated with a nuclear power station to be eliminated with mitigation. It recognises that the scope for visual mitigation will in fact be quite limited. Mitigation should, however, be designed to reduce the visual intrusion of the project as far as reasonably practicable.
- 13.2.6. NPS EN-6 recognises that for this site (paragraphs C.9.71 and C.9.72) there are likely to be some long lasting adverse direct and indirect effects on landscape character and visual impacts on the AONB. Further detailed assessment is therefore required to understand these effects and whether they affect the purpose of the designation.

Welsh Policy

- 13.2.7. Planning Policy Wales (Edition 10, December 2018) (PPW), explains (paragraph 6.3.3) that all the landscapes of Wales are valued for their intrinsic contribution to a sense of place and that decision makers should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits that they provide, and their role in creating valued places. In AONBs (paragraph 6.3.7) it emphasises that great weight should be given to conserving and enhancing the natural beauty of AONBs but that special considerations apply to major development proposals that are more national than local in character (paragraph 6.3.10).

Local Policy

- 13.2.8. The Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (the JLDP) comprises the statutory development plan for the area. Strategic policy PS 19 seeks to manage development to conserve and where appropriate enhance the Plan areas distinctive natural environment, countryside and coastline. It states that proposals that have a significant adverse effect on them will be refused unless the need

for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and the area in question.

- 13.2.9. Strategic Policy PS 9 deals specifically with Wylfa Newydd and related development. It advocates that the "scheme layout and design and the scale of open spaces, landscaping, planting (including hedging and tree belts), waterways and similar features proposed should avoid, minimize, mitigate or compensate for visual, landscape and ecological impacts on the local and wider area, as well as on cultural and historic aspects of the landscape, both in the short and longer term. Proposals will be expected to be commensurate with the scale of the development and the extent of its impact."
- 13.2.10. Further detailed guidance is provided in GP 21 of the Wylfa Newydd: Supplementary Planning Guidance (2018) (the SPG) which seeks to ensure that the Island's unique and distinctive natural environment is conserved and, wherever possible, enhanced. It requires the Applicant to demonstrate that the proposals would not have an adverse impact on, amongst other things, important landscapes including the Anglesey AONB and heritage coast; local landscape character with reference to Special Landscape Areas and Landscape Character Areas; seascape and the Wales Coast Path. Where adverse impacts cannot be avoided then appropriate mitigation and/or compensation measures will require to be implemented.
- 13.2.11. Policy CCC 3.1 of the Isle of Anglesey AONB Management Plan (2015) states that all development proposals within and up to 2km adjacent to the Anglesey AONB should be subjected to rigorous assessment to reduce inappropriate Development and Policy CCC 3.2 states that all new development within and up to 2km adjacent to the Anglesey AONB should adopt the highest standard of design, materials and landscaping to ensure that they complement the special qualities of the AONB.

13.3. **APPLICANT'S CASE**

- 13.3.1. The Applicant's case in respect of Landscape and Visual effects is set out in the Planning Statement [APP-406].
- 13.3.2. The Applicant provides:
- An assessment of the landscape and visual effects of the Application including reference to the relevant landscape character assessments and associated studies in addition to local policies.
 - The visual impacts from artificial light, steam and smoke in accordance with the requirements of paragraphs 5.9.7 and 5.9.20 in NPS EN-1.
- 13.3.3. In the ES [APP-129] the Applicant describes the assessment of potential landscape and visual effects resulting from the construction, operation and decommissioning of the Power Station, other on-site development, Marine Works and the Site Campus within the Wylfa Newydd Development Area (WNTA). Appendix A sets out the measures proposed

to mitigate construction and operational effects (as well as consideration to the decommissioning stage) and addresses the effect of development within the WND A on the Anglesey AONB and the North Anglesey Heritage Coast.

- 13.3.4. As the Applicant observes: *"The key issue for the landscape and visual impact assessment is the scale of the Power Station in relation to the existing landscape and seascape context and its appearance in views from the surrounding area. Due to the scale and nature of the Power Station, the residual effects remain significant following additional mitigation for nearly all of the landscape and visual receptors. This is the case despite substantial measures to reduce the impact set out at tables 4-2 to 4-4 of Appendix A"*. [APP-406].
- 13.3.5. The Applicant's assessment of landscape and visual effects in relation to the WND A [APP-406] can be summarised as:
- Directly affected areas of the AONB will receive a major significant residual adverse landscape impact during the construction period due to the construction of a landscaped mound within the AONB. As the landscaping matures, the impact on the directly affected areas of the AONB is likely to reduce to a moderate adverse impact by the 15th summer following planting. (paragraph 2.4.263)
 - Major adverse impacts on localised areas of the Heritage Coast have also been identified for the duration of the construction and operation periods due to the presence of the construction project and Power Station. (paragraph 2.4.264)
- 13.3.6. Although the construction and operation phases for the WND A would result in significant residual effects on non-designated wider landscapes the effects would not be so damaging that it would not be offset by the benefits, in accordance with paragraph 5.9.15 of NPS EN-1. (paragraph 2.4.268).
- 13.3.7. The Applicants summary of the landscape and visual impact effects for the Off-Site Power Station Facilities and each of the Associated Development sites is that: *"Whilst the design of each of the proposals has sought to minimise adverse impacts on landscape and reduce any visual intrusion as far as possible, there are likely to be a number of significant adverse residual effects on non-designated wider landscapes and local landscape character. These impacts would however be largely temporary and would be reversed through restoration after the construction phase"*. (paragraph 2.4.271 [APP-406])
- 13.3.8. The Applicant summarises its case in relation to the AONB at paragraph 6.4.266 of the Planning Statement [APP-406]: *"it can be concluded that the benefits of the Wylfa Newydd DCO Project, the approach to site selection and the specific need for Development within the AONB represent exceptional circumstances which justify the elements of the Wylfa Newydd DCO Project that are located within the AONB and North Anglesey Heritage Coast"*.

13.4. MITIGATION OF EFFECTS

- 13.4.1. The Applicant seeks to mitigate the significant effects on landscape character and a range of visual receptors during construction, operation and decommissioning, on all sites, but particularly in and around the WNDA, in a variety of ways. In several instances the form of mitigation is designed to address both landscape and visual effects such as the use of mounds. The Applicant's clear strategy is to mitigate at source, within the Order Limits; however, by the end of the Examination mechanisms for off-site mitigation were secured through the signed s106 Agreement [REP10-009].
- 13.4.2. The Applicant defines three approaches to mitigation - 'embedded', 'good practice' and 'additional' mitigation – which would be secured through the dDCO [REP10-006] in a number of Requirements, discussed later in this chapter; the Wylfa Newydd Code of Construction Practice (CoCP) [REP10-018] and the range of sub-CoCP's [REP10-020, 022, 023, 025, 027, 028]; the Landscape and Habitat Management Strategy (LHMS) [REP8-063]; the Design and Access Statement (DAS) [REP8-021; REP8-044; REP8-045; REP8-046]; a number of plans and drawings referenced within the dDCO and the signed s106 Agreement [REP10-009].

13.5. PLANNING ISSUES

Introduction

- 13.5.1. Figure 2-9 Environment, landscape and heritage designations of the LHMS [REP8-063] shows the main statutory landscape designations in and around the WNDA, that formed the focus of the Examination.

Interested Party submissions

- 13.5.2. In its Local Impact Report (LIR) [REP2-077] Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) summarises its view on landscape effects as:
- Long term Negative direct and indirect impacts could significantly affect the ability of the AONB and Heritage Coast to fulfil their purposes in this part of North Anglesey. Consequently, suitable mitigation and compensation proposals will need to be agreed and secured.
 - There should be DCO requirements that require detailed surveys, landscape and other schemes to be submitted to and approved by IACC prior to the commencement of works on site, in order to ensure that the design principles and mitigation measures are achieved.
 - Further to this, there should be s106 obligations for the provision of a Community Environmental Fund to facilitate off-site planting and an Environmental Fund to fund landscape improvements in parts of the AONB and Heritage Coast.
- 13.5.3. In its summary in relation to visual effects the LIR [REP2-077] makes the following points, which were discussed during the Examination:

- 13.5.4. The extent of the adverse significant visual effects within the communities of Cemaes, Tregelle and Llanfairynghornwy due to the construction and operation of the development within the WNDAs has not been fully defined in the visual impact assessment. IACC assess that some residents in properties sited outside the boundaries of these communities will sustain adverse significant visual effects.
- 13.5.5. The importance of the detailed design of construction activities and parts of the operational WNDAs site to minimise adverse visual impacts to ensure both that the development is screened as effectively as possible and the visual amenity of residents is enhanced. IACC expressed concern that the potential for this on-site enhancement is not always apparent in the information provided.
- 13.5.6. Residual negative significant effects should be compensated through use of a well-funded Community Resilience Fund (CRF) to implement and manage a range of environmental projects.
- 13.5.7. The need to ensure that the design of the temporary and permanent diversions of the Wales Coast Path within the WNDAs ensures that the diversions do not result in this section of the Wales Coast Path becoming visually unattractive. Beyond the WNDAs, the CRF must be used to reduce the proportion of the Copper Trail/National Cycle Route (NCR) 566, Open Access Areas, local PROWs and local roads where negative significant effects will be sustained by their users.
- 13.5.8. Several IPs expressed concern at proposed developments effects on the landscape, especially the designated landscapes, and visual amenity [RR-007; RR-008; RR-056; RR-057; RR-060; RR-063 and RR-101]
- 13.5.9. Cyfoeth Naturiol Cymru/National Resources Wales (NRW) agreed with the conclusions in the ES and its assessment of effects relating to the Anglesey AONB. It advised that detailed proposals would need to be submitted to ensure that mitigation of impacts upon the AONB are fully developed and to confirm that the power station's landscape and visual integration with the AONB has been developed to best effect. [RR-088].
- 13.5.10. The National Trust (NT) expressed the view that: "*Landscape harm in and adjoining the Anglesey AONB is underestimated and inadequate mitigation and compensation is proposed*" [RR-053].
- 13.5.11. Welsh Government (WG) requested greater detail on the design of the proposed landscaping around Wylfa Newydd, as well as visualisations which show how the power station will appear in adjacent views. [REP1-092].
- 13.5.12. The principal issues discussed in the Examination, the ExA's conclusion in relation to each one and any matters outstanding at the close of the Examination are discussed below in relation to:
- Mounds as key elements of landscape mitigation;
 - Landscape fabric assessment;
 - Dame Sylvia Crowe Woodland;

- Anglesey AONB and North Anglesey Heritage Coast;
- Visual impact on residential receptors;
- Visual impact on users of Public Rights of Ways (PROWs); and
- Nuclear waste fuel stores.

Mounds

- 13.5.13. Within and around the WNDA the Applicant recognised that the dominant terrestrial existing natural character consisted of a post-glacial drumlin landscape: *"This extensive area, covering most of the eastern part of north Anglesey, stretches from Cemaes and Llyn Alaw in the east to the northwest coast and the A55 in the west. The basket of eggs glacial landscape of smooth oval hillocks and damp hollows is typically covered with regular medium-sized fields with hedges, mainly pasture for sheep and cattle, with some arable land...."* [APP-194]
- 13.5.14. Further it recognised that in her landscape design for the existing Wylfa Power Station Dame Sylvia Crowe had sought to replicate this drumlin-type landscape by creating two mounds (artificial drumlins), which when planted hid much of the low-level buildings and apparatus from receptors to the north, east and south, thereby giving increased prominence to the much larger, more sculptural in appearance, reactor buildings.
- 13.5.15. The Applicant's principal landscape and visual mitigation to the adverse effects of constructing the proposed development is to recreate a 'drumlin' landscape around the main power station site by using excavated material to create five mounds to both restore a key landscape element and provide visual (and noise) mitigation particularly for residents of Cemaes and Tregale as well as receptors at a greater distance [REP8-063].
- 13.5.16. A series of illustrative drawings show how it is envisaged the landscape would be reshaped to accommodate the development within the WNDA from the existing landform through construction and operation [REP8-026]. At the request of the ExA the Applicant provided an illustrative drawing of the landscape as envisaged post-decommissioning when the two nuclear waste storage facility buildings (Work No 1D) would remain in situ [REP8-011].
- 13.5.17. The Phasing Strategy [REP10-032] sets out how the key mitigation (including the five landscape mounds) will be delivered, their sequencing, the various timings for delivery or 'triggers' that must be met and the restrictions that would be applied to the construction programme if the 'trigger' timetable was not met. The Phasing Strategy would be secured by Requirement PW2 of the dDCO [REP10-006].
- 13.5.18. The Construction Method Statement [REP8-042] sets out how the Applicant would approach constructing the main power station site, including a summary of the approach to constructing the Mounds and more detailed information on issues around Mounds B, D and E [REP 8-011]. The LHMS [REP8-063] explains how the WNDA landscape, including the mounds, would be planted and maintained. Drawing no WN0902-HZDCO-LFM-DRG-00005 – Operation (Reference Point 5) illustrates the

landscape and planting proposals during operation according to the principles in the LHMS [REP8-026].

- 13.5.19. The Mounds comprise Work No.2 in the dDCO [REP10-006]. Their construction, profiling, landscaping and maintenance would be secured through the lifetime of the project as follows:

Construction

- PW2 – ensures Key Mitigation would be delivered in accordance with the Phasing Strategy;
- PW3 – ensures the development would be carried out in accordance with the Construction Method Statement;
- WN1 – ensures that Work No.2 would be carried out in accordance with the WNCOP and the relevant sub-CoCPs;
- WN4 – secures the Construction Parameter Plans, including at WN4A, WN4B and WN4C the maximum height and gradient of temporary mounds;
- WN10 – secures mechanisms for protecting landscapes and habitats retained, created or enhanced during construction;
- WN11 – requires the submission of management schemes for approval by IACC, in consultation with NRW, of landscaping agreed under WN10.

Operation

- WN12 - secures submission to IACC for approval of a final landscape and habitat scheme for the WNDA within 24 months of the First Nuclear Concrete for Unit 1. The scheme to be prepared in accordance with the overarching and operational principles in Chapter 4 of the LHMS and the Wylfa Newydd Development Area Retention Plans – including 'areas of permanent mounding and associated landscape treatment'.
- WN14 – secures the Operational landscape and habitat management scheme to be approved by IACC in consultation with NRW, including at (3) that it must accord with the management principles of Chapter 7 of the LHMS. The ExA is concerned that the use of 'anticipated date' is not precise. It recommends the replacement of '*Prior to anticipated date*' to '*six months prior to the completion of..*' NWWT sought a 12 month period but the ExA consider that six months would be appropriate. This change is considered to be necessary to provide precision and enable enforcement if necessary.

Decommissioning

- PW10 – secures at 2(c) for those areas upon which construction has taken place 'landscaping and site restoration to the equivalent pre-construction land use (including provision for existing landscaping to remain in situ and habitat enhancement and creation)'; and at (6) that 'no decommissioning scheme is required in relation to Work No's 2, 8, 9, 10, 11, 12, 13, 14, 15, and 16.'

- 13.5.20. During the Examination particular concern was expressed about mounds B and E, which are discussed below.

Mound B

- 13.5.21. Mound B would be located immediately to the north and west of the A5025 between Cemaes and Tregele and is regarded by the Applicant as essential to provide early mitigation for visual and aural protection to nearby residents during construction and, in its final form, a landscaped visual barrier during operation. The Applicant provided a series of wireline and illustrative visualisations showing how the proposed mounds would provide mitigation for visual and aural effects during construction from a number of viewpoints including Tregele and Cemaes [REP6-018 and REP6-019].
- 13.5.22. IACC [REP8-019] was particularly concerned about the potential impact on residents of Tregele of proposed Mound B. Specifically, in relation to its maximum heights, gradient and sculpture and the proposal to re-work the mound, which would have an impact on the ability of any planting to establish and to perform their desired functions. IACC were seeking further control mechanisms within the LHMS over phasing, steepness, planting timetable and maintenance in order to protect the amenity of existing residents, communities and recreational users. The Applicant argued that IACC would have sufficient control through the CoCPs and Construction Method Statement to influence these factors.
- 13.5.23. Following discussion at the Issue Specific Hearing (ISH) on 4 March 2019 [REP7-001c] the Applicant produced a revised Construction Method Statement [REP8-042], which provided more detailed information on the approach to constructing Mounds B, D and E including the dimensions, design parameters, drainage, profiling and reprofiling during construction and their sequencing (paragraphs 6.1.37 to 6.1.63).
- 13.5.24. IACC responded [REP9-031] welcoming the additional information and stating that the approach to Mound B now outlined would be acceptable and that, at detailed design stage, IACC would be seeking further information on the design, location and appearance of the 2m high 'environmental barriers'.
- 13.5.25. The ExA is satisfied that, in the light of the detailed method statement now included within the Construction Method Statement [REP8-042]; the Phasing Strategy; LHMS; WNCocP [REP10-018] and the Main Power Station Site sub-CoCP [REP10-020](all certified Documents under Schedule 16 of the dDCO [REP10-006]) and IACC's responsibilities set out in the dDCO [REP10-006] to determine final schemes for construction landscape management (WN11); the final landscape scheme (WN12) and operational landscape management (WN14) there would be sufficient security to ensure that the Applicant's approach to the construction, landscaping, reprofiling and maintenance of Mound B, could be delivered to provide mitigation for the loss of visual amenity for nearby residents.

Mound E

- 13.5.26. Mound E would be constructed on land within the Anglesey AONB adjacent to land owned by NT (see further discussion below). In its

Statement of Common Ground (SoCG) with the Applicant [REP6-049] NT expressed concern that the impact on the AONB during construction is underestimated, particularly in relation to drainage infrastructure, and mitigation is not prioritised (drainage is discussed in Chapter 10). Furthermore, at the ISH on 4 March 2019 NT [EV-028-032] expressed concern that the revised wording of the first overarching landscape design principle in the Revision 3 of the LHMS [REP5-036] failed to address the need to minimise harm to the AONB during construction as well as operation, particularly in relation to Mound E.

- 13.5.27. IACC considered the ExA should require confirmation that the Applicant is committing to completing the earthworks, soiling and seeding of the western and northern slopes of Mound E at an early stage in the construction phase, to limit impacts on NT land [REP9-031]. The Applicant responded that its final position and clarification on outstanding matters related to Mounds B, D and E were reported into the Examination at Deadline 8 [REP8-011] and secured in the revised Construction Method Statement [REP8-042] through Article 76 and Schedule 18 Certified Documents of the dDCO [REP10-006].
- 13.5.28. In the Construction Method Statement the Applicant states that the formation of Mound E would be in two distinct periods, prior to First Nuclear Concrete Unit 1 where the construction mound would be formed, which may remain until completion of Unit 2. It would be constructed to store material for use in the final landform and as such would be placed, seeded for a period of construction, and then reworked at the end of construction to finalise the mound. It would contain remediated soils from other parts of the site. After completion of Unit 1 the final reinstatement works may commence and may include the reworking of Mound E to move materials for the final landform. The works to the western side of Mound E (which faces the NT land) would be minimised, where possible, to achieve the final approved landform in accordance with the design principles of the LHMS [REP8-063] and, as areas of Mound E are completed, they would be seeded with a reclamation seed mix to stabilise the surface material to form a sacrificial grass coverage of the mound, during construction.
- 13.5.29. The Applicant states that the final operational landform would be developed in accordance with the secured principles set out in the LHMS [REP8-063] and would be subject to detailed design consideration by IACC in accordance with Requirement WN10 the final dDCO [REP10-006]. Accordingly, in the Applicant's view, the matters raised by IACC in their Deadline 9 submission should be considered at the detailed design stage. [REP10-013].
- 13.5.30. The ExA is not able to report that the issue of the visual impact of Mound E on the NT land within the Anglesey AONB during construction, that was raised by NT and IACC, is finally resolved. However, it is satisfied that sufficient controls would be in place to enable visual impacts on NT land and the adjacent AONB to be limited as far as possible and that these concerns could be further addressed at detailed design stage through the

Applicant's approach to the construction, landscaping, reprofiling, design, landscaping and maintenance of Mound E.

- 13.5.31. However, the ExA agrees with the Applicant's conclusion (paragraphs 4.2.199 and 4.2.201) of its Planning Statement that during construction the residual effect on the Anglesey AONB at the site of Mound E and in views from the adjoining NT land would be significantly adverse [APP-406].
- 13.5.32. It further agrees with the Applicant that while many operational effects would reduce over time, residual effects would remain significantly adverse at year 15 of operation, although the ExA acknowledge that there would be a softening of the impacts as vegetation matured and parts of the landscape were returned to agricultural and other uses, which would help 'further integrate the landscape mounding and Power Station' (paragraph 4.2.204 [APP-406]).

Dame Sylvia Crowe Woodland

- 13.5.33. The Dame Sylvia Crowe Woodland, a non-designated landscape asset, is discussed at length in Chapter 9 Historic Environment. It is a distinctive element of the designed landscape planned by the eminent landscape architect Dame Sylvia Crowe as part of the setting of the existing Wylfa Power Station. The significance of the Woodland lies in (a) its role in providing screening and creating the setting for the Existing Power Station and (b) Dame Sylvia's approach to the integration of a major energy infrastructure development and the landscape. An approach the Application seeks to emulate.
- 13.5.34. Located to the south of the Existing Power Station it comprises two, steep-sided, heavily wooded artificial drumlins through which the Wales Coast Path passes. The woodland is within the WNDA Order area. The southernmost elements of planting are within the limits of deviation of Work No 1A and the remaining substantial area to the north would be affected by the limits of deviation for Work No 1H [REP10-006]. The Construction Method Statement [REP8-042] explains how the Cooling Water Outfall Tunnels will be constructed and Drawing No WN0902-HZDCO-MSP-DRG-00004 [REP8-042] the indicative alignment under the woodland.
- 13.5.35. Additional mitigation is proposed during construction [APP-129] including preparation of a management scheme and during operation appropriate management and enhancement.
- 13.5.36. The Applicant sets out its operational mitigation in respect of landscape and visual effects in the Planning Statement [APP-406] including 'management and enhancement of retained trees, scrub and hedgerows including Dame Sylvia Crowe designed woodland' and 'appropriate management and enhancement of the Dame Sylvia Crowe wooded mound, to manage its condition and safeguard its longevity and role in visually softening the Existing Power Station'.

- 13.5.37. This mitigation would be secured through the Wylfa Newydd CoCP [REP10-018] and Main Power Station sub-CoCP [REP10-020]; the LHMS [REP8-063] and the following Requirements in the dDCO [REP10-006]:
- Requirement WN 10 Construction landscape – secures the measures and principles in the CoCP, sub-CoCP and LHMS during construction.
 - Submission of the landscape and habitat management scheme for approval by IACC in consultation with NRW would be secured by:
 - Requirement WN11 Construction landscape and habitat management scheme; and
 - Requirement WN 14 Operational landscape and habitat management scheme
- 13.5.38. The ExA's opinion is made in respect of the Application that is before it. In its LIR [paragraphs 4.2.34-35, REP2-077] IACC submit that, in its opinion, the Applicant has not considered sufficiently the potential impact of the North Wales Connection Project, in combination with the Application, on the Designed Woodland and that it could have adverse impacts on its heritage, landscape, visual and ecological value. The application for a DCO in respect of the North Wales Connection Project was withdrawn during the course of the Examination, and therefore was not a matter the ExA has taken into consideration. The ExA does, however, remind the Secretary of State (SoS) that if the Connection project is brought forward in the future, careful consideration would need to be given to any impact on the Dame Sylvia Crowe Woodland.
- 13.5.39. The ExA is content that adequate mitigation would be in place to ensure the protection, management and enhancement of Dame Sylvia Crowe's Woodland as an important landscape feature during all phases of the project.

13.6. LANDSCAPE FABRIC ASSESSMENT

- 13.6.1. Throughout the examination IACC expressed concern that 'the assessment of impacts on landscape fabric had not been undertaken adequately' [REP2-077]. The Applicant responded that: *"whilst NPS EN-1 (Department of Energy and Climate Change, 2011) states that assessment should include effects on "landscape components and landscape character", the policy is not prescriptive on how this assessment should be done, nor does it state that the effects on landscape components and landscape character should be assessed separately. As explained in chapter D10 (landscape and visual) of the Environmental Statement (ES) [APP-129] at paragraph 10.3.3, [...] the effect on [...] constituent elements, such as trees, woods or hedgerows, has been considered as part of the effects on landscape and seascape character and not as individual receptors."* [REP3-004].
- 13.6.2. The concern was reiterated by IACC in the final SoCG with the Applicant [REP8-019]: *"assessments of impacts on landscape fabric have not been undertaken (contrary to NPS EN-1, paras 5.9.5 – 5.9.6)".* The Applicant argued that *"the effects on landscape fabric have been considered as part of the effects on landscape character"* and pointing out *"Requirement WN11 requires the submission of a Construction Landscape*

and Habitat Management Scheme which includes (2)(b) a scheme for retained and newly-created habitats, boundary treatments and landscaping". [REP8-019]

- 13.6.3. The MPSSsub-CoCP [REP10-020] sets out additional landscape and visual mitigation for the WNDA area, that would include:
- Landscape management during construction would include controls for the management and enhancement of retained trees, scrub and hedgerows, stone walls, cloddiau and watercourses from the area of Dame Sylvia Crowe designed woodland and new areas of landscaping to completed areas of landscape mounding and the control of unwanted plant species including invasive species.
 - Completion of a mapped record and register of field names within the WNDA site, where information is readily available.
 - A detailed survey would be undertaken of stone wall and cloddiau construction (vernacular detailing) and hedgerow/tree species for field boundaries to be removed, to help ensure a degree of authenticity and historical continuity in the reinstatement of these features as part of the final landscape scheme. This would cover the landscape elements that are to be retained as well as removed.
 - Stone would be saved from stone walls and cloddiau dismantled during Work No.12, to support the reconstruction and reinstatement of the characteristic landscape features removed during the works, in-line with the Landscape and Habitat Management Strategy.
- 13.6.4. The Applicant added that it held additional information that could be used to inform site restoration plans where required, for example in the form of 2017 aerial photographic survey data and topographical survey records that made up part of the Wylfa Newydd Site Preparation and Clearance Town and Countryside Planning Application [REP8- 011].
- 13.6.5. The Applicant notes in IACC's Deadline 9 response [REP9-031] that IACC *"Do not cite this SoCG item (landscape fabric assessment) as a remaining area of disagreement"* [REP10-014]; although it is not clear to the ExA whether this is a deliberate or accidental omission.
- 13.6.6. In its Overarching Principles for Landscape Design at Section 4.1 the Landscape and Habitat Management Strategy states that: *"Detailed landscape design will take into account landscape architecture, ecology and cultural heritage, including consideration of new field boundary design as part of restoration and agricultural field patterns, which may comprise hedgerows, cloddiau, drystone walls and woodland planting."* [REP8-063]
- 13.6.7. The ExA considers that, while landscape fabric was not the subject of a separate assessment in the ES, the Applicant has taken it into consideration in evaluating its assessment of landscape quality and character and the significant negative impact the proposed development would have on the existing landscape fabric within the WNDA during construction and permanently for the Main Power Station site during operation. It considers, on balance, that within the dDCO [REP10-006] there would be sufficient security that, in designing the construction and

operational landscapes for the WNDA, measures would be in place to adequately replace lost landscape fabric through Requirements WN10; WN11; WN12; WN14 and chapters 4 and 7 of the LHMS [REP8-063] and IACC's role as the decision-making body in respect of both landscape schemes and their management.

- 13.6.8. Parts of the WNDA are subject to exposed micro climates which can affect growth rates and the establishment of plants. However, this could be addressed by using plants of local provenance (plants which are grown from seed collected from healthy plants growing near to and in similar environmental conditions to the planting at the site) which the Applicant has agreed to do [REP9-006] in response to concerns raised by IACC. This approach would be secured in Schedule 3, Requirements at WN12, WN24, OFPSF4, PR6, LC5 and OH8 of the dDCO [REP10-006] and as a Planting Principle in Section 4 of the LHMS [REP8-063].
- 13.6.9. The ExA proposes amendments to the wording of WN12(2) to ensure it is consistent with other landscaping requirements within the DCO. WN12(2)(a) therefore is recommended to be amended to include mix and local provenance. Addition of WN12(2)(b) cultivation, importing of materials and other operations to ensure plant establishment. WN12(2)(h) amended to include (including stone walls, cloddiau, fences and gates).

Visual impact on residential receptors during construction and operation

- 13.6.10. While there was significant agreement about the visual effects of the project during both construction and operation (see for example paragraphs 3.2.11 and 3.2.18 REP2-077) IACC maintained throughout the Examination 'that the visual impact assessment contains no assessment of the visual impacts upon people living in residential properties that are sited outside the boundaries of the four communities' (Cemaes, Tregele, Llanfechell and Llanfairynghornwy) and that because some of these properties are sited close to the boundaries of WNDA and will therefore be close to the proposed large-scale earthworks, Mound formation and crane activities it is highly likely that these residents will sustain significant adverse visual effects during the construction period. (paragraph 3.2.13) [REP2-007]
- 13.6.11. The Applicant responded that the approach taken was to assess the visual impact on communities from publicly accessible locations rather than individual resident's views (which would form part of residential amenity) from private land and that this approach was set out in the methodology document provided to IACC and discussed during the stakeholder meeting held on 1 April 2016 where IACC expressed support for a community views approach to the assessment. [REP3-004]
- 13.6.12. During the Examination additional material was provided by the Applicant to illustrate the visual effects of construction from several locations and, particularly from the A5025 at Tregele [REP6-018-019] and Viewpoints 27 and 38 at Felin Gafnan [REP8-016]. A Supplementary Community

Views Assessment (appendix D10-A of the ES Addendum) [REP6-016] was submitted by the Applicant, which concluded:

- 13.6.13. The assessment of visual effects on the communities in Cemaes and Tregele presented in chapter D10 of the DCO ES [APP-129] does provide a worst-case assessment. The visual effects identified at all the supplementary representative community viewpoints are either within the existing range of effects identified for these communities or of a lower significance of effect than what is reported in chapter D10 of the DCO ES [APP-129].
- 13.6.14. The supplementary assessment and photomontages also demonstrate that the landscape mounding and planting mitigation set out in the LHMS [REP8-063] would provide mitigation for the effects on views from the communities of Cemaes and Tregele.
- 13.6.15. The residual effect on all of the supplementary representative community views from Cemaes would be minor adverse and therefore not significant by the summer of year 15 of operation.
- 13.6.16. While the residual effect on the supplementary representative community view within Tregele during summer year 15 of operation would be moderate adverse and therefore significant (in keeping with the assessment in chapter D10 of the DCO ES [APP-129]), the Power Station buildings would be successfully screened by the established woodland planting on the landscape mounding, with the exception of the top of the simulator and training building and filtered glimpses of the tops of the main stacks.
- 13.6.17. In the final SoCG between IACC and the Applicant [REP8-019] the adequacy of the residential visual impact assessment was recorded as an outstanding disagreement between the parties. IACC explained that in light of the illustrations of visual impact during construction at Tregele and Cemaes [REP6-018 and REP6-019] it recognised that the images 'support the need to secure funding of screen planting and/or fencing within the curtilages of these properties if requested by residents during the construction period and into the initial operational phase'. Both Applicant and IACC agreed this would be secured through the s106 Agreement [REP8-019].
- 13.6.18. In its request for further information [PD-021] the ExA asked at R17.5.2 how adverse visual effects on residential receptors and properties outside the main communities, but close to the WNDA, would be mitigated during construction. The Applicant responded at Deadline 9 by outlining a series of largely generic measures; but emphasising the importance of the proposed landscape mounds for residential receptors located close to the WNDA boundary (within 250 metres and up to a distance of 750 metres) as well as the visually recessive perimeter fence colour; retention and enhancement of existing landscape boundary features outside the perimeter construction fence, but inside the WNDA, which would provide mitigation for closer residents located within 250m of the WNDA

boundary; and the visually recessive colours of the Site Campus [REP9-006].

13.6.19. In its response to R17.5.3 [REP9-031] IACC maintained its position regarding the level of detail that had been provided in the visual assessment for receptors in the communities of Cemaes and Treglele and, in particular with the omission from the visual assessment of residential visual receptors at properties that are sited outside of the four included communities but close to or on the boundary of the WNDA, and concluded that the 'not agreed' status in the latest version of SoCG [REP8-019] must remain. However, it then went on to state:

- IACC is satisfied that the provisions that are now agreed within the s106, particularly the funding to be provided for screen planting and/or fencing within the curtilages of residential properties within the four communities and at properties that are sited outside these communities, provides the optimal mechanism for potentially reducing some of the agreed significant adverse visual effects for the construction and operation periods.
- IACC has reviewed the agreed relevant s106 obligations against the likely outcome had the visual assessment adopted the more fine-grained approach that IACC has been advocating and requesting since early 2018. IACC concludes that whilst the visual assessment would have provided a more detailed understanding of the distribution of and numbers of several groups of visual receptors who will sustain significant adverse visual effects, the net result would not have been to require any additional funding for off-site planting and/or other screening works to have been made available in the s106 obligation. Consequently, IACC is content with the 'agreed' status contained in SoCG (REP8-019).

13.6.20. The signed s106 Agreement [REP10-009] provides for an Environmental Mitigation Fund of which £505,000 is to be used for proposals to address the visual impacts of the Application on residents in the communities of Treglele, Cemaes, Llanfauthlu and Llanfachreath, and of individual property owners who fall outside of these communities, but nonetheless will be impacted visually from development on the Site or the A5025 Off-line Highway Sites. The Agreement defines the organisations who might apply to the fund and that it would be dispersed in consultation with the Environmental Engagement Group (it is agreed that the invited membership of the Environment Engagement Group would be IACC, the Developer, WG, Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW), NT, Ymddiriedolaeth Natur Gogledd Cymru/North Wales Wildlife Trust (NWWT) and the Royal Society for the Protection of Birds RSPB)). The Environmental Mitigation Fund would be open for allocation from the first anniversary of Implementation until five years after the end of the Construction Period.

13.6.21. Additionally, the signed s106 Agreement [REP10-009] provides for a £4m Community Fund, the purpose of which would be to mitigate cumulative impacts and any 'intangible and residual impacts' of the Wylfa Newydd DCO Project on communities through schemes, measures and projects

which promote the economic, social or environmental well-being of those communities and enhance their quality of life. At least 50% of this fund would be allocated to applicants from or projects in Tregele and Cemaes.

- 13.6.22. IACC maintained its not agreed position that the approach to the residential visual assessment is insufficiently detailed and that other aspects of the assessment, notably the lack of any assessment of visual effects upon residential visual receptors located outside of the four settlement is an omission.
- 13.6.23. These issues were discussed between the Applicant and IACC during the Examination, additional evidence was submitted, particularly of significant views during construction and a Supplementary Communities Views Assessment provided. As stated above, IACC recognised that these (additional) visuals provided further support for the need to secure funding of screen planting and/or fencing within the curtilages of these properties if requested by residents during the construction period and into the initial operational phase and were content that the additional resources to enable residential receptors to mitigate negative visual effects is provided through the s106 Agreement. Albeit the ExA acknowledges the very significant adverse visual change that the communities of Cemaes, Tregele, Llanfairynghornwy and Llanfechell and residents of several individual properties would experience during the life of the project.
- 13.6.24. The ExA acknowledges that an assessment of visual effects has been carried out and that there is agreement that the funding set aside for the finally agreed mitigation is adequate. However, the Applicant predicted major adverse significant visual residual effects on the communities of Cemaes and Tregele and moderate adverse significant effects on the communities of Llanfairynghornwy and Llanfechell during construction, reducing to minor adverse not significant for Cemaes and moderate adverse significant for Tregele and Llanfairynghornwy at year 15 of operation [APP-129].
- 13.6.25. As discussed earlier, additional mitigation has been introduced via the s106 Agreement [REP10-009] to enable visual impacts to be addressed off-site within communities and individual properties outside of the main communities. This is welcome, but does not allow the ExA to conclude a change in the Applicant's predicted residual effects. Consequently, it is the ExA's view, that consideration needs to be given to the weight to be applied to loss of visual amenity for residential receptors during construction and in the early years of operation. However, in accordance with NPS EN-6 (paragraph 3.10.8) mitigation has been designed to reduce the visual intrusion of the project as far as reasonably practicable and therefore loss of visual amenity in respect of community and individual residential receptors should not weigh against the granting of the Order.

13.7. AONB AND NORTH ANGLESEY HERITAGE COAST

- 13.7.1. Figures D10-7 and D10-8 [APP-237] show the Isle of Anglesey AONB in relation to the boundary of the WNDA. In addition:
- The Logistics Centre at Parc Cybi is located within the AONB.
 - The A5025 Off-line Highway Improvements are coterminous with the AONB boundary in a number of places; and
 - The Off-site Power Station Facilities development in Llanfaethlu is located on the A5025, opposite the AONB and visible from it.
- 13.7.2. The AONB would be directly affected by Work No2D – earthworks to establish Landscape Mound E (discussed earlier) and the construction lay down area at Porth-y-Pistyll (discussed in relation Cestyll Registered Garden under Historic Environment). Indirectly the AONB is affected by the impact of the WNDA proposals on views out of the AONB from both the east and, particularly, the west.
- 13.7.3. In its SoCG with the Applicant [REP8-019] IACC made clear its satisfaction with the Applicant's assessment of construction and operational effects; its recognition of the significance of both direct and indirect effects; and the compensation measures then in place.
- 13.7.4. In its submission [REP2-317] and summary [REP2-321] on landscape and visual issues NT expressed concern that the assessment of the impact on the AONB has been underestimated and consequently the effects on the Anglesey AONB and its setting have not been minimised. The Applicant responded to the issues raised by NT at Deadline 3 [REP3-028] pointing out that the effects on the landscape character of the AONB was assessed as major adverse during construction and Year 1 of operation reducing to moderate and remaining significant at Year 15 of operation and therefore the effects on the landscape character of the AONB have not been underestimated.
- 13.7.5. In its SoCG with the Applicant [REP6-049] NT expressed concern (at NT8) that the impact on the AONB during construction is underestimated by lack of detail, particularly in relation to drainage infrastructure and mitigation is not prioritised. NT considers that off-site mitigation is required given the scale of change. At NT15 it opined: *"inadequate reference is made to integration with the surrounding landscape and its existing ecological position. The restored site risks being incongruous to the surrounding landscape and Area of Outstanding Natural Beauty"*.
- 13.7.6. In response to this concern, the Applicant provided rewording of this principle to read "A new landscape setting will be created that reflects the existing open, rolling, drumlin landscape character and sense of place, minimizing harm to the Anglesey AONB and its setting and the North Anglesey Heritage Coast" to clarify that an overarching landscape design principle would be to minimise harm to the AONB and its setting. [REP8-013].
- 13.7.7. In its SoCG with the Applicant [REP8-018] NRW agreed that the ES and its assessment of Landscape and Visual effects relating to the Anglesey AONB accurately reflects the predicted effects. NRW agree with the conclusions of the ES that the proposal is unlikely to affect the special

qualities of the AONB in relation to the A5025 Off-line Highway Improvements, Park and Ride site at Dalar Hir and the Off-site Power Station Facilities site.

- 13.7.8. At NRW60 [REP8-018] NRW consider that detailed proposals would need to be submitted to ensure the mitigation of impacts upon the AONB are fully developed, that offsite mitigation is required and at NRW115 reiterated its concern that at the Parc Cybi Logistics Centre site native planting should be introduced in the space between the cycle path and site security fencing to help to reduce views of the development and benefit the amenity of people passing the site, in the context of the AONB.
- 13.7.9. In its Deadline 7 submission [REP7-012] NRW suggested more work was required on the design principles articulated in DAS Volume 2 [REP4-017] and Volume 3 [REP4-018] to ensure that, if the Order is made, the AONB would be fully considered in any subsequent detailed design in order to mitigate the effects of the development as far as is practicable, using best practice in support of NPS EN1. It suggested:
- The design principles should be amended to make specific reference to using the colour of materials to integrate the Development better with the AONB.
 - Viewpoint analysis from the AONB and other principal angles of view should be used to inform the final colour design of the power station, ancillary development and boundaries within the WNDA.
 - Elevation drawings and photomontage images from key viewpoints should be used to demonstrate that the design is appropriate.
- 13.7.10. NRW proposed the wording for these amendments to the DAS in Annexe B [REP7-012] and at Deadline 9 reported that its concerns had been appropriately addressed [REP9-037]. Although the ExA notes that while the additional wording proposed by NRW in respect of building design and the Site Campus has been added to the DAS; the wording proposed to be added in respect of the Marine Off-Loading Facility (MOLF) in the DAS [REP4-017]; section 5.1 design principles Item 44 (Marine Works) (now Item 50) on page 74 [REP8-044] has not been added to the DAS and suggests that the wording of Design Principle 50 be amended by the addition of: *"The colour of the finishes to the MOLF will seek to match the colouration of the naturally occurring coastal outcrops. There will be a particular focus on design where the edges of the manmade structure meet the natural coastal landform so as to assist the development's assimilation and connection with the coastline"*.
- 13.7.11. NRW sought a visualisation of WNDA from the AONB across Port-y-Pistyll, including a view of the package waste water treatment plant and the altered shoreline in order to understand the relationship between proposed building materials and their colour within the landscape. The Applicant agreed to consider this; but pointed out that the image may only be available post examination (action point 35) [OD-010]. The ExA notes that NRW is a consultee in relation to the waste water treatment plant to be included in the submission of an Overarching Construction Drainage Scheme (Schedule 4 of the dDCO [REP10-006]).

- 13.7.12. On-site mitigation in respect of Landscape and Visual effects on the Anglesey AONB would be secured in the Draft DCO [REP10-006] through:
- Parameter plans approved within the Order if it is made – Requirements WN6.
 - Requirements for detailed design approval to be obtained for individual buildings and structures from IACC – Requirement WN5.
 - Requirements for landscape development and management plans to be submitted to IACC for approval at both construction and operational phases – Requirements WN10; WN11; WN12 and WN14.
 - The landscape design and management principles secured in chapters 4 and 7 of the LHMS [REP8-063] for the WNDA and the DAS [REP8-021; REP8-044; REP8-045 and REP8-046] for the Off Site Power Station Facilities Site and the associated development sites.
 - The WNCocP [REP10-018] and the sub-CoCPs in respect of the Main Power Station Site [REP10-020], Off Site Power Station Facilities [REP10-023], Logistics Centre [REP10-027] and the A5025 Off-line Highway Improvements [REP10-028].
- 13.7.13. Off-site mitigation would be secured in the signed s106 Agreement [REP10-009] principally through a proposed AONB and Heritage Coast Contribution which would be applied by IACC to landscaping and environmental measures and improvements within the AONB 'in the vicinity of the Sites (but not the Sites)'. Further details of the measures and improvements contained within the s106 are listed in Appendix E.
- 13.7.14. Elsewhere in the s106 Agreement [REP10-009] provision is made for several tourism initiatives, which have the potential to achieve improvements to the AONB and Heritage Coast. Further details of these can be found in Appendix E.
- 13.7.15. The Anglesey AONB includes 95% of the Anglesey coastline and consequently the direct impact of the proposed Wylfa Newydd Power Station development is proportionately small. However, in addition to its direct impact, the proposed development has a much greater potential negative impact on both the character of the landscape as a whole and, particularly, on views of the Main Power Station site from the AONB. As the site assessment in Annexe II of NPS EN-6 noted: *"given the likely scale of the development there are likely to be some long-lasting adverse effects on landscape character and visual impacts on the AONB (even considered in the context of the existing power station and taking into account potential for mitigation)"*.
- 13.7.16. In its Integrated Landscape Heritage and Architectural Plan for the Wylfa Newydd Project [APP-215], submitted in response to the suggestion in paragraph C.9.72 of annexe II of NPS EN-6, the Applicant summarises the principal effects of the Wylfa Newydd Power Station proposal on landscape and heritage special qualities of the AONB and the mitigation it proposes, referencing, in particular:

The reduced footprint of the Power Station.

- 13.7.17. The strategy of creating landscaped mounds along with planting and recreation of field boundaries to soften the impact of the proposed development and attempt to replicate the characteristic drumlin landscape form.
- 13.7.18. Architectural finishes based on a colour scheme reflecting the natural colours and textures of this part of Anglesey intended to break down the scale and massing of the Power Station buildings and integrate the Power Station into the existing landscape.
- 13.7.19. Enhancement of existing boundary features comprising hedgerows, stone walls and cloddiau to be retained on the boundary of the Wylfa Newydd Development Area, including those within the AONB.
- 13.7.20. Adverse impacts on the Anglesey AONB and Heritage Coast would be inevitable in a project of the size proposed for Wylfa Newydd, in all phases, but particularly during construction when the movement of large crane and other structures would prove a distraction within the landscape and the Site Campus would significantly impact on views from the AONB from the east in particular.
- 13.7.21. The ExA recognises that there is general agreement about the Applicant's assessment of adverse effects and recognises that measures would be taken both on and off-site to provide mitigation, as outlined above, where possible to minimise these adverse effects on the AONB and Heritage Coast. While it would be impossible to totally avoid and mitigate the effects on the AONB and there would be long-lasting adverse direct and indirect effects on landscape character and visual impacts on the AONB, the ExA does not consider that its essential purpose would be significantly compromised and therefore, in the ExA's opinion adverse residual effects on the Anglesey AONB should not weigh against the Application.

13.8. NUCLEAR WASTE FUEL STORES AND POST DECOMMISSIONING LANDSCAPE

- 13.8.1. Work No 1D comprises spent fuel and radioactive waste storage facilities, associated plant, below ground services and ancillary buildings, including:
- One Intermediate Level Waste Storage Facility (9-202); and
 - One Spent Fuel Storage Facility (9-201)
- 13.8.2. Paragraph 4.3.32 of The Planning Statement [APP-406] explains that completion of the spent fuel storage facility would not commence until year 15 as the facility would not be required until approximately year 17; paragraph 6.3.52 explains that the expected end of spent fuel storage and decommissioning would be 2183.
- 13.8.3. During the Examination the ExA sought to ensure that (a) adequate processes and procedures would be in place to deliver good design; and (b) to understand how they would be located in the post-decommissioning landscape

- 13.8.4. The Applicant explained in reply to Q2.15.1 [REP5-002]:
- The facilities will need to be operational 10 years post COD (Commercial Operational Date). Construction will commence up to 5 years before this date. Access will be via a temporary access from the southern carpark.
 - The Intermediate Level Waste Store would be required until after the end of decommissioning. The Spent Fuel Storage Facility would remain in service for up to 140 years after the end of generation.
 - Both buildings will be required after the station's operational phase.
 - The maximum size of the buildings is described by work area 1D [APP-029] as shown in Work Plan WN0902-HZDCO-WPN-DRG-00003 [APP-011]
 - After decommissioning the buildings would be accessed from the main site access road.
- 13.8.5. The visual appearance of the building can be seen in drawings WN0902-HZDCO-MSBDRG- 00048, WN0902-HZDCO-MSB-DRG-00049, WN0902-HZDCO-MSB-DRG-00050 and WN0902-HZDCO-MSB-DRG-00051 [APP-014], their appearance within the landscape would be controlled by the design principles within the DAS [APP-408] and the Landscape and Habitat Management Strategy (Part 1 of 2) [REP8-063].
- 13.8.6. The design would meet the functional requirements for radioactive waste storage buildings, which includes consideration of building life and building maintenance. The design would be in accordance with the design principles.
- 13.8.7. Maximum design life would be ensured by undertaking a comprehensive inspection and maintenance regime. Plans and funding take into account the potential need for recladding and rebuilding.
- 13.8.8. In response to the ExA's request the Applicant produced an illustrative drawing (WN0902-HZDCO-LFM-DRG-00106) of the WNDA at Reference Point 6 (i.e. post-decommissioning) to show how the two nuclear waste storage buildings would be located in the landscape with particular reference to access and the existing PRoW network [REP8-011].
- 13.8.9. Requirement WN5 of the dDCO [REP10-006] would require the submission of plans and details of the design (including size, external appearance, siting and materials) and typical external materials and colour samples for that type of building or structure to and approval by IACC before any construction commences on buildings identified in WN6. Work No 1D is subject to maximum parameter dimensions set out in Table WN6A and Requirement WN6, which requires that construction should only take place within these parameters. The Main Power Station site sub-CoCP [REP10-020] states (paragraph 1.1.7) that it "*covers the construction of the Spent Fuel Storage Facility and Intermediate Level Waste Storage Facility, which are to be built some years after the other construction works within the WNDA have ceased*".

- 13.8.10. The ExA is therefore satisfied that sufficient mitigation would be in place to adequately control the design and location in the landscape of Work No 1D.

13.9. **EXA'S CONSIDERATION**

- 13.9.1. The ExA is satisfied that the Applicant has met the requirements of NPS EN-1 to carry out a landscape and visual assessment and report it in the ES. That it has assessed effects on landscape components, on landscape character and on views and visual amenity during the construction, operation and decommissioning of the project and considered the existing character of local landscape, its current quality, how highly it is valued and its capacity to accommodate change.
- 13.9.2. The Applicant has explained that it has taken landscape components (fabric) into account; has identified survey and other information to inform the design of the newly created landscape, including re-instating field boundaries, planting and the creation of landscape mounds to provide mitigation and 're-imagine' the traditional drumlin character. The LHMS provides a series of over-arching principles and more detailed policies to inform decision-makers in determining detailed proposals for landscape design and management.
- 13.9.3. The direct impact of the WNDA development during construction would be profound and necessitate a complete re-profiling of the landscape for the Main Power Station site, including the Marine Works and the MOLF and breakwater and the temporary work needed to enable construction. Temporary works proposed during construction include mounds, lay down areas and the Site Campus which, combined with the movement of cranes and other construction equipment, would have a large and significant impact on both landscape character and visual receptors, including within the AONB. The Applicant proposes mitigating these adverse effects during construction at the WNDA through landscape mounds, landscape retention where possible, early planting; a construction landscape management and habitat scheme; use of recessive colours on temporary buildings, fencing and the Site Campus; along with a number of off-site programmes secured through the s106 Agreement to provide additional mitigation for local residents, communities, visitors and in relation to the landscape of the AONB.
- 13.9.4. The Applicant claims that as the development moves into its operational phase adverse landscape and visual effects, while not being fully mitigated, would reduce in their impact as the visual disturbance of construction disappears and the operational landscape, with its reduced footprint for the Main Power Station site and gradually maturing permanent landscape of mounds and reinstated field systems becomes established. New planting would provide the setting for the permanent plant and buildings and, where appropriate, agricultural uses would return to parts of the WNDA. This would aid a gradual integration with the adjoining AONB.

- 13.9.5. The major adverse effects on landscape and visual amenity during construction and the continuing adverse effects for landscape and visual amenity during operation would be felt most keenly by, first, those living closest to the development, including the communities of Cemaes and Treglele, and, second, those moving through the area, particularly pedestrians, cyclists and those in vehicles, and would impact especially on those visiting the area and using the Wales Coast Path, the Copper Trail and other PROWs and when viewed from higher ground.
- 13.9.6. The WNDA is largely a non-designated landscape area; but with its own characteristics, including both Dame Sylvia Crow's Woodland and the existing Wylfa Power Station. Its ability to accommodate change is, in part, demonstrated by the existing Power Station and, although there is an inevitability that the development would profoundly change both the landscape and visual amenity locally, the ExA believes that its overall impact would reduce significantly at a relatively short distance from the WNDA and that the adverse effects during operation would be much less than during construction for most receptors.
- 13.9.7. The ExA recognises that the Applicant has sought to address the adverse landscape and visual impacts during the design process, particularly through reducing the footprint of the main Power Station and the planned landscape mounds. During the Examination additional submissions enabled the ExA and IPs to consider both the local effects on residential receptors and assess the effectiveness of the on-site and additional off-site mitigation proposals and for individual residents if required.
- 13.9.8. The ExA agrees that the project has been carefully designed at this stage and has taken account of the potential impact on the landscape and visual receptors. It has sought to minimise harm and reasonable, secured mitigation would be in place, which would reduce visual intrusion during construction and operation and soften the adverse effects on views as the newly created landscape matures during operation.

13.10. **EXA'S CONCLUSION**

- 13.10.1. Community receptors, particularly in Treglele and Cemaes, and individual residents close to the WNDA, will experience negative visual impacts during construction and there will be continuing, but reducing, negative impacts during operation, including at Llanfairynghornwy.
- 13.10.2. The ExA also recognises that the Anglesey AONB and North Anglesey Heritage Coast are designated landscapes. The ExA note that consent can be granted in these areas in exceptional circumstances (NPS EN-1 paragraphs 5.99. and 5.9.10). In this case the majority of the WNDA area is not in the AONB but is visible from it and there is overlap at proposed Mound E where the landscape would be significantly changed; as would part of the North Anglesey Heritage Coast at Porth-y-Pistyll. The Applicant concludes that there would be negative visual and adverse impact as a result of the power station development [APP-406].

- 13.10.3. The ExA concludes the need to assess the tests for exceptional circumstances set out in NPS EN-1 paragraph 5.9.10, has been undertaken and addressed by the Applicant in its Planning Statement (paragraph 6.4.265) [APP-406].
- 13.10.4. NPS EN-6 Appendix II (paragraph C.9.71) notes that there are likely to be some long lasting adverse direct and indirect effects on landscape character and visual impacts on the AONB after mitigation and paragraph C.9.72 speculates that this could have an effect on the purpose of designation. In the ExA's opinion, given the small area of the AONB that would be included within the WNDA area and the mitigation measures that would be in place to address landscaping and environmental measures and improvements through the proposed AONB and Heritage Coast Contribution the overall purpose of designation is not compromised. The ExA agrees that the Application would not have an impact on National Parks and notes that visual impacts on the Snowdonia National Park during construction have been scoped out by the SoS (Planning Statement paragraph 6.4.263 [APP-406]).
- 13.10.5. The ExA notes that NPS EN-1 states that the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent and in so far as NPS EN-1 and EN-6 are important and relevant matters, the ExA is of the opinion that the Application meets the test of exceptional circumstances to justify development within and affecting the designated areas.
- 13.10.6. PPW sets out the special considerations to apply to major development proposals that are more national than local in character within a designated landscape. As the proposed development is of national significance the special considerations would apply. Furthermore, the ExA consider that the Application would achieve the objectives of policy PS 9 of the JLDP and GP21 of the SPG.
- 13.10.7. The proposed development would have adverse effects on the landscape and visual amenity of North Anglesey in all phases. However, the ExA is of the opinion that the Application has had regard to siting, operational and other relevant constraints through all phases and would minimise harm to the landscape and provide reasonable mitigation where possible and appropriate. In the case of the designated landscapes it would not compromise the purpose of the designations and exceptional circumstances are demonstrated by way of justification.
- 13.10.8. Accordingly, in the ExA's view matters of change that would result from the proposed development to landscape character and effects on visual amenity should not weigh against the granting of the Order.

The need for any changes to the dDCO and control documents

- 13.10.9. In light of the above should the SoS be minded to grant the Order the ExA consider that the following change to the dDCO and control documents would be required:

- Design and Access Statement Volume 2: Power Station Site; section 5.1 Design Principles Item 50 (Marine Works) [REP8-044] amend the wording of Design Principle 50 by the addition of: *"The colour of the finishes to the MOLF will seek to match the colouration of the naturally occurring coastal outcrops. There will be a particular focus on design where the edges of the manmade structure meet the natural coastal landform so as to assist the development's assimilation and connection with the coastline"*.

- 13.10.10. The ExA proposes amendments to the wording of WN12(2) to ensure it is consistent with other landscaping requirements within the DCO. WN12(2)(a) therefore is recommended to be amended to include mix and local provenance. Addition of WN12(2)(b) cultivation, importing of materials and other operations to ensure plant establishment. WN12(2)(h) amended to include (including stone walls, cloddiau, fences and gates).
- 13.10.11. WN14 – secures the Operational landscape and habitat management scheme to be approved by IACC in consultation with NRW, including at (3) that it must accord with the management principles of Chapter 7 of the LHMS. The ExA is concerned that the use of 'anticipated date' is not precise. It recommends the replacement of 'Prior to anticipated date' to 'six months prior to the completion of..' NWWT sought a 12 month period but the ExA consider that six months would be appropriate. This change is considered to be necessary to provide precision and enable enforcement if necessary.

14. GOOD DESIGN

14.1. INTRODUCTION

- 14.1.1. National Policy Statement (NPS) EN-1 observes in paragraph 4.5.3 that: Whilst the applicant may not have any or limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. NPS EN-6 states: The IPC should consider how Good design can act to mitigate the impacts of new nuclear power stations, such as landscape and visual impacts (paragraph 2.8.3.).
- 14.1.2. For any Nationally Significant Infrastructure Project (NSIP) as large as a nuclear power station, and particularly for one located in a remote and comparatively undeveloped landscape, achieving good design will be closely linked to the way in which landscape and visual impacts are mitigated and vice versa. A point made in paragraph 4.5.3 of NPS EN-1.
- 14.1.3. Policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan (the JLDP) states that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.
- 14.1.4. The earlier chapters have addressed the Applicant's proposals and the various comments from IPs on those proposals in relation to both the historic environment and landscape and visual impacts and has discussed how, particularly, proposals to re-form the drumlin landscape and address effects on the Anglesey Area of Outstanding Natural Beauty (AONB), have outcomes designed to achieve good design. This chapter addresses:
- 14.1.5. That part of the Examination that focused on the design of buildings and structures and their immediate landscape and public realm. A concern was to ensure as far as possible that robust processes were in place over the life of the project's development and construction to ensure that the eventual built forms achieve the goal of Good design; and
- 14.1.6. The criteria for the good design of the project as a whole set out in Section 4.5 of NPS EN-1.

14.2. POLICY CONTEXT AND BACKGROUND

- 14.2.1. The PA2008 (Part 2, s10) requires that the Secretary of State (SoS) must, when exercising their functions, do so with the objective of contributing to the achievement of sustainable development and in doing so must have regard to the desirability of achieving good design.

National Policy Statements

- 14.2.2. The visual appearance of a building is sometimes considered to be the most important factor in good design. But NPS EN-1 recognises

(paragraph 4.5.1) that high quality and inclusive design goes far beyond aesthetic considerations. Whilst it acknowledges that much energy infrastructure, due to its nature, will often limit the extent to which it can contribute to the enhancement of the quality of an area, it also considers that applying good design to energy projects should produce sustainable infrastructure, sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible.

- 14.2.3. It also recognises that good design can help to mitigate other impacts such as noise and thus help to meet many of the NPS's policy objectives (paragraph 4.5.2).
- 14.2.4. NPS EN-1 states that the decision maker (paragraph 4.5.3) must be satisfied that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including the contribution to the quality of the area in which it would be located) as far as possible. Whilst it acknowledges that the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be some opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation.
- 14.2.5. NPS EN-6 provides specific advice on good design in relation to nuclear power generation (section 2.8). It highlights (paragraph 2.8.1) that substantial weight must be given to the need to ensure safety and security of the power station and the need to control the impacts of its operations. It advocates (paragraph 2.8.3) that the decision maker should consider how good design can act to mitigate the impacts of new nuclear power stations, such as landscape and visual impacts.

Welsh Policy

- 14.2.6. Planning Policy Wales (Edition 10, December 2018) (PPW10) states that good design is fundamental to creating sustainable places where people want to live, work and socialise. It advocates (paragraph 3.3) that to achieve sustainable development, design must go beyond aesthetics and include social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support the use, as well as the construction, operation, management, and its relationship with the surrounding area.
- 14.2.7. TAN12 (Design) highlights that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales (paragraph 2.2).

Local Policy

- 14.2.8. Policy PCYFF 3 of the Anglesey and Gwynedd Joint Local Development Plan (the JLDP), referenced in the Introduction, states that all proposals will be expected to demonstrate high quality design which fully takes into

account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Innovative and energy efficient design will be particularly encouraged.

- 14.2.9. Objective 5 of the Wylfa Newydd: Supplementary Planning Guidance (2018) seeks to ensure that the Wylfa Newydd project recognises and strengthens the unique identity and culture of the island and its communities through amongst other things promoting high quality design.

14.3. **APPLICANT'S CASE**

- 14.3.1. Section 4 of Volume 1 of the Design and Access Statement (DAS) sets out how the approach to the design evolved through three rounds of Pre-Application Consultation (PAC) [REP8-021] and technical consultations with several Interested Parties (IPs), including Design Council for Wales. Key outcomes of the first round (PAC 1) included:

- The use of 'natural' colours reflecting the environment of North Anglesey – a so-called 'blend' approach;
- The importance of using the appearance of buildings to influence their perceived massing and scale.
- These concepts were carried into PAC 2, which resulted in a number of design modifications, including:
- Changes to the Power Station site to achieve more compact and efficient construction and operation;
- Further development of the Wylfa Newydd Development Area (WNDA) landscape proposals;
- Altering the design of the Marine Off-Loading Facility (MOLF) to increase cargo-handling capacity and reduce the area of seabed required;
- Locating the three Off-site Power Station Facilities – the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and the Mobile Emergency Equipment Garage (MEEG) – on one brownfield site in the village of Llanfaethlu on the A5025;
- A reduction in the peak number of construction workers from 10700 to around 8500; and
- Changing the Workers Accommodation Strategy (WAS) to provide worker accommodation on a temporary Site campus, close to the Main Power Station site.

- 14.3.2. The principal change to the design presented at PAC 3 was to the Main Power Station layout as a result of further project optimisation.

- 14.3.3. Volume 2 of the DAS [REP8-044] relates to the Power Station site at operational phase and explains the design evolution and the development of parameters. Section 4 sets out the Applicant's design concepts, to inform Section 5, which contains the design principles that would be secured by Requirements in the draft Development Consent Order(dDCO). The document then illustrates how these principles might be worked out in practice and how they might deliver environmental sustainability, community safety, accessibility and movement. Finally, it illustrates how the design principles might translate into a

decommissioning strategy and managing spent fuel, intermediate level waste and low-level waste.

- 14.3.4. Volume 3 of the DAS [REP8-045 and REP8-046] deals with the design approach and proposals for the Off-site Power Station Facilities site at Llanfaethlu and the associated development sites at the Site Campus, Dalar Hir Park and Ride site, the Parc Cybi Logistics Centre site the A5025 Off-line Highway Improvements. The Landscape and Habitat Management Strategy (LHMS) [REP8-063] deals with design principles for the remainder of the WNDA.
- 14.3.5. In its Planning Statement [APP-406] the Applicant sets out its ambition for the Power Station site as:
- minimise visual impact as far as possible;
 - ensure that the design reflects the difference between immediate and longer distance views;
 - reflect the importance of the human scale activities on the Power Station Site; and
 - respect our communities, and minimise impact on them as far as possible, particularly those very close to the Power Station Site.
- 14.3.6. The Applicant emphasises the extensive process of design development and consultation it has engaged upon; but points out that there will be a continuing need to refine the proposals and that: *"Flexibility is required in the DCO to reduce the potential need for non-material changes post consent for minor amendments."* [APP-406]
- 14.3.7. It achieves flexibility through a parameter or 'Rochdale envelope' approach to design in which *"maximum and minimum parameters (such as limits on height and location of buildings) would be set by the DCO requirements in order to keep the development within a defined envelope."* [APP-406]
- 14.3.8. The parameters are constrained within the dDCO [REP10-006] by:
- Order Limit Plans –Schedule 2, Part 1;
 - Works Plans – Schedule 2, Part 2;
 - Schedule of Works – Schedule 1, Authorised Development;
 - Parameter Plans – Schedule 2, Part 4; and
 - Parameter tables – Schedule 3, Requirements WN4, WN6, WN7, WN9, WN23, WN30, OPSF3, PR4, LC4 and OH6.
- 14.3.9. The ExA proposes a minor drafting amendment to PR4 that H (m) for precision and enforceability be amended to H (m AOD). The ExA also proposes the same amendment for LC4.
- 14.3.10. Note: apparent error in both the draft Development Consent Order [REP10-006] and the draft Development Consent Order Statutory Instrument Validation Report [REP10-077], Table WN5 should read 'Table WN7')

- 14.3.11. The Applicant seeks to secure good design for all elements of the Application through parameter plans for each of the elements of the scheme (Schedule 2, Part 4 of the dDCO [REP10-006]) and detailed design drawings which would need to be approved (Schedule 2, Part 6 of the dDCO).
- 14.3.12. The proposed Requirements of the dDCO [REP10-006] set out the maximum parameter dimensions for each building and structure proposed at the Main Power Station Site, the Marine Works, Site Campus and the Off-Site Power Station Facilities site and requires in each case that no construction could commence until plans and written details of the design (including size, external appearance, siting and materials) and external material and colour samples have been submitted to and approved by Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC). The plans, details and samples must be in accordance with the relevant parameters and parameter plans and the design and landscaping principles set out in the DAS [REP8-021, REP8-044, REP8-045 and REP8-046]
- 14.3.13. For those sites where detailed building designs would be approved by the dDCO [REP10-006]; i.e. Dalar Hir Park and Ride facility, Parc Cybi Logistics Centre and the A5025 Off-Line Highway Improvements, provision is made in Schedule 3, Requirements for further detailed design approval to be sought from IACC before construction commences in the event that the developer wishes to change the designs approved as part of the dDCO.
- 14.3.14. The DAS [REP8-021, REP8-044, REP8-045 and REP8-046] would be a Certified Document secured by Article 76 and Schedule 18 that sets out for each of the individual sites principles that must be adopted in the design of the project, including: a vision; context; site brief; design evolution, concepts and principles; and illustrative design proposals.

14.4. PLANNING ISSUES

- 14.4.1. IACC in its Local Impact Report (LIR) makes several comments in relation to achieving good design, which were addressed during the Examination. The main issues are set out below.
- 14.4.2. In the WNDA area [REP2-077] IACC required:
- Provision of further details on the layout and design of the buildings and other external structures, to include final locations, dimensions and external materials, colours and finishes, to be submitted to and approved by IACC prior to work commencing on the site [REP2-077]. These provisions would be secured in Schedule 3, Requirements WN5 (Power Station), WN22 (Site Campus), WN29 (Marine Works), OPSF2 and OPSF4 (Off-site Power Station Facilities), PR2 and PR3 (Park and Ride facility), LC2, LC3 and LC4 (Logistics Centre) and OH2, OH3 and OH4 (A5025 Off-line Highway Improvements) of the dDCO [REP10-006];

- Detailed surveys, landscape and other schemes to be submitted to and approved by IACC prior to the commencement of works on site, in order to ensure that the design principles and mitigation measures are achieved;
- Confirmation of and details about the selection of a colour scheme for the principal components of the Main Power Station that is to be based upon “*natural colours*” that “*seek to break down the scale and massing of the Power Station buildings and integrate them into the landscape*”; and
- The submission of details of the colour treatments of external surfaces for the main facilities in the contractor’s compounds and construction laydown areas that are likely to be important elements in the views of some residential and visual receptor groups.

14.4.3. In relation to the Site Campus, IACC requested clarity on the proposed building specification in order that it would be “*attractive*” to the workers in terms of its design, specification, layout, availability of facilities etc. It emphasised the critical importance of the specification and design of the Site Campus in order to influence the accommodation choice of workers. “*The IACC will expect that in accordance with JLDP and SPG policy, the site campus to be of good design and of a quality to minimise impacts on seascape, landscape and visual but also to be attractive to workers as a place they will want to stay*” [REP2-078].

14.4.4. At the Off-Site Power Station Facilities site in Llanfaethlu, IACC indicated it had concerns about detailed design, the size and massing of the MEEG/AECC building in relation to the Anglesey AONB and the need for additional screen planting to mitigate effects on both the AONB and nearby residents to the north [REP2-081].

14.4.5. At the Dalar Hir Park and Ride facility site IACC wished to see an amended design for the site including submission of further details on the layout and design of buildings and other structure to include final locations, dimensions and external materials, colours and finishes [REP2-079] and made a similar comment in relation to the proposed Logistics Centre at Parc Cybi [REP2-080].

14.4.6. IACC expressed its satisfaction in principle to the design agreed with the Applicant for the A5025 Off-line Highway Improvements subject to detailed concerns and objections that were to be discussed by the parties during the Examination [REP2-082].

14.4.7. In its Statement of Common Ground (SoCG) with the Applicant [REP6-049] NT expressed the view at NT9 that: “*The proposals do not provide sufficient details on the appearance of the buildings, including colour palettes, to enable an adequately detailed visual impact assessment to be undertaken*”.

14.5. MAIN ISSUES DURING THE EXAMINATION

14.5.1. The Examining Authority (ExA) asked the Applicant and Interested parties (IPs) a series of questions about the Applicant’s approach to achieving good design in its first and second round questions and made

requests for further information [PD-009; PD-013 and PD-021] and the discussion below reflects the resulting responses.

Main Power Station site

- 14.5.2. Section 3.2 of Volume 2 of the DAS [REP8-044] sets out how the design evolved through the consultation process. Section 4 outlines the Design Concept and explains that the fundamental approach was to adopt a grid framework for the Main Power Station site in which the main buildings, structures and movement patterns would be located, to establish a visual structure for both architecture and landscape, which would increase legibility and a sense of place. The Applicant reports that this approach was supported by the Design Commission for Wales (DCfW) and IACC indicated its support in response to the ExA's first round of questions (Q14.0.2 [PD-009]) at REP2-153. The Main Power Station site would be set within a more naturalistic landscape in the rest of the WNDA, with the Power Station "visually anchored" within the landscape by earth mounds (discussed in Chapter 13), which would also provide essential mitigation.
- 14.5.3. There was agreement amongst IPs that the materials and colour of the buildings and structures, in all locations; but particularly on the Main Power Station site and the more public-facing buildings within the WNDA were important factors in achieving a good design that responded to the North Anglesey setting, including heritage, landscape and visual effects. IACC agreed with the proposed approach to the landscape, colour and materials palettes proposed in the DAS; but were concerned that they be properly secured, and the developer be required to submit detailed designs to IACC for approval prior to development taking place. It also wished to see the design principles in NPS EN-1 and NPS EN-6 secured and that high quality and inclusive design were addressed, that the design evolution and choice of final option were explained (Q14.2.2 [REP2-153]).

Marine Works

- 14.5.4. The principal issue in relation to good design for the Marine Works was the alien appearance of the breakwaters and MOLF, particularly in relation to the Significant Views from Cestyll Garden. This issue and the mitigation secured to provide a more natural and sustainable appearance over time is discussed in detail in Chapter 9 Historic Environment.

Site Campus

- 14.5.5. In its Written Representation [REP2-218] IACC requested greater flexibility in the design and layout of the Temporary Workers Accommodation Site Campus to allow for potential changes in storey heights in order to relocate buildings planned close to Wylfa Head and Tre'r Gof SSSI. This issue was discussed through the ExA second round question Q2.4.33 [PD-021], IACC's response [REP5-057] and the Applicant's response at Deadline 6 [REP6-009]. At the 4th March 2019 ISH on the WNDA, IACC expressed its agreement that the parameters assessed as part of the ES visual assessment represented the worst-case scenario and that there was sufficient flexibility to allow changes of

height at detailed design stage [REP7-014]. Requirement WN19 (now WN22 in the dDCO [REP10-006]) secures the submission of detailed plans and written details for approval prior to any work taking place, including colours, external appearance and materials, which will mitigate visual impacts [REP7-014].

Off-site Power Station Facility site

- 14.5.6. In its LIR [REP2-081] IACC were concerned about the potential impact of the main building on the amenity of dwellings to the north of the site and requested screen planting on the north and west boundaries. The Applicant responded at Deadline 3 [REP3-004] that sight-lines required for security purposes precluded additional planting.
- 14.5.7. The ExA visited the location and noted a line of trees on private land to the north of the site, which provides screening to the rear gardens of the houses to the north of the site on the A5025 and that the principal views from these dwellings are to the east, rather than to the south where the new development would be located. The ExA further notes that Schedule 3, Requirement OPSF3 sets out maximum parameter dimensions for the proposed buildings and OPSF2 and OPSF4 requires IACC's approval to the plans and written details of the design before development commences. The ExA proposes a minor drafting amendment to table OPSF3 that H (m) for precision and enforceability be amended to H (m AOD).
- 14.5.8. The Off-site Power Station Facilities would redevelop a previously used brownfield site, in the centre of a village, albeit on the boundary of the Anglesey AONB, is an appropriate location for the Off-site Power Station Facilities and the ExA accepts the Applicant's reasoning on the appropriateness of the proposed location for the Off-site Power Station Facilities for the reasons set out above.

Park and Ride Facility

- 14.5.9. IACC have a particular concern about the height of buildings, including temporary buildings used in construction, on the Park and Ride site at Dalar Hir. This issue is addressed in the Chapter 21, where the ExA accept IACC's case.

Logistics Centre

- 14.5.10. The principle design issues concerned the relationship of the Scheduled Monuments to the north and south of the site and their inter-visibility in relation to the proposed development. The effects on the heritage assets and the proposed mitigation is discussed in detail in Chapter 9 and the ExA is of the opinion that the proposed design of the temporary logistics centre is appropriate for the site; makes provision to preserve and enhance the significance of the Scheduled Monuments and secures landscaping on non-operational land in consultation with Cadw through Schedule 3, Requirement LC5 of the dDCO [REP10-006].

Achieving high quality design

- 14.5.11. Potential mechanisms to achieve good design were discussed at the Issue Specific Hearing (ISH) on 4 March 2019 [EV-028 and EV-029] where the ExA asked all parties to consider several proposals for improving the consideration of design issues within the WNDA to assist IACC as local planning authority. This was followed up by further questions in the second written questions [PD-013] and a request for further information [PD-021], including:
- Appointing a single Design Champion to knit all the design elements together;
 - Developing the DAS principles into a design code as a design brief for individual buildings, especially those that are most prominent and not directly part of the power generation process;
 - Procuring independent design review and advice – commissioned by the developer;
 - The importance of the materials and colour of the many large roofs;
 - Sustainability;
 - Setting and views from the Anglesey AONB – including green roofs; and
 - Adopting procedures for the buildings that are typically situated outside of the main site security fence, and are more public facing, to strengthen the Applicant's commitment to a higher quality of design.
- 14.5.12. National Trust (NT) [REP7-010], Welsh Government (WG) [REP5-080], Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) [REP7-012] and IACC [REP7-012] expressed support for further DCfW review.
- 14.5.13. At Deadline 7 NT expressed its concern about the lack of strategic master planning at the WNDA site, demonstrated, it said, by the absence of information on the long-term siting of the spent fuel buildings. [REP7-010]. In its response the Applicant disagreed that there was a lack of master planning or long-term vision and referred to its ES, where its assumptions for decommissioning the Power Station are set out in chapter D1 [APP-120] and D10 [APP-129], which confirms at Section 10.4, paragraph 10.4.42 of chapter D10 the assumption that *"landscaping and restoration of remaining areas of the site following removal of all buildings and associated infrastructure"* would be undertaken. [REP8-013]
- 14.5.14. The Applicant responded at Deadline 8 [REP8-011] that:
- It did not consider the role of a Design Champion or a Design Code were necessary;
 - Agreed to amend the DAS to require procuring independent design advice and addressing sustainability issues;
 - Confirmed that materials, colour and roof finishes, including potentially 'green' roofs would be delivered through detailed design that will benefit from independent design review; and
 - Agreed to incorporate NRW's suggested changes to the LHMS design principles in relation to the effects on the Anglesey AONB, where appropriate (this issue is discussed in Chapter 13- Landscape and Visual).

14.5.15. A revised DAS was submitted at Deadline 8 [REP8-021; REP8-044; REP8-045 and REP8-046] containing the changes agreed by the Applicant in response to proposals made by the ExA and IPs in respect of the Main Power Station Site. These include:

- Design Principle 31: commits to using *"a design palette based on natural colours found in the landscape or seascape"*;
- Design Principle 42: states *"Details of the external appearance including materials and colours would be subject to Design Quality Review Panel by DCfW, prior to submission to the determining authority"*;
- Design Principle 43: recognises that in relation to the following buildings - Administration Building; Simulator and Training Building; Outage Building; Main Gatehouse For Outer Fence; Search Building Main Entrance; Secondary Gatehouse for Outer Fence; Search Building Secondary Entrance; Spent Fuel Storage Facility; and, Intermediate Level Waste Storage Facility - external appearance can be influenced as far as practicable for the building to be in keeping with safety, security, environmental protection, functional and operational requirements. Design Principle 45 states that for these buildings individual material and colour details would be prepared; and Design Principle 47 commits to a sustainable approach to their design, where reasonably practicable, to reduce water use, reduce waste and conserve energy;
- Design Principle 44: commits to the preparation of typical external material and colour palettes for a number of more industrial types of building or structure as may reasonably be agreed with IACC;
- Design Principle 46 commits to reorientating the Simulator and Training building such that the more visually appealing main entrance would face the A5025 or Power Station Access Road.

14.5.16. In respect of the Site Campus, Building Design Principle 4.4.32: commits to the use of *"visually recessive natural colours and materials to minimise the sense of scale and massing of the accommodation buildings and to help integrate them into the landscape"* and *"the colour scheme design would be formulated taking account of visual analysis from the AONB and other key views, the new and existing Power Station and the collective appearance of all the proposed buildings"* [REP8-045].

14.5.17. In the final SoCG between IACC and the Applicant [REP8-019] there were no disagreements recorded. Agreement was recorded on:

- The Design Rationale;
- The Architectural Strategy for the Power Station, including the commitment in the DAS for the details of the external appearance including materials and colours of the WNDA buildings to be subject to design quality review panel by Design Commission for Wales (DCfW);
- That the Protective Provisions would contain the necessary powers for IACC to approve the detailed design information before any construction or carrying out of any works authorised under the Order which involves the interference with a public highway, including the A5025 Off-Line Highway Improvement;

- That a limited number of viewpoints illustrate positions where IACC will have further representations at detailed design stage particularly in relation to the implementation of an indicative colour scheme for the main power station buildings as described in the DAS; and
- The Applicant's commitment to include within the DAS that the external appearance, including materials, of buildings within the WNDAs will be subject to Design Quality Review Panel by DCfW prior to submission to the determining authority.

Spent Fuel Storage Facility (Building no 9-201) and Intermediate Level Waste Storage Facility (Building no 9-202) (Work No 1D)

- 14.5.18. The relationship between these two buildings and Landscape and Visual aspects are discussed in Chapter 13.
- 14.5.19. They are located to the south of the main Power Station and would be required to be operational ten years post Commercial Operation Date [REP5-002] and would therefore be constructed later than the rest of the development [APP-406]. The Intermediate Level Waste Store would be required until after the end of decommissioning. The Spent Fuel Storage Facility would remain in service for up to 140 years after the end of generation [REP5-002]. However, the Applicant reported that work is currently on-going to optimise these timescales and to produce a more accurate estimate of the storage duration. It stated that early work suggests that a period of 70 to 80 years after the end of generation may be a more realistic estimate [REP2-375].
- 14.5.20. During the Examination the ExA sought to ensure that (a) adequate processes and procedures would be in place to deliver good design; and (b) to understand how they would be located in the post-decommissioning landscape.
- 14.5.21. Good design would be achieved by:
- Schedule 3, Requirement WN5 requiring submission of and approval by IACC of plans and written details of the design (including size, external appearance, siting and materials) and typical external materials and colour samples for this type of building, prior to commencement of any building or structure identified in WN6 and WN7;
 - The maximum parameters set out in WN6A of the dDCO [REP10-006] and the illustrative drawings [REP8-044];
 - Design Principles 42, 43, 45 and 47 set out in the DAS, including referral for design review to the DCfW [REP8-044]; and
 - The Landscape Principles in the LHMS, particularly the provision of Mound D (paragraph 6.3.180) [REP8-063].
- 14.5.22. In submissions at Deadline 7 PAWB [REP7-035] and J. Chanay [REP7-036] asked for further information on the arrangements for management, maintenance, landscaping and mitigation for any adverse environmental effects would be managed in relation to the two buildings included in Works No 1D.

- 14.5.23. The Applicant responded at Appendix 1-11 in its Post Hearing Note on 140 year Site Decommissioning Appearance [REP8-011] and produced an illustrative drawing (WN0902-HZDCO-LFM-DRG-00106) of the WNDA at Reference Point 6 (i.e. post-decommissioning) to show how the two nuclear waste storage buildings would be located in the landscape with particular reference to access and the existing PRow network.
- 14.5.24. The ExA is mindful that Works No1D would be subject to detailed approval by IACC and that the approach to decommissioning would be subject to consultation and further consent under the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 and, therefore, in its consideration, measures to ensure Good design in respect of these buildings, which would have an exceptionally long anticipated life, would be in place and need not weigh against the Application.

14.6. GOOD DESIGN AT THE PROJECT LEVEL

- 14.6.1. NPS EN-1 paragraph 4.5.1 emphasises that consideration of good design is not confined to matters of aesthetics; but is a concept to be applied to the whole project and addresses issues such as sustainability, place-sensitivity and resource efficiency. The Applicant is required to address both functionality and aesthetics; to relate siting to landscape character and to demonstrate how the design has evolved.
- 14.6.2. NPS EN-6 emphasises the importance of ensuring the safety, security and operational requirements of nuclear power stations.
- 14.6.3. The Application would address the wider dimensions of the project's good design through delivering sustainable infrastructure by:
- the commitment to delivering at least 60% of all construction materials by sea;
 - locating the Off-site Power Station Facilities on previously used land;
 - operational travel planning to encourage worker movements to be via low emission public transport vehicles or walking and cycling;
 - making use of available and affordable existing accommodation in order to meet the requirement for temporary accommodation, in addition to the Site Campus;
 - the Site Campus would be modular, high thermal and energy efficiency buildings designed for dismantling and would offer the opportunity to re-use the units on other projects [REP8-045];
 - the use of photovoltaics on the roofs of the Park and Ride, Logistics Centre and the amenity building within the Site Campus, to support energy demands within these buildings are secured in the DAS [REP8-046];
 - ancillary buildings - where practicable, would be designed in modular style buildings with high thermal efficiencies and which would be suitable for re-use and/or repurposing. Where modular buildings would not be practicable, designing buildings for disassembly, secured in the DAS [REP8-045, REP8-046];

- the WNCOP [REP10-19] would require contractors to encourage sustainable water and energy consumption initiatives, encourage working practices to ensure engines were not left running unnecessarily, stating preferential use of mains electricity or battery-powered equipment instead of diesel or petrol-powered generators;
- the proposed development would be constructed under an environmental management system accredited to British Standard EN ISO 14001: Environmental Management [REP10-19];
- the design of the breakwater structures would introduce new hard surfaces which could potentially have the capacity to function as an artificial rocky reef, providing new colonisation opportunities for species dependent on hard substrate;
- the design of the permanent breakwaters would provide intertidal areas for grey seals to haul out; and
- the development of habitats and species on the breakwater structures could also potentially provide habitat, food and refuge resources for seabirds.

14.6.4. Sensitivity to place would be addressed through, for example:

- the re-profiled landscape within the WNDA, which seeks to imitate the existing drumlin, rolling form and to use these mounds to provide visual and aural barriers to nearby receptors;
- the proposed use of 'natural' colours and a 'blended' approach to materials and finishes on the Main Power Station buildings and structures;
- the preservation of and enhancement of a number of heritage assets; and
- the provision of resources to address visual impacts on the Anglesey AONB through the s106 Agreement.

14.6.5. Efficiency in the use of natural resources and energy used in construction and operation through, for example:

- the commitment to implement sustainable technologies in the 'public facing' buildings on the Main Power Station site; and
- An appearance that demonstrates good aesthetic as far as possible would be secured through the controls, plans, parameters, design principles and external review procedures established in the dDCO [REP10-006] and other control documents discussed earlier.

14.7. **EXA'S CONSIDERATION**

14.7.1. The ExA acknowledges that the Application considers all the dimensions of good design, including explaining in relation to each site how the design has evolved and using technology and siting to mitigate adverse environmental effects. Further, the ExA recognises that the application now contains a series of Requirements, Control Documents and Schemes which set out the standards of submission, consultation and decision-maker for a large number of elements for which detailed approval is required prior to commencement and that these will help achieve good design.

- 14.7.2. It is the ExA's view that the Application addresses the requirements of Welsh Government and local policy in seeking to achieve good design in respect of setting; location within the landscape; place-making and the design of individual elements. Further, it takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places within the context of the size and nature of the proposal and the presence in the landscape of the Existing Nuclear Power Station.
- 14.7.3. However, across the project as a whole the level of success in reaching the goal of good design varies and there are examples, perhaps most notably in relation to protecting the Tre'r Gof SSSI, where the strategic site assessment of the Wylfa site in EN-6 Volume 2 states that "it is anticipated sufficient land is available within the site for the development of a new nuclear power station without permanently affecting any designated area. The nominator also stated that Tre'r Gof SSSI could be protected through a variety of engineered drainage mitigation measures to preserve surface and groundwater quality and quantity including protection of the mineral rich waters and hence protect the overall ecology of the SSSI". By the Applicant's own recognition [APP-127], the layout of the site, including the location of Mound A, will result in significant adverse residual effects at Tre'r Gof SSSI from hydrological changes during construction and operation due to the siting of Mound A and to a lesser extent the Site Campus, which cannot be mitigated.
- 14.7.4. Further, the Applicant has not fulfilled good design on the basis that the layout of the works does affect designated sites (Cemlyn Bay and Cae Gwyn SSSIs, in addition to Tre'r Gof). In addition, the works impact on other significant species including CHEG grasslands, chough and tern.

14.8. CONCLUSIONS

- 14.8.1. The ExA recognises that the Application would consider the purposes of good design set out in NPS EN-1 paragraphs 4.5.1 and NPS EN-6 paragraph 2.83. It would consider both functionality and aesthetics and, through the use of artificial mounds and landscape reconfiguration within the WNDA, the use of natural colours and landscape reinstatement would demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation (NPS EN-1 paragraph 4.5.3). The Application explains how the proposed designs evolved and would now obtain further advice from the Design Commission for Wales as the project progresses.
- 14.8.2. However, as outlined above the proposed development would affect designated sites and impact on significant species. Therefore, taking the precautionary approach while the ExA concludes that the National, Welsh and local policy tests have been met for individual elements and for the physical design of the project overall, it cannot, due to the impact upon designated sites, make the conclusion for good design for the project overall. On balance the ExA concludes that the Application would therefore not follow good design principles and this should be given limited weight against the Application.

The need for any changes to the dDCO and control documents

- 14.8.3. In respect of WN29, the ExA notes that "Materials" appears to be missed off the list of information to be submitted for approval. The ExA suggests a minor drafting amendment to WN29(1) so that the list of information to be submitted to and approved by the discharging authority includes materials.
- 14.8.4. The ExA proposes a minor drafting amendment to table OPSF3 that H (m) for precision and enforceability be amended to H (m AOD).
- 14.8.5. The ExA proposes a minor drafting amendment to PR4 that H (m) for precision and enforceability be amended to H (m AOD). The ExA also proposes the same amendment for LC4.

15. MARINE ENVIRONMENT

15.1. INTRODUCTION

- 15.1.1. This chapter sets out the effects of the proposed development on the marine environment.

15.2. THE APPLICANTS CASE

- 15.2.1. The Applicant's assessment of impacts on the marine environment is set out in the following documents;
- ES Volume B - Introduction to the environmental assessments B13 - Marine environment [APP-078]; and
 - ES Volume D - WNDA Development D13 - The marine environment [APP-132]
- 15.2.2. The cumulative effects of the proposed development with identified Reasonably Foreseeable Future Projects are assessed in Environmental Statement (ES) Volume I - Cumulative Effects I5 - Inter-project cumulative effects [APP-388].
- 15.2.3. [APP-132] is supported by a number of appendices that contain technical reports and details of surveys and data collection ([APP-219] to [APP-232]).

Marine environment receptors

- 15.2.4. The ES [APP-132] identified relevant receptors within a central study area of a 5km radius from the Wylfa Newydd Development Area (WNDA); this search area was based on the tidal excursion along the north coast of Anglesey and the results of preliminary hydrodynamic modelling. A wider study area was employed for mobile receptors such as marine mammals, seabirds and fish.
- 15.2.5. For marine mammals this incorporated the relevant Marine Mammal Management Units and takes account of populations from Special Areas of Conservation (SACs) that have been designated for one or more Annex II species within the Celtic and the Irish Sea. The wider study area for fish primarily covered the eastern Irish Sea which is known to support important spawning and nursery grounds for both commercial and non-commercial species. For seabirds, the primary study area for transect surveys has a boundary loosely described by a radius of approximately 12km centred on the WNDA. An additional survey area off the eastern coast of Anglesey was added to incorporate the known foraging range of Sandwich terns from the Bae Cemlyn/Cemlyn Bay colony [APP-225, figure 2.2].
- 15.2.6. The ES assessed impacts on the following groups of receptors:
- designated sites of national/international importance;
 - o Bae Cemlyn/Cemlyn Bay SAC;

- o Morwenoliaid Ynys Môn/Anglesey Terns Special Protection Area (SPA);
- o North Anglesey Marine cSAC (candidate SAC);
- o Bae Cemlyn/Cemlyn Bay Site of Special Scientific Interest (SSI);
- o Ynys Seriol/Puffin Island SSSI;
- o The Skerries SSSI;
- o Holy Island Coast SSSI;
- marine water quality including Water Framework Directive (WFD) waterbodies and EU-designated bathing waters;
- phytoplankton and zooplankton;
- benthic habitats and species (intertidal, subtidal, non-native species and invertebrates of conservation and commercial importance);
- marine fish;
- marine mammals (pinnipeds and cetaceans); and
- seabirds.

Potential impacts

- 15.2.7. Section 13.5 of [APP-132] describes the construction activities and operational components of the proposed development which are of relevance to the marine environment.
- 15.2.8. The construction phase impacts assessed were:
- changes to water quality from land drainage, dewatering and sewage discharge;
 - changes to water quality from dredging;
 - changes to hydrodynamics;
 - direct footprint – mortality of species and loss of habitats;
 - disturbance from wave action, scour, smothering and deposition of dust and air pollutants;
 - introduction of non-native species;
 - underwater noise;
 - airborne noise;
 - changes in visual stimuli; and
 - physical injury from vessel strikes.
- 15.2.9. The operational phase impacts assessed were:
- impingement of marine organisms;
 - entrainment of marine organisms;
 - underwater noise from acoustic fish deterrents;
 - discharge of cooling water; and
 - airborne noise.
- 15.2.10. The effects of radionuclides to marine environment receptors was assessed separately within ES Chapter D14 (radiological effects) [APP-133].
- 15.2.11. The assessment of effects for the disposal site is presented in ES D13 section 13.7 [APP-132]. These effects are relevant to the activities permitted by the marine licence which is not deemed within the DCO and

is being sought by the Applicant from Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) with a decision expected in early 2020 [REP7-012]. The Examining Authority (ExA) raised two points of clarification relating to the disposal site; seeking confirmation that NRW was content that the site was the best available, to which NRW responded [REP2-325] that it was being considered by its Permitting Service; and on disposal of rock within a micro-sited area of the site to which the Applicant provided clarification [REP5-056]. The ExA in not wanting to duplicate the marine licence process, made no further examination of the disposal site.

Mitigation

- 15.2.12. As explained in Chapter 6, of this report, the Applicant has proposed three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.
- 15.2.13. Embedded mitigation in relation to the marine environment during construction is detailed in Section 13.5 of ES Chapter D13 [APP-132]. This includes:
- installing appropriate drainage on-site prior to main construction to manage flows and meet agreed water quality thresholds;
 - restricting the area of dredging of soft sediments and shortening the duration in Porth-y-Pistyll to reduce suspended solids concentrations and the release of sediment-bound contaminants;
 - re-use of excavated rock material in the construction of marine structures to reduce the volume of material imported, the amount requiring marine disposal and reduce the possibility of transmitting INNS via excavated materials;
 - disposal of sediment within the central area of the Disposal Site to mitigate any effects beyond the boundary;
 - the design and position of the western breakwater would ensure that a sufficient gap exists at the landward end, post construction of the Marine Works to maintain appropriate hydrodynamic flows and allow mixing within Porth-y-Pistyll and prevent long-term physical disturbance to habitats;
 - the footprint of the breakwaters, cooling water intake and outfall structures, temporary causeway, including dredging activities would be designed to be as small as practicable to ensure migratory fish species are not prevented from entering and leaving freshwater habitat in the Afon Cafnan during the construction phase;
 - the design of the breakwater structures would introduce new hard surfaces which could potentially have the capacity to function as an artificial rocky reef, providing new colonisation opportunities for species dependent on hard substrate;
 - the design of the permanent breakwaters would provide intertidal areas for grey seals to haul out;
 - the development of habitats and species on the breakwater structures could also potentially provide habitat, food and refuge resources for seabirds;

- sediment control design element of the construction drainage system would reduce mobilisation and transport of fine suspended sediment; and
- methods would be applied to manage the discharge of suspended sediments to Cemlyn Lagoon

15.2.14. Embedded mitigation during operation included measures to prevent the entrapment of marine organisms and the control of biofouling; in the cooling water system; the Cooling Water outfall would be designed to increase the momentum of discharge, to propel the thermal plume and reduce the risk of recirculation

15.2.15. Good practice mitigation is also detailed in Section 13.5 of ES Chapter D13 [APP-132] and includes for construction best practice environmental management requirements to mitigate construction activities. This comprises environmental emergency management as well as dust and sediment management strategies, pollution prevention strategies and all bulk fuel storage would be within engineered containment facilities including suitably bunded tanks. A suitably qualified and experienced person would be employed during the construction phase to monitor the environmental aspects of the proposed development; marine and land-based plant would be used in line with best practice construction methods; methods would be applied to all works to control noise and vibration; monitoring locations within the WNDA including locations close to Bae Cemlyn/Cemlyn Bay, as agreed with NRW; and adherence to a Biosecurity Risk Assessment and Method Statement based on industry standards.

15.2.16. Good practice mitigation during operation in relation to air, noise, traffic, water quality etc. is set out in the WNCOP [REP10-030].

15.2.17. Additional mitigation is detailed in Section 13.5 of ES Chapter D13 [APP-132] and includes for implementation of a monitoring programme for INNS; provision of marine ecological habitat enhancements to encourage biodiversity and biomass on artificial structures; use of fish-friendly pumps for dewatering; regular monitoring of terns throughout the nesting period and if necessary, implement alternative methods of working or additional constraints. During operation additional mitigation includes implementation of an entrapment monitoring programme to monitor fish protection measures.

Environmental Statement Addendum and Non-material Change requests

15.2.18. The Applicant submitted an Addendum to the ES at Deadline 6 [REP6-015] and a further updated Addendum to the ES at Deadline 8 [REP8-005]. The Addenda as updated captures and provides a record of the environmental assessment of the Proposed Development considering updated information on the development that has arisen since the DCO application was made. In terms of the marine environment, the Deadline 6 Addendum provides updates of:

- phasing strategy to secure the implementation of mitigation at an appropriate time to minimise the likely significant environmental effects of the proposed development;
- ecological enhancement measures that can be considered to mitigate loss of marine habitats and species;
- mitigation to address the impact of the Marine Works footprint that includes the implementation of shoreline protection and restoration of the intertidal zone following removal of the temporary causeway and habitat enhancement;
- the cumulative effect of land drainage and dredging on the marine environment.

15.2.19. The Deadline 8 Addendum provides updates related to the:

- extension to the time frame for blasting for the Main Construction Works;
- extension to the proposed working hours for the Main Construction Works; and
- increase in the number of marine vessel movements.

15.2.20. As detailed in Chapter 3 of this report, the ExA accepted six non-material change requests submitted by the Applicant. Those relevant to the marine environment were marine vessel movements [AS-021] and working hours [REP4-012]. Each of the change requests was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely environmental effects than those reported in the ES. The ExA has considered the environmental effects of these changes together with IPs concerns in its examination of the issues discussed in this chapter.

Applicant's conclusions

15.2.21. The Applicant's assessment was informed by modelling of surface water, groundwater, hydrodynamics, construction discharge, underwater noise, airborne noise and operational cooling water discharge.

15.2.22. The residual effects on marine environment receptors are set out in Table D13-54 of [APP-132] and ES Volume I App I3-1 Master residual effects table [APP-391]. The ES identified the following construction phase effects as being moderate adverse:

- subtidal and intertidal habitats or conservation importance – direct habitat loss under the footprint of the marine works; and
- subtidal and intertidal habitats or conservation importance and invertebrates - competition from the introduction of non-native species.

15.2.23. However, following the application of additional mitigation (marine ecological enhancement measures and a monitoring programme for non-native species), these were deemed to be minor adverse.

15.2.24. No significant adverse effects were identified for the operational and decommissioning phases.

- 15.2.25. No significant inter-project cumulative effects are predicted for the marine environment [APP-388].

15.3. ISSUES DISCUSSED DURING THE EXAMINATION

- 15.3.1. The main EIA issues considered during the Examination included:

- modelling of impacts to Bae Cemaes/Cemaes Bay bathing water;
- impacts to the biological element of The Skerries water body;
- impacts to the biological element of Anglesey North water body;
- loss of habitat and enhancement measures for benthic habitats (including Annex I and section 7 Rock reef);
- invasive non-native species – sufficiency of biosecurity risk assessment;
- Harbour porpoise - noise impacts and mitigation;
- Terns – meeting committed noise levels; and
- impacts from the once-through cooling water system.

- 15.3.2. The ExA examined these issues with reference to the appropriate legislation and policies described in Chapter 3, through written questions and in three ISHs on 10 [EV-20p] and 11 January [EV-20r] and 8 March 2019 [EV-047, EV-048]. Concerns relating to these issues were expressed throughout the Examination by NRW, Ymddiriedolaeth Natur Gogledd Cymru/North Wales Wildlife Trust (NWWT), National Trust (NT) and The Royal Society for the Protection of Birds (RSPB) and these are discussed in this Chapter.

- 15.3.3. In terms of the statutory designated sites, Morwenoliad Ynys Môn/Anglesey Terns SPA, Bae Cemlyn/Cemlyn Bay SAC and North Anglesey Marine SAC are discussed in Chapter 6.

Bae Cemaes/Cemaes Bay bathing water

- 15.3.4. Bae Cemaes/Cemaes Bay is an EU designated bathing water classified as 'Sufficient' for the 2019 season (NRW [REP2-325]). The Applicant undertook marine hydrodynamic modelling [APP-226] to assess the effects of all sources of suspended solids, including drainage, dewatering, and sewage and concluded that the small addition in faecal coliforms was well below the maximum concentration required to achieve good classification under the Bathing Water Directive. However, NRW [REP2-325] raised a number of concerns with the modelling, including modelling parameters, inclusion of meteorological forcing, lack of total suspended solids concentrations and the combined effects of the temporary waste water outfall and Dŵr Cymru/Welsh Water's (DCWW) waste water treatment works, which would receive the Site Campus sewage loading.
- 15.3.5. Resulting from NRW's representation and a request from the ExA during the ISH on 10 January 2019 [EV-20p], the Applicant carried out supplementary modelling to assess the cumulative impact of the two proposed construction discharges and the DCWW discharge combined with the Site Campus effluent. This additional work was reported in the technical note Appendix 1-10 Supplementary Sewage (Bacteria) Modelling for the Wylfa Newydd Project [REP5-056]. NRW confirmed at

Deadline 7 [REP7-012] that the modelling undertaken was satisfactory and conservative, and that there would be no impacts to Cemaes Bathing Water from the Proposed Development.

15.3.6. IACC deferred to NRW as the regulatory authority but stressed the great importance to the community of Cemaes of the bathing water qualities at Bae Cemaes/Cemaes Bay [REP4-034]. At Deadline 7 [REP7-014] IACC noted NRW's advice that it was satisfied and confirmed that it was now satisfied that its concerns regarding the potential adverse impacts on the community and tourism of any deterioration in that water quality had been satisfactorily addressed.

15.3.7. The ExA is content that there will be no impacts to Cemaes Bathing Water from the proposed development.

Skerries Water Body

15.3.8. The Skerries water body comprises the coastal environment from the existing Wylfa Power Station out to around 2km north-west of the Skerries islands and up to the Anglesey North Coastal water body on the eastern side of Anglesey. The water body is one of only three water bodies in Wales classified as having "high status" in cycle 2 of the Water Framework Directive (WFD) classifications carried out in 2015. [REP2-325].

15.3.9. The discussion regarding impacts on the water body is reported in the Water Framework Directive section of this Chapter, which addresses all WFD issues.

Anglesey North Water Body

15.3.10. The Anglesey North water body comprises the coastal environment from the boundary with the Skerries coastal water body to the west, to the Great Orme Headland in the east and is classified under the WFD as having moderate status overall.

15.3.11. As with the Skerries water body, impacts on the marine environment is reported in the Water Framework Directive section of this Chapter.

Benthic ecology (including Annex I and section 7 habitats)

15.3.12. The ES [APP-132] states that of 7.6ha and 23.5ha of intertidal habitats and communities and subtidal habitats and communities that would be lost under the footprint of the Marine Works, 6.7ha and 13.3ha are considered to be of conservation importance, being examples of Annex I rocky reef. The ES concluded that the loss of these habitats would result in a moderate adverse effect. However, through the provision of marine ecological habitat enhancements, this would reduce to a minor adverse residual effect.

15.3.13. NRW [REP2-325] considered that there was insufficient evidence to demonstrate that Annex I and Section 7 rock reef habitat loss would be

offset, with no detail provided on the engineering and material options that could be used to offset the direct and indirect effects of reef habitat loss. It also had concerns that cumulative effects on benthic habitats during the operational phase as a result of the footprint of the structures as well as possible changes in coastal process and the operational water discharges (thermal plume and biocide) had not been fully assessed. The Applicant [REP3-035] acknowledged this omission and identified an additional 5.6ha of habitat loss and/or degradation around the cooling water discharge (resulting in a total of 36.1ha). However, it considered that this would not result in wider effects on the structure and function of benthic habitats and did not consider further mitigation and or enhancement was necessary; NRW [REP4-039] disagreed with this conclusion, noting that the additional area of impact is partially composed of Annex I rocky reef.

- 15.3.14. NT [REP2-319] also considered that insufficient mitigation had been proposed by the Applicant and noted that the loss of marine habitats was scarcely acknowledged in the LHMS.

- 15.3.15. The Applicant confirmed that it could not fully offset areas of habitat loss under the footprint of the marine works. However, it believed that its assessment was extremely precautionary and noted that it has provided for enhancement to improve the quality of habitats [REP4-023, REP6-009]. It submitted an Ecological Enhancements Mitigation Report at Deadline 4 [REP4-023] and an updated MWCoCP at deadline 5 [REP5-021] to secure the proposed enhancements, in response to requests by statutory and non-statutory stakeholders. The report provided enhanced ecological enhancement mitigation *"focused on improving quality as well as maximising the spatial extent of enhancements over the greatest practical (i.e. logistically and financially) extent"*. While NRW [REP5-081] acknowledged that the constraints of the project meant that limited levels of enhancement and therefore offsetting were possible, it did not consider that the residual effects on benthic habitat could be reduced from 'Moderate Adverse' to 'Minor Adverse', a position that is echoed by NT [REP2-058, REP5-076] and NWWT [REP5-075]. NRW advised in its SoCG [REP8-018] *"that the Secretary of State will need to consider the scheme in the context of the impacts identified on benthic habitats"*.

- 15.3.16. NT [REP4-038] also expressed concerns over the removal and restoration of the temporary causeway following excavation of the inner harbour. It sought measures to protect the NT owned coastline in Porth-y-Pistyll. The Applicant provided a technical note on the construction, removal and remediation of the temporary causeway and associated pollution prevention measures in Appendix 1-5 Causeway Removal and Pollution Prevention [REP5-056]. NT [REP7-009] was still concerned about sediment deposition from removal of the temporary causeway and suggested the Ecological Clerk of Works (ECoW) should set up a monitoring programme along the NT shoreline; this was reflected in the final version of the MWSCoP [REP10-022].

- 15.3.17. After careful consideration of the arguments regarding impacts, the ExA has given weight to NRW's view, as regulator, that impacts cannot be

reduced from moderate to minor for habitat loss under the footprint of marine works.

- 15.3.18. The ExA is content that the Applicant's enhancement mitigation measures and measures to protect NTs shoreline are feasible and secured in the MWCoCP.

Invasive non-native species

- 15.3.19. Volume D13 of the ES [APP-132] considered that there was an adverse significant effect related to the introduction and spread of INNS and the potential effect on subtidal and intertidal habitats of conservation importance and invertebrates of conservation and commercial importance. Residual effects at WNDA during construction were assessed as minor adverse.
- 15.3.20. In its WR NRW [REP2-325] considered that the ES did not fully assess the risks of INNS, and in particular sea squirt. It also considered that there were some gaps in the biosecurity risk assessment [AS-010] to be produced in accordance with the MWSCoCP, and that clarification was also required over the duties of the EcoW. The WNCaCP [10-019] and MWSCoCP [REP10-022] were updated by the Applicant and included more details of the EcoW's duties.
- 15.3.21. The Applicant submitted a Biosecurity Risk Assessment Strategy Report [REP5-041] at Deadline 5. By the close of the Examination NRW [REP10-035] was satisfied with the Applicant's approach to INNS mitigation and that the Biosecurity Risk Assessment and Method Statement may be secured by a condition of the Marine Licence. NRW noted that the Secretary of State will need to decide whether the detailed biosecurity risk assessment should also be secured through the DCO and give consideration to any potential for regulatory overlap.
- 15.3.22. The ExA is content that arrangements for protecting against INNS are appropriate. The ExA is also of the view that it is not necessary to secure the Biosecurity Risk Assessment through the DCO as the Marine Licence will provide adequate security.

Marine Mammals

- 15.3.23. Marine mammals are both EIA and HRA issues. Detail of HRA impacts from the proposed development on marine mammals are discussed in Chapter 7.
- 15.3.24. In terms of EIA effects, the Applicant considered a study area for marine mammals incorporating the relevant Marine Mammal Management Units [APP-132]. Surveys within the study area showed that harbour porpoise are present year round in waters around the north coast of Anglesey and have been recorded in and around Bae Cemlyn/Cemlyn Bay and Bae Cemaes/Cemaes Bay, grey seals are also present year round with peak sightings occurring between April and May [APP-224].

- 15.3.25. The ES concludes that for impacts at an EIA scale, there were no significant adverse effects identified for construction, operational and decommissioning phases of the proposed development.
- 15.3.26. NRW [REP2-325] advised that it agreed with this conclusion provided that a Vessel Management Plan was in place to mitigate the potential risks from collision and disturbance, and a commitment to secure the detailed mitigation measures described in the Mitigation Route Map [APP-422] in the MWSCoCP. The Applicant made these inclusions in the MWSCoCP [REP10-022] for the Vessel Management Plan, under water noise mitigation, visual and passive acoustic monitoring and for cooling water abstraction mitigation.
- 15.3.27. NRW also advised [REP2-325] that the accepted underwater noise criteria for marine mammal injury and disturbance had altered since the Applicant prepared its assessment [APP-227], and that the assessment of effects on marine mammals should be revised to take account of the new criteria.
- 15.3.28. The Applicant provided an updated assessment [REP4-009], followed by further clarifications in response to queries from NRW [REP6-027]. NRW raised a particular concern about the references to percussive piling in the non-material change request for alterations to working hours and whether these had been fully assessed [REP5-081]. The Applicant confirmed that no piling operations would be undertaken in the marine environment so there would be no implications for increases in underwater noise [REP6-027]. NRW then confirmed that their concerns had been fully addressed [REP7-012].
- 15.3.29. In conclusion, the ExA is satisfied that, in EIA terms, there will be no adverse impacts on marine mammals as a result of the Proposed Development.

Tern

- 15.3.30. Tern are both EIA and HRA issues. Detail of impacts from the proposed development on tern are discussed both in Chapter 6 Biodiversity and in the HRA Chapter 7 of this report.
- 15.3.31. To avoid duplication the examination of potential effects on Arctic Tern and Sandwich tern from noise and visual disturbance are not repeated here. The ExA concluded in Chapter 6 that it accepts NRW's advice that it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony at Bae Cemlyn/Cemlyn Bay would not abandon the site or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival. The ExA concludes that great weight should be given to the potential damage to the Arctic tern and Sandwich tern populations as a result of disturbance.

Cooling water system

- 15.3.32. NWWT expressed its concerns in [REP2-349] related to the once-through cooling water system, claiming that the discharge sterilises water and

potentially kills organisms. NRW [REP2-325] requested additional information to assess the impact of additional/concentrated mercury as a result of the cooling water discharge; and to assess the impact of the cooling water discharge on coastal processes.

- 15.3.33. NRW also expressed concern [REP5-081] that the ES did not include a cumulative impact assessment of the effects of cooling water on benthic habitats.
- 15.3.34. The Applicant provided additional information [REP5-084] which concluded that mercury concentrations discharged would be extremely low and not detectable at the scale of a water body. With reference to cooling water discharge the additional information demonstrated that the effects on benthic habitats would be confined to within 300m of the outfall. The habitat within this area that could be considered Annex 1 rocky reef covers 0.3ha, however owing to the localised scale of effect the assessment considered this as minor adverse effect.
- 15.3.35. NRW confirmed [REP7-012] that on reviewing the additional information, it was satisfied that there would be no deterioration of the Anglesey North water body as a result of the proposed development.
- 15.3.36. The Applicant included in its Ecological Enhancements Mitigation Report [REP4-023] an options appraisal of cooling water systems intake and outfall locations which confirmed that it would be best available technology (BAT) and biocide would be managed in accordance with best practice. Having considered the concerns of NWWT and NRW and the Applicant's responses at [REP4-023, REP6-015, REP6-016], the ExA is content that the cooling water system does represent BAT.

15.4. CONCLUSION

- 15.4.1. The ExA concludes that for Bae Cemaes/Cemaes Bay bathing water, INNS and marine mammals there will be no adverse impacts as a result of the proposed development.
- 15.4.2. For benthic ecology, the ExA has given weight to the NRW's view, as regulator, that impacts cannot be reduced from moderate to minor for habitat loss under the footprint of marine works.
- 15.4.3. The ExA's conclusions for The Skerries and Anglesey North water bodies are given in the WFD section of this Chapter of this report.
- 15.4.4. In EIA terms the ExA has given weight to advice from NRW, as the relevant statutory nature conservation body, that both the benthic invertebrate element in the Skerries water body and the hydromorphological element will have adverse effects from the proposed development.
- 15.4.5. The ExA has taken into consideration the requirements of NPS EN-6, which states that *"the applicant's assessment should also set out the characteristics of cooling water for new nuclear power stations and the specific implications of the proposal on marine and estuarine*

environments". It advises the SoS that the Applicant has satisfied this requirement and that there would be no deterioration of the water body as a result of the cooling water discharge.

- 15.4.6. The ExA is also content that the Applicant has considered the cumulative effects of the DCO application with other major infrastructure proposals in accordance with the requirements of NPS EN-1 and that there are no adverse cumulative effects. However, as detailed in Chapter 7 of this report, the ExA acknowledges the Republic of Ireland's comments regarding cumulative effects on cetaceans arising from the proposed West Cumbria coal mine development.
- 15.4.7. The ExA therefore concludes that, considering the conclusions on water bodies given in the WFD section of this Chapter, the effects of the proposed development on the marine environment has little weight against the Order being made.
- 15.4.8. The ExA is of a similar view with respect to the United Nations Environmental Programme Convention on Biological Diversity of 1992, i.e. it concludes that the proposed development complies with the Convention.

The need for any changes to the dDCO and control documents

- 15.4.9. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to the marine environment.

16. NOISE AND VIBRATION

16.1. INTRODUCTION

- 16.1.1. This chapter sets out the noise and vibration on-shore effects of the proposed development.

16.2. THE APPLICANTS CASE

- 16.2.1. The Applicant's assessment of impacts on noise and vibration is set out in the following documents:

- ES Volume B [APP-071] - Introduction to the environmental assessments B6 - Noise and vibration;
- ES Volume C [APP-092] Project-wide effects C5 – Noise and Vibration effects on traffic
- ES Volume D [APP-125] - WNDA Development D6 - Noise and vibration;
- ES Volume E [APP-244] - Off-Site Power Station Facilities: AECC ESL and MEEG E6 - Noise and vibration;
- ES Volume F [APP-271] - Park and Ride F6 - Noise and vibration;
- ES Volume G [APP-309] - A5025 Off-line Highway Improvements G6 - Noise and vibration; and
- ES Volume H [APP-360] - Logistics Centre H6 - Noise and vibration.

- 16.2.2. The cumulative effects of the proposed development with identified Reasonably Foreseeable Future Projects are assessed in ES Volume I - Cumulative Effects I5 - Inter-project cumulative effects [APP-388].

- 16.2.3. Each of these volumes is supported by a number of appendices that contain technical reports and details of surveys and data collection.

- 16.2.4. Where noise and vibration would potentially affect biodiversity, these effects are dealt with in Chapter 6 of this report.

Potential impacts and receptors

- 16.2.5. The study areas defined in the Environmental Statement (ES) Volumes included all properties where there was any potential for adverse noise or vibration effects due to the construction, operation or decommissioning within the Wylfa Newydd Development Area (WNDA), a zone of approximately 600m from the boundary of the Off-site Power Station Facilities, Park and Ride Site and Logistics Site and a 600m buffer from the relevant site boundary for each of the A5025 Off-line Highway Improvements sections. During the assessment process, the 600m zone was refined to include additional receptors beyond 600m with the potential to experience significant noise effects.

- 16.2.6. The ES assessed impacts on the following groups of receptors:

- residential properties;
- retail, commercial and industrial premises;
- schools, churches, Village Halls;

- School Lane Football Ground, Cemaes;
- Public Rights of Way (PRoWs);
- other recreational receptors (playing fields, marine leisure activities, Isle of Anglesey Area of Outstanding Natural Beauty and Cestyll Garden);
- offices at the Existing Power Station and those used by the Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) in Cemaes;
- buildings used for retail and other commercial premises in and around Cemaes; and

16.2.7. Existing utilities and services which were potentially sensitive to vibration include:

- underground high-voltage cables;
- overhead high-voltage cables;
- water mains;
- foul water drains; and
- the Existing Power Station.

The impact of noise and vibration on other ecological receptors has already been considered in earlier chapters.

Mitigation

16.2.8. As explained in Chapter 6, of this report, the Applicant has proposed three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.

16.2.9. Embedded mitigation during construction allowed for;

- WNDA – earth mounds A, B, C and E to attenuate construction noise and the haul roads would be capped to lower the potential for emitting noise and vibration;
- Off-site Power Station Facilities – solid hoarding boundary fences and restricted working hours;
- Park and Ride – locate contractor's compound farthest from sensitive receptors, restricted working hours;
- A5025 Off-line Highway Improvements – restricted working hours, plant and equipment to comply with the noise limits outlined in the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 (SI) 2001/1701; and
- Logistics centre – positioned in location of relatively low sensitivity to noise and vibration, site boundary 400m from residential communities, HGV movements strictly controlled, secured in the LCSCoCP [REP10-027].

16.2.10. For embedded mitigation during operation;

- WNDA – transformer noise would be subject to appropriate near field limits, selected to achieve a free-field transformer noise level of 25dB LAeqT, or below at the closest residential receptors;
- Off-site Power Station Facilities – stone walls to the north and east of the site would be retained to provide some noise screening by

reducing the likelihood of direct lines of sight between noise sources, the location of plant and orientation of buildings would screen noise sources from nearby noise-sensitive receptors, testing of the emergency mobile generators stored in the MEEG/AECC building would take place at the main Power Station Site;

- Park and Ride - the bus transfer building and waiting area would be centrally located within the site to increase the offset distance between noise sources and bus routes within the site would be designed as a one-way system in order to avoid the need for reversing buses;
- A5025 Off-line Highway Improvements – comply with DAS [REP8-021, REP8-044, REP8-045 and REP8-046]; and
- Logistics Centre - would be a temporary facility from which deliveries to the Power Station Site would be managed to reduce traffic impacts on the local road network.

16.2.11. A common principle of good practice mitigation across the proposed development during construction was compliance with the noise and vibration strategies included in the WNCōCP and the relevant sub-CoCPs. Good practice mitigation also included adopting Best Practicable Means (as defined in section 72 of the Control of Pollution Act 1974). Where practicable, the control measures set out in BS 5228-1 section 8 and BS 5228-2 section 8 would be implemented.

16.2.12. For operation, good practice mitigation would be achieved by the design of the Power Station taking the design advice provided in the European Commission's Best Available Techniques Reference Document for Large Combustion Plants into account and for compliance with the WNCōOP [REP10-031] and PaRSCōCP [REP10-025] and LCSCōCP [REP10-027].

16.2.13. Additional mitigation measures for WNDA are summarised in ES table D6-32, table D6-33 and table D6-34 for construction, operation and decommissioning respectively [REP-125].

Environmental Statement Addendum and Non-material Change requests

16.2.14. The Applicant submitted an Addendum to the ES at Deadline 6 [REP6-015] and a further updated Addendum to the ES [REP8-005] at Deadline 8. The Addenda as updated captures and provides a record of the environmental assessment of the Proposed Development considering updated information on the development that has arisen since the DCO application was made.

16.2.15. In terms of noise and vibration, the Deadline 6 Addendum provides updates of construction noise modelling for the Park and Ride site to reflect construction of the proposed flood attenuation ponds at the site.

16.2.16. The Deadline 8 Addendum provides updates related to the eligibility criteria for the provision of noise insulation measures; traffic noise levels during the construction or operation of the proposed development were

predicted to exceed 63dB LA10 18 hr, previously this was 68 dB LA10 18 hr.

- 16.2.17. The Deadline 8 Addendum also provided updates related to the six change requests discussed below.
- 16.2.18. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. Those relevant to noise and vibration were Blasting Strategy [AS-020], Worker Shift Patterns [REP4-011], Working hours [REP4-012], HGV Delivery Window [REP4-013], Dalar Hir Park and Ride Junction Improvement [REP7-001k] and an increase in the Number of Marine Vessel Movements [AS-021] Each of the change requests was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely environmental effects than those reported in the ES. In examining the issues discussed in this chapter, the ExA has considered the environmental effects of these changes along with IPs' concerns in regard to them.

Applicant's conclusions

- 16.2.19. No adverse effects in relation to noise and vibration had been identified by the Applicant for the construction, operation and decommissioning of the proposed Logistics Centre [APP-360] or Dalar Hir Park and Ride [APP-270]. This was not contested by any party throughout the Examination.
- 16.2.20. There were no anticipated significant effects from noise or vibration associated with the operation of the Wylfa Newydd Power Station [REP2-375 & APP-125].
- 16.2.21. The Applicant considered that the design of the proposed development had sought to avoid significant adverse effects on local living conditions and health from construction noise and vibration in accordance with NPS EN-1; and while there would be adverse effects on amenity, these effects had been limited as far as possible.

16.3. ISSUES DISCUSSED DURING THE EXAMINATION

WNDA

- 16.3.1. The Applicant and Cyngor Sir Ynys Môn/Isle of Anglesey County Council agreed that there were no notable existing sources of vibration in the locality of the WNDA [APP-092]. However, various works would result in vibration during construction including vibratory compaction and blasting. Vibration and air overpressure (and noise) from blasting would be controlled through the MPSSSCoCP [APP-125].
- 16.3.2. While there would be no significant residual effects associated with the operational phase of the project, the Applicant confirmed [APP-125] that there would be significant residual effects during the construction phase.
- 16.3.3. A number of representations sought clarification regarding the possible environmental effects of the construction and operation of the proposed

Power Station on the residents of Tregle [RR-101, RR-117 and RR-118] and Cemaes [RR-054, RR-097]. This included the specific locations of those likely to be affected. Confirmation of the properties and predicted noise levels were provided by the Applicant at Deadline 4 [REP4-025].

- 16.3.4. Construction works would generate significant levels of noise and vibration over an extended period of time. The Applicant had designed earth mounding into the WNDA works as part of the embedded mitigation for noise and vibration for people within the areas around Tregle and Cemaes. [APP-125].
- 16.3.5. IACC's Local Impact Report (LIR) on noise and vibration [REP2-074] noted that daytime noise levels in the area surrounding the WNDA were below the World Health Organisation (WHO) Guideline value *Guidelines for Community Noise* of 55dB_{L_{aeq}T}, and that this protected the majority of people from 'moderate annoyance' in outdoor living areas. Night time baseline levels were also below the WHO Guideline value of 45dB_{L_{aeq}T} outside bedrooms. It concluded that significant adverse effects from noise or vibration would fail to improve the well-being objectives for Anglesey.
- 16.3.6. IACC also expressed concern with the Applicant's change request for Blasting Strategy [AS-020] as it considered that blasting between the hours of 18:00 and 19:00 would be at a time when the local communities located closest to the site would be highly sensitive to blasting and therefore a lower level of satisfactory magnitude should apply to the blasting between these hours as confirmed by BS6472-2:2008 'Guide to evaluation of human exposure to vibration in buildings'.
- 16.3.7. A number of gaps in information were identified by IACC in the LIR [REP2-074], along with the need for DCO obligations and requirements to address potential impacts of noise and vibration. These information gaps included confirmation that the Noise and Vibration Management Strategies (NVMS) would be implemented in full and not 'wherever practicable'; further details of the monitoring strategy; the acceptability criteria for the voluntary Local Noise Mitigation Scheme (LNMS) to be revised to include conservatories; details of the reporting proposal for the voluntary LNMS; further details of the noise insulation measures to reduce or manage the potential negative impacts caused by significant adverse residual effects and further details as to how the Applicant proposed to mitigate and compensate for the noise effects experienced by businesses and places/spaces used by the public including outdoor spaces.
- 16.3.8. With reference to the NVMS, the Applicant confirmed at Deadline 3 [REP3-004] that the principle of 'practicality' was well established, and BS 5228-1:2009+A1:2014 was clear that many mitigation measures may not be appropriate or practical in all situations. However, the Applicant committed to require contractors to demonstrate to the satisfaction of IACC, that Best Practicable Means of noise control would be used, this is secured in the WNCocP [REP10-018] and sub CoCPs. The Applicant also provided additional details of its monitoring strategy.

- 16.3.9. IACC agreed at Deadline 8 in its SoCG [REP8-019] that it was content with details of the proposed noise monitoring management and monitoring.
- 16.3.10. The Applicant [REP2-375] updated the LNMS, which is secured in the WNCOP [REP10-018], to address the full scope of the proposed noise insulation scheme in its final form. This increased the LNMS area to include all receptors anticipated to receive major adverse effects from construction noise at the WNDA. IACC agreed in its SoCG [REP8-019] that the thresholds used to define eligibility to the LNMS were reasonable and sufficient to mitigate noise effects from the construction phase and associated traffic from the project.
- 16.3.11. Additional information relating to the Blasting Strategy was provided by the Applicant [REP3-004] which allowed IACC [REP5-056] to withdraw its objection with respect to timings of blasting and welcome the Applicant's commitment to achieving a vibration level of 4.5mm/s PPV outside residences for 95% of blasts during the period 18.00-19.00.

Impacts on the Site Campus

- 16.3.12. The Site Campus would create temporary accommodation for a large number of construction workers. Its location adjacent to Wylfa Head would mean that it would be in very close proximity to the construction works for WNDA. The Applicant has used Planning Policy Wales Technical Advice Note 11 (TAN11) and its Noise Exposure Categories for assessing potential impacts on the Site Campus.
- 16.3.13. At Deadline 2, Land and Lakes [REP2-261] drew attention to [APP-125] which identified the existing transformer buildings next to the existing Wylfa power station as a source of tonal sound; and, that the noise has been the subject of community concern in the past. As the existing transformer buildings remain connected to the electricity grid, and would be used by the proposed power station, tonal noise would continue to be experienced by people in the locality. At present, the nearest dwellings are some distance from the transformer buildings. However, the proposed Site Campus would be much closer.
- 16.3.14. The Applicant explained how mitigation for tonal noise would be effective [REP7-001c]. While Land and Lakes continued to question the stated noise levels for the transformers [REP7-018], the Applicant's verbal submission to the WNDA Issue Specific Hearing (ISH) on 4 March 2019 highlighted its ability to design the Site Campus accommodation to address the nature of the tonal noise and to reduce it to acceptable levels (see also [REP9-006]). No additional technical submission was made.
- 16.3.15. In response to Land and Lakes [REP2-261] representation on noise at the Site Campus, the Applicant stated that design of the Site Campus accommodation blocks was a matter that would be addressed at the detailed design stage through, for example, dDCO requirement WN22 [REP10-006]. The Applicant continued at [REP5-002] that construction noise ingress to the Site Campus had been calculated using the methods

from BS 8233:2014 and BS EN ISO 12354-3:2017 which both provide methods to predict the internal noise levels from the external noise levels, the proposed building constructions, the surface areas of glazing and other building elements, noise transmission through ventilation paths and key receiving room characteristics.

- 16.3.16. At Deadline 7 WG [REP7-005] suggested that the Site Campus could be occupied during blasting operations. The Applicant responded [REP8-011] that in the unlikely event of there being an overlap between blasting and construction workers residency rooms would be allocated to early residencies that were furthest away from any blasting activity.
- 16.3.17. The most significant works that would be closest to the Site Campus would be the tunnelling and cut and fill operations to construct the approach to the proposed cooling water outfall. The line of the outfall tunnels would include a section between the Site Campus and the northern boundary of the existing power station and transformer buildings [REP8-026].
- 16.3.18. The ability of the Applicant to provide acceptable noise levels in the external amenity areas of the Site Campus was questioned by Land and Lakes [REP6-055], with reference to the predicted noise levels shown on Figure D6-5 [APP-237]. In response to the ExA's second written questions [PD-013], the Applicant [REP5-002] stated that there would be quieter areas on the seaward side of the Site Campus where construction noise levels from the power station site would reduce. Both the height and layout of campus accommodation blocks could contribute to such a reduction, and the siting of night worker accommodation would take advantage of built screening from the Power Station Site. As a result, the ExA are satisfied that the final design of the Site Campus could achieve quieter areas for external leisure and relaxation
- 16.3.19. In response to a question from the ExA during the WNDA ISH on 4 March 2019, the Applicant confirmed that the predicted vibration in the vicinity of the Site Campus would be due to heavy vibratory compaction works to backfill the cut and fill section of the proposed cooling water outfall [APP-125]. These works would be completed prior to the occupation of the Site Campus (or when the nearest blocks were unoccupied [REP5-002]). This clarified and confirmed how the Applicant proposed to address predicted vibration levels in that part of the WNDA and their possible effect on living conditions within the Site Campus.

Impacts of blasting

- 16.3.20. Blasting would be a necessary element of the construction works and limited to the phase prior to the pouring of 'First Nuclear Concrete'. The possible effects of blasting would be regulated through control documents such as the Main Power Station Site sub-CoCP [REP10-021] and the Marine Works sub-CoCP [REP10-022].
- 16.3.21. The Applicant [REP10-021] confirmed that: blasting events would occur at certain times of the day; and, advance notification of each blast would

be provided to local residents via the procedures in the Wylfa Newydd CoCP [REP10-018].

- 16.3.22. The ES describes the approach to minimising the vibration impact of blasting [paragraphs starting at 6.4.16 of APP-125]. This approach was now reflected and refined through the provisions in the Main Power Station Site sub-CoCP [REP10-021]. With these measures and in this regard, the ExA considers that appropriate protections would be in place to protect the living conditions of people who live, work and visit the locality.

A5025 off-line highway improvements

- 16.3.23. The A5025 off-line highway improvements would create new sections of highway that would bypass and draw traffic, and the associated noise and vibration, away from the settlements at Valley, Llanfachraeth and Llanfaethlu. These new sections of the A5025 would be constructed without surface 'irregularities' that could otherwise be a source of vibration as vehicles pass over them. Construction techniques for the A5025 off-line improvements would include the use of a low-noise road surface (LNRS) to further reduce vibration and associated road noise [APP-092]. To those that are eligible, the LNMS would also be available to mitigate traffic noise [REP3-051].
- 16.3.24. During the ISH on 7 March 2019 the Applicant [REP7-001f] confirmed that LNRS would only provide effective mitigation of road noise at higher vehicle speeds, rather than the lower speeds set for traffic passing through settlements on the A5025 (page 381/534 of [REP7-001f]). It also stated that there was no evidence to support the assertion from IPs that traffic vibration would cause significant damage to buildings.

Off-site Power Station Facilities

- 16.3.25. The Applicant stated [APP-244] that construction activities for the off-site power station would be expected to include the use of vibratory rollers during a 10-month period. These would cause the occupiers of two dwellings to experience very significant levels of vibration, and the occupiers of a further five dwellings would experience significant levels of vibration. The summary of residual effects states that no vibratory rollers would be used unless safe working distances were confirmed by a risk assessment (Table E6-13 of [APP-244]).
- 16.3.26. Construction plant and machinery would increase daytime noise levels. The extent to which noise levels would increase, would depend on the type and location of works being carried out at that time. A 3.6m hoarding was proposed by the Applicant [APP-244] for the site perimeter to provide some mitigation. However, it accepted that noise levels during construction would have the potential to cause moderate to major significant effects.
- 16.3.27. The Applicant advised that mitigation of noise from the operation of the Off-site Power Station Facilities would be expected to render its effects minor adverse [APP-244].

Project-wide effects of traffic

- 16.3.28. Project wide noise and vibration effects of traffic during and after construction were considered in ES Volume C [APP-092]. Groups of dwellings, along with public buildings and business premises were identified where the effects of traffic might be experienced. Details of the assessment made were provided within [APP-092], which confirmed that: the movement of construction workers and materials would result in increases of traffic on the roads on Anglesey, including those to and from the island.
- 16.3.29. Paragraph 1-1.1.22 of the Applicant's Health Impact Assessment (HIA) [APP-429] noted that the conclusions of the HIA may differ from other areas of the report, as it considered different population groups and had different endpoints. However, the HIA found: the possible effects of transport related noise during construction to be negligible; and, while there would be a minor adverse effect on the health of people living around the WNDA due to frequent exposure to noise levels associated with the construction works, for some particularly sensitive groups this could be a moderate adverse effect (Section D.3 of the HIA and summarised in paragraph 1-1.1.22 of [APP-429]).
- 16.3.30. Concerns were expressed by a number of IPs regarding possible effects, including those of noise (and vibration), from construction traffic in the wider locality [RR-002, RR-051 and RR-052]. A number of representations from the Talwrn area voiced concerns regarding the possible effects of noise and vibration from traffic passing through the locality to enable the construction of the Cors Gwawr and Cae Canol-dydd ecological compensation sites [RR-100, RR-106 and RR-113].
- 16.3.31. The Applicant responded [REP2-375] that it would control traffic movements from workers and HGV movements, which will avoid peak hours and seek to minimise impacts on the local road network.
- 16.3.32. In response to the ExA's first written questions [PD-009], the Applicant confirmed that the ES had assessed the possible effects of topsoil stripping and storage works for the ecological compensation sites around Talwrn [APP-137]. Nearest residential and community receptors to the ecological compensation sites would experience some disturbance during their construction, with operations most audible at the nearest receptor to the Cors Gwawr site [APP-137]. However, given the locations of the sites, the nature of the operations and, their temporary nature during construction and any subsequent topsoil removal, the Applicant considered that the noise levels experienced would not be unacceptably harmful to local living conditions.
- 16.3.33. The dDCO requirement ECS2 [REP10-006] would require a scheme for topsoil removal off-site. The resulting HGV traffic associated with the activity would increase noise (and vibration) in the locality. The required scheme would be submitted to IACC for approval, therefore IACC will be able to protect local living conditions and highway safety.

- 16.3.34. Objections to increased traffic through Llanfachraeth prior to the construction of the proposed bypass. were the subject of a letter [AS-040], a petition [REP4-055], and submissions at Deadline 7 [REP7-027 & REP7-039]. To reduce potential impacts on local communities, IACC wished to see lower numbers of vehicle movements than were being proposed prior to the opening of the off-line improvements [REP8-019].
- 16.3.35. The Applicant responded [REP5-047] that studies on vibration induced fatigue, and comparisons of properties fronting heavily trafficked roads with similar age and style buildings in areas away from traffic, had failed to show any significant effect of traffic vibration on ordinary domestic dwellings or heritage buildings. It therefore considered it unlikely that an increase in HGV traffic on the A5025 through Llanfachraeth would result in any vibration induced damage to adjacent properties.
- 16.3.36. It was suggested that cracks have been appearing in walls due to recent increases in HGV movements on the A5025, and buildings close to the highway would be liable to damage from traffic induced vibration [AS-040]. However, convincing evidence has not been provided that demonstrates a link between the observed cracking and increased HGV traffic.
- 16.3.37. In relation to possible future vibration induced cracking of buildings close to the A5025 in Llanfachraeth [AS-040], the Applicant addressed these concerns with reference to Department of Transport research [REP5-047]. While this objection was restated by an IP at Deadline 7 [REP7-027] after the Applicant's response, no evidence has been set against the Department of Transport research to cast doubt on its conclusions as reported by the Applicant [REP5-047 and REP7-001].
- 16.3.38. The Applicant has also explained why the LNMS is available for eligible buildings in Llanfachraeth and the objectives of it in the locality and elsewhere [REP5-047 and REP2-375, with LNMS in REP2-031, REP3-050 and REP3-051]. Proposed mitigation measures would ensure that the development was appropriate and beneficial for the majority of people in the locality. No possible effects of noise and vibration on local living conditions from the development proposed have been shown to be unacceptably harmful.
- 16.3.39. In its SoCG [REP8-019] IACC was satisfied with monitoring arrangements for usage of local roads by construction traffic.

Cumulative effects

- 16.3.40. Residents and others in Tregele and a number of other locations had been identified by the Applicant as those most likely to experience inter-project cumulative noise impacts. These would result from the proposed construction activity, along with any connection works and utilities diversion that would coincide with it. However, the potential effects of the other works could not be quantified. There would be the potential for some cumulative effects to be experienced in Holyhead, but no mitigation was considered necessary beyond that proposed [APP-388].

- 16.3.41. The most significant cumulative intra-project effect would be at a dwelling at Kingsland near to the proposed Logistics Centre, with lesser effects arising from the interaction of project-wide effects and the Logistics Centre on several receptors north of Trearddur Bay. However, no further mitigation was proposed as a result of this assessment of intra-project cumulative effects [APP-387].

16.4. CONCLUSIONS

- 16.4.1. Relevant national policy is within section 4.10 NPS EN-1, where paragraph 4.10.1 highlights that emissions and discharges from a proposal may be the subject of separate regulation under the pollution control framework or other consenting or licensing framework.
- 16.4.2. NPS EN-1 paragraph 4.10.3 continues by noting that the ExA:
- 16.4.3. *"...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..."*
- 16.4.4. This is an established regulatory approach that remains consistent with other areas of planning policy, including PPW (e.g. paragraphs 1.20 and 5.13.3).
- 16.4.5. One such pollution control regime of relevance to the proposed development is provided through the Control of Pollution Act 1974, which covers waste disposal, water pollution, noise, atmospheric pollution and public health. In relation to the control of noise and vibration, the Applicant will require a consent under s61 of the Act prior to commencing construction works. IACC would regulate the construction phase through both the Control of Pollution Act 1974 s61 consenting and DCO controls.

WNTA

- 16.4.6. The ExA concludes that no significant levels of noise and vibration would be expected to result from the operation of Wylfa Newydd [APP-125]. Any noise and vibration that would occur from the operation of the power station, would be controlled through DCO, planning controls and other regulatory regimes [REP9-008].
- 16.4.7. During construction, the ExA is content that the Applicant has identified all significant receptors and provided appropriate mitigation. It is also in agreement with IACC that it is content with details of the proposed noise monitoring management and monitoring.
- 16.4.8. While there are concerns about some aspects of operations around the Site campus which may cause disturbance to residents, the ExA considers that the mitigation proposed by the Applicant is appropriate to minimising disturbance through noise and vibration.

- 16.4.9. However, the ExA proposes amendment to the drafting of WN22 regarding living conditions of future occupants of the Site Campus with particular reference to noise, vibration and air quality given the proximity of the Site Campus to the WNDA construction area and sewage treatment plant. WN22 (1) is recommended to be amended as follows:

"plans and written details of the design (including size, external appearance, facilities, floorplans, siting, noise insulation and air quality measures)...."

- 16.4.10. With reference to blasting, the ExA considers that appropriate protections would be in place to protect the living conditions of people who live, work and visit the locality.

A5025 off-line highway improvements

- 16.4.11. The ExA is content that the securing of the LNMS will provide suitable mitigation to those properties that will have adverse noise effects from increased HGVs during construction.

Off-site Power Station facilities

- 16.4.12. The nature of the construction works would be expected to result in noise levels that would have some impact on local living conditions. However, the construction works would be temporary and would occur during day-time. In addition, the construction activities and the steps taken to minimise noise would be subject to regulation under section 61 of the Control of Pollution Act 1974. The expected noise levels, and any assessed vibration, would be minimised and mitigated to a level that would ensure any adverse impacts would not be significant to protect the health and quality of life of people in the locality.
- 16.4.13. The ExA is, therefore, content that mitigation of noise from the operation of the Off-site Power Station Facilities would be expected to render its effects minor adverse.

Project-wide effects of traffic

- 16.4.14. The ExA is content that concerns related to the removal of topsoil from the ecological compensation sites would not lead to significant noise or vibration effects.
- 16.4.15. The ExA acknowledges the concerns regarding increased traffic through Llanfachraeth prior to the construction of the proposed bypass. While IACC's concerns reflect views expressed by residents of Llanfachraeth, these concerns have not been placed within the context of, or supported by, the detailed noise and vibration evidence in the ES. Therefore, it has not been demonstrated that the effects of noise and vibration from early construction phase traffic passing through Llanfachraeth would result in significant impacts on health or quality of life in the village.
- 16.4.16. The Wylfa Newydd vehicle movements would be well within the capacity of the highway [REP5-047]. While initially there would be an increase in

HGV traffic through the village, the bypass would be available to these vehicles before the peak construction period.

- 16.4.17. In terms of noise and vibration from traffic and its impact on local living conditions, including for people who live on or near to the A5025, the CoCP would cap the number of WNDA HGV movements [REP10-018]. Additionally, the CoCP [REP10-019] would limit the majority of construction vehicle movements to between 07:00 and 19:00, with only 40 HGV movements allowed between 19:00 and 23:00. Further restrictions would apply around school drop off and pick up times.
- 16.4.18. Residents in these areas would, subject to a number of criteria, be entitled to secondary or double glazing, and in certain situations enhanced measures for gardens and conservatories, to minimise any noise and disturbance [REP10-018].
- 16.4.19. As a consequence, the ExA is satisfied that the proposed development would not be unacceptably harmful to the living conditions of these residents, and whilst the request for an early year's strategy is noted it is not considered necessary.

Overall Mitigation for Noise and Vibration On-shore Effects

- 16.4.20. At Deadline 9, IACC confirmed [REP9-031] that significant progress had been made on the content and substance of the CoCPs [REP10-018 to REP10-028]. A number of matters were highlighted as 'outstanding concerns', and neither noise nor vibration were included within those concerns. From this, the ExA understands that IACC has no outstanding concerns in relation to the control of noise and vibration.
- 16.4.21. A summary of the proposed mitigation measures for noise and vibration is contained within the Mitigation Route Map [REP9-008]. These measures, and the controls within the dDCO [REP10-006] that would implement them would provide the basis for addressing the noise and vibration impacts of the development proposed. Details of the other consents and licences that would be relevant to the proposed development, and that would address its potential impacts, are provided within the Applicants documentation, including [REP6-017 and REP8-036].
- 16.4.22. In addition, construction noise mitigation for Cemaes Primary School and Eglwys Sant Padrig Church would be addressed through the s106 Agreement [REP10-009].
- 16.4.23. While some noise and vibration impacts resulting from the development proposed would be unavoidable, these mitigation measures would reduce the potential significance of the impacts to provide effective mitigation where that can be achieved.
- 16.4.24. Given the scale of the proposed construction works and the proximity of homes to them, the ExA acknowledges that people in the locality would

experience a certain degree of noise, vibration and associated disturbance. During the proposed construction works living conditions would change for many who are in close proximity to the site. However, where significant effects are predicted, the ExA is satisfied that the Applicant would take steps to avoid, mitigate and minimise the disturbance that would be experienced. In addition, and although a number of dwellings and other buildings would be brought closer to the highway, the outcome of the works on the A5025 would be beneficial for many who live in the settlements between the proposed development and the A55.

- 16.4.25. During the operational phase of the proposed development, no significant residual effects from noise and vibration would be expected to occur.
- 16.4.26. Therefore, in relation to noise and vibration, the proposed development would have an acceptable impact on the health, safety or amenity of occupiers of buildings and land to comply with JLDP Policy PCYFF2 and PPW. The ExA also considers that the impact of noise and vibration from the proposed development would meet the objectives of NPS EN-1.
- 16.4.27. The ExA therefore concludes that noise and vibration should not weigh against the Order being made. The impact of construction noise on terns has been considered elsewhere and therefore the impact is not counted again here.

The need for any changes to the dDCO and control documents

- 16.4.28. The ExA proposes amendment to the drafting of WN22 regarding living conditions of future occupants of the Site Campus with particular reference to noise, vibration and air quality given the proximity of the Site Campus to the WNDA construction area and sewage treatment plant. WN22 (1) is recommended to be amended as follows:

"plans and written details of the design (including size, external appearance, facilities, floorplans, siting, noise insulation and air quality measures)...."

17. TRAFFIC AND TRANSPORT

17.1. INTRODUCTION

- 17.1.1. This section deals with the effect of the proposed development on the existing highways network.

17.2. POLICY CONTEXT

National Policy

- 17.2.1. Section 5.13 of National Policy Statement (NPS) EN-1 identifies traffic and transport as a topic that should be considered in the assessment of any Nationally Significant Infrastructure Project (NSIP). It advocates that *"the transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects. Environmental impacts may result particularly from noise and emissions from road transport"* (paragraph 5.13.1). The NPS also notes that *"the consideration and mitigation of transport impacts is an essential part of government's wider objectives for sustainable development"*.
- 17.2.2. Paragraph 5.13.6 acknowledges that a new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and that the decision maker should ensure that the applicant has sought to mitigate these impacts, including during the construction phase. NPS EN-1 (paragraph 5.13.10) highlights the preference for water-borne or rail transport at all stages of the project, where cost effective.
- 17.2.3. Finally, NPS EN-1 states that the decision maker may attach requirements where there is likely to be substantial HGV transport (paragraph 5.13.11).
- 17.2.4. NPS EN-6 does not consider the matter of traffic and transport.

Welsh Policy and Guidance

- 17.2.5. Planning Policy Wales (edition 10, December 2018) (PPW) advocates that the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys. It highlights that land use and planning must be integrated and that the planning system has a key role to play in reducing the need to travel by amongst other things ensuring that development is sited in the right locations. Emphasis is placed on the need to maximise accessibility by walking, cycling and public transport and recognises that Ultra Low Emissions Vehicles have an important role to play in the decarbonisation of transport. It states that Local Authorities must adopt an integrated approach to traffic management.
- 17.2.6. Technical Advice Note 18 (TAN 18): Transport (2007) recognises that transport, in particular road traffic can have negative impacts on human

health and the environment. To help assess this it sets out thresholds and criteria for assessing new development. TAN 18 makes no direct reference to the impacts of construction traffic.

- 17.2.7. The Active Travel (Wales) Act 2013 amongst other things requires new road schemes (including road improvement schemes) to consider the needs of pedestrians and cyclists at the design stage.

Local Policy and Guidance

- 17.2.8. Policy PS 4 of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (the JLDP) states that development should be located so as to minimise the need to travel and that the Councils will support improvements that maximise accessibility for all modes of transport, but particularly foot, cycle and public transport. It states that appropriate infrastructure elements will need to be delivered as part of major infrastructure development schemes. Policy TRA 1 seeks to secure through safeguarding and provision of land, improvements to the A5025 from Valley to Wylfa.
- 17.2.9. Strategic policy PS 9, which deals specifically with Wylfa Newydd and related development, states that highways and transport proposals for the project form part of the integrated traffic and transports strategy in policy PS 4 and should minimise adverse transport impacts to an acceptable level, including those arising during the construction, operation and decommissioning stages, and any restoration stages. Proposals should where feasible make a positive contribution to transportation policy objectives in the locality and should include multi-modal solutions and investment that encourages travel by public transport, walking, cycling and other sustainable forms of transport. The policy also supports the provision of a logistics centre and park and ride or park and share facilities. It requires that all proposals should be appropriately serviced by transport infrastructure including public transport and should not have adverse impacts on local communities and tourism. It requires that this needs to be demonstrated through a Transport Assessment. Where issues are predicted, appropriate improvements to the transport network and the provision of sustainable transport options would be sought to mitigate the effects.
- 17.2.10. Strategic policies PS 11 and PS 12 deal specifically with the criteria that the Council's advocate need to be considered when assessing the proposed logistics centre (PS 11) and the Park and Ride and Park and Share facilities (PS 12). General principal GP15 in the Wylfa Newydd: Supplementary Planning Guidance (May 2018) (the SPG) requires a logistical approach to deliveries at the main site (with the emphasis placed on the use of sea and rail) and highlights that the need for road transport should be minimised but that where it is used it should be appropriately assessed and mitigated.
- 17.2.11. In its consideration of the traffic and transport effects of the Application the Examining Authority (ExA) has had regard to the policies set out in

NPS EN-1, PPW, the relevant policies of the JLDP and the guidance contained in TAN 18 and the SPG.

17.3. ANGLESEY CONTEXT

- 17.3.1. The road network in Anglesey can be characterised as being predominantly rural with a few high standard roads. The A55 is the major east-west route across the island linking Holyhead and the ferry terminal to Dublin in the west to Bangor on mainland Wales in the east. The A55 is dual carriageway for most of its length except for the Britannia Bridge where it becomes single carriageway as it crosses the Menai Straights. The A5 runs parallel to the A55 for much of its route across the island and connects to the mainland via the Menai Suspension Bridge.
- 17.3.2. Other key roads on the island are the A5025 and the A4080. The A4080 forms the southern route across Anglesey, connecting villages south of the A55 between Junctions 5 and 8. The A5025 provides a northern loop of the island running between Junction 3 at Valley and Junction 8 at Llanfairpwllgwyngll. The A5025 would be the key route for traffic (construction and operation) associated with the Power Station, Associated Development and Off-site Power Station Facilities.
- 17.3.3. Like many rural areas the public bus service for the area is restricted. The Wylfa Newydd Development Area (WNDA) is located in a relatively remote position, away from significant population centres and as a result the current infrastructure for pedestrians and cyclists is very limited.
- 17.3.4. Baseline surveys undertaken by the Applicant indicated that currently except for the Britannia Bridge during the morning and evening peak there were no significant delays on the road network or queuing at junctions in the study area.

17.4. **The Applicant's Case**

- 17.4.1. The Transport Assessment (TA) [APP-101] undertaken by the Applicant was based on a worst-case scenario of 9,000 construction workers at peak and only 60% (as opposed to the target of 80%) of the materials for the WNDA being transported by sea.
- 17.4.2. The TA [APP-101] and the Environmental Statement (ES) [APP-089] were subject to a detailed scoping opinion and pre-application discussions with key transport stakeholders including both the local highways authorities and the Welsh Government (WG), who are responsible for the A55. The ES [APP-089] considered amongst other things the effect of the proposal on journey times; accidents and safety; driver stress; pedestrian stress and amenity and driver severance.
- 17.4.3. The assessment considers traffic at 2020 (both with and without bypasses), 2023 and 2033. These dates were based on an assumed programme for the DCO examination and although there is now slippage of this programme due to the current suspension of the project, the Applicant advocates that this would not affect the conclusions of the assessment.

- 17.4.4. The effects of the Application on the road network would be addressed through embedded mitigation; good practice and s106 contributions these include:
- 17.4.5. Embedded mitigation:
- Highway improvements along the A5025 between Valley and the WNDA. This would result in the bypassing of the communities of Valley, Llanfachraeth and Llanfaethlu; realignment of the highway through Cefn Coch and an increase in the highway width along sections of the A5025 between these villages;
 - Provision of a logistics centre at Parc Cybi to manage construction traffic/deliveries/Abnormal Indivisible Loads (AILs);
 - Provision of a Site Campus for up to 4,000 workers to reduce daily traffic commuting to and from the WNDA;
 - Provision of a Park and Ride at Dalar Hir and the use of shuttle buses to take construction workers to and from the WNDA in order to minimise the number of private vehicle movements that would need to occur to enable construction workers to access the site;
 - Provision of a bus stop on the A5 at the Park and Ride site to improve access to and from local towns and villages for construction workers; and
 - Use of the Marine Off-Loading Facility (MOLF) to receive at least 60% of total material required for the project (with a target of 80%) to minimise the amount of material that would need to travel by road.
- 17.4.6. In addition to the Off-line Highways Improvements works proposed as part the application, On-Line Highway Improvements would also be required. As these are works that would largely be within the existing highway boundary, they do not form part of the application. They were the subject of a separate planning application (LPA reference: 27106E/FR/ECON) made to the Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) (as the determining authority) in November 2017, under the provisions of the Town and Country Planning Act 1990 (as amended) (TCPA). These works were granted planning permission by IACC on 13 July 2018.
- 17.4.7. Good Practice mitigation would be secured through the certified Wylfa Newydd Code of Construction Practice (CoCP) [REP10-018] and the relevant sub CoCPs. It would, amongst other things, include the following measures:
- Staggered shift times to spread peak flows;
 - A dedicated bus service for workers residing in Anglesey, Bangor and Caernarfon;
 - Management of delivery times with restrictions during school start and finish times in advance of the A5025 Off-line Highways Improvements being operational;
 - Agreed access routes for HGVs, buses and AILs;
 - Limits on the number of HGV's using the A5025 both before and after the A5025 Off-line highways Improvements would be operational;
 - Bilingual signage;

- Delivery booking system to manage capacity of the loading facilities at the Power Station site;
- Car-sharing between staff to minimise commuting vehicle movements;
- Electric vehicle charging points and cycle parking facilities to encourage sustainable transport; and
- A comprehensive programme of monitoring, review and management.

17.4.8. The embedded and good practice mitigation would be secured through the following requirements:

- PW2 which requires the delivery of key mitigation (which would include the MOLF, Site Campus, Off-line highways works, logistics centre, park and Ride etc) in accordance with an agreed phasing strategy;
- PW3 which would require the Power Station, Site Campus and Marine works to be carried out in accordance with a Construction Method statement;
- PW4 which requires prior notification of completion and operational use of any work to be served in writing to IACC, and NRW in respect of Marine Works;
- PW7 which would secure the certified Wylfa Newydd CoCP and, apart from the site preparation and clearance works, would require the submission and approval of a traffic incident management scheme and a parking phasing scheme;
- PW8 would secure the certified Wylfa Newydd Workforce Management Strategy which amongst other things would require workers to car share and to use agreed commuting routes;
- WN1 would amongst other things require the submission and approval of a scheme to deal with the management of Abnormal Indivisible Loads (AILs);
- WN18, WN19, OPSF6, PR7, LC6, LC7, OH7 deal with parking provision (construction and operational) at the various individual sites;
- WN31 which requires at least 60% of all construction materials to be delivered via the MOLF, and monthly monitoring of deliveries for quarterly submission to IACC;
- PR8 would require the decommissioning of the Park and Ride facility; and
- OH5 and OH6 control the detailed design and dimensions of the viaducts, overbridges and underpasses that would be needed for the Off-line Highway works.

17.4.9. Finally, the signed s106 [REP10-009] would deliver a number of measures to mitigate the effect of the proposed development with regards to traffic and transport, details of these can be found in Appendix E of this report.

17.4.10. During operation the embedded mitigation delivered by the highway improvements along the A5025 provided for construction would still be in place as would the MOLF which could be used for the transportation of bulk components required during the operational phase. An Operational Travel Strategy (required as part of the CoCP) would reduce the environmental effects of operational traffic by encouraging car sharing,

publicising bus services, cycle parking and key walking routes. Furthermore, the operational workforce would be substantially smaller than the construction force with most staff based locally; deliveries would be during the weekday and are expected to be between 07:00 and 19:00 using smaller vehicles. Any HGVs would use the A5025 as per the construction stage.

- 17.4.11. During the Examination the Applicant submitted several change requests that would have an effect on traffic and transport. These included a request [REP4-011] to change workers shift patterns; to extend the proposed delivery times for HGVs [REP4-013] and amend the proposed access arrangements for the Park and Ride site at Dalar Hir [REP7-001k and REP8-028]. Full details of the proposed changes are set out in section 3.14 of this report.
- 17.4.12. The Applicant requested a change to the workers shift patterns [REP4-011] in order to increase worker productivity and build greater resilience into the construction programme. The Applicant considered, following additional traffic modelling, that the proposed change ensures adequate construction traffic control on Anglesey and at Britannia Bridge so as to avoid adverse effects on Britannia Bridge.
- 17.4.13. The primary objective of the proposed change to HGV movements [REP4-013] was to provide additional flexibility for delivery of materials and equipment in order to increase resilience to the construction programme as whilst the total number of movements would remain the same it would result in a total of 85 hours per week being available for deliveries as opposed to the 60 hours proposed originally. The Applicant is satisfied that the proposed change would not give rise to any new effects from a traffic and transport perspective.
- 17.4.14. The proposed change to the access arrangements to the Park and Ride site at Dalar Hir [REP7-001k and REP8-028] was considered by the Applicant to be necessary to address an issue raised by IACC regarding concerns that as originally laid out the proposal would compromise forward visibility on the approach to the London Road such that it would not comply with the standards from the Design Manual for Roads and Bridges (DMRB) and as a consequence would not be able to be adopted by the Council.
- 17.4.15. The Applicant redesigned the road so that it would obviate the need to make changes to the London Road and the existing highway network could remain in its current form and comply with the standards set out in the DMRB. Consequently, existing users would continue to use the road in its current form.
- 17.4.16. The ExA considered that the proposed changes would not result in any new or different likely significant environmental effects. Nor did the ExA consider that as a result of the changes the development proposed would be materially different from that which was originally applied for. Accordingly, the ExA accepted the changes into the examination [PD-015 and PD-022] for consideration as part of the Application.

- 17.4.17. The Applicant concluded that in terms of traffic and transport there would be some moderate adverse effects in the short term (until the Off-line highways works came on line) and in the medium term (at the junction of the A55/A5 where a signalised junction would be introduced for the duration of the Park and Ride). However, overall the Applicant concluded that the proposed Off-line highways works combined with the mitigation and management proposed would result in moderate beneficial (with some localised major beneficial) effects.

17.5. THE PLANNING ISSUES

- 17.5.1. IACC in their Local Impact Report (LIR) [REP2-070] acknowledged that the proposed Off-line Highway Works could bring a positive legacy benefit in the long term by helping to reduce travel times, accidents and driver stress on Anglesey. However, they along with Cyngor Gwynedd/Gwynedd County Council (GCC) [REP2-297] were concerned about the early years of the project before the Off-line works and the MOLF became available and whether appropriate mitigation and/or controls would be in place to manage traffic.
- 17.5.2. All three local authorities (IACC, GCC and Cyngor Bwrdeistref Sirol Conwy/Conwy County Borough Council (CCBC)) had concerns regarding car sharing arrangements including whether the occupancy rates predicted by the Applicant were achievable, insufficient and fly parking and use of the local road network by commuter traffic.
- 17.5.3. IACC [REP2-070] had specific concerns regarding potential damage to the road network from construction traffic; capacity issues at the A55 interchange roundabouts; potential flooding of parking at the Park and Ride site and the effect that this could have on the availability of parking; the cumulative effect of traffic when combined with other projects such as the proposed grid connection; the proposed design of the road layout/roundabout at the Dalar Hir and the effect that the additional traffic could have on tourism and whether it would hinder movement around the island and/or deter people from visiting.
- 17.5.4. GCC [REP2-297] were concerned about the effect of traffic passing through the area. Congestion around the Britannia Bridge including the potential for the peak to spread were particular concerns. They highlighted the need for a robust bad weather plan when there would be the potential that both bridges and the MOLF could be shut.
- 17.5.5. Both GCC and CCBC [REP2-289] were concerned that if more workers ended up residing in Gwynedd and Conwy than predicted by the Applicant this would have implications for additional trips and further pressure on the road networks in these areas.
- 17.5.6. At the end of the Examination the only outstanding matters between IACC [REP8-019] and the Applicant was the continued lack of an early year's strategy and that they considered that the measures proposed to deal with fly parking were deficient.

- 17.5.7. GCC [REP6-048] and CCBC [REP6-050] had no outstanding concerns with regards to traffic and transport.
- 17.5.8. The WG, who are responsible for the A55, [RR-092, REP2-367] view is that the impact of the increased volume of construction and operational traffic associated with the proposal would cumulatively exacerbate existing congestion on the trunk road network, potentially creating new areas of congestion and generally having a negative effect on road users, including response times for the emergency services. In their view the need to move over 1,000 AILs in the first two years along the A55 could cause significant disruption. The WG consider that these transport impacts are acceptable provided that the travel strategy monitoring process specified in the CoCP submitted at Deadline 5 [REP5-020] is implemented and that sufficient funds are available to mitigate potential transport impacts.
- 17.5.9. At the end of the Examination the following issues remained outstanding for the WG [REP8-017]: a desire that all buses to be used on the project should meet the Euro VI standard for engines; a request for further information on the anticipated volume of traffic over the Britannia Bridge and on how the transport impacts in the early years would be managed; a restriction on the movement of HGVs across the Britannia Bridge during peak hours; changes to the parking provision so that parking at WNDA would only be for residents of the Site Campus (ie long stay parking) with the Park and Ride site at Dalar Hir only to be used for daily commuter parking and a request for further information as to how empty HGVs would be managed. Finally, at Deadline 9 [REP9-029] whilst the WG accepted the Applicants assurance that no AILs would be required in relation to works No 12 they requested that for the avoidance of doubt this should be secured through a requirement. They also raised a concern that the modelling for Junction 4 of the A55 had been based on 1,000 rather than 1,900 vehicle movements and requested an amendment to requirement PR5 to provide certainty on this matter.
- 17.5.10. Heddlu Gogledd Cymru/North Wales Police (NWP), Gwasanaeth Tân ac Achub Gogledd Cymru/North Wales Fire and Rescue Service (NWFRS), Ymddiriedolaeth GIG Gwasanaeth Ambiwlans Cymru/North Wales NHS Ambulance Service Trust (NFAST) and Bwrdd Iechyd Prifysgol Betsi Cadwaladr/Betsi Cadwaladr University Health Board (BCWUB) [RR-090, RR-095, RR-124, REP2-344, REP2-345 and REP2-362] were all concerned that blue light response times could be adversely affected due to increased traffic levels on the A5025 and that the increased levels of traffic could result in an increase in the number and severity of accidents which would have implications for service provision, staffing levels and provision of appropriate training. The concern with regards to response times remained unresolved at the close of the Examination [REP6-036 and REP6-034]. The Royal Mail [AS-002] highlighted that their service was also on the road network and therefore would be sensitive to changes in highway capacity albeit that they did not formally object to the proposed development.

- 17.5.11. The effect of construction traffic on the road network was a key concern for a significant number of IPs [RR-006, RR-012, RR-025, RR-033, RR-035, RR-039, RR-040, RR-045]. There were specific concerns [RR-030, RR-093 and REP2-282] with regards to traffic accessing the Park and Ride site at Dalar Hir. NACP [RR-054, REP2-335 and 338, REP5-092] also had concerns regarding the potential for rat running/shortcuts and uncontrolled parking. The effect of construction traffic on the residents of Tregele, Mechelle [RR-101] and Llanfachraeth [REP4-055, REP7-027/038/039] in the early years of the project before the introduction of the new access to the site (in the case of Tregele) and the proposed by-pass (in the case of Llanfachraeth) was also highlighted.
- 17.5.12. The effect of the application on non-motorised users (NMU) of the A5025 was also of concern [REP2-66-68 and REP8-079] and was discussed at the ISH in January [EV-20e-20h) and March [EV-028-032 and EV-043-046] and at the OFH [EV-038] in March.
- 17.5.13. With regards to the change requests the proposed use of a single arm from the existing roundabout to access the proposed Park and Ride site [REP7-001k and REP8-028] was considered by IACC at the ISH on 7 March 2019 to address their concerns regarding highway safety.
- 17.5.14. IACC considered that the change requests for HGV movements [REP4-013] and workers shift patterns [REP4-011] should not be considered separately and that when considered as a package the changes would amount to a material change to the application. However, IACC accepted that in terms of the advice contained within Advice Note 16: How to request a change which may be material, the proposed changes on their own would not fundamentally alter the substance of the application [paragraph 1.5.5 REP4 011 and REP0-13].
- 17.5.15. IACC considered [REP4-013] that the change to the HGV movements should be formally secured; further information on the properties that would be affected was required and finally they requested that the changes should not occur until the A5025 Off-line Highway Works were in place. The WG raised a concern regarding a potential clash with arrivals from the Holyhead ferry. Nine local residents [REP4-013] raised concerns that can be summarised as night time noise levels; air quality; traffic conflicts on Saturdays and during the Summer; deterioration of the road surface; speeding traffic and the change occurring before the Off-line Highways Works were completed and open to traffic.
- 17.5.16. With regards to the workers shift patterns the WG raised a concern that the change to workers arriving/leaving the site had the potential to overlap and questioned whether Junction 4 of the A55 had the capacity to deal with this. In addition, it queried whether the proposed change had accounted for the traffic generated by the 05:45 Holyhead Ferry.
- 17.5.17. Notwithstanding their concern regarding whether the change would result in a materially different application, IACC advocated that further assessment and information was required about the potential effects of the change. In particular they wanted further information on worker

behaviour and travel patterns with reference to Hinkley Point C workforce. They were concerned that traffic movements would be concentrated in two rather than spread over three shifts. They did welcome the fact that the change would avoid school travel times. An IP was concerned about the impact on traffic volumes when people would be sleeping.

- 17.5.18. At Deadline 9 [REP9-031] IACC highlighted that as a direct consequence of implementing the WNDA junction access arrangements an existing vehicular turning head would be lost. In order to maintain highway safety, IACC considered that an alternative turning head adjacent to the existing lay-by would need to be provided as part of the junction arrangements. IACC was concerned that is that although the new turning head could be provided at detailed design stage, this is not currently secured by a requirement. [REP10-042]. They proposed the following drafting for inclusion:

"(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 it opening for use for by the public."

- 17.5.19. The Applicant advocated that there was insufficient time to make the amendment before the end of the Examination and that the amendment could be achieved through the detailed design stage. Whilst IACC [REP10-042] acknowledged it could be achieved at the detailed design stage they were concerned that as currently drafted this would not be secured through the dDCO.

17.6. THE EXA'S CONSIDERATION

- 17.6.1. IACC confirmed at the ISH on 8 January 2019 [EV20e-20h] that, subject to the proposed Off-Line Highways works, the provision of the MOLF, Park and Ride and Logistics Centre, that the road network on Anglesey would have the capacity to accommodate the additional vehicles for both construction and operation that would be generated by the Application. There is nothing that the ExA has read or heard that leads it to a different conclusion.
- 17.6.2. The ExA note the concern regarding the lack of an early year's strategy. However, the ExA are satisfied that the traffic impacts were fully assessed as part of the TA [APP-101] including those for the period before the Off-line highways works would be completed.
- 17.6.3. Chapter 5 of the CoCP [REP10-020] sets the limits for HGV deliveries with those for the early years being lower (113 daily deliveries or 2,500 a month) than for when the Off-line highways works would be in place (160 daily deliveries or 3,500 per month). Whilst the ExA note that IACC would prefer that movements were limited to no more than 40% above

baseline flows [REP8-019] the ExA are satisfied that the road network has the capacity to take the additional movements predicted in the early years.

- 17.6.4. In terms of the effect on the living conditions of local residents and communities who live on or near the A5025 in addition to a cap on the number of movements, the CoCP would limit the majority of the movements to between 07:00 and 19:00 (with further restrictions around school drop off and pick up times) with only 20 movements allowed between 19:00 and 23:00. In addition, residents in these areas would, subject to a number of criteria, be entitled under the Local Noise Mitigation Strategy (the LNMS) to secondary or double glazing to minimise any noise and disturbance [REP10-018]. Consequently, the ExA are satisfied that the proposal would not harm the living conditions of these residents to such a degree as to weigh against the making of the Order and whilst the request for an early years strategy is noted it is not considered necessary. This matter is considered in more detail in the noise and vibration section of this report in Chapter 16.
- 17.6.5. Fly parking is unauthorised parking normally as a result of a lack of designated parking or because of costs or restrictions attached to parking. All three local authorities voiced a concern regarding the potential for fly parking. It was a particular concern because the quantum of parking proposed on-site was predicated on the need for a significant number of workers to car share.
- 17.6.6. Fly parking would be managed through the CoCP [REP10-018], which states that suspected incidents would be investigated within 48 hours of the initial complaint with a final report completed within 5 working days. IACC consider, given the level of concern over this matter and the potential effect that this could have on highway safety that this would be insufficient. They consider that further provision in the WKMS setting out the action that the Applicant would take with confirmed instances of fly parking and an amendment to the CoCP that the necessary disciplinary action to have been identified, implemented and reported to IACC within 5 days would be necessary.
- 17.6.7. Given that the levels of parking proposed is predicated on workers car sharing it is clear that should lower levels of car sharing occur then the possibility of overspill or fly parking is highly likely. Consequently, the ExA consider that a robust system of enforcement would need to be in place in order to deter workers from parking on the surrounding road network and to encourage car sharing. It is noted that the signed s106 [REP10-009] would fund a transport officer whose duties would include the enforcement of issues such as fly parking. However, given the level of concern the ExA consider that the revisions to the CoCP and WKMS suggested by IACC would also be appropriate. Therefore, should the SoS be minded to grant the Order they will need to consult on these proposed amendments.
- 17.6.8. The majority of traffic that would access the proposed Park and Ride site at Dalar Hir would access and exit via the junction on the A55.

Consequently, the ExA are satisfied that the amount of additional traffic using the A5 would be limited and would not therefore adversely affect the living conditions of the residents of the villages along this route.

- 17.6.9. With regards to blue light response times the ExA note that the increase to journey times that would result from the Application would be minimal [APP-101] and are satisfied that appropriate embedded mitigation is proposed to address potential congestion. The ExA are aware that Britannia Bridge could, due to the narrowing of the road to one lane each way and traffic levels during the morning and evening peak, act as a delay to emergency services. However, the ExA note that it was designed to carry three lanes and therefore the ExA agree with the Applicant that there would be sufficient capacity to enable emergency vehicles to pass unrestricted on the bridge. As a result, the ExA are satisfied that the proposal would not adversely delay emergency vehicles.
- 17.6.10. The WGs concern regarding the use of Euro VI buses is considered in the Air Quality section at Chapter 11 of this report.
- 17.6.11. The WG had a number of concerns around the Britannia Bridge, particularly in relation to capacity during the morning and afternoon peak. The ExA are satisfied that the additional information requested by the WG is included in the TA [APP-100] and that further modelling has been provided as part of the SoCG process. Furthermore, it has been demonstrated that through embedded mitigation measures such as the hours of operation of the logistics centre, limits on the number of hourly HGV movements, workers shift patterns, shuttle buses and car sharing that construction traffic using the bridge at peak times would be minimised. Additional on-going traffic monitoring would be secured via the signed s106 [REP10-009] which would be reviewed by the Transport Engagement Group who would assess whether further remedial action would be needed which could be funded through the signed s106 traffic contribution. As a consequence, the ExA do not consider the additional measures and information requested by the WG would be necessary.
- 17.6.12. Parking is proposed at both the WNDA and the Park and Ride site. Short term (worker) and long term (residents of the Site Campus) parking would occur in both locations. The ExA note the suggestion by the WG that in order to minimise commuter traffic along the A5025 all parking at the WNDA should be long term and allocated to the residents of the Site Campus. However, the ExA are satisfied that the current arrangement has been appropriately designed and would allow flexibility. For example, to encourage car sharing workers with high levels of car occupancy would be allowed to park at the WNDA [APP-101]. Furthermore, the impacts of traffic on the A5025 have been assessed based on the parking arrangements as proposed by the applicant. Consequently, the ExA does not consider that the parking arrangements need to be altered to accommodate the WGs request.
- 17.6.13. The WGs concern in relation to the numbers used for traffic modelling in relation to junction capacity and the Park and Ride was raised towards the end of the Examination. As a consequence, the ExA were unable to

explore this matter with the Applicant. Therefore, should the SoS be minded to grant the Order the ExA would recommend that further clarification is sought with regards to the figures used for modelling this junction and dependent upon the response if necessary, requirement PR5 be amended to provide the certainty sought by the WG.

- 17.6.14. The WG requested clarification as to how empty HGVs would be marshalled on site to ensure that there would be no negative effect on the highway network. The ExA are satisfied with the response provided by the Applicant in the SoCG at Deadline 8 [REP8-017].
- 17.6.15. Section 5.4 of the CoCP [REP10-018] deals with the issue of AILs. In light of the WGs request to formally secure the fact that there would be no AILs associated with Work No 12 the ExA recommend that should the SoS be minded to grant the Order that the CoCP be revised to include this confirmation. Proposed requirement SPC3 requires that the Construction of Work No 12 must be carried out in accordance with the CoCP and therefore based on the amendment to the CoCP the ExA are satisfied that this matter would be satisfactorily secured.
- 17.6.16. The ExA are aware that the use of the local road network by construction workers and delivery vehicles and the effect that this would have on highway safety and the living conditions of the residents of Tregel, Llanfechell and Mechell particularly in the early years was a key concern locally [RR-054, RR-101, RR-40 and REP2-333]. The ExA are satisfied that delivery vehicles and HGVs would be managed through the Integrated Travel and Transport Strategy [APP-107] and as a result it is unlikely that these vehicles would use the local road network.
- 17.6.17. With regards to construction worker traffic the ExA are satisfied that the proposed mitigation measures would ensure that the use of the local road network for commuting by construction workers (ie rat running) would be minimised. These measures would include the provision of the Park and Ride; a bus service for local workers; provision of accommodation at the Site Campus; encouraging car sharing to minimise the number of construction workers vehicles; controls through the WKMS [REP8-064] and the Construction Traffic Management Strategy which would be delivered under the CoCP [REP10-018]. Furthermore, part of the s106 contribution would be allocated to fund traffic management measures on neighbouring roads to prevent rat running.
- 17.6.18. The Applicant had a meeting with NACP [REP8-079] where a number of the outstanding concerns regarding NMUs were resolved. However, at the end of the Examination NACP remained concerned regarding sections of the A5025 near Llanfaethlu and Llanachreath where they considered that mitigation for NMU would also be required and the adequacy of the mitigation proposed for the section of the A5 between the A55 junction and the proposed new roundabout at Valley. Whilst these concerns are noted the ExA are aware that IACC, who are the Highways Authority for the area, have no objections to the proposed provisions for NMU. Therefore, whilst the ExA acknowledge that potentially more could be

done to accommodate the needs of NMU they do not consider that this would be a reason to recommend refusal of the Order.

- 17.6.19. The Copper Trail is a 33-mile circular cycle route that follows National Cycle Network route 566. The route currently traverses part of the WNDAs as it travels west from Tregele towards Bae Cemlyn/Cemlyn Bay. As a result of the proposed development the Copper Trail would need to be re-routed along a shared-use path from the proposed WNDAs access roundabout to Tregele. Concerns were raised [RR-031, REP2-266-268, REP4-031, REP8-079] regarding safety and amenity of such a route and a request was made that post-construction for the route to be re-routed back off the A5025. However, the ExA note that both Sustrans and IACC [REP8-019] are satisfied with the proposed use of a shared-use path. Whilst the ExA acknowledge that it would not have the amenity value of the current route they consider that the short section that would be routed along the A5025 would be safe for users and would not detrimentally harm the route as a whole. Furthermore, the ExA note that through the signed s106 [REP10-009] there would be contributions to improve signage; promote the route and promote linkages with other nearby attractions.
- 17.6.20. With regards to the change requests whilst the ExA notes IACC concern's regarding the cumulative effect of the proposed changes resulting in a materially different application the ExA has seen no evidence that there would be any new or different likely significant environmental effects resulting from the proposed change to workers shift patterns or HGV movements resulting from the requested change. Neither does the ExA consider that as a result of these changes that the development now being proposed is not in substance that which was originally applied for. Therefore, the ExA are satisfied that the proposed changes are non-material [PD-015 and PD-022].
- 17.6.21. The main change to workers shift patterns would be for the night shift which would start and finish later than originally proposed. Although the change would mean that there would be the potential for workers leaving the site to overlap with the arrivals from the 05:45/05:50 ferries it is considered that as the traffic levels along the A55 are lower at this point in the day there would be the capacity to absorb both sets of traffic without adversely effecting traffic flows. Furthermore, the proposed change would eliminate the overlap in the evening between the day and night shift leaving and arriving that was originally proposed.
- 17.6.22. Under the original proposal there would be six shifts a day. The proposed change would result in three shifts (2 day and 1 night) during the early years of the project and five shifts (3 day and 2 night) later when the workforce would be at its peak. Although this would result in a greater volume of commuter traffic in an evening it is considered that the change in the start time to after the main evening peak would mean that the additional traffic could be accommodated on the network.
- 17.6.23. The proposed changes to the number of HGV movements would be secured through the CoCP [REP10-018] and requirement PW7 of the

dDCO [REP10-009]. The number of HGV movements would remain the same as originally proposed but spread over 85 hours per week as opposed to 60. As a result, the ExA consider this would have the benefit of reducing the frequency of HGVs travelling along the A5025. Whilst the proposed change would include the period before the opening of the A5025 Off-line highways improvements the number of movements during this time would be limited to 113 deliveries per day as opposed to 160 deliveries when the Off-line works would be in place.

- 17.6.24. The ExA acknowledge that both the change to the proposed workers shift patterns and the HGV movements would have the potential to increase movements during the more sensitive night time period. However, to address this the Applicant has expanded the criteria for the LNMS so that those properties that would be affected would be eligible for sound protection measures [REP10-018] and in addition limited the number of HGV [REP10-018] movements between the hours of 19:00 to 23:00 to a maximum of 20 deliveries. This matter is considered in more detail in Chapter 16 (noise and vibration) of this report which concludes that the ExA are satisfied that the effect of the changes on the living conditions of local residents could be adequately mitigated.
- 17.6.25. As the total number of HGV movements would remain the same it is not considered that the proposed change would give rise to any further air quality issues than have already been assessed in the ES. The issue of air quality is considered in further detail in Chapter 11 of this report.
- 17.6.26. The ExA are satisfied that the changes to the access arrangements for the proposed Park and Ride site at Dalar Hir would address the concerns raised by IACC in relation to design and adoptability.
- 17.6.27. With regards to the alternative turning head requested by IACC at Deadline 9 [REP9-031] the ExA agree that details of the turning head could be submitted to and approved through the detailed design stage. However, the ExA agree with IACC that to ensure that this is addressed it would need to be secured through the dDCO. Therefore, should the SoS be minded to grant the Order they would need to consult with the parties regarding amending the wording of requirement WN1.
- 17.6.28. The embedded mitigation delivered by the highway improvements along the A5025 provided for construction and the MOLF would still be in place during the operational phase. Furthermore, the operational workforce would be substantially smaller, even allowing for outages, than the construction force. They would also be in the main local to the site. Therefore, the ExA are satisfied that the operational phase of the Application would not adversely affect the highway network.
- 17.6.29. The ES [APP-089] and TA [APP-101] do not consider the effects of decommissioning in terms of traffic and transport. However, the ExA note that as for operation the highway improvements along the A5025 and the MOLF would be available. However, as with construction, traffic would need to be managed in order to control flows on the network and minimise the effects on residents living conditions. Requirement PW10

requires the submission and approval of a decommissioning scheme, it requires a number of specific controls (PW10(2)) although this list currently does not include a Transport Assessment of Highways Strategy it is not a closed list and therefore IACC could request the submission of this document as part of the decommissioning scheme. As a consequence, the ExA are satisfied that this matter could be adequately addressed at the appropriate time.

- 17.6.30. In accordance with the requirements of NPS EN-1 the majority of bulk deliveries would be made by sea, WN31 secures at least 60% of all construction materials to be delivered via the MOLF. Whilst the Application would give rise to substantial effects on the surrounding transport network during construction for the reasons set out above the ExA are satisfied that, subject to the proposed mitigation and controls, the proposal would not have an adverse effect on traffic and transport within the KSA and DCCZ.
- 17.6.31. In so far as the new turning head is concerned, given that this matter was raised at the end of the Examination, the ExA has not had the opportunity to examine the matter in detail. However, as IACC are the highway authority, the ExA are minded to accept the proposed drafting put forward by IACC. WN1(3)(g) to be amended accordingly in the rDCO.

17.7. CONCLUSIONS

- 17.7.1. Paragraph 5.1.3.6 of NPS EN-1 recognises that traffic and transport of any NSIP may give rise to substantial impacts on the surrounding transport infrastructure and that the decision maker should ensure that the applicant has sought to mitigate these impacts including during the construction phase.
- 17.7.2. The ExA are satisfied that in accordance with the requirements of NPS EN-1 the Applicant has assessed the transport effects that would arise from the proposed development through the ES [APP-089] and the TA [APP-101].
- 17.7.3. Through the provision of jobs on Anglesey the proposal would be enable people to work closer to home thus reducing the need to travel. Whilst the ExA acknowledge that potentially more could be done to accommodate the needs of NMUs, the Off-line Highways works provision is made for both cyclists and pedestrians. As a result, the ExA consider that the proposal would be in accordance with the aims of PPW, TAN 18, the requirements of Active Travel (Wales) Act and policies PS4 and PS9 of the JLDP and the guidance contained within the SPG.
- 17.7.4. The provision of a logistics centre and Park and Ride facility would meet the requirements of policies PS11 and PS12 of the JLDP.
- 17.7.5. Whilst the majority of the traffic and transport provision would be required to mitigate the effects of construction traffic the off-line highways works would be retained post construction and operation providing a lasting legacy for residents of Anglesey and as such the ExA

consider that would be a minor long-term benefit for the area to which the SoS could attribute some weight.

The need for any changes to the dDCO and control documents

- 17.7.6. In light of the above should the SoS be minded to grant the Order the ExA consider that the following changes to the dDCO and control documents would be required:
- The WKMS [REP8-064] be amended to set out the action that the Applicant would take with confirmed instances of fly parking and an amendment to the Wylfa Newydd CoCP [REP10- 018] that the necessary disciplinary action to have been identified, implemented and reported to IACC within 5 days would be necessary.
 - Further clarification to be sought, in consultation with WG, with regards to the figures used for modelling Park and Ride junction. Dependent upon the response if necessary, requirement PR5 be amended to provide the certainty sought by the WG.
 - Section 5.4 of the Wylfa Newydd CoCP [REP10-018] to be revised to confirm that there would be no AIL movements associated with Work No 12.
 - Requirement WN1 to be amended to require submission for approval of the details for the alternative turning head required by IACC.
 - WN1(3)(g) to be amended as per IACCs proposed drafting in the rDCO.

18. OTHER MATTERS

18.1. AIR SAFETY

INTRODUCTION

- 18.1.1. There are two operational aerodromes on Anglesey, RAF Valley at Mona and Anglesey airport at Llanfair yn Neubwll. In addition, the Valley Area of Intense Aerial Activity extends over North Wales and the Irish Sea.
- 18.1.2. Paragraph C.9.44 to C.9.46 of NPS EN-6 confirm that the Civil Aviation Authority (CAA) has advised Government that any likely power station development within the site boundary can be protected against the risks from civil aircraft movements and that the effects on air traffic and aerodromes can be potentially mitigated.

THE APPLICANT'S ASSESSMENT

- 18.1.3. The Applicant [APP-060 and APP-064] scoped civil and military aviation and defence interests out of the EIA on the basis that no likely significant effects were anticipated. This Secretary of State (SoS) agreed with this approach in their 2016 scoping opinion.
- 18.1.4. In its representation [REP2-311] the Ministry of Defence (MoD) confirmed that it had previously commented on the scoping consultation for the project and raised no safeguarding concerns and as a consequence military aviation was scoped out. It confirmed that the airspace above and around the existing power station is classed as a Restricted Area but that air traffic controlled by RAF Valley is allowed to pass through the restricted zone. Subject to the current controls remaining in force it confirmed that there would be no adverse impact on aviation operations and defence interests as a result of the Application.
- 18.1.5. A number of Interested Parties (IPs) [RR-034, RR-042, RR-110] raised concerns regarding the potential for an air-based terrorist attack. The Applicant confirmed [REP2-375] that it had taken into consideration the potential for damage and destruction either through unique climatic events or terrorist attacks in the design of the buildings forming the Power Station.
- 18.1.6. As a consequence, having regard to the above the Examining Authority (ExA) concludes that air safety should not weigh against the Order being made.

18.2. APPRAISAL OF SUSTAINABILITY

INTRODUCTION

- 18.2.1. This section sets out details of the appraisal of sustainability.

THE APPLICANT'S ASSESSMENT

- 18.2.2. The Applicant's appraisal of sustainability is set out in ES Chapter 8.17 Sustainability Statement (SS) [APP-426]. Within this document, the Applicant states that the overarching purpose of the Sustainability Statement is to assess and report on the sustainability performance of the broader Wylfa Newydd Project (the proposed development) against a bespoke Sustainability Assessment (SA) framework. The Sustainability Statement concludes by the Applicant stating its intention to continue to consider sustainability in future decision making and activities should the Development Consent Order be made.
- 18.2.3. The Applicant had embedded the sustainability themes common to relevant policies, plans and programmes into 14 SA Objectives to enable sustainability in the context of the proposed development to be defined and appraised. The 14 SA Objectives were organised around the seven well-being goals of WG, as defined by the Well-being of Future Generations (Wales) Act 2015 (WBGFA). The SA Objectives were each accompanied by a set of Decision Aiding Questions (DAQ), designed to promote and foster sustainable approaches to design throughout the development of the Project. Together, the SA Objectives and DAQ form the Applicant's SA framework for the proposed development.
- 18.2.4. For assessment purposes, the Applicant divided the proposed development into four project components: Power Station (project component 1); transport of workers and goods (project component 2); accommodation of the construction workforce (project component 3); and jobs, skills, education and training (project component 4). Each project component was assessed separately against the SA framework, informing the overall assessment of the proposed development.
- 18.2.5. The Applicant's SA drew on key project information, inclusive of the findings of the ES [APP-055 to APP-400] and other technical studies and plans that have informed the development of the Project such as the Welsh Language Impact Assessment (WLIA) [APP-432, APP-433], Health Impact Assessment Report (HIA) [APP-429] and the Equality Impact Assessment (EqIA) [APP-434]. The SA also considered measures that would govern the way in which the proposed development would be implemented, such as those contained in the Wylfa Newydd Code of Construction Practice (WNCOP) [REP10-018] and the site-specific sub-Code of Construction Practice (CoCPs) [REP10-020 to REP10-029].

Principal Findings

- 18.2.6. The SA used a qualitative six-point scale, as summarised in the table below.

Table 1 Sustainability Assessment Scale

Symbol	Assessment Category	Significance of Effect
++	Major positive – likely to result in a substantial contribution to achieving the SA Objective	Significant beneficial

Symbol	Assessment Category	Significance of Effect
+	Minor positive – likely to result in a limited contribution to achieving the SA Objective	Not significant
0	Neutral	
+/-	Range of possible positive and negative outcomes	Potentially significant
?	Uncertain outcome/awaiting further project evolution within the parameters of the Environmental Statement to predict sustainability outcomes	
-	Minor negative – likely to result in limited detriment to achieving the SA Objective	Not significant

18.2.7. A summary of SA findings is provided in the table below, both by project component and at the Project-wide level.

Table 2 Summary of SA Findings

SA Objective	Sustainability assessment score				
	Power Station	Transport of workworn and goods	Accommodation of construction workforce	Jobs, skills, education and training	Project-wide assessment summary
A prosperous Wales					
1. To support economic growth and contribute to a vibrant economy	++	+	+	++	++
A resilient Wales					
2. To seek to minimise adverse impacts on terrestrial and marine biodiversity and promote habitat quality and connectivity	-	+/-	+/-	0	+/-
3. To ensure development proposals value and complement the existing landscape and seascape	-	+/-	+/-	+	-

SA Objective	Sustainability assessment score				
	Power Station	Transport of workworn and goods	Accommodation of construction workforce	Jobs, skills, education and training	Project-wide assessment summary
character and established land uses					
4. To manage and reduce the impacts of climate change through mitigation and adaptation measures	++	+	+	0	++
5. To facilitate and encourage the use of sustainable transport modes	+	++	++	+	++
A healthier Wales					
6. To promote health and wellbeing	+/-	+	+	+	+
A more equal Wales					
7. To enhance opportunities for formal and informal training, education and learning	0	0	0	++	++
A Wales of cohesive communities					
8. To promote community cohesion and viability	-	+/-	+	++	+
9. To deliver sustainable accommodation initiatives to meet Project needs	0	0	?	0	?
10. To minimise the need to travel	+	+	++	+/-	++
A Wales of vibrant culture and thriving Welsh language					
11. To support and encourage the use of the Welsh Language and foster Welsh culture	+/-	+/-	-	++	+
12. To safeguard and maintain retained heritage assets	-	+/-	+/-	+/-	+/-

SA Objective	Sustainability assessment score				
	Power Station	Transport of workworn and goods	Accommodation of construction workforce	Jobs, skills, education and training	Project-wide assessment summary
A globally responsible Wales					
13. To maintain water quality, manage water resources sustainably and minimise the risk of and from flooding	+/-	+	+	0	+/-
14. To use land, materials and mineral resources efficiently	+	+	++	+	+

- 18.2.8. The SA predicted significant beneficial sustainability outcomes in relation to five of the SA Objectives. These relate to economic benefits; climate change mitigation and adaptation; sustainable transport; promoting training and learning; and minimising the need to travel. Minor positive and non-significant beneficial sustainability outcomes were predicted for a further four SA Objectives, each noted as offering potential for enhancement of sustainability performance through future phases of the project lifecycle. These relate to health and well-being; community cohesion and viability; Welsh language and culture; and resource efficiency.
- 18.2.9. Uncertain effects have been identified for delivering sustainable accommodation initiatives.
- 18.2.10. The SA predicts a range of beneficial and adverse sustainability outcomes in relation to three of the SA Objectives. These broadly relate to: terrestrial and marine biodiversity; heritage assets; and water resources.
- 18.2.11. The SA did not identify any significant adverse sustainability outcomes.

Applicant's conclusions

- 18.2.12. The Applicant concluded that the assessment of sustainability performance was an ongoing process that would continue as the proposed development evolved towards detailed design, delivery, implementation and through to operation. The SA findings indicated that there was a greater balance of positive and some significantly beneficial

effects within the proposed development; however, it was unlikely that all incidences of negative (non-significant) adverse effects could be completely avoided, especially those relating to the effects of construction activities on neighbouring communities and designated environmental assets.

- 18.2.13. The ongoing development of the proposed development presents a range of opportunities for sustainability considerations to influence decision making and behaviours such that positive sustainability outcomes may be enhanced.
- 18.2.14. The Mitigation Route Map [REP9-008] is, in the Applicant's view, an important part of describing the types of measures that it intends to deliver as part of the project and indicates the manner in which each would be secured within the DCO. As a complement to this, the Applicant proposes three areas of planned future activities to inform the development of specific measures, detailed design and appropriate monitoring and corrective action activities. These three measures are sustainability in design, sustainable procurement and corporate sustainability. These activities were considered to represent routes to realising potential opportunities for enhanced sustainability performance as the proposed development progresses towards detailed design, implementation and operation.

Issues Discussed During the Examination

- 18.2.15. The ExA, in its first written questions [PD-009] requested further clarification on a number of issues within the SA, including:
- the relevancy of jobs, skills, education and training;
 - why accommodation was not a negative against the benchmark during construction;
 - why there was no mention of electric or hybrid vehicles; and
 - why accommodation was assessed as minor positive while the description in para. 5.15.10 of the SS [APP-426] suggested a range of possible positive and negative outcomes.
- 18.2.16. The Applicant responded [REP2-375] that:
- the positive outcome for jobs, skills, education and training was reflected in the need for 9,000 workers, which would create a number of employment and training opportunities. With the construction activities in the marine environment and on the coastal areas, and the need for significant specialised equipment to be used, there would be a need for skilled workers;
 - it was confident that its approach to accommodating workers, through the Workforce Accommodation Service (WAS) [APP-412] and housing people in temporary and existing accommodation would support the objectives of the Sustainability Statement, to manage and reduce the impacts of climate change through mitigation and adaptation measures. For these reasons, temporary accommodation during construction was assessed as positive against the benchmark;

- although there was no mention of electric or hybrid vehicles, the Applicant considered that it was clear through the establishment of sustainable transport measures in accordance with the strategic framework set by the Construction Traffic Management Strategy and Operational Travel Management Strategy contained in the WNCOP [REP10-018] and WNCOP [REP10-030] respectively, there would be beneficial effects. It [REP7-001] also committed to giving greater weight to bus suppliers who could provide better than Euro IV emissions standard; and
- the uncertainty of maintaining water quality, managing water resources sustainably and minimising the risk of and from flooding relates to the Wylfa Newydd Development Area (WDNA) and Off-site Power Station Facility (OSPSF), of which the Site Campus was a part. The uncertainty did still remain in terms of the objective across the Site Campus and would require further design work should the project progress. This did not mean that the positive result was reduced because the SA does recognise that whilst the framework for appropriate controls on water flow and quality is established, the arrangements would be developed as part of the detailed design and only fully tested should construction activities commence.

18.2.17. The ExA also sought confirmation in first written questions [PD-009] from Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC), Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW), National Trust (NT) and IPs that sustainability was integrated into all physical designs. NRW [REP2-325] deferred to IACC on this matter. IACC [REP2-153] responded that there was insufficient information on the physical designs to be able to say whether sustainability had been fully integrated. For example, there was currently no embedded renewable energy generation and no details on building materials and their sources. However, the Applicant [APP-426] had proposed to provide photovoltaic cells on the roofs of the Park and Ride, Logistics Centre and the amenity building within the Site Campus, to support energy demands within these buildings. There was no response from other IPs on the integration of sustainability into designs.

18.2.18. The Applicant provided more detailed design information during the Examination in the Design and Access Statement (DAS) [REP8-021]. At Deadline 8, in the Statement of Common Ground (SoCG) between IACC and the Applicant [REP8-019], IACC welcomed the Applicant's commitment in the DAS for the details of the external appearance including materials and colours of the WDNA buildings to be subject to design quality review panel by Design Commission for Wales (DCfW).

18.2.19. Sustainability runs through many aspects of the proposed development, and a number of questions were raised by all parties on a range of issues associated with sustainability. These are discussed in the topic specific Chapters 6 to 11 in this report. There were no further issues raised during the Examination directly related to the Sustainability Assessment.

ExA's conclusion

18.2.20. The ExA notes that the SA was not updated during the Examination. While its content was not challenged during the Examination, many

aspects of sustainability were challenged, for example in relation to SA Objective 2, *"To seek to minimise adverse impacts on terrestrial and marine biodiversity and promote habitat quality and connectivity"* [APP-426]. The ExA does acknowledge that sustainability has been considered by the Applicant in all aspects of the design and additional mitigation has been provided during the Examination, as recorded in this report.

- 18.2.21. With reference to the conclusions drawn in NPS EN-6 Appraisal of Sustainability: Site Report for Wylfa, a number of potential negative effects were identified. These were:
- There are potential negative effects on at least four national and internationally protected nature conservation sites. These effects are significant, but mitigation opportunities could be available following further study at the project level.
 - The site is predominantly located on higher ground with hard bedrock. The risks from coastal flooding, sea level rise and erosion are therefore considered to be low. However, further assessment is required to determine the need for additional defences over the lifetime of a new power station.
 - The development of a new nuclear power station will have a negative visual impact on the local and sub-regional landscape, particularly the Anglesey AONB (part of which lies within the nominated site boundary) and North Anglesey Heritage Coast. Currently the exact placing of a new nuclear power station is unknown as a large site has been nominated, but some adverse impact which may not be fully mitigated is anticipated.
 - There remains some uncertainty relating to the significance of some effects and the most appropriate mitigation. It is expected that the mitigation measures will be refined iteratively as part of the development of the proposals for the nominated site, and will be assessed further in the project level EIA.
- 18.2.22. The themes that were identified as being potential sustainability issues were air quality, climate change, communities, supporting infrastructure, cultural heritage, landscape, soils, geology and land use, water quality and resources and flood risk. Biodiversity and ecosystems were identified as problematic because of known sustainability issues.
- 18.2.23. The ExA is content that the Applicant has addressed all of these issues and that they have been examined throughout this Examination. The conclusions associated with individual themes are given in the relevant chapter of this report and appropriate weight attributed.

18.3. COASTAL PROCESSES AND COASTAL GEOMORPHOLOGY

Introduction

The Applicant's assessment

- 18.3.1. The Applicant's assessment of impacts on coastal processes and coastal geomorphology is set out in the following documents;

- ES Volume B - Introduction to the environmental assessments B12 – Coastal processes and coastal geomorphology [APP-077];
- ES Volume D - WNDA Development D12 - Coastal processes and coastal geomorphology [APP-131]; and
- Supplementary Information on Coastal Processes to Support Wylfa Newydd EIA and Shadow HRA [REP2-007]

18.3.2. The cumulative effects of the proposed development with identified reasonably foreseeable future projects are assessed in ES Volume I - Cumulative Effects I5 - Inter-project cumulative effects [APP-388].

18.3.3. [APP-131] is supported by a number of appendices that contain technical reports and details of surveys and data collection [APP-216 to APP-218, APP-226].

Coastal Receptors

18.3.4. The ES [APP-131] identified relevant receptors within three study areas:

- a study area for coastal geomorphology receptors close to the WNDA potentially affected by changes to waves and currents caused by marine works;
- a wider study area covering the potential extents of sediment plumes and sediment deposition on geomorphology receptors and the seabed close to the WNDA;
- a study area to capture the potential extents of sediment plumes and sediment deposition on geomorphology receptors and the seabed close to the Disposal Site.

18.3.5. As explained in Marine Environment, of this Chapter, the assessment of effects for the disposal site are relevant to the activities permitted by the marine licence which is not deemed within the Development Consent Order (DCO) and, therefore, are not discussed within this Chapter.

18.3.6. The ES assessed impacts on the following groups of receptors:

- the seabed;
- Bae Cemaes/Cemaes Bay
- Bae Cemlyn/Cemlyn Bay
- Esgair Gemlyn
- Cemlyn Lagoon
- Hen Both Cliff SSSI

18.3.7. Esgair Gemlyn, a shingle ridge which provides protection to Cemlyn Lagoon, and Cemlyn Lagoon are part of the Bae Cemlyn/Cemlyn Bay SAC/SSSI and all are part of the Morwenoliad Ynys Môn/Anglesey Terns SPA. These features are discussed in detail in the Habitat Regulations Assessment (HRA), Chapter 6 of this report.

Potential Impacts

18.3.8. Section 12.5 of [APP-131] describes the construction activities and operational components of the proposed development which are of relevance to coastal and marine processes.

- 18.3.9. The construction phase impacts assessed were:
- effects upon wave height adjacent to Esgair Gemlyn;
 - effects upon seabed shear stress and associated sediment mobilisation patterns resulting from new structures and Licensable Marine Activities associated with the Power Station; and
 - the dispersal and deposition of material arising from sediment plumes generated by drainage discharge and dredging activities within the WNDA.
- 18.3.10. The operational phase impacts assessed were:
- wave changes during the operational period for the 'worst case' winter storm scenario; and
 - the potential for effects upon the sediment regime due to wave action under increased sea level and/or increased frequency or intensity of storm conditions associated with climatic change.

Mitigation

- 18.3.11. As explained in Chapter 6 of this report the Applicant proposed three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.
- 18.3.12. Embedded mitigation in relation to coastal processes and coastal geomorphology during construction is detailed in Section 12.4 of ES Chapter D12 [APP-131]. This includes the design and construction of the breakwaters, Marine Off-Loading Facility (MOLF), Cooling Water (CW) intake and outfall structures and dredging activities, to include footprints as small as practicable for the breakwaters and the temporary causeway and compressing the length of time for construction. Potential effects of additional fine sediments in watercourses discharging to the marine environment would be mitigated through the construction drainage system designed to reduce the mobilisation and transport of fine suspended sediments.
- 18.3.13. Good practice mitigation includes adhering to the WNCocP [REP10-018], MPSSCoCP [REP10-021] and MWSCoCP [REP10-022] which secures specific mitigation measures in relation to air, noise, traffic, and water quality, including the implementation of appropriate guidance for pollution prevention.
- 18.3.14. Embedded mitigation during operation is also given in Section 12.4 of ES Chapter D12 [APP-131]. The key embedded mitigation for operation of the western breakwater (after removal of the temporary causeway) would be a gap between it and the land to enable continued throughput and flushing of water and sediment.
- 18.3.15. The western breakwater would be designed to include interlocking concrete armour. The function of this armour would be to reduce the reflection of wave energy, but it would have the additional potential environmental benefits of providing additional habitats.

- 18.3.16. The CW intake velocity had been designed to mitigate localised erosion and scour as far as practicable inside the inner harbour area.
- 18.3.17. For good practice mitigation, management strategies would be set out in the WNCOP [REP10-030] which would outline how targets, to be agreed with regulators, would be achieved with respect to management and implementation.
- 18.3.18. The Applicant concluded in Chapter D12 [APP-131] that as no significant effects had been identified during either construction or operation there would be no need for additional mitigation.

Environmental Statement Addendum and Non-material Change requests

- 18.3.19. The Applicant submitted an Addendum to the Environmental Statement at Deadline 6 [REP6-015] and a further updated Addendum to the Environmental Statement [REP8-005] at Deadline 8. The two Addendum provided a record of the environmental assessment of the proposed development with updated information on the proposed development that had arisen since the DCO application was made. In terms of coastal processes and coastal geomorphology, the Deadline 6 Addendum provided updates of:
- phasing strategy to secure the implementation of mitigation at an appropriate time to minimise the likely significant environmental effects of the proposed development;
 - additional mitigation to support the assessments made on the potential effect of the WNDA on Esgair Gwynn;
 - additional modelling undertaken for waves, bed shear stress, tidal vectors and cooling water discharge;
 - baseline sediment data.
- 18.3.20. The Deadline 8 Addendum contained no further updates for coastal processes and coastal geomorphology.
- 18.3.21. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. However, the Applicant did not consider that any of these were relevant to Coastal Processes and Coastal Geomorphology. The ExA is content with the Applicant's assessment.

Applicants conclusions

- 18.3.22. The Applicant's assessment was informed by wave, current and sediment modelling.
- 18.3.23. The Applicant concluded in [APP-131] that there were no significant adverse effects for coastal and geomorphology from either construction, operation or decommissioning phases of the proposed development.

Issues Discussed During the Examination

18.3.24. The main issues considered during the Examination included:

- adequacy of baseline data;
- impacts on Esgair Gemlyn shingle ridge;
- direct loss of marine benthic habitat;
- concerns over the NT shoreline;
- water quality in Cemlyn Lagoon;
- coordinated responsibility in the inter-tidal zone.

Adequacy of Baseline Data

18.3.25. In its Written Representation (WR) [REP2-316] and [REP4-038], NT considered that significant gaps existed in the baseline assessment relating to coastal processes and geomorphology undertaken to support the EIA, HRA and Marine Licence applications. NT [REP7-009] also expressed concern that the Applicant refused to engage with it and the other eNGOs in relation to the development of the Applicant's coastal processes monitoring and mitigation strategy [REP6-010]. Furthermore, in its view, the Applicant did not propose to undertake any further work to improve the baseline information but wished to rely on existing data. NT's position did not change during the Examination.

18.3.26. NRW in its WR [REP2-325] also identified gaps in coastal process modelling and in the baseline data available to characterise Cemlyn lagoon, and in particular Esgair Gemlyn. It commented that the ES did not provide an assessment of the impact of the operational cooling water discharge upon coastal processes.

18.3.27. Since the submission of the Application, the Applicant had undertaken further modelling assessments [REP2-007] which coupled wave modelling with the coastal processes model to identify impacts to Esgair Gemlyn. While NRW still had concerns regarding baseline data, it was continuing discussions with the Applicant on proposals for an adaptive management plan that would address NRW's concerns [REP8-018].

18.3.28. With respect to cooling water discharge, additional information was presented by the Applicant [REP5-084] in relation to cooling water discharge on tidal vectors and mercury contamination which satisfied NRW's concerns.

18.3.29. The ExA is content that sufficient information is provided in the ES and supporting information to inform the assessment of impact on coastal processes and coastal geomorphology.

Esgair Gemlyn Shingle Ridge

18.3.30. Concerns were expressed throughout the Examination from NRW and the eNGOs about the continued stability of the Esgair Gemlyn shingle ridge. NRW in its WR [REP2-325] advised that the ridge is critical to the functioning of Cemlyn lagoon, the tern breeding islands and supporting the shingle ridge vegetation.

18.3.31. The Applicants proposals for an adaptive management plan were submitted at Deadline 5 [REP5-024]. After further discussions with NRW,

it provided additional information in its MWSCoCP [REP8-051] to include post-storm walkover assessment of Esgair Gemlyn, wider availability of data to include the eNGOs, development of trigger thresholds and mitigation to be agreed with NRW and NT and timing of mitigation works in relation to the presence of tern. NRW [REP9-037] confirmed that in view of these commitments identified in the MWSCoCP [REP10-022], that the marine works would not have an adverse effect on Esgair Gemlyn

- 18.3.32. The shingle ridge is a feature in its own right of the Cemlyn Bay SAC and is discussed in detail in Chapter 7 of this report. In terms of the EIA impacts, the ExA gives weight to NRW's consideration [REP7-012, REP9-037] that the Coastal Processes Monitoring and Mitigation Strategy and measures in the MWSCoCP were sufficient for the marine works to avoid adverse effects on Esgair Gemlyn and agrees with this conclusion.

Loss of Marine Benthic Habitat

- 18.3.33. NT [REP2-319] and the eNGOs [REP2-361] were concerned about mitigating the loss of 7.6ha of intertidal biotopes (habitats) and 23.5ha of subtidal biotopes resulting from the construction of the harbour, MOLF and breakwaters. In its response to the ExA's Second written questions [PD-013] NT [REP5-076] stated that an additional 5.6ha of subtidal biotopes would be affected by the cooling water outflow.
- 18.3.34. Loss of marine habitat is reported in Chapter 6 of this report. The ExA concludes that having given weight to the NRW's view, as regulator, that impacts cannot be reduced from moderate to minor for habitat loss under the footprint of marine works.
- 18.3.35. The ExA is content that the Applicant's enhancement mitigation measures and measures to protect NT's shoreline are feasible and secured in the MWSCoCP [REP-022].

National Trust Shoreline

- 18.3.36. In its Commentary on Ecology and Land Management, NT [REP2-319] expressed concern about insufficient mitigation being proposed, particularly in the marine environment where 31.1 ha of seabed and intertidal shoreline is being lost to the development.
- 18.3.37. It continued that the Landscape and Habitat Management Strategy (LHMS) [APP-424, APP-425] said very little about monitoring and long-term management. NT considered it *"vital that a fully-funded monitoring and surveillance programme is established at the outset as an integral part of the habitat creation and management schemes"* [REP2-319]. It was also of the view that the financial, staffing and temporal commitments to long term management were not clear in the LHMS and would need to be secured and properly resourced.
- 18.3.38. NT [REP2-319] requested additional mitigation to ensure the delivery of biodiversity net-gain and to help safeguard the marine biotopes on the NT shoreline between Felin Gafnan and Trwyn Pencarreg. At Deadline 7

this was still a major outstanding issue between NT and the Applicant. NT's concerns were:

- the whole of the NT shoreline could be affected by the proposed construction and discharge including mobilised sediments from the removal of the temporary causeway;
- the lack of detail on the reinstatement of the coastline following the removal of the temporary causeway;
- the EcoW being able to work outside the WNDA and set up a monitoring programme along the NT shoreline, concentrating on the section between Felin Gafnan and Trwyn Pencarreg, but extending westwards to Esgair Gemlyn;
- the programme to include physical, chemical and biological monitoring of the NT shoreline in order to detect environmental change caused by, for example, pollution incidents/impacts, sediment deposition and marine litter; and
- the ability of the EcoW to respond to pollution and littering detected by the monitoring through clean-up and/or adaptive management.

18.3.39. NT [REP7-009] welcomed the Applicant's additional wording to the MWSCoCP [REP5-025] extending the scope of the Ecological Clerk of Works (ECoW) and issue of construction litter on the NT's shoreline. Whereas NT accepted that pollution matters would be covered in the Marine Licence, it still had concerns about sediment deposition, both from terrestrial and marine (eg temporary causeway removal) sources [REP7-009]. NT believed further change was needed to the submitted documentation to reflect these outstanding concerns. No further submissions on this matter were made.

18.3.40. Having considered the impacts of the proposed development on NT's shoreline, the ExA is content that the Applicant's mitigation measures and measures that will be required for the Marine Licence will be sufficient to protect the shoreline.

Water Quality at Cemlyn Lagoon

18.3.41. NRW [REP2-325] advised that further information was required to demonstrate that Cemlyn Lagoon would not be affected by impacts on water quality due to surface water run-off from Mound E.

18.3.42. Cemlyn Lagoon is part of Bae Cemlyn/Cemlyn Bay Special Area of Conservation (SAC) and the Morwenoliaid Ynys Môn/Anglesey terns Special Protection Area (SPA) and is discussed in detail in Chapter 7 of this report. In terms of EIA impacts, water quality at the lagoon is discussed in Chapter 6, where the ExA concluded that little weight should be given to the potential damage to Bae Cemlyn/Cemlyn Bay as a result of the proposed development.

Coordinated Responsibility in the Inter-tidal Zone

18.3.43. At the first DCO Issue Specific Hearing (ISH) on 9 January 2019 [EV-20i, REP4-004] there was discussion regarding who should be the discharging authority for the intertidal zone, between mean low water and mean high

water spring tides. IACC [REP4-034] confirmed that its discharging responsibilities began above mean high water springs while the appropriate discharging authority below mean low water would be the Welsh Government (WG) or NRW. As the proposed development included works which were situated in the intertidal zone the Applicant, NRW and IACC required clarity regarding who the discharging authority should be.

- 18.3.44. The ExA directed NRW, IACC and the WG to consider the issue and prepare drafting to address this overlap for submission to the Examination. By the end of the Examination a joint position paper between IACC, NRW and WG with regard to co-ordinated working on the discharging authority role in the Intertidal Area was agreed and submitted into the Examination as Annex D of [REP9-037]. As discussed in the DCO Chapter 15 of this report, the roles of NRW and IACC are defined in the definition of “*discharging authority*” within the draft Development Consent Order (dDCO) [REP10-006] and the arrangements for operation in practice is secured in a new Schedule 19.

ExA’s Conclusions

- 18.3.45. With the exception of Esgair Gemlyn Shingle Ridge and Cemlyn Lagoon, which are assessed in Chapter 7 of this report, the ExA concludes that coastal processes and coastal geomorphology are not matters which should weigh against the Order being made.

The need for any changes to the dDCO and control documents

- 18.3.46. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to coastal processes and coastal geomorphology.

18.4. GRID CONNECTION

Introduction

- 18.4.1. This section considers matters in relation to the Grid Connection.

The Applicant’s Case

- 18.4.2. The Applicant’s case is set out within the Electricity Grid Connection Statement [APP-403]. Such a statement is required by Regulation 6(1)(a)(i) of Statutory Instrument 2009 No.2264 - The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 to accompany a DCO application for an on-shore generating station.
- 18.4.3. A Bilateral Connection Agreement and a Construction Agreement with National Grid Electricity Transmission plc had been in place since 2008, and together were known as the ‘Wylfa Connection Agreements’. They set out the works that would take place to connect Wylfa Newydd to the national electricity transmission system (sometimes referred to as

'NETS'). These connection works include associated transmission reinforcement.

- 18.4.4. The Applicant would be responsible for designing, gaining consent and building the connection from the proposed power station to the 400kV substation that served the existing Wylfa power station. National Grid would be responsible for designing, gaining consent and building the transmission reinforcement works beyond the connection to the substation that would be provided through this application [APP-403].

Planning Issues

- 18.4.5. NPS-EN1 recognises (paragraph 4.9.1) that the connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct generation plant. It states that the Government envisages wherever possible that applications for generating stations and related infrastructure should be contained in a single application or separate applications submitted in tandem (paragraph 4.9.2).
- 18.4.6. NPS EN-1 acknowledges that this may not always be possible (paragraph 4.9.2). However, if the applicant only submits an application for one element then they accept the implicit risk involved in doing so (paragraph 4.9.3). Nevertheless, the NPS requires the decision maker must be satisfied that there is no obvious reason why the necessary approvals for other elements are likely to be refused, and highlights that the applicant needs to understand that should consent be granted for one element it should not in any way fetter decisions on subsequent applications (paragraph 4.9.3).
- 18.4.7. During this Examination, a DCO application was submitted for a new grid connection from the existing Wylfa substations to Pentir in Gwynedd. Representations to this Examination indicated the new grid connection proposal to be contentious [including, for example, REP7-028 and a number of other representations regarding the 'National Grid' at Deadline 9 and 10].
- 18.4.8. However, following the suspension of the Wylfa Newydd project and in its response to Deadline 7 written representations [REP7-027 to REP7-032], the Applicant [REP8-012] confirmed that: it had terminated its contract with National Grid Electricity Transmissions PLC (the National Grid); and as a result, the North Wales Connection DCO application (PINS ref EN0200015) had been withdrawn on 20 February 2019.

ExA's consideration

- 18.4.9. IACC's LIR focusses on the landscape impacts of the withdrawn National Grid North Wales Connection Project DCO application, rather than the specific connection required to provide grid access to the proposed power station. The Applicant in this case is only responsible for the short connection between the power station and the existing 400kV substation. It is only the connection from the proposed power station to the

neighbouring substation that forms part of the application before the ExA.

- 18.4.10. Even though the North Wales Connection DCO application was withdrawn, concerns continued to be raised [REP10-048, REP10-050, REP10-052 to REP10-060] regarding text that appeared in the SoCG between the Applicant and National Grid that referred to pylons. The concern being that this may result in 'approval by stealth' of the use of pylons for any future connection. However, as the North Wales Connection DCO application has been withdrawn, there is no connection proposal to approve, which causes the details of any future grid connection(s) to be unknown at this stage.
- 18.4.11. In addition, each application is considered on its own merits within the context of relevant planning policies and other matters at the time that it is considered. This would be the case for any future connection proposal, and the decision-taker at that time would therefore not be bound by a SoCG produced to inform this Examination.
- 18.4.12. The ExA is unaware of any obvious reason why a grid connection could not be made to serve the development proposed in this application. However, the details of the connection, its cost, and the timing of its delivery are not known. Having considered the advice in NPS EN-1, the ExA considers that the lack of planning permission for the connection is an additional challenge to the delivery of the proposed development. Therefore, until there is clarity regarding how the upgraded connection would be achieved, this matter must weigh against the proposed development.

The need for any changes to the dDCO and control documents

- 18.4.13. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to the provision of a grid connection.

18.5. RADIOACTIVE WASTE

Introduction

- 18.5.1. This section considers Radioactive Waste.

The Applicant's case

- 18.5.2. The Applicant's assessment of impacts arising from Radioactive Waste is set out in the following documents:
- 6.2.14 ES Volume B - Introduction to the environmental assessments B14 – Radiological effects [APP-079];
 - 6.4.14 ES Volume D – WNDA Development D14 – Radiological effects [APP-133];
 - 6.4.97 ES Volume D – WNDA Development App D14-1 Radioactive Waste [APP-233]; and

- 6.4.98 ES Volume D – WNDA Development App D14-2 – Analysis of accidental releases [APP-234].

18.5.3. With respect to radioactive wastes, the Applicant proposed to subsequently obtain the following relevant consents and permits, as set out in [REP6-017]:

- Environmental Permits under the Environmental Permitting (England and Wales) Regulations (2016) for Radioactive substances activities; water discharges, Local Air Pollution Prevention and Control (LAPPC) Part B permits and waste permits;
- Control of Major Accident Hazards (COMAH) Notification, Major Accident Prevention Policy (MAPP) or Safety report (2015 Regulations) through the Office of Nuclear Regulation (ONR), Health and Safety Executive (HSE) and NRW;
- Article 41 (of the Euratom Treaty) for the notification (to the EU) of the intent to construct and operate WNDA (note the submission was made by the Applicant to the European Atomic Energy Community in February 2017);
- Nuclear Site Licence under the Nuclear Installations Act of 1965, submitted to the ONR in March 2017 (subsequently withdrawn by the Applicant [REP10-037]; and
- Hazardous Waste Producer License obtained from NRW.

Potential Impacts

18.5.4. The ES [APP-133] identified the following potential impacts associated with the handling and storage of radioactive waste material:

- doses from discharges;
- collective doses to populations;
- doses from direct radiation exposure;
- doses from the transport of radioactive materials; and
- doses to non-human species.

18.5.5. The Applicant assessed potential impacts on groups of individuals (including Representative Person for exposure to gaseous and aqueous discharges, existing power station workers, recreational walkers and residents) and non-human species whose behaviour and habits were likely to mean they would receive the highest individual radiological doses. The approach to the identification of receptors and relevant assessment criteria was set out in section 14.4 of [APP-079].

Mitigation

18.5.6. As explained in Chapter 6 of this report, the Applicant proposed three levels of mitigation to minimise adverse effects; embedded, good practice and additional mitigation.

18.5.7. The ES [APP-133] stated that no embedded mitigation had been required for radioactive wastes during construction. With respect to good practice mitigation, the ES confirmed that all the requirements of the Ionising Radiation Regulations 2017 were met. Furthermore, should monitoring reveal radioactively contaminated land or radioactive items, the Applicant

would make arrangements to make the area safe, protect the workforce and prevent the spread of the identified contamination. The control of radioactive sources during construction would be secured through the WNCOP [REP10-018]) and the MPSSSCoCP [REP10-020].

- 18.5.8. During operation, the application of Best Available Techniques (BAT) was championed with respect to embedded mitigation for the management of radioactive wastes (Paragraph 14.4.54 [APP-133]). The BAT approach applied across the lifecycle of WNDA and was also included in the operation and maintenance of plant, equipment and management systems that may impact on environmental performance. Demonstrating BAT compliance would be a requirement of the Radioactive Substances Activity Environmental Permit that would be required to operate the Proposed Development.
- 18.5.9. Good practice mitigation comprising transportation of radioactive materials in accordance with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (2009) would minimise impacts from transport activities and would be secured in the WNCOP [REP10-030] which would be secured through WN13 of the dCO [REP10-006].
- 18.5.10. With respect to decommissioning, the Applicant considered that the embedded mitigation and good practice measures would be identical to those of the operational phase (Paragraphs 14.4.64 and 14.4.65 [APP-133]).
- 18.5.11. In Section 6 of [APP-233], the Applicant detailed radioactive waste and its proposed management during decommissioning. Radioactive waste/spent fuel would remain on site in the spent fuel storage facility until the Geological Disposal Facility (GDF) was available, suggested to be between 75-140 years after the end of generation. The completion of the spent fuel storage facility would not commence until year 15 of operation, as the facility would not be required until approximately year 17 [APP-056].
- 18.5.12. For decommissioning of the Power Station, the Applicant stated [APP-233] that it currently estimated that the power plant buildings would be removed within 20 years of end of generation. Decommissioning actions were given that would be undertaken within the initial 20 years post generation. As set out in paragraph 14.5.30 of [APP-133], the decommissioning of the main power station facility had been assessed at a qualitative level only given that such activities were not anticipated to commence for another 60 years or more and would require a further EIA under the Nuclear Reactors (Environmental Impact Assessment for decommissioning) Regulations 1999. However, the Applicant stated that, for the purposes of the qualitative decommissioning assessment, "doses to the public arising from these discharges would be bounded by those during operations and are assumed to be identical to those described in table D14-20" [APP-133].

- 18.5.13. Table B14-6 [APP-079] confirmed that routine monitoring for radioactivity in local environmental materials would be a requirement of the Environmental Permit (from NRW) for the Proposed Development. As set out in [REP6-017], the Applicant had previously made applications for the 'major' Environmental Permits required (including RSR) between October 2017 and June 2018 but has subsequently withdrawn these applications.
- 18.5.14. Sections 5.2 and 5.3 of [APP-233] outline the proposed monitoring during operation for gaseous and liquid effluents, which would be secured through the Environmental Permit.
- 18.5.15. The Applicant concluded in Chapter 14.7 [APP-133] that as no significant adverse radiological effects had been identified during either routine construction or operation there would be no need for additional mitigation.

Environmental Statement Addendum and Non-material Change requests

- 18.5.16. The Applicant submitted an Addendum to the Environmental Statement at Deadline 6 [REP6-015] and a further updated Addendum to the Environmental Statement [REP8-005] at Deadline 8. The two Addendum provided a record of the environmental assessment of the proposed development with updated information on the proposed development that had arisen since the DCO application was made. Neither of these updates addressed radioactive waste.
- 18.5.17. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. However, the Applicant did not consider that any of these were relevant to radioactive waste. The ExA is content with the Applicant's assessment.

Applicant's conclusions

- 18.5.18. The Applicant's assessment was informed by the above listed assessments and supporting documents. The Applicant concluded in [APP-133] that following the implementation of embedded, good practice and additional mitigation, there would be:
- 18.5.19. Construction - no significant adverse residual effects from geophysical sources, the discovery of contaminated material or the disposal of marine sediments.
- 18.5.20. Operation – no significant adverse residual effects from exposure to radioactive discharges (assuming all discharges are planned, continuous and routine, continuing over the operational lifetime of the Power Station).
- 18.5.21. Decommissioning – the ES confirmed that decommissioning of nuclear power plants was covered by the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999, for which a

separate environmental statement would be produced to support an application for decommissioning consent.

- 18.5.22. Transboundary effects – no significant transboundary radiological effects from “routine releases”. An assessment of effects from potential accidental release scenarios (including Transboundary considerations) was presented in Appendix D14-2 and concluded that all the scenarios assessed had negligible effects even under a “severe accident scenario”.

Issues Discussed During the Examination

- 18.5.23. A number of IPs expressed concerns, primarily related to the long term storage/nature of nuclear waste, including [RR-005, RR-015, RR-044, RR-047, RR-057, RR-059, RR-060, RR-061, RR-072, RR-085, RR-087, RR-091, RR-094, RR-109, RR-137, RR-139, RR-110, RR-114, RR-115, RR-127, RR-130, RR-131, RR-133, RR-140, RR-141, RR-142,RR-143].
- 18.5.24. Other issues considered during the Examination related to the security of stored radioactive waste [RR-110] and also whether the component parts of the waste storage facilities fall within section 14 of the Planning Act (2008) i.e. whether these components parts should be considered as an NSIP in their own right [RR-087].
- 18.5.25. The Applicant [REP2-375] responded that the storage facilities would be designed to safely and securely house radioactive wastes in line with the relevant legislative and regulatory requirements.
- 18.5.26. The Applicant stated that in accordance with Statutory Instrument 2003 No.403 - Nuclear Industries Security Regulations (2003) ('NISR') security measures have and would be maintained at WNDA to mitigate any threat to security. In addition, the site would be protected by the Civil Nuclear Constabulary, a force that are deployed at all civil licensed nuclear sites in the UK. It was also stated that in line with NPS EN-6, the decision maker should assume arrangements to manage and dispose of radioactive waste would be addressed by the Government and as such should not consider this matter the examination of the DCO.
- 18.5.27. The ONR [REP2-354] confirmed that the requirement for the site to protect nuclear material was covered in the Nuclear Industries Security Regulations 2003 (NISR), which required the identification of responsible persons and places particular requirements on them. Regulation 4 of NSIR requires the responsible person to have in place an approved site security plan that is informed by the Design Based Threat determined by the Government (and approved by the ONR).
- 18.5.28. Following a Rule 17 request by the ExA [PD-023], the ONR confirmed that the application for the nuclear site licence to operate Wylfa Newydd has been formally withdrawn [REP10-037].
- 18.5.29. A query raised by an IP [RR-087] concerned the number of radioactive waste storage facilities and their applicability as part of the NSIP. The Applicant responded [REP2-375] to the ExA's first written questions [PD-009] acknowledging that there were to be four waste management

facilities at WND A which form part of the proposed NSIP. In response to the assertion that the Spent Fuel Storage Facility and Intermediate Level Waste Storage Facility (Building Nos. 201 and 202) did not fall within s14 of PA2008, the Applicant provided a clear response [page 434/445 of REP2-375]. Neither structure required a separate designation under s14 of the PA2008 and even if they were to be 'associated development', the Applicant maintained that through the Wales Act 2017 such development could be consented under a DCO in Wales.

- 18.5.30. This was further questioned by the IP [REP5-083] and [REP6-053]), who considered that the response failed to discharge the burden of proof and that the deletion of works package (Works No. 1D) from the DCO remained warranted, as these works fell under devolved jurisdiction.
- 18.5.31. The Applicant maintained its position throughout the Examination, and the IP raised no further comment on this point.

Dispersion modelling

- 18.5.32. A number of IP's, many from other European States commenting on transboundary issues, expressed concerns regarding the consequences of a severe accident and in particular dispersion modelling.
- 18.5.33. IPs from Bulgaria, Austria and Poland [RR-132, RR-139, RR-141, RR-143] were of the view that the Applicant's modelling downplayed the consequences of a possible severe accident. They considered the Applicant's calculations for Cesium 137 (Cs-137) under the 'severe accident' scenario in table 4-3 of [APP-234] was not plausible. The IPs recommended the use of flexRISK, a dispersion model calculation based on real European meteorological conditions to show how released radioactive material from the proposed development would spread over Europe.
- 18.5.34. In response to the ExA's question at the first biodiversity ISH [REP2-375] the Applicant responded by confirming that atmospheric dispersion calculations were carried out in line with UK regulations and the Euratom Treaty. The Applicant stated that 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". The EC statement is in Appendix 1-3 of [REP4-010]. The assessment carried out by the Applicant was based on a different methodology to the one underpinning the 'project flexRISK' referred to in the RRs, which the Applicant considered may explain any differences in outcome.
- 18.5.35. With reference to flexRISK, the Applicant responded that the "purpose, scope and methodology of flexRISK assessments differ from those of the assessment performed to support the proposed Wylfa Newydd DCO Project. FlexRISK is constrained by availability of source term data for severe accident for the nuclear facilities, so it makes conservative assumptions about the fraction of reactor core released under severe accident scenarios. The methodology used by Horizon is using well established models which are consistent with UK regulatory requirements

and is aimed at demonstrating that the UK ABWR design has minimised the likelihood and consequences of severe accidents to As Low As Reasonable Practicable (ALARP) . Therefore, the outcomes of the two assessments are different and any direct comparison of the results would be misleading”.

- 18.5.36. The Applicant submitted a detailed note on the UK and EU approaches to FlexRISK methodology at Deadline 4 [REP4-010] in which it concluded that the assessment and modelling approach adopted for the proposed development is appropriate for regulatory applications and has resulted in a positive opinion from the EC confirming that unplanned releases of radiological effluent would not result in radioactive contamination in another Member State .

ExA's Conclusions

- 18.5.37. The ExA notes that IACC raised no concerns regarding radioactive waste or releases in its LIR, for example in relation to air quality [REP2-073]. This is not surprising as the ONR would regulate on-site radioactive waste management, and NRW would regulate gaseous and aqueous emissions from the Power Station under the Environmental Permitting regime [APP-233].
- 18.5.38. In relation to dispersion modelling, no further response was submitted by any IP or regulator on this issue. The ExA is content that the Applicant has satisfied UK regulations in terms of severe accidental releases to air.
- 18.5.39. NPS EN-1 paragraph 4.10.3 states that the ExA: *"...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..."*
- 18.5.40. There is no convincing evidence that would cause the ExA to doubt that the regulation of radioactive waste at Wylfa Newydd would be properly applied and enforced.
- 18.5.41. Section 2.11 and Annex B of NPS EN-6 set out the context for the consideration of radioactive waste management. Paragraph B.5.1 of NPS EN-6 is unambiguous that: *"...Having considered this issue, the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations. As a result, the...[ExA]...should not consider this question. However, there may be planning issues relating to the on-site management of radioactive waste which it is appropriate for the...[ExA]...to consider as part of the development consent application (see Section 2.11 of this NPS) ..."*
- 18.5.42. Paragraph 2.11.5 of NPS EN-6 states that: *"...Proposals for waste management facilities...[such as interim storage facilities that may house higher activity waste prior to ultimate disposal in a geological disposal facility]...that either form part of the development of the NSIP or*

constitute "associated development" for the purposes of the Planning Act 2008 should be considered by the...[ExA]...in the same way as the rest of the NSIP using the principles and policies set out in EN-1, this NPS and the provisions of the Planning Act 2008. Annex B sets out that other facilities for the interim storage of waste may come forward. However, in the absence of any proposal the...[ExA]...should expect that waste would be on site until the availability of a GDF..."

- 18.5.43. There is no alternative Government policy on these matters, nor is it apparent that the policy on radioactive waste within NPS EN-6 is likely to change in the near future. This includes guidance in relation to the future availability of long-term geological disposal, and that interim storage of waste would be available prior to it. The on-site storage proposed for Wylfa Newydd would provide such an interim storage facility for spent fuel [APP-233], in accordance with NPS EN-6.
- 18.5.44. Regarding the assertion that the Spent Fuel Storage Facility and Intermediate Level Waste Storage Facility (Building Nos. 201 and 202) do not fall within s14 of PA2008 [RR-087] and therefore, are not National Infrastructure developments, the ExA agree with the Applicant that such development could be consented under a DCO in Wales.
- 18.5.45. Based on the information available to it, the ExA concludes that radioactive waste is not a matter which should weigh against the Order being made. The ExA does, however, draw to the SoS's attention the fact that the ONR has confirmed that the application for the nuclear site licence to operate Wylfa Newydd has been formally withdrawn [REP10-037]. The ExA also draws the SoS's attention to the designation of the Geological Disposal Facility (GDF) NPS for higher-activity radioactive waste, which was not available within the Examination for the ExA to consider

The need for any changes to the dDCO and control documents

- 18.5.46. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to radioactive waste.

18.6. WASTE AND MATERIALS MANAGEMENT

Introduction

- 18.6.1. This section considers waste and materials management.

The Applicant's case

- 18.6.2. The Applicant's assessment of impacts arising from waste and materials management is set out in the following documents:
- 6.2.16 ES Volume B - Introduction to the environmental assessments B16 – Waste and materials management [APP-081];

- 6.3.6 ES Volume C – Project-wide effects C6 – Waste and materials management [APP-093]; and
- 6.3.30 ES Volume C – Project-wide effects C6 Appendix C6-1 - Local and regional waste management facilities [APP-117]).

18.6.3. Additional information relating to hazardous waste facilities is provided in [APP-404].

18.6.4. With regard to permits under the Environmental Permitting (England and Wales) Regulations (2016), the Applicant confirms that it would likely require waste treatment permits for work associated with Site Preparation and Clearance (SPC) and a bespoke hazardous waste permit for SPC remediation processes during SPC. The Wylfa Newydd Site also has a hazardous waste producer code under the Hazardous Waste (Wales) Regulations 2005 [APP-053][REP6-017].

18.6.5. This section does not consider the management of radioactive wastes that would arise from the operation of the Power Station; this is addressed earlier in this chapter.

Potential impacts and receptors

18.6.6. The Applicant's assessment considered the following waste and material types:

- materials generated on-site that are considered as 'non waste', for example, rock, stone and soil excavated from site that are reused within the Wylfa Newydd Project for haul roads, building platforms and landscaping that fall within Chapter I, Article 2(1)(c) of the Waste Framework Directive; and
- the generation and management of Conventional Wastes including hazardous, non-hazardous and inert waste.

18.6.7. The ES [APP-093] details the types of waste and materials likely to be generated through construction, operation and decommissioning as a result of the Proposed Development. It identifies how waste and materials can be managed, taking into consideration any mitigation measures and assesses the potential impacts on waste management infrastructure potentially suitable to accept waste from the project.

18.6.8. The quantity of waste anticipated to be produced was estimated using the design information available and an additional 20% to account for uncertainty.

Mitigation

18.6.9. The Applicant proposes three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.

18.6.10. Embedded mitigation during construction includes the incorporation of modern, efficient design solutions and wherever practicable, modular construction of temporary buildings to be manufactured off-site (as set out in the DAS [APP-408]). During operation, the inclusion of a dedicated

waste handling and treatment facility at the Power Station site forms an embedded mitigation measure. All conventional wastes generated at the Power Station Site would be handled at the waste and recycling facility and would be managed in accordance with the waste management strategy set out in the WNCOP [APP-421].

- 18.6.11. With respect to good practice mitigation, the WNCOP [APP-414] requires construction to be carried out in line with a waste hierarchy that aligns with the Waste Framework Directive. The waste and materials management strategies within the WNCOP set out additional good practice measures to help manage and reduce the amount of waste produced and to set out a framework for the management of excavated materials so they can be reused as far as practicable on site. The sub-CoPs [APP-415 to APP-420] set out specific measures for each individual development site.
- 18.6.12. The ES [APP-093] confirms that no additional mitigation measures have been identified.

Applicant's conclusions

- 18.6.13. The ES [APP-093] concludes that following the implementation of embedded mitigation and good practice mitigation, there would be no significant adverse effects for waste and materials management.
- 18.6.14. The Applicant submitted an Addendum to the ES at Deadline 6 [REP6-015].
- 18.6.15. The Applicant submitted a further updated Addendum to the ES [REP8-005] at Deadline 8. The Addenda confirm that no updates are applicable with respect to Waste and Materials.

Issues Discussed During the Examination

- 18.6.16. IACC, NRW and the Welsh Government all raised issues related to waste management during the Examination. The main issues discussed were:
- the scope and findings of the Applicant's assessment;
 - waste management measures, the waste hierarchy and funding; and
 - monitoring and funding.
- 18.6.17. These matters were addressed through written representations and at the ISHs on 4 March 2019 and 7 March 2019.

The scope and findings of the Applicant's assessment

- 18.6.18. IACC's Local Impact Report (LIR) [REP2-071] recognised the potential value of waste to the economy of the island, however did not agree with the Applicant's conclusion of neutral/negligible impacts. It disagreed with the robustness of the assessment, in particular the forecasting of future waste arisings, the calculation of waste management capacity and a lack of assessment of the decommissioning of the main Power Station.

- 18.6.19. IACC also noted that the Applicant's study area extended into north-west England which could under report potential negative effects. It was concerned the potential of local facilities and the opportunities to minimise long distance transportation of waste had not been adequately investigated. It argued that reliance upon a wider area would be contrary to the policies of PPW, TAN21 and the JLDP.
- 18.6.20. The Applicant provided clarification as to its assessment approach in [REP3-004]. It also reiterated the position set out in the ES that an assessment of decommissioning of the Power Station and Off-Site Power Station Facilities has not been included due to uncertainty of available waste management capacity at the time of decommissioning. IACC [REP5-057] was therefore of the view that the EIA fails to adequately assess the full effects of decommissioning.
- 18.6.21. The Applicant confirmed that waste would be managed in accordance with TAN21 [REP6-045]. It further noted that the criteria in TAN21 specifies 'nearest appropriate installation' taking into consideration several factors and not only proximity. It argued that the solution to effective waste management needs to be considered on a regional as well as a local basis [REP3-004].
- 18.6.22. The Applicant [REP2-375] also explained that the potential for removing conventional waste via the MOLF had been considered to minimise vehicular transport movements, however the relatively low volume of conventional waste generated and the need to stockpile waste into sufficiently large volumes for removal by ship makes this an unviable option. It stated that the proposed HGV movements associated with removing conventional waste from the WNDA are only a small proportion of the overall number of construction vehicles and details are provided in the Strategic Traffic Model.
- 18.6.23. Responding to the Applicant, IACC [REP5-057 and REP6-045] noted that the volume of silt to be generated is not known and advised that the approach to using only environmental permitting data only to establish existing capacities is flawed. It remained concerned with the Applicant's approach to assessing the effect the Proposed Development would have on off-site disposal of hazardous and non-hazardous waste which it considered to be contrary to Welsh planning policy and the proximity principle. It remained unable to agree the spatial scope of the assessment methodology and the robustness of the baseline waste arisings and capacity data used in the assessment.

Waste management measures and the waste hierarchy

- 18.6.24. IACC welcomed the Applicant's approach to manage waste in accordance the waste hierarchy and proximity principle [REP2-071 and REP8-019]. However, the WG [RR-092 and REP2-367] considered that the Waste Hierarchy needs to provide greater detail on how the waste arisings, both from construction and demolition, and domestic, food and recycling waste from the temporary worker accommodation are to be dealt with.

- 18.6.25. NRW [RR-088][REP2-325] also considered there to be insufficient detail to demonstrate how construction generated waste would be managed and advised that the assessment of available waste management capacity will need to be updated prior to and throughout the construction phase. It advised that it would be appropriate for further detail to be set out in a detailed Site Waste Management Plan (SWMP) would need to be agreed, a position shared by the WG [REP2-367] and IACC [REP3-055].
- 18.6.26. The Applicant [REP2-375][REP3-004] considered that sufficient controls regarding the management of waste and materials are provided for in the WNCocP, site-specific sub-CoCPs and the WNCocOP. It confirmed that it would prepare reports for each construction site detailing the waste management processes and updated available waste management capacity [REP3-035], as secured through the WNCocP. At Deadline 5, it updated the WNCocP [REP5-020] to include a commitment to produce a SWMP at each site which would involve a review of the waste management facilities available at the time [REP3-004].
- 18.6.27. IACC [REP6-061][REP7-014] was concerned that the waste management strategy and the SWMP are inter-facing documents with no obligation for the Applicant to share strategies of the information. The Applicant revised the WNCocP [REP8-047] to require it to consult with IACC on the project-wide and site-specific SWMPs. It also contained wording related to liaison with local waste management contractors that was suggested by IACC [REP8-019].
- 18.6.28. By the close of examination, NRW agreed that the Applicant had identified the relevant guidance and committed to best practice and that construction waste would be appropriately managed [REP8-018]. The revisions of the WNCocP also led IACC to be satisfied with the Applicant's assessment on waste management infrastructure and that the management of wastes and materials had been dealt with sufficiently [REP8-019].

Monitoring and funding

- 18.6.29. IACC [REP2-071] advised that a robust monitoring framework be put in place to review the full range of impacts and the adequacy of mitigation measures. It stated that it would work with North Wales Minerals and Waste Planning Service to monitor the generation of municipal solid waste and/or commercial and industrial waste. It therefore requested a DCO requirement for a monitoring and mitigation strategy to be developed by the Applicant that includes including a trigger point for mitigation and/or compensation if a material burden is placed on existing waste management infrastructure in North Wales. IACC considered the funding of the monitoring should be the subject of a DCO Obligation.
- 18.6.30. The Applicant [REP3-004] confirmed that it is developing the Supply Chain Action Plan (SCAP) in consultation with the WG and IACC in order to support the economic opportunity for the sector in the local area; this was included in the final s106 agreement [REP10-009]. The Applicant considered there to be sufficient controls relating to the management of

waste and did not consider it necessary to provide any further mitigation, compensation or contribution.

Remediation Strategy

- 18.6.31. Further written question Q2.4.16 sought clarification of how the Remediation Strategy in WNCocP that would be the subject of requirement PW7, would deliver what it sets out to do. In response IACC maintained its position that there are further measures and plans required of the Remediation Strategy. IACC would wish to see the Main Power Station sub-CoCP amended to address these concerns [REP5-057].
- 18.6.32. However, should this information not be available by the end of the examination, IACC proposed the introduction of a new requirement to allow for the approval of the following information prior to any works commencing:

"...a) Detailed methodology for the design, preparation, implementation, verification plan, and monitoring and maintenance of the remediation shall be submitted to and approved in writing by IACC. This is to include rationale for further sampling, remediation criteria and analysis to allow design and verification. The methodology shall be sufficiently detailed and thorough to ensure that upon completion of the site it will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

b) Details of the processes and procedures for the management of unexpected contamination, including rationale for further sampling, specific methodologies for safely managing unexpected contamination and minimising potential environmental impacts from unexpected contamination shall be submitted to and approved in writing by IACC. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to IACC. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by IACC. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by IACC. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued..." [Q2.4.16 in REP5-057].

ExA's consideration

- 18.6.33. NPS EN-1 recognises that large infrastructure projects are likely to generate hazardous and non-hazardous waste and the ExA considers this to be inevitable for a project of this size and type. The LIR [REP2-071] disagreed with the Applicant's assessment of the likely impacts of the management of waste from the development proposed. Despite the concerns raised during the Examination, the ExA notes that by the close

of the examination, the SoCGs with NRW [REP8-018], IACC [REP8-019] and Welsh Government [REP8-017] showed that all matters related to waste were agreed.

18.6.34. Having considered the evidence before it, the ExA is satisfied that:

- waste would be managed in accordance with the waste hierarchy which is consistent with that recognised in NPS EN-1 and Welsh Government's National Waste Strategy Towards Zero Waste – One Wales: One Planet 2010;
- managing waste sustainably and effectively could result in certain wastes being sent to facilities in North West England;
- the Applicant has demonstrated efforts to minimise waste, for example through efficient building design solutions and modular construction of temporary buildings where possible and through the re-use of materials on-site where practicable;
- the Applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development through the Wylfa Newydd CoCP [REP10-018], sub-CoCPs [REP10-020, REP10-022, REP10-023, REP10-025, REP10-027, REP10-028], Wylfa Newydd CoOP [REP10-030] and the engagement with the local supply chain (through the SCAP);
- it is not apparent that waste arisings from the development proposed would have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and,
- Schedule 16 of the DCO s106 Agreement [REP9-004] would make provision for an annual service level contribution toward monitoring and reporting.

18.6.35. In reaching these conclusions, the ExA notes the role of regulation, including under the Environmental Permitting (England and Wales) Regulations 2016, for waste management activities.

18.6.36. With regard to decommissioning, the ExA notes IACC's view that the ES fails to adequately assess the full effects of decommissioning. However, the Applicant has presented estimated types and quantities waste arisings from decommissioning of the Power Station and Off-Site Power Station Facilities [APP-093]. The ExA acknowledges that: uncertainties in future waste management capacity would result in limitations to an assessment undertaken at this time; at this point, an assessment would be required for the Power Station prior to decommissioning under The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999; and, that a decommissioning scheme for the demolition and removal of works is required under dDCO Schedule 3 requirement PW10 [REP10-006].

18.6.37. Accordingly, the evidence confirms that, in relation to waste and materials management, the proposed development would comply with the policies of PPW, TAN21, the JLDP and NPS EN-1.

The need for any changes to the dDCO and control documents

- 18.6.38. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to waste and materials management.

18.7. SHIPPING AND NAVIGATION

Introduction

- 18.7.1. This section considers Shipping and Navigation matters.

The Applicants Assessment

- 18.7.2. The Applicant's assessment of impacts on shipping and navigation is set out in the following documents:

- ES Volume B - Introduction to the environmental assessments B15 – Shipping and navigation [APP-080];
- ES Volume D - WNDA Development D15 – Shipping and navigation [APP-134]; and
- ES Volume D - WNDA Development App D15-1 - Navigational Risk Assessment (NRA) [APP-235].

- 18.7.3. The cumulative effects of the proposed development with identified reasonably foreseeable future projects are assessed in 6.9.5 ES Volume I - Cumulative Effects I5 - Inter-project cumulative effects [APP-388].

Shipping and navigation receptors

- 18.7.4. The ES [APP-134] described the study area relevant to the shipping and navigation assessment. The study area covered an area of approximately 25 nautical miles by 18 nautical miles, which included The Skerries Traffic Separation Scheme (TSS) to the west and north of WNDA, Dulas Bay to the east and encompassed the Disposal Site at the licensed Holyhead North (IS043) site.

- 18.7.5. The Skerries TSS is regularly used by vessels transiting to and from ports on the north coast of Wales and on the north-west coast of England, in particular Liverpool. It is located four nautical miles, at its nearest point, from the north Anglesey coastline.

- 18.7.6. Territorial waters extend 12 nautical miles from the coast, where that country has sovereignty. There is also the exclusive economic zone for each country, which extends 200 nautical miles from the coast where that country has rights over the marine resources in that area. As the Irish Sea is completely within the UK and Irish exclusive economic zone, there are no international waters.

Baseline Environment

- 18.7.7. The baseline environment for commercial shipping and recreational navigation within the study area was reviewed by the Applicant in the NRA [APP-235].
- 18.7.8. In terms of navigational equipment, Porth-y-Pistyll Bay is not currently used by commercial vessels. Due to navigational features in the area such as navigational buoys and The Skerries off the north-west coast of Anglesey, large vessels typically navigate around four nautical miles from the coastline. The largest port within the study area is the Port of Holyhead, which is operated by Stena Line Ports Ltd, which has ferry services to Ireland operated by Stena Line Ports Ltd and Irish Ferries.
- 18.7.9. The other harbours located within the study area are at Bae Cemaes/Cemaes Bay and Amlwch which are mainly used by smaller recreational and fishing vessels. A pilot boarding station is located two nautical miles north of Point Lynas.
- 18.7.10. A significant feature within the study area is The Skerries Traffic Separation Scheme (TSS), which is regularly used by vessels transiting to and from ports on the west coast of Wales and the north-west coast of England.
- 18.7.11. There are currently no statutory harbour authorities covering the location of the Marine Works. Recreational vessels regularly report their departure and intentions to the coastguard station situated at Holyhead, and vessels navigating to or from Holyhead contact Holyhead Port Control.
- 18.7.12. Within the study area, there are recreational facilities available at Holyhead Marina where approximately 350 berths are offered, alongside the Royal Yachting Association accredited Holyhead sailing club. In general, cruising takes place all year round with increased intensity in the summer months. The Holyhead Sailing Club organises yacht racing between April and October with several of their racing routes following the north coast of Anglesey. The bays and inlets along the north coast of Anglesey do not provide permanent mooring facilities but do provide sheltered anchorages for an overnight stop-off point. These are regularly navigated by recreational kayakers and other small craft. These craft can be navigating in the embayments and close to the coastline to gain shelter from weather conditions due to the profile of the coastline.
- 18.7.13. Vessels operating out of Cemaes and Amlwch harbour regularly undertake fishing activities in Bae Cemlyn/Cemlyn Bay. Some fishing activities, such as pot laying, are undertaken within the WNDA.
- 18.7.14. There are a number of cardinal marker buoys to the east of Wylfa Head marking where rocks are close to the surface, and also to the west marking The Skerries. A radar beacon is in operation at The Skerries lighthouse to enable its location to be represented on a vessel's radar screen. In addition, a differential global positioning system is located at Point Lynas on the north-east tip of Anglesey.
- 18.7.15. The existing Wylfa Power Station jetty located within the WNDA has port lateral marks to aid vessels berthing at the jetty.

- 18.7.16. A range of emergency responses are available in the study area, including HM Coastguard and Royal National Lifeboat Institution located at Holyhead and Moelfre. These services have access to a number of resources including aircraft, vessels and coastal search teams. The coverage area for the two lifeboat stations is sufficient to cover the north coast of Anglesey.
- 18.7.17. Over the past 10 years, the most common marine incident within the study area was the failure of vessel equipment, with an average annual frequency of 17.3 occurrences per year. More serious marine incidents, such as ship-to ship collisions, fire/explosion and sinking/capsizing occurred very infrequently, with annual frequencies over the last 10 years of 1.1, 0.8 and 3 respectively [APP-235].
- 18.7.18. The NRA [APP-235] assessed the potential future changes in vessel movements in detail. The predictions used the rationale of an approximate 3% increase in vessel transits over the period of construction for the WNDA. The future prediction completes at the point at which the reactor becomes operational.

Potential impacts

- 18.7.19. Section 15.4 of [APP-134] described the construction activities and operational components of the proposed development which were of relevance to the marine environment.
- 18.7.20. The construction phase impacts assessed were:
- dredge/construction craft collision with commercial vessel;
 - dredge/construction craft collision with recreational vessel;
 - grounding – dredge/construction craft due to Marine Works;
 - vessel damage due to weather conditions;
 - diversion of vessels; and
 - stranding – small recreational vessel on breakwater.
- 18.7.21. The operational phase impacts assessed were:
- allision - vessel with breakwaters;
 - allision – vessel with MOLF;
 - collision - recreational/fishing/high speed/harbour vessels with vessel transiting to or from WNDA;
 - grounding – vessel within the harbour;
 - machinery-related accidents – steering or propulsion failure entering or leaving the harbour; and
 - stranding – small recreational vessel on breakwater.

Mitigation

- 18.7.22. As explained in Chapter 5, (para. 5.2.9) of this report, the Applicant has proposed three levels of mitigation to minimise adverse effects, embedded, good practice and additional mitigation.
- 18.7.23. No embedded mitigation measures had been identified for shipping and navigation for either construction or operation of the Marine Works.

- 18.7.24. Good practice mitigation was detailed in Section 15.4 of ES Chapter D15 [APP-134] and included for construction and operation. The details of good practice mitigation were given in Table D15-1 [APP-134].
- 18.7.25. Additional shipping and navigation mitigation measures were detailed in Section 15.6 of ES Chapter D15 [APP-134]. During construction and operation of the MOLF and marine works these were:
- legal duty (Statutory Harbour Authority) with general directions which all harbour users must use and special directions for directing and controlling marine situations in the harbour;
 - aids to navigation were provided to light the works appropriately;
 - development of a Marine Safety Management System to provide guidance and procedures to allow safe operations within the harbour, as required by the Port Marine Safety Code;
 - A Port Emergency Plan would include measures that the Harbour Authority would need to have in place to accommodate the requirements of the emergency services in the event of an emergency. The Applicant would provide a similar plan in the absence of a defined Harbour Authority;
 - oil spill contingency plan;
 - contingency plan exercises to test the Harbour Authority's emergency plan;
 - training of port marine personnel;
 - a Local Port Service plan would be established to provide a command and control centre for marine operations relating to vessel activity and on-the-water activity, in line with the guidance in the MCA's Marine Guidance Note;
 - publish marine safety information as the competent Harbour Authority;
 - following a review of the need for Pilotage, the Applicant would establish a Pilotage service including Pilotage Directions;
 - safety zone determined and set by the Harbour Authority within its jurisdiction to restrict or manage access to parts of the harbour for safety reasons; and
 - provide protective fendering suitable for the vessels used on temporary berths, jetties and quays to prevent vessels making contact with the structures.

Environmental Statement Addendum and Non-material Change requests

- 18.7.26. The Applicant submitted an Addendum to the Environmental Statement at Deadline 6 [REP6-015] and a further updated Addendum to the Environmental Statement [REP8-005] at Deadline 8. The two Addendums provided a record of the environmental assessment of the proposed development with updated information on the proposed development that had arisen since the DCO application was made. In terms of shipping and navigation, the Deadline 6 Addendum is not applicable.
- 18.7.27. The Deadline 8 Addendum provides additional information related to the;

- request for Non-Material Change [AS-021], to increase the upper daily limit of marine vessel movements to a peak of 16 movements per 24-hour period. This does not increase the total vessel movements set out in the NRA [APP-235], only the upper daily limit which was previously 4 vessel movements per day;
- addition of one hazard scenario considering 'berth unavailable' resulting from 'the update to the daily limit of marine vessel movements for the operational phase of the MOLF. This additional hazard scenario increases the frequency count of both 'causes' and 'mitigation (controls)'.

18.7.28. The Applicant concluded that as a result of these changes, "*there are no changes to the shipping and navigation assessment, and the conclusions presented in chapter D15 [APP-134] of the Environmental Statement remain as reported*".

18.7.29. As detailed in Chapter 3 the ExA accepted six non-material change requests submitted by the Applicant. The only one relevant to shipping and navigation was Marine Movements [AS-021] The change request was accompanied by an environmental appraisal in which the Applicant concluded that the request did not result in any materially new or different likely environmental effects than those reported in the ES. The ExA has considered the environmental effects of these changes together with IPs concerns in its examination of the issues discussed in this chapter.

Applicant's conclusions

18.7.30. The significant residual effects identified either prior to or post application of additional mitigation for the construction and operational phases on shipping and navigation receptors were set out in Table D15-4 of [APP-134].

18.7.31. The Applicant concluded that there would be no residual effects for the decommissioning phase, although this would be assessed fully at a later date as part of a separate Environmental Impact Assessment.

18.7.32. Due to the nature of this assessment, the Applicant explained that mitigation may change either the magnitude or the sensitivity of the effect. Therefore, Table D15-4 included a column for change in post-mitigation sensitivity or magnitude.

18.7.33. The Applicant concluded that there would be no significant residual effects following the application of additional mitigation.

Issues Discussed During the Examination

18.7.34. The main issues considered during the Examination included:

- site lighting affecting navigation;
- port security;
- legacy use for the harbour;
- mix of vessels;

- trained staff; and
- alternative sites for harbour facilities.

18.7.35. The ExA examined these issues through written questions [PD-009 and PD013] and in the ISHs on 10 and 11 January 2019 [EV20p]. Submissions relating to these issues were made by Trinity House [REP4-056] and a small number of IPs [REP1-034, and REP2-267].

Site lighting affecting navigation

18.7.36. Trinity House [REP4-056] confirmed it was content with DCO Articles 56, 57 and 71, as they appeared in Revision 3 of the dDCO [REP2-022]. It considered that Article 59 – Safety of Navigation should be redrafted as;

"No Marine Works are to be commenced until a scheme to secure safety of navigation has been submitted to and approved in writing by Welsh Ministers following appropriate consultation with Trinity House and the Maritime and Coastguard Agency".

18.7.37. This redrafting was included by the Applicant as Article 58 in the Deadline 5 dDCO [REP5-003]. Trinity House confirmed it was content with the amended drafting to the dDCO at Deadline 6 [REP6-054].

18.7.38. In response to the ExA's first written questions [PD-009], Trinity House confirmed [REP4-065] that it had approved the Marine Works Permanent Aids to Navigation Plan [APP-017] and that it did not envisage any potential navigation issues would arise in relation to site lighting during construction of the MOLF, having regard to the mitigation measures proposed by the Applicant.

18.7.39. The IP representing Cemaes Harbour Committee [REP1-034] stated that it continued to be committed to help the Applicant for the construction and operation of the MOLF and other marine activities. It supported the plan to increase movements for the MOLF as it would reduce road traffic and was environmentally the best logistic solution. The Applicant's record of the Open Floor hearing of 25 October 2018 [REP2-006, EV-015] also noted support from the Harbour Committee for its proposal to extend the permitted hours for blasting subject to the evening limit being 7 p.m. and not dusk where that is later.

18.7.40. One IP [REP2-267] raised a number of comments and questions related to vessel movements. Some of these the IP had already discussed with the Applicant, but there were three outstanding responses;

- the actual number of 'vessels' that would be entering or egressing the harbour;
- the different communication methods with recreational craft that were proposed during the MOLF construction phase and the MOLF operational phase; and
- the reference to 'Diversion of Vessels' during dredging and MOLF operation in [APP-134] and its impacts on recreational vessels.

18.7.41. In response, the Applicant [REP3-011] referred to its Request for Non-Material Change no.2 Marine Vessel Movements [AS-021] in which

further information was given. The upper daily limit for vessels would be increased from four movements per day (two vessels) to 16 movements per day (eight vessels). In terms of communications, the Applicant's intention was that the Local Port Service (LPS) would respond to requests for information on vessel movements. The LPS would obtain a licence from OFCOM for a dedicated VHF channel, details of which would be available in the Admiralty List of Radio Signals. The impacts on recreational vessels was not directly responded to by the Applicant but the Applicant did cover the arrangements for recreational vessels as part of its description of the temporary and permanent marine works at the ISH on 10 January 2019 [REP4-005].

18.7.42. In response to first written questions from the ExA [PD-009] the Applicant responded as follows:

Port security

- the Applicant intended to apply the International Ship and Port Facility Security Code to the MOLF and associated vessels;
- it intended to apply to become a Port Security Authority;
- an experienced specialist contractor would be appointed to manage the operations of the port and provide the Port Security Officer; and
- the Applicant would implement security arrangements for the harbour that were appropriate and proportionate to the security threats identified as part of the Port Facility Security Assessment (PFSA) which would be conducted by the Department for Transport Maritime Security Division.

Legacy Use

- the Applicant referred to Section 1.7.67 of ES Volume D [APP-120] which stated "*All or part of the MOLF (zone 1F-7) may be retained for use during Power Station operation. Whilst it is not expected that the bulk quay would be required, the Ro-Ro quay may be used for delivery of replacement parts, which are AIL (to avoid road transport). It is currently assumed that only one vessel per year would use the MOLF during operation.*" During the operation of the Power Station the intent was to secure the harbour area from public access for safety and security purposes by the installation of fences and gates.

Mix of Vessels

- the harbour would be used by bulk vessels, lift on-lift off (Lo-Lo) vessels and roll on-roll off (Ro-Ro) barges. The bulk vessels would be transporting concrete and aggregate via the two bulk berths. The Lo-Lo and Ro-Ro vessels would transport plant and abnormal indivisible loads (AILs) via the Ro-Ro berth;
- there would be approximately 1,571 bulk vessels and 330 AIL barges, plus approximately 825 barges for both transporting dredge material to the Disposal Site and importing rock material. These shipping numbers were expected to occur over approximately an 80-month period. Each vessel would have two movements associated with it",

Trained Staff

- the Applicant intended to appoint an experienced specialist contractor to manage the operations of the port;
- the Applicant would work closely with that contractor to develop appropriate recruitment, training and retention policies in relation to pilots and other harbour staff; and

Alternative Sites for Harbour Facilities

- the Applicant considered using the existing harbour facilities at Holyhead, but these proved to be unsuitable for the Applicant's purpose.

Conclusion

18.7.43. There were few issues raised by IPs in relation to shipping and navigational aspects of the proposed development and there were no unresolved matters at the end of the Examination. The ExA asked a number of questions about the detail of the proposals and was satisfied with the responses provided by the Applicant.

18.7.44. As a result, the ExA concludes that shipping and navigation are not matters which should weigh against the Order being made.

The need for any changes to the dDCO and control documents

18.7.45. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to shipping and navigation.

18.8. COMBINED HEAT AND POWER

Introduction

18.8.1. This section considers matters in relation to Combined Heat and Power (CHP).

The Applicant's case

18.8.2. The Applicant's case is set out in the Planning Statement that accompanied the application [APP-406 paragraphs 6.3.38 to 6.3.48, with the CHP Feasibility Study at APP-446].

18.8.3. Paragraph 6.3.44 of APP-406 confirms the high-level assessment carried out by the Applicant to determine the potential for CHP. It considered: the potential for heat users as far afield as Holyhead; the route of a pipeline to deliver the heat those users; the implications of the local planning policy framework; cost estimates; and an initial assessment of potential carbon dioxide abatement.

18.8.4. Alternative options were considered, but CHP from Wylfa Newydd has been found to be unviable, largely due to the distance between the power station and the potential users of the heat. No increases in heat load or reductions in capital cost that would make the system viable were

found to be achievable. The Applicant concludes that, by a considerable margin, the proposal is not viable, and the high-level analysis carried out is sufficient to demonstrate this [Paragraph 6.3.45 of APP-406].

The Planning Issues

- 18.8.5. NPS EN-1 section 4.6 sets out matters relevant to the consideration of CHP as a possible means of utilising waste heat from a power station. It notes that: CHP is technically feasible for all types of thermal generating stations, including nuclear; to be economically viable it needs to be close to the possible industrial or domestic users of the heat; and, potential developers of thermal should consider the opportunities for CHP from the very earliest point and it should be adopted as a criterion when considering locations for a project.
- 18.8.6. Paragraph 4.6.6 in NPS EN-1 states that any application to develop a thermal generating station must either include CHP or contain evidence that the possibilities of CHP have been fully explored to inform the decision maker's consideration of the application.
- 18.8.7. IACC's LIR has not highlighted the lack CHP as a source of concern [for example, REP2-061 to REP2-083].

The ExA's consideration of CHP

- 18.8.8. The proposed location for Wylfa Newydd follows the site selection process for NPS EN-6. Using the WNDA would place the power station next to the existing plant and infrastructure. However, the WNDA location is remote from the potential main users of heat from the power station, and this impacts significantly the viability of CHP from Wylfa Newydd.
- 18.8.9. The evidence confirms that the potential for CHP at Wylfa Newydd has been considered from the outset. The application contains sufficient information to demonstrate that CHP has been fully explored. This included consultation with: IACC on potential customers and whether CHP viability could be achieved; and, potential customers regarding the opportunities for heat utilisation [section 7 of APP-446]. Therefore, the ExA concludes that: the application meets the NPS EN-1 policy objectives for the consideration of CHP; and in this case, CHP has been found to be unviable due to the distance between Wylfa Newydd and potential users of the heat.

The need for any changes to the dDCO and control documents

- 18.8.10. For the reasons given above, there are no recommended changes to the dDCO and its requirements or control documents in relation to the provision of CHP.

18.9. ALL OTHER MATTERS

- 18.9.1. In addition to the other matters specifically referred to in this chapter the ExA has given consideration to all other important and relevant matters

arising from the application documentation and raised in representations. The ExA is satisfied that there are no other matters that need to be drawn to the SoS attention that would indicate against the grant of development consent or that would necessitate a change to the DCO.

18.10. OVERALL CONCLUSION ON OTHER MATTERS

- 18.10.1. The Applicant's appraisal of sustainability is one of the Other Matters addressed above. Given the scope of the matters covered by the appraisal of sustainability, it is relevant to the application as a whole. Therefore, matters within the appraisal of sustainability are the subject of other chapters in this report, and will be taken into consideration by the ExA in striking the planning balance and arriving at its overall conclusion and recommendation on the application.
- 18.10.2. In accordance with s105 of the PA2008, consideration of Other Matters in this chapter began with reference to any relevant issues raised within the LIR. Where applicable, the Other Matters have been set against the relevant planning policy, including that within the NPSs and the JLDP.
- 18.10.3. The Other Matters in this chapter have been found to comply with relevant planning policy, and to be in accordance with other regulatory considerations. None of these Other Matter weighs against the granting of the Order.

19. CONCLUSIONS ON THE CASE FOR DEVELOPMENT

19.1. INTRODUCTION

19.1.1. As set out in Chapter 3, the Application falls to be considered under s105 of the Planning Act 2008 (PA2008) and as such the Secretary of State (SoS) must have regard to:

- any Local Impact Report (LIR) (within the meaning given by PA2008 s60(3)) submitted to the SoS before the deadline for submission;
- any matters prescribed in relation to development of which the Application relates; and
- other matters that the SoS thinks are both important and relevant to their decision.

19.1.2. The Examining Authority (ExA) has set out in Chapters 4-18 the relevant planning matters which the Application is to be examined against.

19.1.3. For the reasons explained in Chapter 5, the ExA considers National Policy Statements (NPSs) EN-1 and EN-6, continue to be important and relevant to the SoS when making their decision whether or not to grant development consent. Having had regard to the Application documents, the matters raised in the LIRs from Cyngor Sir Ynys Môn/Isle of Anglesey County Council (IACC) and Cyngor Gwynedd/Gwynedd County Council(GCC), and representations from Interested Parties (IPs), the ExA concludes that the proposed application was submitted in line with UK national policy including NPS EN-1 and EN-6; the Written Ministerial Statement published 7 December 2017; Welsh National Policy and Guidance and that it would be consistent with Development Plan policy for the Local Planning Authorities(LPAs) affected by it.

19.1.4. In setting out the matters to be taken into account in the planning balance, the ExA has considered the following evaluations of the impacts of the proposed development.

19.2. POLICY HIERARCHY UNDER s105 PA2008

19.2.1. As a direct benefit the proposal would provide a source of low carbon energy for an estimated 65-year operational life that could serve 5.5 million households. The proposed development would therefore comply with the objectives of the NPS EN-1 and would contribute to Welsh national policy objectives in relation to securing a low carbon future and providing jobs. Furthermore, it would help to deliver the wellbeing goals set out in the Wellbeing of Future Generations (Wales) Act 2015 (WBFGA). The ExA considers the need case remains an important and relevant consideration that weighs in favour of the proposed development.

19.3. FINANCIAL ISSUES

- 19.3.1. The ExA is satisfied that funding and compensation have been properly accounted for. Proposed draft Development Consent Order (dDCO) Articles 82 and 83 would ensure that adequate funding is available to implement the development proposed and provide the necessary compensation and mitigation for it. However, Hitachi's announcement to suspend its nuclear power station project in the UK has created uncertainty in relation to financial matters, that highlight doubts raised in representations regarding the viability, and the resulting deliverability, of the proposed development. The ExA considers this to be an important and relevant matter remaining unresolved at the close of the Examination.

19.4. TERRESTRIAL ECOLOGY AND BIODIVERSITY

- 19.4.1. The ExA is satisfied that there will be no adverse impacts on reptiles, water voles, red squirrel or bat species as a result of the proposed development. The ExA does, however, draw the SoS's attention to the fact that if the Order is made the cumulative effects for red squirrel of this project and a new grid connection would need to be considered.
- 19.4.2. The ExA welcomes the Applicant's proposed ecological compensation sites and notes that although the success of these sites remains uncertain, there is potential for moderate benefit in terms of biodiversity. The ExA proposes the SoS consults with the Applicant and Ymddiriedolaeth Natur Gogledd Cymru/North Wales Wildlife Trust (NWWT) to put in place a long-term management solution for the management of the ecological mitigation sites Pen Carreg, Myndd Ithel and Cae Gwyn beyond the 15-year lease period, to provide legacy benefit should the Order be consented.
- 19.4.3. The ExA considers that, accompanied by suitable mitigation and management secured by requirements in the DCO, Code of Construction Practice (CoCP) and Code of Operational Practice (CoOP), the risk of negative impact on biodiversity at Arfordir Mynydd Y Wylfa-Trwyn Penrhyn Wildlife Site and Trwyn Pencarreg Wildlife Site and foraging of areas for great crested newt would be mitigated to a certain extent but not eliminated.
- 19.4.4. The ExA also welcomes the Applicant's proposed SSSI (Sites of Special Scientific Interest) compensation sites at Cae Canol-dydd, Cae Canol-dydd and Tŷ Du and note that although the success of these sites remains uncertain, there is potential for moderate benefit in terms of biodiversity. The ExA advises the SoS that a provision be included in the Main Power Station Site CoCP to undertake Ecological Compliance Audits to demonstrate appropriate mitigation had been implemented.
- 19.4.5. In terms of terrestrial biodiversity, the ExA concludes that there is doubt that there would be a net gain in habitat for Section 7 species and therefore that this is not compliant with 5.3.18 of NPS EN-1, TAN 5 or Part 1 of the Environment (Wales) Act (2016). The ExA is also concerned that there is the probability that the nationally important CHEG grasslands may be lost and would not be able to be re-created, as a

result the proposed development would not be compliant with 5.3.17 of NPS EN-1 or TAN 5.

- 19.4.6. The ExA retains significant concerns about the number of designated sites that would be adversely affected as a result of the proposed development, after embedded mitigation, good practice and additional mitigation is taken into account. Tre'r Gof SSSI, Cae Gwyn SSSI and potentially Bae Cemlyn/Cemlyn Bay SSSI would each experience adverse effects after mitigation during construction and operation. There would be residual major adverse effects during construction and operation on water quality and quantity for Tre'r Gof, major adverse effects during construction and operation on air quality for Cae Gwyn and potentially Bae Cemlyn/Cemlyn Bay during operation.
- 19.4.7. The ExA has considered the strategic level Appraisal of Sustainability in NPS EN-6 Volume II and concludes that the proposed development does not comply with the assessment on two counts; that sufficient land is available for development without permanently affecting any designated area, and that Tre'r Gof SSSI could be protected through engineering measures to preserve surface and groundwater quality and quantity.
- 19.4.8. The ExA also advises that taking the three sites together, the benefits of the proposed development would not outweigh the broader impacts on the national network of SSSIs and therefore considers that the test at 5.3.11 of NPS EN-1 has not been passed.
- 19.4.9. The ExA is concerned that there is insufficient scientific evidence, both from the literature and site observations, to conclude no adverse effects on Arctic or Sandwich tern. The ExA accepts Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) advice that it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon the site at Bae Cemlyn/Cemlyn Bay or that the works would not lead to an increase in fly ups with consequent effects on breeding success and chick survival.
- 19.4.10. The ExA gives considerable weight to NRW's conclusion that for Sandwich tern the success of the proposed mitigation cannot be demonstrated beyond reasonable doubt and that this remains a serious concern to NRW.
- 19.4.11. The ExA, therefore, concludes that there is serious risk of disturbance from the construction works leading to the tern colony abandoning the site. Referring to 5.3.17 of NPS EN-1, the ExA advises that great weight should be given to the potential adverse effects to the Arctic tern and Sandwich tern populations as a result of disturbance
- 19.4.12. The ExA advises the SoS that in terms of biodiversity, the proposed development fails the tests in 5.3.11, 5.3.13 and 5.3.17 of NPS EN-1; TAN 5 and Part 1 of the Environment (Wales) Act (2016).
- 19.4.13. Considering the United Nations Environmental Programme Convention on Biological Diversity of 1992, the ExA advises that in the absence of evidence on the impact on tern and the adverse effect on protected

areas, the proposed development does not conform to Article 8 (c) to (e).

19.5. SOCIO ECONOMIC MATTERS

- 19.5.1. The ExA considers that, accompanied by suitable mitigation and management secured by the dDCO, CoCP and sub-CoCPs, CoOP and the signed s106 agreement, the risk of negative impacts on health and wellbeing; Welsh language; culture; tourism; and recreation would be satisfactorily mitigated.
- 19.5.2. The ExA recognises that the Application would deliver a number of significant positive benefits both locally, regionally and nationally through the provision of low carbon energy which would improve health and wellbeing. The provision of jobs and training (both directly and indirectly) would have a positive effect on the local and regional economy throughout the construction and operation period and would also provide the opportunity for Welsh speakers to remain within the Key Socio-Economic Area (KSA). As a result, the proposed development would help to achieve many of the WBFGA goals and would comply with policies PS 5 and PS 9 of the JLDP.
- 19.5.3. However, the ExA considers that during the construction period the demand for accommodation would be such that it would place additional pressure on housing within the KSA and in particularly tourist accommodation. The ExA are concerned that this could adversely affect not only tourism but given the interdependencies of socio-economic matters the local economy, health and wellbeing and Welsh language and culture. As such the proposed development would not deliver on the objectives of PPW and would undermine some of the goals of the WBFGA as a result, the ExA consider that this needs to be given significant weight in the planning balance.

19.6. HISTORIC ENVIRONMENT

- 19.6.1. There are heritage assets of high significance including scheduled ancient monuments, listed buildings and a registered historic garden that would be lost or harmed by the proposed development. However, by virtue of the mitigation measures proposed, substantial harm would be avoided, and enhancement would be undertaken. Furthermore, loss or harm of heritage assets is justified where the substantial public benefits outweigh the loss or harm. The ExA are therefore satisfied that the tests set out in NPS EN-1 (paragraphs 5.8.11 to 5.8.15) would be met.
- 19.6.2. The proposed development would achieve the objectives of PPW and policy PS20 of the Joint Local Development Plan (JLDP) by conserving archaeological remains; safeguarding the character of historic buildings; managing change to preserve special architectural and historic interest; and preserving the special interest of sites on the Register of Historic Parks and Gardens.
- 19.6.3. However, the ExA have outstanding concerns regarding preliminary archaeological investigation works that were being undertaken during the

Examination. The ExA accepts that if the work of investigation is satisfactorily completed to the agreed standards substantial harm would be avoided; but if not, then substantial harm has been caused to the assets and needs to be justified; and advises the SoS accordingly.

- 19.6.4. The ExA concludes that the Application has addressed the historic environment according to the requirements of National, Welsh and local policy and where loss or harm would occur mitigation is in place to ensure that the loss or harm would be less than substantial and that negative impacts on the historic environment should not weigh against the Application.

19.7. WATER FRAMEWORK DIRECTIVE

- 19.7.1. With reference to the Water Framework Directive (WFD), the ExA agrees with NRW as the 'appropriate authority' that there is a need for Article 4(7) derogation for The Skerries coastal water body and Ynys Môn secondary groundwater body.
- 19.7.2. The ExA considers that the wider benefits to the environment and to society of the proposed development outweigh the benefits of achieving Article 4(1) objectives. Considering NPS EN-1, the ExA acknowledges that the proposed development will have an adverse effect on the achievement of the environmental objectives established under the WFD. However, the ExA recommends that the SoS, Welsh Government (WG) and NRW can conclude that the UK would not be in breach of the WFD as the conditions of Article 4(7) have been satisfactorily addressed for The Skerries and Anglesey North water bodies.
- 19.7.3. In respect of the Ynys Môn secondary groundwater body, the ExA is satisfied that the mitigation measures are sufficiently secured by existing provisions of the DCO such that further specific requirements are not deemed necessary in satisfying the conditions of Article 4(7) and that it is not necessary for the SoS, WG or NRW to add a requirement in the DCO regarding additional mitigation arising from the abstraction licences.
- 19.7.4. The ExA is also satisfied that on the basis of the evidence available, the application of Article 4(7), subject to appropriate regulatory control, would not permanently exclude or compromise the achievement of the objectives of this Directive in other bodies of water within the same river basin district. It advises that derogation under 4(7) would be consistent with the implementation of other Community environmental legislation and guarantees the same level of protection as under existing EU legislation as per Article 4(8) and 4(9) of the WFD.
- 19.7.5. PA2008 is not a relevant function for the WFD. The ExA recommends to the SoS, WG and NRW that as described above, the proposed project does comply with the WFD.

19.8. SURFACE WATER AND GROUNDWATER

- 19.8.1. With reference to NPS EN-1, the ExA is content that no additional mitigation measures are needed over and above those proposed by the Applicant for mitigation of reduced catchment areas.
- 19.8.2. The ExA's conclusions regarding surface and groundwater for Tre'r Gof are given above in 19.4. Sections of the A5025 highway improvement project are in Flood Zone C, but the ExA considers that the improvements are key in supporting employment objectives from the proposed development and so comply with TAN 15.
- 19.8.3. The ExA accepts that flooding of agricultural land at Llanfachraeth is in contravention with the TAN 15 requirement for no increase in flood risk. The ExA advises the SoS that in its view the Applicant has provided sufficient information on proposed mitigation and employment objectives to satisfy the requirements of paragraph 7.3 of TAN 15 and is of the opinion that the proposed development is, therefore, compliant with the policy.
- 19.8.4. Considering NPS EN-1, the ExA is satisfied that the application is supported by an appropriate Flood Risk Assessment (FRA), the Sequential Test has been applied, the proposal is in line with local flood risk strategies, priority has been given to sustainable drainage systems and the project is appropriately flood resilient and resistant.
- 19.8.5. The ExA is satisfied that flood risk could be managed and mitigated such that there would be no significant impacts in relation to increased risk of flooding, including residential and commercial properties.

19.9. AIR QUALITY

- 19.9.1. As operational phase emissions were not agreed by the close of the Examination, and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects on biodiversity from air quality during operation and that this must weigh against the proposed development.

19.10. CLIMATE CHANGE

- 19.10.1. In terms of compliance with the requirements of NPS EN-1 and EN-6, WG policies and 2018 UK Climate Predictions the ExA concludes that the Applicant has complied with these requirements.
- 19.10.2. The ExA draws the SoS's attention to the fact that more detailed data sets and modelling of the 2018 projections is anticipated in 2019 and the SoS may wish to satisfy himself regarding any further modelling requirements.

19.11. LANDSCAPE AND VISUAL EFFECTS

- 19.11.1. Some community receptors would experience negative visual impacts during construction and there will be continuing, but reducing, negative impacts during operation.

- 19.11.2. Anglesey Area of Outstanding Natural Beauty (AONB) and North Anglesey Heritage Coast are designated landscapes. Proposed Mound E would be within the AONB. Porth-y-Pistyll forms part of the North Anglesey Heritage Coast. The whole of the site would be visible from the AONB.
- 19.11.3. The ExA acknowledge that the proposed development would have adverse effects on the landscape and visual amenity of North Anglesey in all phases. However, the ExA is of the opinion that the Application has had regard to siting, operational and other relevant constraints through all phases and would minimise harm to the landscape and provide reasonable mitigation where possible and appropriate. In the case of the designated landscapes it would not compromise the purpose of the designations and exceptional circumstances are demonstrated by way of justification.
- 19.11.4. The ExA consider that the proposal would therefore meet the test of exceptional circumstances set out on NPS EN-1 and EN-6 to justify the development within and affecting the designated areas. As such it would also comply with PPW, policy PS 9 of the JLDP and GP21 of the Supplementary Planning Guidance (SPG).

19.12. GOOD DESIGN

- 19.12.1. In accordance with NPS EN-1 (paragraph 4.5.1 and 4.5.3), the Application considers all the dimensions of good design. The Application addresses the requirements of WG and local policy in seeking to achieve good design in respect of setting; location within the landscape; place-making and the design of individual elements. Further, it takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places within the context of the size and nature of the proposal and the presence in the landscape of the existing Nuclear Power Station.
- 19.12.2. However, across the project as a whole the level of success in reaching the goal of good design varies and the layout of the site, including the location of Mound A, would result in significant adverse residual effects at Tre'r Gof SSSI from hydrological changes during construction and operation due to the siting of Mound A and to a lesser extent the Site Campus, which cannot be mitigated.
- 19.12.3. Further, the Applicant has not fulfilled good design on the basis that the layout of the works would affect designated sites (Cemlyn Bay and Cae Gwyn SSSIs, in addition to Tre'r Gof). In addition, the works impact on other significant species including CHEG grasslands, chough and tern.
- 19.12.4. Therefore, taking the precautionary approach while the ExA concludes that the National, Welsh and local policy tests have been met for individual elements and for the physical design of the project overall, it cannot, due to the impact upon designated sites, make the conclusion for good design for the project overall. On balance the ExA concludes that the Application would therefore not follow good design principles and this should be given limited weight against the Application.

19.13. MARINE ENVIRONMENT

- 19.13.1. The ExA concludes that for Bae Cemaes/Cemaes Bay bathing water, INNS and marine mammals there will be no adverse impacts as a result of the proposed development.
- 19.13.2. In EIA terms the ExA has given weight to advice from NRW, as the relevant statutory nature conservation body, that both the benthic invertebrate element in the Skerries water body and the hydromorphological element will have adverse effects from the proposed development.
- 19.13.3. The ExA has taken into consideration the requirements of NPS EN-6, which states that "*the applicant's assessment should also set out the characteristics of cooling water for new nuclear power stations and the specific implications of the proposal on marine and estuarine environments*". It advises the SoS that the Applicant has satisfied this requirement and that there would be no deterioration of the water body as a result of the cooling water discharge.
- 19.13.4. The ExA is also content that the Applicant has considered the cumulative effects of the DCO application with other major infrastructure proposals in accordance with the requirements of NPS EN-1 and that there are no adverse cumulative effects. However, the ExA acknowledges the Republic of Ireland's comments regarding cumulative effects on cetaceans arising from the proposed West Cumbria coal mine development.
- 19.13.5. The ExA therefore concludes that, considering the conclusions on water bodies given in the WFD section of this Chapter, the effects of the proposed development on the marine environment comply with NPS EN-1 and has little weight against the Order being made.
- 19.13.6. The ExA also concludes that the proposed development complies with the United Nations Environmental Programme Convention on Biological Diversity of 1992 in respect of the marine environment.

19.14. NOISE AND VIBRATION

- 19.14.1. In relation to noise and vibration, the ExA considers that the impact of noise and vibration from the proposed development would meet the objectives of NPS EN-1 and that the proposed development would have an acceptable impact on the health, safety or amenity of occupiers of buildings and land to comply with JLDP Policy PCYFF2 and PPW. The ExA therefore concludes that noise and vibration on these receptors should not weigh against the Order being made.

19.15. TRAFFIC AND TRANSPORT

- 19.15.1. The ExA are satisfied that through the proposed alterations to the A5025; provision of Park and Ride facilities at Dalar Hir; Logistics Centre at Parc Cybi and the Marine Off-Loading Facility (MOLF), combined with the various management and control strategies that would be delivered through the various control documents, DCO and signed s106 that the

road network would have the capacity to accommodate the additional construction and operational traffic without adversely affecting other highway users. The proposed MOLF would enable 60% of deliveries to occur by sea in accordance with the requirements of NPS EN-1. Furthermore, the ExA acknowledge that the proposed alterations to the A5025 would provide a long-term benefit for the area.

19.16. OTHER MATTERS

- 19.16.1. In relation to other relevant matters, the ExA is satisfied that accompanied by suitable mitigation and management secured by the dDCO, CoCP and sub-CoCP and CoOP these would not weigh against the proposed development.

19.17. THE PLANNING BALANCE

- 19.17.1. The ExA recognises the positive impacts of the proposal in terms of its contribution to the policy objectives of low carbon energy production set out in Chapter 3, the long-term benefits to the economy in terms of investment and employment opportunities that the proposed development would bring and the positive enhancements to the significance of a number of important heritage assets that would be achieved.
- 19.17.2. The DCO makes provision for the further consideration of funding security through Articles 82 and 83 and for the mitigation and management of impacts, including, for example, on the Welsh language and culture, historic environment, noise and vibration and traffic and transport, through requirements and through the suite of management control documents, including the CoCP; the sub-CoCPs; Landscape and Habitat Management Strategy (LHMS) and Design and Access Statement (DAS). Additionally, the signed s106 provides significant funding to enable mitigation and management measures to be implemented.
- 19.17.3. In the ExA's view, although the risks of negative impacts would be significantly mitigated, they would not be eliminated.
- 19.17.4. Community receptors, particularly in Treglele and Cemaes, and individual residents close to the WNDA, will experience negative visual impacts during construction; and there will be continuing, but reducing, negative impacts during operation, including at Llanfairynghornwy, which needs to be weighed in the balance against the application.
- 19.17.5. Further, the ExA is not convinced that the evidence base on which the calculations for the provision of the required additional accommodation have been drawn are robust and that, consequently, this may have significant negative impacts for the availability of accommodation, particularly tourist accommodation, during the construction period from which the local economy particularly the tourist economy may take a long time to recover. The ExA regards this as an important matter that must weigh in the balance against the application.

- 19.17.6. The lack of clarity regarding the details of the grid connection works, their cost and the timing of their delivery, also weighs against the proposed development to a small extent
- 19.17.7. The ExA recognises that these are finely balanced issues. The negative impacts on local communities and accommodation (including tourist accommodation) would overwhelmingly occur during the long but temporary, construction period and conditions would improve and continue to improve once operation commences. The Applicant would provide significant on-site and off-site mitigation for community receptors during construction and Anglesey would continue to be an attractive tourism destination, to which the proposed development could become an additional attraction, in the longer term.
- 19.17.8. So, while expressing concern, the ExA recognise that the public benefit of the proposed development might outweigh the short-term disbenefit to the local community and economy. Uncertainty about the provision of a new grid connection is clearly unhelpful, weighs against the development and would need to be resolved.
- 19.17.9. In respect of Biological Diversity (a prescribed matter in PA2008) the ExA considers that important tests have not been met and the negative residual impacts are of such magnitude that they weigh very heavily against the making of the Order.
- 19.17.10. As a consequence of the weight the ExA gives to these matters, including all those referred to in Chapters 5-18, the ExA's finds the case for development is not made and we recommend accordingly.

19.18. HRA

- 19.18.1. The ExA advises that the Applicant has correctly identified all of the relevant European sites and the relevant qualifying features/interests for consideration within the HRA.
- 19.18.2. Regarding transboundary matters, the ExA advises that with respect to the Republic of Ireland's concerns regarding in-combination effects on cetaceans, further scrutiny should be afforded to elements of its response under the ongoing duty on the SoS to have regard to the submissions made under EIA Regulation 24.
- 19.18.3. Turning to Special Areas of Conservation (SACs) where marine mammal are qualifying features, the ExA recommends that AEoI can be excluded, provided the relevant mitigation is secured through the DCO as a Marine Licence will not be granted before the DCO is consented. The ExA recommends that the SoS consults with the Applicant and NRW on the drafting of an additional requirement within the MWSCoCP which secures the production and implementation of a marine mammal mitigation plan to be approved by the discharging authority in consultation with NRW.
- 19.18.4. The ExA advises that for Cemlyn Bay SAC, a conclusion of no AEoI could be reached provided that agreement can be reached on the effects of operational air quality on the features of the SAC and appropriate

controls attached to the relevant Environmental Permit; and the package of measures intended to mitigate recreational impacts on the SAC are improved. The ExA also urges the discharging authority to ensure that the provision in the WKFMS for management of leisure activities to avoid damage to Cemlyn SAC and Esgair Gemlyn is not overlooked.

- 19.18.5. Regarding HRA in relation to the Morwenoliaid Ynys Môn/Anglesey Terns Special Protection Area (SPA), the ExA advises that the SoS does not conclude that AEoI can be excluded. In arriving at its conclusions, the ExA acknowledges the lack of scientific evidence regarding disturbance effects on tern and, in considering Waddenzee (Case C-127/02, 2004, ECR-17405), advises that there is insufficient scientific knowledge to determine the effect on the conservation objectives of the SPA. It also accepts NRW's advice that there is significant scientific doubt and that it is not possible to rule out adverse effects on the Sandwich, Common and Arctic terns of the Morwenoliaid Ynys Môn/Anglesey Terns SPA.
- 19.18.6. The ExA recognises that it is for the SoS to consider the implications of need and alternative sites at a national level, but it is of the view that the Applicant has not demonstrated that there is no alternative to delivering some aspects of the proposed development. The ExA suggests to the SoS that there is a balance between economic viability and technical solutions to protect the tern qualifying features of the SPA.
- 19.18.7. While accepting that NPS EN-6 Volume II did conclude that the site passed the Imperative Reasons of Overriding Public Interest (IROPI) criterion at the strategic level, on the basis that more detailed project level HRA was required in order to draw conclusions on the effectiveness of mitigation measures. On considering the compensatory measures at the project level, the ExA does not conclude that the Applicant has demonstrated that there are imperative reasons of overriding public interest why the proposed development should go ahead.
- 19.18.8. The ExA recommends to the SoS as the competent authority that, for the Morwenoliaid Ynys Môn/Anglesey Terns SPA, an assessment of alternatives, compensation measures and IROPI must be considered in order to come to a decision on compliance with the Habitats Regulations.
- 19.18.9. The ExA recommends that, if the SoS is minded to accept IROPI, then the ExA's draft Requirement at 7.10.16 of this report is included in the DCO and that the SoS consults with the Applicant, NRW and the eNGOs on revising the Tern Compensation Strategy and the MPSSSCoCP and MWSCoCP to align with the DCO Requirement and to the satisfaction of all parties, as far as possible.



The Planning Act 2008

Wylfa Newydd Nuclear Power Station

Examining Authority's Report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Business, Energy and Industrial Strategy

Examining Authority

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VOLUME 3 OF 4

23 July 2019

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LIST OF REPORT VOLUMES

This report contains four volumes.

This is Volume 3 of 4.

1. VOLUME 1: CHAPTERS 1 TO 7
2. VOLUME 2: CHAPTERS 8 TO 19
3. VOLUME 3: CHAPTERS 20 TO 31
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20. COMPULSORY ACQUISITION AND RELATED MATTERS

20.1. THE REQUEST FOR CA AND TP POWERS

- 20.1.1. The Application for the DCO seeks to compulsorily acquire interests and rights in land and to use land temporarily, to construct, operate, and maintain a new nuclear power station. The Application was accompanied by a Statement of Reasons (SoR) and a Funding Statement. These were revised prior to close of the Examination, with the final versions being REP8-036 and REP8-038 respectively.
- 20.1.2. The powers of temporary possession would be provided through dDCO Articles 35 & 36, and while they are not CA powers, the ExA has examined them and applied the CA tests to them.
- 20.1.3. The scheme that is the subject of the Application is described in Chapter 2 of this report and in section 3.2 of the SoR.
- 20.1.4. The Book of Reference (BoR), which is in three parts (i.e. 'Part 1 of 3', 'Part 2 of 3' and 'Part 3 of 3'), and the Land Plans were also revised prior to close of the Examination, with the final 'Revision 5' versions of these being REP8-039, REP8-040, REP8-041 and REP8-022 respectively. These final version Examination Library numbers were not available during the revision of the SoR, which therefore refers to earlier Deadline 6 document numbers. It is the final Deadline 8 BoR and Land Plans revision numbers [REP8-039, REP8-040, REP8-041 and REP8-022] that should be considered when reading this report, unless it is stated otherwise.
- 20.1.5. The BoR and Land Plans detail all the land and rights that are sought. Land that would be the subject of the proposed CA is included within 'the Order Land' in the dDCO, along with land proposed for temporary possession, and some 'Class 6' land, which is land that would not be subject to powers of acquisition.
- 20.1.6. The areas of land that would be subject to CA have been allocated plot numbers between 1 and 899. However, not all numbers are used as the plots are grouped in ranges that correspond to the eight development areas within the project. To align with this, the BoR has eight volumes that address each of the Wylfa Newydd development areas and the number ranges of the CA plots. This is detailed in the Executive Summary of the BoR [REP8-039].
- 20.1.7. Then the introductions to each volume of the BoR provide details of: the 'Category' of Persons (or companies/bodies) that would be subject to CA; the matters covered in the five 'Parts' of the BoR; and, the 'Classes' attributed to the different interests and rights sought. These five 'Parts' within the BoR relate to the subdivision of information within the BoR regarding 'Persons' within different 'Categories', Easements and rights, Crown Interests and Special Land. Together with the Land Plans referred to above, the five Parts within the BoR ensure that it complies with the procedures (including Regulation 7) of Statutory Instrument 2009

No.2264 – The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

- 20.1.8. It should be noted that the elements of the BoR referred to as 'Parts' within the BoR volumes should not be confused with the three Parts (i.e. Part 1 of 3, Part 2 of 3 and Part 3 of 3) that have been used to subdivide the BoR as a whole, and that contain its eight volumes.
- 20.1.9. The first volume of the BoR, for the WNDA 'Mainsite', is the largest and occupies BoR Part 1 of 3 and Part 2 of 3. The remainder of the volumes are in BoR Part 3 of 3.
- 20.1.10. The Application included Crown Estate Land Plans [APP-013]. During the Examination, Welsh Government (WG) land interests were included to produce the Crown Land Plans and a Crown Land and Interests s135 Schedule, with the final versions being REP8-025 and REP8-007 respectively. Also received at Deadline 8, was the final version of the Statutory Undertaker and Special Category Land s127, s132 and s138 schedules [REP8-008].
- 20.1.11. A Compulsory Acquisition Objections Schedule was compiled and updated during the Examination. It lists all the CA objections, along with persons who may suffer injurious affection as a consequence of the proposal. The entries in the CA Objections Schedule were discussed during the CA hearing, and the final version of the schedule was then received at Deadline 8 [REP8-009].

20.2. THE PURPOSES FOR WHICH LAND IS REQUIRED

- 20.2.1. The proposed CA, and powers of temporary possession, form part of the Application for development consent for the Wylfa Newydd nuclear power station.
- 20.2.2. The SoR provides a summary [section 8.2 of REP8-036] of the relevant permanent powers that would be provided by the dDCO. These would be through dDCO Articles 25-34, and Article 42. SoR section 8.3 then outlines the powers sought for temporary possession, which lie within dDCO Articles 17, 35 and 36.
- 20.2.3. Appendix 11-1 of the SoR sets out the purposes for which the Applicant wishes to acquire each plot. The dDCO would authorise the compulsory acquisition of interests or rights in land for purposes that include:
 - Construction, operation and maintenance of, and associated works for, an electricity generating station and associated development;
 - Acquisition of drainage and access rights for the construction, operation and maintenance of cooling water outfall system, earthworks, electrical connection, and other associated development;
 - Off-Line Highway Improvement Works and other associated development;
 - Imposition of restrictive covenants in relation to flood mitigation works;

- Works in the public highway for the Off-Line Highway Improvement Works and other associated development; and,
- Landscape and drainage works and other associated development.

20.2.4. And for temporary possession, the purposes would include:

- Construction of cooling water outfall system, electrical connection and Other Associated Development;
- Works in the public highway for the access to an electricity generating station and associated development;
- Construction, operation and maintenance of the Logistics Centre at Parc Cybi, including work in the cycleway and to provide third party access, and other associated development;
- Construction and maintenance of the Off-Line Highway Improvement Works and other associated development; and,
- Works in the public highway for the Off-Line Highway Improvement Works and other associated development.

20.2.5. These are summarised in SoR paragraph 3.4.1 [REP8-036].

20.2.6. As noted above, the proposals include Crown Land [REP8-025 and REP8-007]. SoR section 10.2 confirms the Crown Land to include:

- Parts of The Crown Estate coast where the proposed cooling water outfall, and the harbour, would be located to the north and west of the existing Wylfa power station respectively [REP8-025 & Land Plan Sheet 2 REP8-022][REP8-039]; and,
- Land (or rights) recorded as belonging to the Welsh Ministers, the National Assembly of Wales, The Secretary of State for Wales or which forms part of the strategic highway for which WG is the Strategic Highway Authority. This includes plots at the proposed Logistics Centre in Parc Cybi, Dalar Hir Park & Ride and the A5025 Offline Highway Improvements at Valley [REP8-007][REP8-025 & REP8-022][REP8-041].

20.2.7. Original Application documents only identified the first grouping/area as Crown Land [APP-013]. However, following discussions with WG, the Applicant agreed that WG land interests are Crown Land.

20.2.8. Ownerships belonging to statutory undertakers and electronic communications code operators would be affected by the powers that are sought to acquire land, interfere with interests, override interests and remove apparatus. All the land involved is included in Parts 1 and 3 of the Book of Reference.

20.2.9. Article 28 of the dDCO would enable the compulsory rights to be exercisable for eight years should the Order be made [REP10-006], rather than the five years originally proposed [APP-029].

20.2.10. Through Article 30, the dDCO applies the provisions of the Compulsory Purchase (General Vesting Declarations) Act 1981, and further explanation of this is provided within the SoR.

- 20.2.11. Article 35 of the dDCO would provide powers to take temporary possession of land specified in Schedule 14 to the dDCO to enable the applicant to:
- remove electrical apparatus, buildings and vegetation from the land;
 - construct temporary or permanent works comprised within the authorised development (including means accesses, buildings and structures on that land); and
 - construct any works specified in relation to that land in column (2) of Schedule 14 of the dDCO, or any other mitigation works.
- 20.2.12. Article 36 of the dDCO provides powers of temporary possession and access for the purpose of maintaining the authorised development and the construction of works to support that.

20.3. LEGISLATIVE AND POLICY REQUIREMENTS

- 20.3.1. Compulsory acquisition powers can only be granted if the conditions set out in sections 122 and 123 of the PA2008 are met.
- 20.3.2. Section 122(2) requires that the land must be required for the development to which the development consent relates or is required to facilitate or is incidental to the development. In respect of land required for the development, the land to be taken must be no more than is reasonably required and be proportionate.
- 20.3.3. The condition within section 122(2)(c) addresses replacement land that would be given in exchange for Order Land under sections 131 and 132. Paragraph 1.3.2 of REP8-008 confirms that the Order Land does not include any land that would fall within the scope of sections 131 or 132 of PA2008.
- 20.3.4. Section 122(3) requires that there must be a compelling case in the public interest which means that the public benefit derived from the compulsory acquisition must outweigh the private loss that would be suffered by those whose land is affected. In balancing public interest against private loss, compulsory acquisition must be justified in its own right. But this does not mean that the compulsory acquisition proposal can be considered in isolation from the wider consideration of the merits of the project. There must be a need for the project to be carried out and there must be consistency and coherency in the decision-making process.
- 20.3.5. Section 123 requires that one of three conditions is met by the proposal. The ExA is satisfied that the condition in s123(2) was met because the Application for the DCO included a request for compulsory acquisition of the land to be authorised.
- 20.3.6. Relevant guidance is to be found in the DCLG publication "*Planning Act 2008 - Guidance related to procedures for the compulsory acquisition of land*" ('the DCLG guidance'), dated September 2013. Page 5 of the DCLG guidance highlights 'General considerations', which include that:

- all reasonable alternatives to compulsory acquisition must be explored;
- the applicant must have a clear idea of how it intends to use the land and to demonstrate funds are available; and
- the decision-maker must be satisfied that the purposes stated for the acquisition are legitimate and sufficiently justify the inevitable interference with the human rights of those affected.

20.3.7. Paragraphs 17 and 18 of the DCLG guidance, address funding for CA. They highlight that any Application for a consent order authorising CA must be accompanied by a statement explaining how it will be funded. The funding statement should provide as much information as possible on the resource implications of acquiring the land and implementing the development proposed.

20.3.8. Paragraph 18 of the DCLG guidance states that *"...Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of..."*.

20.3.9. Paragraph 19 notes that it would be helpful if the Applicant were able to demonstrate that:

- the Application is firmly rooted in any relevant national policy statement; any potential risks or impediments to implementation of the scheme have been properly managed; and,
- the Applicant has taken account of any other physical and legal matters pertaining to the application.

20.4. STATUTORY UNDERTAKERS AND SPECIAL CATEGORY LAND

20.4.1. In addition to the conditions referred to above, other sections of PA2008 are relevant to matters dealt with in this chapter, and in that regard, REP8-008 addresses Statutory Undertaker and Special Category land.

20.4.2. If s127 (1) of PA2008 applies, compulsory acquisition of statutory undertakers' land or a right over statutory undertakers' land cannot be authorised unless the tests in s127 are met. Section 127(3) states that CA of Statutory undertakers' land can only be authorised where the land: can be purchased and not replaced without serious detriment to the undertaking; and if purchased, it can be replaced with other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.

20.4.3. CA of a right over statutory undertakers' land cannot be authorised unless the test in Section 127(6) of PA2008 is met. This provides that: *".....- (a) the right can be purchased without serious detriment to the carrying on of the undertaking, or (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them...."*

- 20.4.4. Section 138 of PA2008 is also engaged because the applicant seeks powers to interfere with the apparatus of statutory undertakers as described in the Statement of Reasons [REP8-036]. Section 138(4) states that: *"...The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates..."*.
- 20.4.5. In relation to Crown Land, s135 of PA2008 states that *"...(1) An order granting development consent may include provision authorising the compulsory acquisition of an interest in Crown land only if (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and (b) the appropriate Crown authority consents to the acquisition. (2) An order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision..."*.
- 20.4.6. Section 130 of PA2008 protects National Trust land, and it *states* *"...(1) This section applies to land belonging to the National Trust which is held by the Trust inalienably. (2) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, if the condition in subsection (3) is met..."*.

20.5. THE EXAMINATION OF CA MATTERS

- 20.5.1. Following receipt of written representations that included objections to the proposed CA, the ExA's first written questions [PD-009] explored matters raised within the representations. The Applicant's response is within REP2-375 (Appendices to REP2-375 are within REP2-002). Further clarification of CA matters was sought through the ExA's second written questions [PD-013], which the Applicant responded to through REP5-002, and a hearing was held on 5 March 2019.
- 20.5.2. The Applicant's approach to CA was explained at the DCO hearing, including the powers to take temporary possession within Articles 35 and 36. At the hearing it was confirmed that the substantial editing of Schedule 14, shown within REP5-005, had tidied-up the entries in Schedule 14 but did not add any new plots. The Applicant's submissions to the CA Hearing were then provided in REP7-001.
- 20.5.3. The subsequent revision of the SoR and Funding Statement confirm the Applicant's case [REP8-036 & REP8-038].

Consideration of Alternatives

- 20.5.4. The consideration of alternatives is dealt with in section 3.10 of the SoR. Potential locations for the construction of new nuclear power stations were considered during the site selection process for EN-6. It remains the most recent selection exercise in national policy for potentially suitable sites for new nuclear power stations. It has not been demonstrated that

the site-specific circumstances and considerations that led to Wylfa's inclusion in EN-6 have changed sufficiently to suggest that another site on Anglesey or elsewhere, that was not included in EN-6, would be preferable to the Wylfa site included within EN-6.

- 20.5.5. In relation to the Wylfa Newydd proposal, alternatives have been considered in the Environmental Statement [APP-121, APP-240, APP-267 and APP-305]. The Applicant's consideration of alternative solutions to the construction of a new nuclear power station does not seek to go further than a statement in NPS EN-1, which referred to an urgent need for new electricity generation plant, including new nuclear power. At Deadline 9 PAWB [REP9-044] submitted a response to the revised SoR [REP8-036] which questioned the need for the development. The '*need*' for a new nuclear power station to provide energy is matter dealt with elsewhere in this report.
- 20.5.6. The Applicant's consideration of alternatives to the use of the proposed power station and its site have been driven by, and aligned closely to, policy within EN-1 and EN-6. However, alternatives have been considered for other parts of the scheme with details provided within APP-436 (and APP-437 to APP-442). This includes, for example, the site selection for the proposed Off-site Power Station [APP-240 & APP-438], which contains CA Plots 672 and 674 [REP8-022].
- 20.5.7. Representations indicated that some parties felt that there had been a lack of communication from the Applicant in regard to CA and related matters. However, it is clear from the Application documentation that there has been extensive site selection work where that was considered to be possible, and alternative options for areas of development within the scheme have been explored. This, along with the evidence during the Examination of ongoing negotiations and the outcomes of them, supports the conclusion that all reasonable alternatives to CA have been explored.

How the Order Land would be used

- 20.5.8. As noted above, Appendix 11-1 of the SoR [REP8-036] sets out how each plot would be used. Further details of these plot uses are contained in the Application, the Examination documents and in oral submissions during the hearings, and these details are the subject of matters considered in other sections of this report. If the ExA had any doubt about the use, and therefore the need for individual plots e.g. plots 149 and 150 due to their location to the east of the A5025 and across the road from the remainder of the WNDA site, this was explored with the Applicant. Objections to the CA of individual plots, and therefore the uses set out for each one of them in Appendix 11-1 of the SoR [REP8-036], are dealt with below.

Funding for CA

- 20.5.9. Paragraphs 17 and 18 of the DCLG guidance confirm the need for an Application to be accompanied by a Funding Statement. As a matter that is relevant to potential risks or impediments to implementation of the scheme, provision of such a statement also addresses paragraph 19 of

the DCLG guidance. This Application includes a Funding Statement [REP8-038], which was revised to provide greater detail and to address the suspension of work on the project [AS-039]. The revised Funding Statement sets out the Applicant's position on funding. The ExA's consideration of funding for the project as a whole is dealt with in the Need and Funding chapter of this report.

- 20.5.10. In addition, at Deadline 6 [REP6-001] a note was submitted to the Examination to address funding for Compulsory Acquisition [REP6-020]. It introduced dDCO Article 82. Provisions within Article 82 also would ensure that none of the proposed CA could occur until adequate funding is in place to address CA and any associated compensation [section 3 of REP8-038].
- 20.5.11. The revised Funding Statement [REP8-038] now provides a fuller explanation of why the Applicant considers claims for blight to be unlikely. Much of the land that is the subject of this Application is identified as a listed site within EN-6, and much of the remainder not listed but within the Application area is agricultural. These factors significantly reduce the potential for there to be blight claims.
- 20.5.12. On a matter relevant to CA funding, the ExA is satisfied that no provision of the DCO contravenes the provisions of PA2008 s126 which precludes the modification of compensation provisions.
- 20.5.13. Paragraph 18 of the DCLG Guidance confirms that, in addition to whether funding would be likely to be available to compensate for the proposed CA (and any blight), the timing of the availability of the CA funding is likely to be a relevant factor. Paragraph 26 of the DCLG guidance highlights that applicants should consider the timing of when the land they require would be needed and conduct negotiations with CA as a contingency.
- 20.5.14. The inclusion of Article 82 would enable the DCLG Guidance's expectations of a Funding Statement [REP8-038], along with the timing of funding for CA, to be met in this case by providing a mechanism to address the project's suspension. However, and as highlighted in the Need and Funding chapter of this report, this is set within the context of current doubts regarding the overall deliverability of the project.

20.6. TEMPORARY POSSESSION

- 20.6.1. Temporary Possession would be authorised through dDCO Articles 35 and 36 [REP10-006], which are discussed in the dDCO chapter of this report. The Applicant sets out its justification for the grant of these powers in section 9 of the SoR [REP8-036], and the purposes of the temporary possession sought in this Application are listed in section 14.2 of this chapter.

20.7. CROWN LAND – SECTION 135

- 20.7.1. Section 16.2 above, highlights the Crown Land in this case falls within two areas and ownership groupings. The Schedule of Crown Land and

Interests [Table 1-1 of REP8-007], provides a summary of the ongoing negotiations regarding land and rights held by the Crown Estate. The Crown Estate is noted to be amenable to granting an option for a marine lease in regard to the proposed development.

20.7.2. WG's interests in land and rights within the Order Land are also addressed within Table 1-1 of REP8-007. However, at Deadline 10, WG confirmed: its agreement 'in principle', subject to Article 81 (Crown Rights) being retained in any final DCO, to give its consent under PA2008 s135; and, that the Welsh Ministers' land interests required to deliver the associated development for Wylfa Newydd can be included within the DCO [REP10-006].

20.7.3. The Examination provided clarification of the WG's Crown Land interests, and the opportunity for negotiations and associated procedures to be addressed. While the WG's consent would appear to be conditional on the retention of Article 81 [REP10-006], there seems to be no reason to assume that, in such circumstances, the clarification and confirmation of WG's consent would not be forthcoming.

20.8. SPECIAL CATEGORY LAND – SECTION 130 (AND 131 & 132)

20.8.1. Section 1.3 and Table 1-2 of REP8-008 confirm there to be one plot (Plot 61) of Special Category Land within the Order Land, and it is in relation to s130. However, it has been, and still is, within Class 6 in the BoR [APP-034, REP8-039], which is land that is not subject to powers of acquisition. Consequently, s130 of PA2008 is not engaged, and the proposed CA would not require a special parliamentary procedure to address s130.

20.9. CA OBJECTIONS

20.9.1. The CA Objections Schedule [REP8-009] provides the Applicant's current understanding of the position in relation to the CA objections. The CA Objections Schedule should be considered within the context of, amongst other things, associated representations, and the Applicant's SoR and post CA Hearing summary [REP8-036 & REP7-001].

20.9.2. As noted above, the CA objections schedule also contains a considerable number of persons who potentially fall within 'Category 3' i.e. parties who might be able to make a relevant claim due to their interests in land being affected by the proposed development. Category 3 persons are described in the introductions to the volumes of the BoR [within REP8-039, REP8-040 and REP8-041]. The following objectors fall within Categories 1 and 2.

██████████ [RR-013, REP2-308, REP6-038]

20.9.3. ██████████ is the freehold owner of the existing Wylfa nuclear power station, and ██████████ is the site tenant [REP2-308 & REP2-351]. While ██████████ is supportive of

the proposed land acquisitions through leases, it objects to the use of CA referring to potential conflict with the Nuclear Site Licence. However, protective provisions have been agreed [REP8-009, Objector no.3], and are included within the dDCO at Part 4 of Schedule 15. Associated objections from the [REDACTED] are dealt with below. The [REDACTED] land and rights sought by the proposed CA would be required to enable construction and operation of key elements of the proposed development on the WND A site [REP8-009, REP8-022, REP8-039 & REP8-040].

[REDACTED] [RR-048]

20.9.4. [REDACTED] have concerns regarding the effect of the permanent and temporary possession proposed on: flooding in relation to their adjoining land and neighbouring land; how injurious affection would be mitigated on land along the banks of the rivers Alaw and Llywenna Bach and how it would be measured; provision of livestock fencing and drinking bays; piped water supply to the farm; maintenance of watercourses; and, who would have responsibility for these matters.

20.9.5. The CA Objections Schedule confirms that the Applicant is seeking to enter into a voluntary agreement with the Objector [REP8-009, Objector no.6]. Application documentation, including that submitted during the Examination, confirms that land and rights would be required to enable the construction of the A5025 Off-line Highway Improvement Works at Llanfachraeth [REP8-009, REP8-022 & REP8-041].

[REDACTED] [RR-053]

20.9.6. [REDACTED] expressed concern about a possible lack of clarity in the Application documents regarding the extent to which [REDACTED] land would be the subject of the proposed CA. Accordingly, the [REDACTED] objects to the Application in relation to this matter (and others).

20.9.7. The SoCG with the Applicant at Deadline 2 [REP2-058], clarified matters in relation to Plot 61 and noted that this land, held inalienably by the [REDACTED], would be removed from the 'Order Limits' with a final BoR and Land Plans provided at Deadline 10. Plot 61 remains in the BoR and Land Plans submitted at Deadline 8, but it is clearly recorded in the BoR as being Class 6 'Land not subject to powers of acquisition', even if the Land Plans are less clear due to scale of the relevant CA plan (Sheet 3) and the colour chosen for the Special Category Land Plan [REP8-039 & REP8-022].

20.9.8. At Deadline 8, the Applicant noted that it had entered into a voluntary agreement with the [REDACTED] regarding Plots 63, 64 and 65 [REP8-009 Objector no.8]. Then at Deadline 10, the [REDACTED] confirmed that Heads of Terms had been agreed in relation to Plots 3, 4, 61, 63, 64 and 65, and notification would be provided once the agreement had been completed [REP10-043 (preceded by REP7-011)]. Nevertheless, the [REDACTED] objection was not withdrawn at the close of the examination.

20.9.9. However, the Examination has provided greater clarity regarding the only Order Land (Plot 61) held inalienably by the [REDACTED] (which as noted above, is Class 6 land and is not the subject of the powers of acquisition that are sought through the dDCO), and the other plots in which the [REDACTED] has an interest. These plots are where the [REDACTED] is a Category 2 owner: with Plot nos.3 and 4 being in respect of a covenant; and, Plot nos. 63, 64 and 65 where various rights are noted in the BoR and the CA schedule. All of these plots, where the [REDACTED] has a Category 2 ownership, would be required for the development proposed [REP8-009, REP8-022, REP8-039 & REP8-040].

[REDACTED] [RR-092]

20.9.10. This is dealt with above under 'Crown Land'. [REDACTED] Crown Land is integral to elements of the development proposed and would be required to deliver the development as proposed.

[REDACTED] [RR-122]

20.9.11. [REDACTED] have concerns regarding the effect of the permanent and temporary possession proposed on: the extent of the land that would be subject to CA and temporary possession; flood mitigation works intended to be undertaken within the Order Limits and what measures would be actioned; how injurious affection would be mitigated on neighbouring land as part of the objector's agricultural enterprise; provision of livestock fencing and maintenance and drinking bays; and drainage remediation, including surface run-off proposals.

20.9.12. The CA Objections Schedule confirms that the Applicant is seeking to enter into a voluntary agreement with the Objector [REP8-009, Objector no.26]. It is apparent that the land which is the subject of the proposed CA would be required for the construction of the A5025 Off-line Highway Improvement Works at Valley [REP8-009, REP8-022 & REP8-041].

[REDACTED] [REP2-306]

20.9.13. Raised concerns in relation to the possible effect of the development and CA on a barn conversion development. Following discussions, the Applicant has confirmed that only temporary possession would be sought (for Plot 52), and no CA powers would be sought in relation to Plots 57 and 58 [REP8-009, Objector no.35]. This is reflected in the final version of the BoR and Land Plans [REP8-039 & REP8-022].

[REDACTED] [AS-036]

20.9.14. Object and express concerns regarding the extent of proposed CA and temporary possession of their land, and seek further details on a number of matters including: the proposed underpass; land drainage; the orientation of a proposed pond; the quality of the land that would be taken; and, the specification of the proposed access track and who would have rights to use it.

- 20.9.15. The CA Objections Schedule confirms that the Applicant is seeking to enter into a voluntary agreement with the Objector [REP8-009, Objector no.36]. Such an agreement may provide a means of addressing some of the concerns raised. However, Application documentation and other evidence to the Examination confirms that the land which is the subject of the proposed CA would be required for the construction of the A5025 Off-line Highway Improvement Works at Llanfachraeth [REP8-009, REP8-022 & REP8-041].

██ [REP4-050]

- 20.9.16. The representation raised a number of matters regarding the possible effects of the development proposed. Following discussions, the Applicant has confirmed that there are now no outstanding objections to CA proposed for land associated with the representation [REP8-009, Objector no.37]. The plots in this location that would remain subject to powers of acquisition, would be required to construct the development proposed for the WNDA site [REP8-009, REP8-022, REP8-039 & REP8-040].

Statutory Undertakers (and Statutory Corporation)

- 20.9.17. Powers of CA in relation to statutory undertakers are the subject of Article 37. However, at the CA hearing the Applicant confirmed: a preference for agreeing protective provisions for the operations of statutory undertakers, rather than seeking to use CA powers (e.g. through dDCO Article 29); and, that substantial progress had been made in agreeing protective provisions with the undertakers who were not content to use the standard forms of protective provisions already within Schedule 15 of the dDCO.
- 20.9.18. A number of statutory undertakers had not responded to communication from the Applicant and therefore, would be provided with the standard protective provisions in dDCO Schedule 15 [REP7-001, pages 6 and 7 of 534, lists these statutory undertakers in the Applicant's response to ExA CA hearing Agenda Item 3(c)].

Protective Provisions

- 20.9.19. At Deadline 5 and in response to the ExA's second written questions Q2.4.48 and Q2.4.49 [PD013], the Applicant [via REP5-002] confirmed that: protective provisions had been prepared for IACC highways; bespoke draft protective provisions now had been included in the dDCO in addition to the standard versions already within Schedule 15 [REP5-003]; and of those 'bespoke' drafts, the protective provisions for Magnox Limited had been agreed (but see subsequent CA hearing comments below). However, negotiations were ongoing in relation to those for IACC, Dŵr Cymru Cyfyngedig /Welsh Water, National Grid, NDA, Network Rail and SPEN.
- 20.9.20. At the CA hearing on 5 March 2019, the positions in relation to the statutory undertakers who were not content with standard protective

provisions were confirmed. These positions are set out below, along with any further updates, as follows:

- [REDACTED] and [REDACTED] – protective provisions had been agreed [REP8-008];
- [REDACTED] – protective provisions were largely agreed [SoCG at REP6-038];
- [REDACTED] – see text below [REP7-019, REP9-040 and ONR e-mail Appendix at REP9-041, SoCG at REP6-040]
- [REDACTED] – protective provisions were largely agreed and are now confirmed to be agreed [REP8-008; REP8-009 Objector no.27].
- [REDACTED] – protective provisions were largely agreed and are now confirmed to be agreed [REP8-008, REP8-009 Objector no.21];
- [REDACTED] – good progress had been made, but negotiations were ongoing at Deadline 8 [REP8-009 Objector no.38]. Agreement was subsequently reached [REP9-031]; and,
- [REDACTED] – protective provisions were not agreed and negotiations were ongoing. The parties had failed to reach agreement when the Examination closed [REP8-008; REP8-009 Objector no.14].

20.9.21. Matters relevant to the dDCO and its Schedules, including the protective provisions in Schedule 15, are also dealt with in the DCO chapter of this report.

20.9.22. At the close of the examination, discussions between the Applicant and [REDACTED] had resulted in the submission of agreed protective provisions at Deadline 9 [Page 3 and Annex B of REP9-031].

[REDACTED] and [REDACTED] [RR-080, RR-014]

20.9.23. [REDACTED] and [REDACTED] informed the Examination of their interest and the need for protective provisions, although [REDACTED] did not anticipate any difficulties in reaching agreement. The Applicant has confirmed that protective provisions have been agreed with [REDACTED] and [REDACTED] [page 6/534 of REP7-001, and REP8-009, Objector nos.11 & 4]. It is apparent that the land and rights sought would be required to implement the development proposed [REP8-009, REP8-022, REP8-039, REP8-040 & REP8-041].

[REDACTED] [RR-123]

20.9.24. The CA powers sought in relation to [REDACTED] land and rights would be required to deliver the development proposed [REP8-009, REP8-022, REP8-039 & REP8-040]. As noted above, protective provisions have been agreed.

[REDACTED] [RR-112]

20.9.25. [REDACTED] has interests across the development areas within the Application. The CA of [REDACTED]

██████████ land and rights would be required to enable the development proposed [REP8-009, REP8-022, REP8-039, REP8-040 & REP8-041]. As noted above, protective provisions have been agreed.

██████████

- 20.9.26. ██████ attended the CA hearing to discuss how ██████ land and interests might be affected by the proposed CA. As noted above, the outcome of the negotiations were successful and the resulting protective provisions agreed. The proposed CA of ██████ land and rights would be required to enable construction of the development proposed [page 6/534 of REP7-001, REP8-009, REP8-022, REP8-039, REP8-040 & REP8-041].

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- 20.9.27. Paragraph 1.5.2 of REP2-351 highlighted the ██████ concerns regarding the CA of land and rights within the site boundary of the existing nuclear site licence for the ██████████ site. Matters within REP2-351 caused the ██████ to conclude that: it was not satisfied the proposed development would adequately ensure the safe, secure and environmentally sound decommissioning of the existing Wylfa Nuclear Site; and, although the ██████ is a statutory corporation (rather than a statutory undertaker), protective provisions should be included in the DCO to ensure the ██████ is able to carry out its functions.

- 20.9.28. Prior to the CA hearing, the ██████ provided a representation to clarify its position as an 'affected person', and this letter was subsequently recorded as REP7-019. In referring back to the ██████ initial representation at Deadline 2 [REP2-351], REP7-019 outlined concerns regarding: the extent of CA proposed; the need for protective provisions; and, the dDCO's consistency with the Nuclear Installations Act 1965 (and PA2008 s151(a) which precludes a DCO from excluding or modifying the application of the Nuclear Installations Act 1965).

- 20.9.29. In response to a 'Rule 17' request for further information, REP9-040 (and REP9-041) provides the ██████ position on a number of matters. It was submitted following the ██████ discussions with ██████████ and the ONR. It states that the Applicant's proposed clause 30 for Part 3 of Schedule 15 [paragraph 1.2.22 of REP8-004], fails to provide sufficient confidence that the ██████ and ██████████ would be able to meet their responsibilities for the existing Wylfa site. This is based on two issues: firstly, the ██████ considers the Applicant's drafting insufficient to ensure necessary protections would be delivered; and secondly, the drafting could allow the ██████ land to be affected by powers exercised elsewhere. These matters are considered further in the DCO section of this report.

- 20.9.30. The ██████ land and rights that are the subject of the proposed CA would be required to enable the proposed development to go ahead. While the ██████ is not a statutory undertaker, amendments made to the protective provisions in paragraph 29 of dDCO Schedule 15 Part 3 at Deadline 10 [REP10-006] are considered by the ExA to be sufficient to minimise the impacts of the development proposed on the ██████ statutory functions.

[RR-089]

- 20.9.31. At Deadline 2, it was [REDACTED] submission that the test in PA2008 section 127 cannot be satisfied as: the SoS could not conclude that the new rights and restrictions over railway land could be created without serious detriment to [REDACTED] undertaking; and, no other land would be available to [REDACTED] to address any detriment that would occur [paragraph 3.2 of REP2-331].
- 20.9.32. At Deadline 5 [REP5-002 re: ExA second written question Q2.4.49], the Applicant noted the greatest issue for protective provisions to have been in relation to [REDACTED]. The [REDACTED] land is within Plots 407, 408 and 409 at Valley, and can be seen in a relevant extract from the Land Plans included in the Applicant's response to ExA Q2.4.49 in REP5-002 (on page 53 of 228). Protective provisions were received from [REDACTED] [AS-029 / EV-007] in response to the Rule 6 letter [PD-008], and further clarification of [REDACTED] position was provided at Deadline 2 [REP2-331 & REP2-332]. The protective provisions that would apply to [REDACTED] are in dDCO Schedule 15 Part 7 [REP10-006].
- 20.9.33. The [REDACTED] land currently provides an access from the A5 Holyhead Road to railway sidings that have been used in connection with the existing Wylfa power station. Plot 407 forms part of the A5 immediately in front of the sidings access. The radii of the access from the A5 into the track to the sidings provide a wide entrance and much of it, i.e. the land within Plot 409, would be temporarily possessed for construction of the A5025 Off-line Highway Improvement Works at Valley (as BoR Class 3 land). Plots 407 and 408 would be subject to BoR Class 1 acquisition of all interests and rights in the land [REP8-041 and REP8-022].
- 20.9.34. Use of Plots 407 and 408 in the development proposed would enable: the construction of the roundabout junction at the southern end of the A5025; and, the associated bypassing of the existing A5/A5025 junction at Valley through the completion of the A5025 Off-line Highway Improvement Works. The temporary possession of Plot 409 would facilitate this.
- 20.9.35. Development of this section of the proposed A5025 Off-line Highway Improvement Works would result in a significant reduction in traffic in passing through Valley, and this would be reflected in reduced levels of traffic noise, vibration and air emissions experienced by people living around the existing A5025/A5 junction.
- 20.9.36. The Applicant has stated that the construction works for the roundabout would not prevent [REDACTED] access to the railway siding [REP5-002 re: ExA second written question Q2.4.49]. [REDACTED] concern is understandable given that Plot 408 occupies much of the A5 frontage between the access' radii. However, paragraph 69(3) of dDCO Schedule 15 Part 7 is unambiguous that:

"...(3) The promoter must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of [REDACTED] [REDACTED]..."

- 20.9.37. The Applicant is clear that the [REDACTED] CA land that would be subject to permanent acquisition (i.e. Plots 407 & 408), would 'transfer to IACC on completion' of construction works [REP5-002 re: ExA second written question Q2.4.49]. Consequently, there is no convincing evidence that the Applicant or any other party is, or would be likely to be, seeking to stop up the highway in Plot 407 or prevent access into the railway sidings from the proposed A5/A5025 roundabout.
- 20.9.38. In addition, the protective provisions proposed by [REDACTED] include a clause that would prevent CA being carried out until [REDACTED] consent is given. If there is no private agreement between the Applicant and [REDACTED] [as referred to in REP9-032], CA and temporary possession would be required to enable the development to go ahead. In common with the protective provisions put forward by the [REDACTED], this clause potentially would prevent the development occurring if it were to be approved by the SoS.
- 20.9.39. Agreement between the Applicant and [REDACTED] had not been reached at Deadline 10. [REDACTED] has confirmed that negotiations are continuing, and it will inform the SoS if any agreement is reached [REP10-036]. Given the land use and circumstances of Plots 407, 408 and 409, it is not apparent that PA2008 s127(3)(b) could be met.
- 20.9.40. However, when the context of the plots is considered along with the development activity proposed for them and the expected outcome of those construction works, [REDACTED] has failed to provide adequate explanation of why PA2008 s127(3)(a) would likely fail to be met with the protective provisions in REP10-006 Schedule 15 Part 7.
- 20.9.41. The proposed CA would be required to complete the southernmost section of the A5025 Off-line Highway Improvement Works [REP8-009, REP8-022 & REP8-041].
- 20.9.42. It has not been shown that given the land and rights that are sought by the Application, and the protective provisions included in the dDCO [REP10-006], the Application would be likely to result in serious detriment to [REDACTED] undertaking.

Human Rights Act 1998

- 20.9.43. The effect of CA on human rights is relevant to: the consideration under s122(3) of PA2008 as to whether there is a compelling case in the public interest; and, whether there is justification for interfering with the human rights of persons with an interest in the Order Land.
- 20.9.44. The Applicant acknowledges that the proposed DCO would enable the undertaker to infringe the human rights of the persons who have land or

rights over plots with the Order Land. The Articles of the Human Rights Act that would be engaged by the DCO are:

- Article 1 of the First Protocol, regarding the rights of those whose property is to be compulsorily acquired and whose peaceful enjoyment of their property is to be interfered with;
- Article 6 entitles those affected by CA powers sought for the project to a fair and public hearing of their objections; and,
- Article 8 protects private and family life, home and correspondence.
- However, the Applicant highlights that such infringements would not breach the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998, provided:
- there is a fair and public hearing by an independent and impartial tribunal;
- the infringements take place in accordance with the law; and
- the infringements are proportionate and in the public interest.

20.9.45. No public authority can interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety, the economic well-being of the country, or a number of other matters.

20.9.46. The Applicant has confirmed that all owners and occupiers of land affected by the proposals have been contacted and representations could be made in response to a notice under s56 of the PA2008, or at the CA hearing held by the ExA.

20.9.47. In addition, the SoR [REP8-036] sets out the matters that arise in relation to private interests and their balancing with the wider public interest.

20.9.48. Having regard to the relevant provision of the Human Rights Act, the ExA has considered the individual rights interfered with and the submissions made by affected parties in this regard and is satisfied that:

- in relation to Article 1 of the First Protocol, the proposed interference with the individual's rights would be lawful, necessary, proportionate and justified in the public interest;
- in relation to Article 6, the ExA is satisfied that all of the CA objections have either been resolved with the objector, or the objectors have had the opportunity to present their cases to the ExA in writing and at the CA hearing; and
- for Article 8, any such the interference would be in accordance with the law and would be necessary in the interests of the economic well-being of the country.

20.9.49. If the SoS concludes that the case is made for the proposed development, the ExA considers that it would be appropriate and proportionate to make the dDCO, including the grant of powers of compulsory acquisition and temporary possession. In reaching this conclusion ExA has had regard to the compensation to which the Affected Persons would be entitled. If the case is made for the proposed development, for the reasons given in this report, the ExA concludes that

the need for the development would outweigh any private loss that may arise in relation to Affected Persons having rights imposed over their land or being deprived permanently or temporarily of their land. In such circumstances, the Applicant will have demonstrated that the purposes stated for the acquisition (and temporary possession) sufficiently justify the inevitable interference with the human rights of those affected.

20.10. CONCLUSIONS

20.10.1. The ExA concludes that if the SoS refuses the Application, it follows that the CA of land and rights would not be required for the purposes referred to above. In addition, there would be no compelling case in the public interest for the land to be acquired compulsorily. As such, section 122 conditions would not be met for the proposed compulsory acquisition to be authorised. And, the Applicant would have failed to demonstrate that potential risks or impediments to implementation of the scheme have been properly managed to meet the expectation within paragraph 19 of the DCLG guidance.

20.10.2. If the SoS concludes that the case is made for the proposed development, the ExA considers that:

- With regard to s122(2) of the PA2008 it will have been shown that the legal interests in all proposed CA plots described and set out in the Book of Reference and on the Land Plans (i.e. excluding those within Class 6) would be required in order to implement the scheme.
- With regard to the Application when it is set against s122(3) the ExA is satisfied that the need for new reliable low carbon energy facilities will have been demonstrated;
- Article 82 would provide a mechanism for demonstrating that adequate funds would be available;
- It will have been shown that there are no suitable alternative sites to the use of the land proposed for the Wylfa Newydd development; and accordingly,
- The proposed interference with human rights would be justified, and such interference would be proportionate to be lawful in the public interest.

20.10.3. If the SoS were to conclude that the case is made for the proposed development, the ExA would consider there to be a compelling case in the public interest for the grant of the CA powers sought by the Applicant in relation to the CA land and rights as shown in the BoR and on the Land Plans. In such circumstances and for the reasons given above, the development would comply with the conditions in s122 of the PA2008 and the relevant DCLG Guidance.

Conclusion on Temporary Possession

20.10.4. The ExA concludes that if the SoS refuses the Application, the temporary possession would not be required for the relevant purposes referred to above and would not be necessary to implement the scheme.

- 20.10.5. If the SoS were to grant consent, the land subject to the proposed temporary possession would be required for the relevant purposes referred to above and would be necessary to implement the scheme. Exercising these rights of temporary possession and use of land would infringe Convention rights under the Human Rights Act 1998, but as noted above, the ExA considers that such an infringement would be proportionate in regard to the scheme, legitimate and in the public interest. There is provision in the dDCO for compensation to be paid to affected parties and the significant public benefits which the scheme would give, would outweigh the effects of their use upon those affected.

Conclusion on Statutory Undertakers' Land

- 20.10.6. For the most part, the Statutory Undertakers' protective provisions in dDCO Schedule 15 have been agreed. There remain areas of disagreement in regard to those for [REDACTED]. Also, there remain areas of disagreement regarding the protective provisions for the [REDACTED], which is a Statutory Corporation.
- 20.10.7. However, for the reasons set out above the ExA considers that with the protective provisions in Schedule 15 of the dDCO, the acquisition of the land and rights sought through the Order would cause no serious detriment to the undertakings. Accordingly, and if the SoS were to grant the DCO, the nature and situation of the land and rights are such that the proposal would meet the matters set out in s127 of the PA2008.

Conclusion on the extinguishment of rights, and removal of apparatus of Statutory Undertakers – Section 138

- 20.10.8. In relation to s138 of the PA2008, Appendix 1-2 of REP8-008 lists the rights and apparatus that may need to be extinguished or removed to implement the development proposed, along with the relevant CA Plot number. If the SoS concludes that consent should be granted then the ExA is satisfied that their extinguishment or removal would be necessary for the purpose of carrying out the development to which the order relates, and thus would comply with s138. However, if the SoS were not to grant consent, the extinguishment or removal rights and apparatus would not be necessary.
- 20.10.9.

21. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

21.1. THE APPLICATION AS MADE

- 21.1.1. This chapter provides an overview of the changes made to the Articles and Schedules of the draft Development Consent Order (dDCO) between the application dDCO [APP-031] and the Applicants preferred dDCO [REP10-006]. The chapter focusses on the main contentious matters where parties did not reach agreement by the close of the Examination and on those areas where the ExA has recommended changes to the drafting of the recommended Development Consent Order (rDCO) in circumstances where the SoS is minded to grant development consent against the ExA's recommendation.
- 21.1.2. The Applicant's dDCO [APP-029] along with an Explanatory Memorandum (EM) [APP-031] to describe the purpose of the dDCO and each of its articles and schedules was submitted as part of the application for development consent by the Applicant.
- 21.1.3. The Applicant explained that in drafting the dDCO, it had looked at granted DCOs to understand the "nature and scope of powers and rights ... relating to large-scale generation, highway, marine and connection infrastructure projects". The dDCO includes 'analogous powers' where there are similarities and where it has departed from granted DCOs, explanation has been provided. The Applicant has also had regard to 'precedents' from previously granted Orders for Development Consent [REP10-015].
- 21.1.4. This chapter also considers other legal agreements and consents, in particular the s106 Obligation signed by the Applicant and Isle of Anglesey County Council (IACC) before the close of the Examination [REP10-009].

21.2. EXPLANATORY MEMORANDUM

- 21.2.1. The EM was updated by the Applicant at the start of the Examination in response to s51 Advice and updated guidance contained in the PINS Advice Note 15: Drafting Development Consent Orders [AS-007, AS-011].
- 21.2.2. It was updated five times during the Examination to reflect the evolving dDCO [REP1-006, REP2-023, REP5-015, REP8-033, REP10-015]. It sets out the paragraph of PA2008 under which each provision is made; the reason why the article is relevant to the proposed development and considered important by the Applicant to the delivery of the project. [REP10-015].
- 21.2.3. As referred to in Chapter 2, the Applicant has had regard to other made DCOs when drafting the provisions contained within the dDCO.

21.3. EXAMINING THE dDCO

21.3.1. The Panel looked into the detail of the structure and effectiveness of the dDCO through written questions on 6 November 2018 and 30 January 2019 [PD-009, PD-013]; three dDCO Issue Specific Hearings (ISH) and a Rule 17 (R17) request on 3 April 2019 with further questions requiring clarification from IPs and the Applicant, as well as suggesting additions and deletions to the Applicant's dDCO [PD-021]. The Applicant and IPs were requested to respond to the R17 at Deadline 9 and 10 of the Examination.

21.3.2. The dDCO ISHs were held. The references to the audio files are as follows:

- First DCO ISH on 24 October 2018 [EV-052-054];
- Second DCO ISH on 9 January 2019 [EV-020e-h]; and
- Third DCO ISH on 6 March 2019 [EV-039-042]

21.3.3. At the end of the Examination, six successive versions of the dDCO were published along with the dDCO Statutory Instrument Validation Report [REP10-077]. The six dDCOs are listed below:

- Application dDCO (Rev 1) dated June 2018 [APP-029];
- Revised dDCO (Rev 2) dated November 2018 [REP1-005];
- Revised dDCO (Rev 3) dated 4 December 2018 [REP2-020];
- Revised dDCO (Rev 4) dated 12 February 2019 [REP5-003];
- Revised dDCO (Rev 5) dated 25 March 2019 [REP8-029]; and
- Revised dDCO (Rev 6) Applicants preferred DCO dated 17 April 2019 [REP10-006]

21.3.4. Track change versions of the dDCO comparing revisions between different versions were provided by the Applicant to enable proposed changes to the dDCO to be easily identified by the ExA and Interested Parties (IPs). The Applicant also provided a summary of the changes made to the dDCO at each revision, along with an explanation of the reason for the change [REP1-009, REP2-004, REP5-006, REP8-010, REP10-010]. These documents were published alongside each of the clean versions of the dDCO at the relevant deadline.

21.4. WHAT THE DCO IS FOR

21.4.1. The DCO, if made, would grant development consent to construct and operate a nuclear power station comprising of two Advanced Boiling Water Reactors (ABWRs). The Power Station would have a nominal gross electrical capacity of 3.1GWe.

21.4.2. The Power Station, other on-site developments and marine works would be located within the Wylfa Newydd Development Area (WNDA) adjacent to the existing power station Wylfa A, at Wylfa Head, west of Cemaes on the north coast of Anglesey.

21.4.3. The proposed scheme is summarised in Chapter 2 of this report.

21.5. THE DCO AS APPLIED FOR

21.5.1. The dDCO is divided into seven parts:

- Part 1: Articles 1 and 2 which set out the preliminary provisions providing for commencement, citation and interpretation.
- Part 2: Articles 3 to 10, containing the Principal Powers in relation to the Order; giving effect to Schedules 1,2 and 3.
- Part 3: Articles 11 to 21, 'Streets' referring to matters relating to the application of the New Roads and Streets Works Act 1991 as well as construction and maintenance, classification, stopping up, access to works and clearways, agreements with street and highway authorities and traffic regulation measures; giving effect to Schedules 5,6, 7, 8, 9 and 10.
- Part 4: Articles 22 to 24 includes Supplemental Powers in relation to discharge of water, protective works to buildings and authority to survey and investigate land; giving effect to Schedule 11.
- Part 5: Articles 25 to 42 contains the powers in relation to acquisition and possession of land; giving effect to Schedules 12, 13,14 and 15.
- Part 6: Articles 43 and 70 contains powers in relation to Marine Works including establishment of a Harbour Authority, Application of the Marine and Coastal Access Act 2009, power to dredge, marine works, safety of navigation, directions to vessels, charges and use of the Marine Off-Loading Facility; giving effect to Schedule 16.
- Part 7: Article 71 to 86 provides for a number of miscellaneous and general provisions including certification of plans, arbitration, crown rights, guarantees in respect of payment of compensation, funding for implementation of the authorised development; National Trust land and the role of the Marine enforcement authority. Part 7 gives effect to Schedules 17, 18, 19, 20 as well as Schedule 4, Control Documents and Schemes.

21.5.2. There is no deemed marine licence (DML) included in the DCO. This would be a separate application made directly to Natural Resources Wales (NRW) on the basis that if and when development took place, the Applicant would then apply for one.

21.6. UNCHANGED ARTICLES AND SCHEDULES

21.6.1. Many articles and schedules of the dDCO remain unchanged throughout the Examination as did Schedule 16, Limits of Harbour. These are set out below:

Table 1: Unchanged provisions

Provision
PART 2 – PRINCIPAL POWERS
Article 3 – Development consent etc. granted by Order

Provision
Article 6 – Maintenance of the authorised development
Article 8 – Benefit of the order
PART 3 - STREETS
Article 17- Use of private roads for construction
PART 5 – POWERS OF ACQUISITION AND POSSESSION OF LAND
Article 26 – Compulsory acquisition of land – incorporation of the mineral code
Article 41 – Protective Provisions
PART 6 – MARINE WORKS
Article 44 – Further powers as to works and extinguishment of rights
Article 52 – Power to dredge
Article 53 – Abatement of works abandoned or decayed
Article 55 – Lights on Marine Works etc. during construction
Article 56- Provision against danger to navigation
Article 57 – Permanent lights on Marine Works
Article 60 - Byelaws
Article 62 – Publication of general directions
Article 63 – Special directions to vessels
Article 64 – Master’s responsibility to be unaffected

Provision
Article 66 – Enforcement of special directions
Article 67 – Boarding of vessels
Article 68 – Charges
Article 69 – Use of Marine Off-Loading Facility
Article 70 – Saving for Trinity House
PART 7 – MISCELLANEOUS AND GENERAL
Article 72 – Application of landlord and tenant law
Article 75 – Service of notices
Article 79 – Application, exclusion and modification of legislative provisions
Article 81 – Crown rights
Article 84 – Control documents and schemes
Article 85 – National Trust Land
Article 86 – Marine enforcement authority

21.7. MINOR OR CONSEQUENTIAL AMENDMENTS TO ARTICLES AND SCHEDULES

- 21.7.1. In response to questions from the ExA, IPs and the Applicants internal review of the dDCO, minor and consequential amendments were proposed to various articles and schedules of the dDCO.
- 21.7.2. Amendments included for example changes to definitions in Article 2 (interpretation) of Access Road Plan; Kitchen Garden, Subsoil and Work Area. A definition of Environmental Statement Addendum was also added following receipt at Deadline 6 of an addendum which provides a record of the environmental assessment considering updated information on the

proposed application since the application for the DCO was made [REP6-015].

21.7.3. The Applicant has set out the reason why these changes are proposed in its 'Summary Table of Amendments to the DCO' that accompanied each iteration of the dDCO [REP1-009; REP2-004; REP5-006; REP8-010, and REP10-010]. Whilst the ExA was not always convinced by the Applicant's reasons for some of these minor and consequential changes, it accepts the drafting proposed by the Applicant in its preferred dDCO [REP10-006]. The ExA agrees that the proposed changes are justified to improve the clarity of drafting or are consequential amendments to ensure that the DCO has its intended effect.

21.7.4. Those articles and schedules with minor or consequential changes are set out in the table below:

Table 2: Minor or consequential amendments to Articles and Schedules

Provision
PART 1- PRELIMINARY
Article 1 – Citation and Commencement
PART 2 – PRINCIPAL POWERS
Article 4 – Limits of deviation
Article 7 – Authorisation of use
PART 3 - STREETS
Article 12 – Street Works
Article 13 – Application of the 1991 Act
Article 14 – Permanent Stopping up of streets and extinguishment of rights
Article 15 – Status of footpaths created or improved
Article 16 – Temporary Stopping up of streets
Article 18- Access to works

Provision
Article 20 – Agreements with street and highway authorities
Article 21 – Traffic regulation measures
PART 4 – SUPPLEMENTAL POWERS
Article 22 - Discharge of water
Article 23 – Protective work to buildings
Article 24 – Authority to survey and investigate the land
PART 5 – POWERS OF ACQUISITION AND POSSESSION OF LAND
Article 25 – Compulsory acquisition of land
Article 34 – Rights under or over streets
Article 29 – Private rights
Article 31 – Acquisition of subsoil only
Article 32 – Acquisition of land limited to subsoil lying more than 9 metres beneath the surface
Article 38 – Apparatus and rights of statutory undertakers in stopped-up streets
Article 39 – Recovery of costs of new connection
Article 40 – No double recovery
Article 42 – Rights over land
PART 6 – MARINE WORKS
Article 43 – Incorporation of the 1847 Act

Provision
Article 45 – Harbour Authority
Article 46 – Agreements entered into by the undertaker
Article 47 – Application of the Pilotage Act 1987
Article 51- Obstruction of officers
Article 54- Survey of Marine Works
Article 59 – Rights to lease etc
Article 61- General directions to vessels
Article 65 – Failure to comply with directions
PART 7 – MISCELLANEOUS AND GENERAL
Article 71 – Removal of human remains
Article 74 – Felling or lopping of trees and removal of hedgerows
Article 75 – Service of notices
Article 76 – Certification of plans
Article 77- Arbitration
Article 78 – Procedure in relation to certain approvals etc.
Article 80- Amendment of local legislation
Schedules - Limited changes made to Schedules 2,4,5,6,7,8,9,10,11,12,13,14,17,18,20. many Schedules apart from 16 (no unchanged) and 1,.3,15 and 19 (many changes).

21.8. CHANGED ARTICLES AND SCHEDULES

21.8.1. At the end of the Examination there remained many provisions in the dDCO where there was not universal agreement. These are set out in the table below, with cross references provided to the relevant part of the report where more detailed reasoning for the change is discussed, together with the ExA's recommendations.

Table 3: Changed Articles and Schedules

Provision	Concern (s)	Location in report where ExA reasoning and recommendation is discussed
Article 2- Interpretation	Definitions agreed between the Applicant and IPs apart from: Whether or not to include Site Preparation and Clearance as a definition; concerns over the extent of scope in relation to Commence and Maintain	
Article 5 – Effect of the Order on the site preparation permission	Withdrawal of site preparation planning permission by the Applicant mid-way through the Examination WG in agreement with the drafting in the Applicants preferred dDCO. No representations received from IACC or other IPs expressing views to the contrary.	
Article 9 – Consent to transfer benefit of the Order	See discussion in relation to Article 82 – Guarantees in respect of payment of compensation	
Article 10 – Defence to proceedings in	S10(a)(iii) Inclusion of sub-CoCPs and Schemes	

Provision	Concern (s)	Location in report where ExA reasoning and recommendation is discussed
respect of statutory nuisance		
Article 11- Power to alter layout, etc., of streets	Minor amendments made to drafting agreed by IACC.	
Article 19 – Maintenance of new and altered streets	Maintenance of Work Nos. 8; 9; 10 and 11 and relationship to Schedule 15 – Protective Provisions	
Article 28 – Time limit for exercise of authority to acquire land compulsorily	S28(1) 5 years changed to 8 years as the time limit to acquire land compulsorily.	
Article 29 – Private rights	Inclusion of imposition at s.29(4)	
Article 30 – Application of the 1981 Act	Change to extension of time limit during challenge to an eight-year period	
Article 33 – Modification of the 1965 Act	Redrafted to provide clarity regarding the serving of a counter notice and the circumstances where the power to serve a counter notice would not apply	
Article 35 – Temporary Use of land for carrying out	S35 (4) and (4) (d) inclusion of maintenance	

Provision	Concern (s)	Location in report where ExA reasoning and recommendation is discussed
the authorised development	ss(5) Compensation for temporary possession ss(6) Dispute in relation to compensation	
Article 36 – Temporary use of land for maintaining the authorised development	S36(1)(c) Inclusion of highway land S36(7) and (8) Inclusion of temporary possession as per Article 35	
Article 37- Statutory Undertakers	S37(3) inclusion of Magnox and NDA in definition of statutory undertakers	
Article 48 – Limits of harbour	48 (2) Inclusion of reference to Schedule 16 - Limits of Harbour prevailing was added by the Applicant at Deadline 10 [REP10-007].	
Article 49 – Application of Marine and Coastal Access Act 2009	New article added in response to representations made by WG to address the point that no powers under the Order removes the need for a Marine Licence under the Marine and Coastal Access Act 2009. NRW requested the article be amended to confirm that the enforcement provisions under PA2008 would not be affected by the DCO [REP5-081]. The Applicant agreed to both submissions.	
Article 58 – Safety of Navigation	S58(1) replacement of reference to Maritime and Coastguard Agency with Welsh Ministers and inclusion of	

Provision	Concern (s)	Location in report where ExA reasoning and recommendation is discussed
	Maritime and Coastguard Agency as a consultee.	
Article 73 – Operational land for the purposes of the 1990 Act	Categorisation of non-power station sites (ie the associated development sites) as 'operational'.	
Article 82- Guarantees in respect of payment of compensation	Provides financial guarantees for CA (and related) compensation and the overall delivery of the project	
Article 83 – Funding for implementation of the authorised development	Provide financial guarantees for the overall delivery of the project	
Article 86 - Marine Enforcement Authority	This makes clear that Welsh Ministers should be the enforcement authority for land below the low water mark [REP10-006]. The Applicant confirmed that WG and IACC both agreed to the drafting of Article 86 [REP10-010}.	
Schedule 1- Authorised development	Various concerns raised regarding the detail of the Schedule	
Schedule 3 - Requirements	Detailed discussion about the drafting of many of the proposed requirements as set out in the tables to follow.	

Provision	Concern (s)	Location in report where ExA reasoning and recommendation is discussed
Schedule 4 Control Documents and Schemes	Initial Schedule 4 contained Deemed Approval proposals in respect of the TCPA Site Preparation and Clearance Scheme. The Schedule was deleted from the dDCO following withdrawal of the scheme to be replaced by the current Schedule 4. Although there have been many additions to this Schedule, they are not a source of disagreement between IPs and the Applicant.	
Schedule 15 – Protective provisions	Discussed in Chapter 20 – CA and related matters.	
Schedule 19 – Procedure for approvals, consents and appeals	Detailed discussion about the drafting of many aspects as set out later in this chapter.	

Article 2 - Interpretation

Definition of First Nuclear Concrete

- 21.8.8. This was examined at the Second DCO ISH and through associated representations. The definition of First Nuclear Concrete provided at Deadline 5 was "First Nuclear Concrete" means the date of the first irreversible construction of buildings with nuclear safety significance..." [REP5-003]. This was considered by IACC to leave room for doubt due to the words 'first' and 'irreversible' construction, as these would be matters of professional judgement which could create dispute. As enforcing authority, IACC would need to use some judgement as to whether, as a matter of fact, development has commenced. Its concern was that it felt unable to determine whether an operation (in this instance the pouring of concrete) could not be undone. [REP6-061 Appendix E].

21.8.9. At Deadline 8, the Applicant changed the Interpretation in Article 2 to state "...*"First Nuclear Concrete" means the pour of the structural reinforced concrete for buildings or structures with nuclear safety significance, which also represents commencement of first practicably irreversible nuclear construction...*" [REP8-029].

21.8.10. The ExA notes that at the end of the Examination, IPs were content with the definition of First Nuclear Concrete. The ExA agrees with the Applicants justification and accepts its proposed drafting.

Definition of Discharging Authority

21.8.11. The role of the discharging authority was discussed throughout the Examination. It was considered by IACC to be a particularly sensitive issue. IACC wanted to be responsible for discharge given the importance of controlling the detail of development, in particular the effect of some structures on landscape amenity and tourism [REP1-018]. After detailed consideration, IACC, NRW and WG reached an agreed position, issuing a paper entitled "Wylfa Newydd DCO - Co-ordinated Working in the Intertidal Area – A Joint Position Paper by the IACC, NRW and WG" setting out their views as to how things could be handled between them [REP7-014]. In response, the Applicant provided a revised definition of discharging authority in Revision 5 of the dDCO [REP8-029].

21.8.12. IACC made further representations to amend the drafting of 'discharging authority' [REP9-031]. These were accepted by the Applicant in its preferred dDCO [REP10-006]. As a result, Article 2 now makes clear that in respect of requirements in Schedule 3 relating to land above Mean High Water Springs (MHWS), IACC would be the discharging authority; and in respect of Requirements in Schedule 3 relating to land seaward of MHWS, NRW would be the discharging authority [REP10-006].

21.8.13. Whilst the Applicant confirmed it was content with this separation of duties between the two bodies [REP8-004], there were detailed discussions between the Applicant, NRW, IACC and WG in relation to how this dual discharging role would operate in practice in those locations where a structure would traverse both the marine and the terrestrial environment. The detail of this discussion and the effect of it in relation to inclusion of a new Article 86 – Marine Enforcement Authority and the drafting of Schedule 19- Procedure for Approvals, Consents and Appeals, are considered later in this chapter.

Definition of Commence

21.8.14. The definition of Commence in the dDCO is caveated by reference to a number of operations which would fall outside the meaning of commence, these are set out in (a) to (j) of the definition and relate to for example, site preparation and clearance works, pre-construction archaeological works, diversion or laying of services, and erection of temporary buildings.

21.8.15. IACC and NWP argued at the Second DCO ISH that the definition was too widely drawn [EV-020]. The Applicant stated that it was a standard

definition used in a number of made DCOs [REP4-004]. Following the ExA's second written question [PD-013, Q2.4.3]. IACC maintained its position, stating that simply because definitions may have been used in other DCOs this did not make them acceptable.

- 21.8.16. IACC was concerned about several matters. Firstly, in relation to (a) site preparation and clearance, IACC argued that there was potential for confusion with works that might form part of a possible future TCPA site preparation and clearance works application. The Applicant amended the drafting of (a) at Deadline 5, to make clear what works would be included in relation to site preparation and clearance [REP5-003]. This amendment was welcomed by IACC at Deadline 6 [REP6-061].
- 21.8.17. The ExA accepts the Applicants justification and drafting of (a) site preparation and clearance.
- 21.8.18. The second matter of concern for IACC related to the definition of (j) erection of temporary buildings and structures. In IACCs view, temporary buildings should not be excluded from 'commencement' on greenfield sites [REP4-034].
- 21.8.19. The Applicant disagreed. It argued that these should be excluded from the definition of commencement as the works would relate to site mobilisation and would be restricted by the wording of (j) [REP5-052].
- 21.8.20. The ExA accepts the Applicants reasoning on this matter.
- 21.8.21. Finally, IACC considered that the Applicants submission at the second DCO ISH in relation to erection of buildings, that these would only be used outside the main site for site establishment, provided no comfort without some limitation reflecting this being included within the DCO [REP4-034, REP5-057]. It added later that this particularly related to the Dalar Hir Park and Ride site (work No 6) [REP6-061 Appendix E]. IACC's post hearing note [REP7-014] confirms that IACC continued to object to there being no limit on the size of temporary buildings and structures particularly on the associated development site at Dalar Hir.
- 21.8.22. The Applicant amended the drafting at (j) to introduce a restriction to the height of the buildings and structures in relation to Works Nos. 5,6,7,13,14 and 15 to two storeys [REP5-057].
- 21.8.23. At the third DCO ISH, IACC indicated that it was content with the amended drafting [EV-039-042]. However, it subsequently stated at Deadline 9 that it was not content with the proposed 2 storeys for the temporary buildings at the Park and Ride site at Dalar Hir [REP9-031].
- 21.8.24. Although the Applicant acknowledged IACCs position at Deadline 9, it retained its view that a 2-storey building would be necessary due to limitations with the construction area. The Applicant also referred to a similar layout for the A5025 On Line Improvements about which IACC had not objected [REP10-028].

- 21.8.25. The ExA does not agree with the logic of the Applicant's argument that simply because IACC has agreed to a similar layout for another scheme, the same approach would be acceptable somewhere else. The ExA considers that the buildings and structures proposed at Dalar Hir would be perceived in a different visual and policy context to the buildings and structures in relation to the A5025 On Line Improvements.
- 21.8.26. Due to the location of the site in open countryside, a two-storey building would be out of character and visually obtrusive, to the detriment of the rural character of the area. Furthermore, the plans submitted by the Applicant [APP-023], although referring to the permanent buildings, do demonstrate to the ExA that the facilities needed to manage the park and ride site could be comfortably accommodated within the building envelope as proposed.
- 21.8.27. The ExA is therefore not satisfied that the need for the flexibility requested by the Applicant has been proven in the specific case of two-storey buildings and structures at the proposed Park and Ride site at Dalar Hir.
- 21.8.28. Should the Secretary of State consider a height restriction is necessary at this location, then the ExA recommends that:
- Work No 6 is deleted from the definition of commence (para. (j)) and
 - insert in the Park and Ride sub-Code of Construction Practice (CoCP) that no temporary buildings should exceed one storey.

Nuclear Decommissioning Authority

- 21.8.29. The Nuclear Decommissioning Authority (NDA) requested inclusion of a number of new definitions in Article 2. These were: Existing Power Station; Magnox; NDA and NDA site [REP7-019].
- 21.8.30. As NDA *"does not meet the usual criteria for a statutory undertaker"* under PA 2008, the Applicant included a definition for NDA in Article 2 and for the purposes of Article 37, extended the definition of "statutory undertaker" in that Article to include the NDA (and Magnox). This amendment gives effect to the protective provisions for NDA [REP8-004 and REP8-029].
- 21.8.31. With the inclusion of the drafting at Schedule 15, the ExA accepts the reasoning and justification put forward by the Applicant in this regard.
- #### Definition of Maintain
- 21.8.32. Agreement over the definition of maintain was not reached by the close of the Examination, with several IPs expressing concern including IACC, WG and J Chanay [REP3-057].
- 21.8.33. At Deadline 1, in response to questions from the ExA at the first DCO ISH [EV-052-054] in relation to the power to 'maintain' the marine works, the Applicant updated the definition to include the words "relay, extend, enlarge" to ensure that maintenance relating to Marine Works was

captured [REP1-009]. This amendment was not disputed by NRW or other IPs.

- 21.8.34. J Chanay argued that the definition of maintain was "excessively wide" and should be amended with the deletion of the following terms: adjust; alter; improve; landscape; preserve; remove; reconstruct; refurbish; extend; enlarge and replace. In their view, *"the inclusion of works involved under the cover of these activity terms ... would be tantamount to granting the Applicant a blank DCO."* [REP3-057]
- 21.8.35. They argued that the Applicant should be obliged to apply to the SoS in respect of any such activity or variation during the life of the proposed scheme, because each activity could generate environmental effects which could not be properly assessed at the point at which the Order might be made [REP3-057].
- 21.8.36. IACC argued that the breadth of the definition of maintain was too wide – in particular, the inclusion of the words 'extend, enlarge' [EV-052-EV-054]. At the request of the ExA, IACC submitted an alternative drafting of the definition of 'maintain' as follows:
- "maintain includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish, or replace any part of the authorised development, provide such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, or vary the authorised development as described in Schedule 1 (Authorised Development), and any derivative of "maintain" must be construed accordingly and subject to the following:*
- For Works Nos [1and4] maintain shall also include relaying, extending or enlarging of any part of those works; and*
- Where Works are of a temporary nature and decommissioning or restoration of such Works has begun, no works shall be carried out as maintenance which are not required for the purposes of carrying out decommissioning or restoration."* [REP4-034]
- 21.8.37. In response to the points raised by J Chanay and IACC, the Applicant stated that 'maintain' was a standard definition used in many DCOs and was limited in the following ways: firstly by inclusion of the reference within the definition that maintenance works must not result in *"materially new or materially different environmental effects to those identified in the Environmental Assessment"* and secondly the parameters set out in Schedule 3 of the dDCO would place a restriction on the scope of the maintenance works that could be undertaken [EV-052-EV-054, REP4-004].
- 21.8.38. The ExA asked a number of questions with regard to the definition of maintain, including seeking comments on the alternative drafting of 'maintain' put forward by IACC [PD-013, Q2.4.4] The Applicant provided a comprehensive explanation of the reasons why it did not agree with

IACCs revised drafting of maintain at Deadline 5 [REP5-002, REP5-052] summarised at Deadline 8 [REP8-004].

- 21.8.39. WG also disagreed with the definition of maintain proposed by the Applicant. It noted that in respect of the revised definition of maintain "a judgement call would still be necessary in respect of whether an effect is 'materially different or materially new'" [REP5-080]. At the second DCO ISH and in its Deadline 5 and 7 responses, WG requested the addition of the words "do not go beyond the maximum parameters assessed within the Environmental Statement" in the definition to "expressly limit" any proposed works to the parameters assessed in the ES [REP7-004].
- 21.8.40. The Applicant disagreed with WGs proposed wording. It argued that this style of qualification was not necessary because the maximum parameters were already included in the definition because of the reference to the Environmental Statement [EV-039-EV-042 and REP8-004].
- 21.8.41. Whilst the ExA noted the efforts made by different parties to narrow areas of disagreement during the Examination, on this point, no progress was made.
- 21.8.42. It is the ExA's view that given the size and complexity of the proposed scheme, and taking into account the concerns expressed throughout the Examination by many IPs over the lack of detail relating to the Control Documents and Schemes, that every effort must be made to ensure the proposed development if granted Development Consent by the SoS, should remain within the parameters assessed within the ES, the design principles of the Design and Access Statement and the design and management principles in chapters 4 and 7 of the Landscape and Habitat Management Strategy'
- 21.8.43. Whilst there might be an implicit assumption that this would be the case, the ExA considers it necessary and reasonable including the drafting proposed by WG to make it plain on the face of the Order that any proposed works are to be limited in this way. As such, the ExA recommends the inclusion of "do not go beyond the maximum parameters assessed within the Environmental Statement, the design principles of the Design and Access Statement and the design and management principles in chapters 4 and 7 of the Landscape and Habitat Management Strategy" within the definition of maintain.

Article 3, Schedule 1 and Schedule 3

- 21.8.44. Whilst no changes were made to the drafting of Article 3, the Schedule to which this article gives effect underwent close examination with many changes being proposed.

Schedule 1 – Authorised Development

- 21.8.45. Defined in Article 2, Schedule 1 sets out the authorised development granted development consent by Article 3 of the Order.

- 21.8.46. A number of changes have been introduced by the Applicant to Schedule 1 in response to written and oral questions from the ExA and IPs and as a result of the Applicants internal review of the dDCO. Minor, non-contentious drafting amendments to Schedule 1 are not discussed.
- 21.8.47. The changes are listed below and will be considered in turn:
- a. Definition of NSIP and Associated Development
 - b. Alterations to Work No. 1L and 1N; Work No.6; and Work No.12;
 - c. Introduction of a new Work No.16; and
 - d. Amendments to the drafting of the final paragraph of Other Associated Development
- a) Definition of NSIP and Associated Development
- 21.8.48. Paragraph 1 of Schedule 1 was amended in response to s51 advice issued by the Planning Inspectorate on acceptance of the application to clarify that the Nationally Significant Infrastructure Project is being sought under section 15(2) of the 2008 Act; whereas the Associated Development is being sought under section 15(3A) of the Act [PD-002, REP2-004].
- b) Alterations to Work No. 1L and 1N; Work No.6; and Work No.12;
- 21.8.49. A number of Works were changed by the Applicant over the course of the Examination. Work No.1L was amended to replace "700 permanent spaces" with "500 permanent spaces." Amendment to Work No. 1N was amended to replace "200 permanent spaces and 650 overspill spaces" with "800 temporary spaces" Both were consequential amendments proposed by the Applicant to align with changes proposed to Requirement WN19.
- 21.8.50. Work No.6 was amended as a consequence of the Applicant's change request to remove a new roundabout from the approved designs and scope of the works [REP7-001]. The Applicant's change request was accepted into the Examination as a non-material change by the ExA [PD-022]. This is discussed further in the Traffic and Transport section of Chapter 12.
- 21.8.51. At Deadline 10, Work No.12 was amended to exclude the Kitchen Garden from the scope of the works. IPs conceded that the Kitchen Garden at Cestyll would need to be removed during the construction phase to make way for a lay down area; however, the Applicant agreed a series of measures, including to identify the location for and restoration and reinstatement of the former site of the Kitchen Garden as close as possible to the original location and similar in size, within thirty-six months following the end of the construction period and secured these measures through the signed s.106 Agreement. This is discussed further in Chapter 9 - Historic Environment.
- 21.8.52. Work No. 12 was also amended by the Applicant initially to include works to the Nant Porth-y-pistyll into the scope of Work No.12 at Revision 5 of

the dDCO and then to delete it at Revision 6 of the dDCO through the introduction of a new Work No.16. This is discussed under c) below.

c) Introduction of a new Work No.16

- 21.8.53. Work No.16 is the proposed diversion and realignment of a tributary (Nant Porth-y-Pistyll) to the Afon Cafnan with associated landscaping works.
- 21.8.54. These works were initially located within Work No 12. In order to ensure alignment between Work No.12 (site preparation and clearance works) and the Applicant's application for planning permission for Site Preparation and Clearance, these works were deleted from Work No.12 by the Applicant and included within "other associated development" [REP4-004]. The aim of doing this was to provide consistency between the DCO and the site preparation and clearance planning application, so that the two would mirror each other in the hypothetical scenario of planning permission being granted by IACC in advance of an Order being made.
- 21.8.55. The Applicant explained that the works to the Nant-y-Pistyll was included within the last paragraph of "*other associated development*" because there was no work area covering the location of the Afon Cafnan. Furthermore, the Applicant explained that following the withdrawal of the planning application for Site Preparation and Clearance Works:
- "an alternative option would have been to create a new, separate work package for the diversion works, as currently the diversion works are not located in any work area other than Work No.12. However, this was considered a little heavy handed for these minor, and isolated works. Therefore, the approach that was taken was to include this work within "other associated development" in Schedule 1 of the Draft DCO" [REP4-004].*
- 21.8.56. The ExA and IPs were concerned that including the diversions works within other associated development was not appropriate and that it should be a separately identified work.
- 21.8.57. The Applicant agreed, introducing at Revision 4 of the dDCO Work No 16 [REP5-005]. Following further questions from the ExA and WG at the third DCO ISH [EV-039-EV-042], at Revision 5 of the dDCO, the Applicant revised Other Associated Development to include reference to Work No 16 and in response to representations from WG to delete reference to Work No 12 [REP8-010].

d) Amendments to the drafting of the final paragraph of Other Associated Development

- 21.8.58. In its first written questions [PD-009] the ExA questioned the relationship between proposed Article 50-Subsidiary Works and the works set out in Schedule 1 [PD-009 Q4.0.41]. In its response, the Applicant proposed deletion of Article 50 and inclusion within 'Other Associated Development' of works relating to pumps and access structures (including ladders, stairs and platforms). At the second DCO ISH [EV-20i-EV-20l] the ExA

sought clarity over whether these works were still subject to the necessary controls and requirements. This was confirmed by the Applicant [REP4-004].

- 21.8.59. A key matter raised by the ExA at the second DCO ISH related to the definition of and need for "such other works". This was listed as Item (p) in the Applicant's dDCO [REP2-020] and previously listed as Item (o) in the Applicant's DCO [REP1-00; APP-029; APP-030].
- 21.8.60. WG, IACC and NWP had all expressed concern over the breadth of the definition of Other Associated Development and the phrase "*other such works as needed or expedient*".
- 21.8.61. The Applicant provided a detailed response at the second DCO ISH, summarised in writing at Deadline 4 [REP4-004]. In essence its case for the inclusion of Item P was to provide a "*catch-all*". Whilst the definition of works (a) to (o) seek to capture everything, "*it is conceivable that for a project of this size*" not all works would have been identified. The Applicant states that "*such other works*" listed at (p) are constrained by the inclusion of the phrase that the works cannot "*give rise to any materially new or materially different environmental effects from those assessed as set out in the Environmental Statement*" [REP4-004] Furthermore, that these works could not go beyond the Order limits.
- 21.8.62. In response to questions from the ExA at the second DCO ISH about how the community would be advised of the works that could take place under (p), the Applicant referred to the CoCPs as providing a range of measures to ensure information to the community is provided, as well as reference to the role of the Community Involvement Group whose purpose would be to exchange information and enable dialogue between the Applicant and the local community during construction and Community Involvement Officers in keeping the wider community informed [REP4-004]. Under the s106 [REP10-009] Community Involvement Officers would be appointed by both the Applicant and IACC.
- 21.8.63. Finally, the Applicant would identify and further consult with groups who represent people with characteristics protected under the Equality Act 2010 in order to determine whether there are any additional issues which could require reasonable adjustments to be made [REP10-018].
- 21.8.64. At Deadline 5, the Applicant amended the drafting of (p) to ensure that "*such other works*" could not include works in association with Work Nos 3, 6 and 7 where decommissioning and restoration of those temporary works had commenced. IACCs reasoning for this request was set out in response to Action Point 17 from the first DCO ISH [EV-052-EV-054 and REP1-019].
- 21.8.65. IACC and WG maintained their objections to this paragraph throughout the examination. IACCs concerns centred on the cumulative potential effects. In its representations at the third DCO ISH, it also raised concerns with the use of the word "*expedient*" in the paragraph. The ExA probed whether there was any judicial authority (in other contexts) which

would give some indication of the limits which might be applied to the term expedient” [PD-021].

- 21.8.66. The Applicant responded stating that the phrase “*necessary or expedient*” as used in the dDCO in Schedule 1 – Other Associated Development, was common in statutory drafting [REP9-006].

“In the DCO context, this phrase has been used in relation to associated development in a number of Orders, including the East Anglia THREE Offshore Wind Farm Order 2017, North London Heat and Power Generating Station Order 2017, and Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014. While the phrase is common and is used in a range of contexts, its meaning has rarely been the subject of judicial comment. Two relevant judicial authorities discuss the term in the context of providing a discretion to the decision-maker:

“For my part, I would accept the submission that the words “necessary or expedient” are disjunctive and that the Crown is indeed given a wide discretion. Moreover, I would further accept his submission that the court should not lightly declare a provision made pursuant to such a wide power to be ultra vires.” A v HM Treasury [2008] EWCA Civ 1187 per Sir Anthony Clarke M.R. at [39.] “The local authority is empowered to apply for an injunction under section 187B (1) [of the Town and Country Planning Act 1990 (c.8)] whenever it considers it ‘necessary or expedient’ to do so. I would not accept a tentative suggestion in argument that ‘or’ in this phrase may be read as ‘and’. In my view the local authority may apply for an injunction if it considers it ‘expedient’, that is convenient, to do so.” South Buckinghamshire DC v Porter [2003] 2 W.L.R. 1547 at 1570, HL per Lord Steyn.

In general, in terms of statutory interpretation, a word or phrase will be given its plain and ordinary meaning. As such the use of ‘expedient’ in the Draft DCO should be considered to have its plain and ordinary meaning. The Oxford English Dictionary (online version) defines expedient, in the context of relating to suitability, as “Conducive to advantage in general, or to a definite purpose; fit, proper, or suitable to the circumstances of the case.” [REP9-006]

- 21.8.67. IACC reiterated its views that “*expedient*” should be deleted from item (p) as it introduces a level of uncertainty and creates a significant risk to enforceability [REP9-031].
- 21.8.68. The Applicant resisted on the grounds that other Orders had been made with the same drafting and on the grounds that IACC had not provided in the Applicants view “*any persuasive argument as to why this DCO should be an exception*” [REP8-004].
- 21.8.69. WG also maintained its concerns relating to the breadth of what could potentially be permitted including a proposal that the drafting “*and do not go beyond the maximum parameters assessed within the environmental statement*” be inserted for clarity into the definition [REP7-004].

- 21.8.70. The definition of the last paragraph of Other Associated Development was not agreed between parties at the end of the Examination.

ExA's reasoning about Schedule 1

- 21.8.71. The ExA has given careful consideration to the various submissions made by the Applicant and IPs in relation to Schedule 1. The ExA is satisfied that the scope of the works will be properly limited (by EIA parameters) and by excluding any works associated with Work Nos 3, 6, and 7.

- 21.8.72. However, the ExA considers that (again) the size and complexity of the proposed scheme necessitates greater certainty in statutory drafting to give IACC wider discretion and flexibility to enforce. Therefore, the ExA agrees with IACC that "or expedient" should be deleted from the DCO to read:

"such other works as may be necessary for the purposes of or in connection with the construction, operation and maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects from those assessed as set out in the Environmental Statement, except that this paragraph will not apply to work Nos 3, 6 and 7 once the decommissioning or restoration of those works has commenced."

Schedule 3 – Requirements

- 21.8.73. Schedule 3 of the Order is given effect by Article 3 and sets out the requirements to which the proposed development would be subject. The Explanatory Memorandum provides a detailed explanation of the structure and types of proposed requirements [REP10-015].
- 21.8.74. The Applicant and IPs were engaged in active debate around the drafting and inclusion of many of the requirements up until the end of the Examination. The Applicants preferred dDCO [REP10-006] differs considerably from the application dDCO [APP-029] as the Applicant has responded to many of the points raised by the ExA and IPs during the Examination. The track change version of the dDCO submitted into the Examination at Deadline 10, comparing Revision 6 with Revision 1, shows the extent of these proposed changes [REP10-007].
- 21.8.75. As such, more changes were made to the requirements submitted at Deadline 8 [REP8-029] and Deadline10 [REP10-066] than would typically be expected by this point in an Examination. The track change versions of the dDCO submitted at Deadlines 8 [REP8-032] and 10 [REP10-007] reveal the extent of changes made. That said, the changes proposed by the Applicant have had the general effect of resolving issues with IPs as opposed to introducing new areas of disagreement.
- 21.8.76. Schedule 3 contains Project-Wide requirements and Works-Specific requirements. The former would apply to all works packages including, but not limited to, time-limits for commencement and overall phasing of the proposed project and compliance with the overarching CoCP. The

latter would apply to specific work packages and would require compliance with the relevant sub-Codes of Construction Practices (Sub-CoCPs), Management Strategies; parameters (as applicable); phasing of construction; requirement to submit Management Schemes and design details for approval; and operational requirements.

21.8.77. The requirements include the following broad types:

- Parameters for construction of building, structures and works;
- Compliance with control documents;
- Process for approval of detailed designs and schemes;
- Pre-commencement surveys; and
- Various construction, operational and decommissioning requirements:

21.8.78. The majority of changes to Schedule 3 were made at Revision 5, submitted at Deadline 8 [REP8-010] in the wake of the final set of Issue Specific Hearings on the dDCO and other topics earlier that month (4-8 March 2019). The tracked change version comparing Revision 5 with Revision 4 shows the changes made to Schedule 3 at this point of the Examination [REP8-030].

Interpretation

21.8.79. Paragraph 1 (1) of Schedule 3 (Interpretation) has had many amendments. Some are minor and incidental changes. Many are inclusions of meanings for the Plans and Schemes that emerged during the Examination. Other amendments include meanings for specific terms used in Schedule 3, such as Marine Works Consultee; Marine Works Requirements; North Anglesey; platform; site access arrangements; Unit 1 Commissioning Date, Unit 2 Commissioning Date.

21.8.80. The ExA considers these types of amendments are necessary to improve certainty and enforceability.

Flexibility and tailpieces

21.8.81. Paragraph 1(4) of Schedule 3 was subject to detailed examination in the wider context of the use of tail pieces generally throughout the drafting of requirements. The nub of the issue was whether to make the drafting of this part of the dDCO more explicitly tied to the parameters assessed in the ES and therefore avoid the potential of stepping outside the Rochdale Envelope.

21.8.82. At Q4.0.56 [PD-009], the ExA noted that paragraph 1 (4) attempts to limit the extent to which a tailpiece (or other drafting) might permit changes to the approved scheme to only those minor or immaterial changes which have been subject to EIA. However, the ExA asked the Applicant to provide commentary for each requirement regarding flexibility in the ability to approve and vary final details whether or not by use of a tailpiece.

21.8.83. The ExA requested that the commentary should justify why the flexibility was necessary and confirm that it would not have the effect of allowing the LPA to permit materially different development from that assessed in

the ES and fixed by the parameters of the DCO in the detailed design drawings (thereby bypassing the need to seek authorisation for a change through s153 of PA2008) or to dispense altogether with the need for any scheme. The ExA requested the Applicant to do this having regard to R. (on the application of Hubert) v Carmarthenshire CC Queen's Bench Division (Administrative Court), 05 August 2015 R. (on the application of Midcounties Cooperative Ltd) v Wyre Forest DC Queen's Bench Division (Administrative Court) 27 March 2009 [PD-009].

- 21.8.84. The Applicants position and explanation for tailpieces including the relationship to paragraph 1(4) is set out in response to First Written Question 4.0.56 [REP2-375] and at Deadline 10 [REP10-013]. In essence, the Applicant argued that *"the Courts have been willing to accept tailpieces that are limited so that material changes to the scope of a development or environmental effect beyond that which has been assessed ... cannot be allowed."* As such, it stated that it had followed the approach taken by other made Orders including *"an interpretation clause identical to the provision on Hinkley Point C confirming that approvals can only be given for minor, non-material changes that are unlikely to give rise to new or materially different environmental effects from those assessed in the ES"* [REP2-375].
- 21.8.85. WG was concerned that the number of tailpieces *"have the potential to take the project beyond the parameters assessed within the ES."* [AS-016]. Furthermore, it argued that *"It is not appropriate for a DCO requirement to allow for the possibility of this to be increased informally through tailpiece "unless otherwise agreed" wording. There is a statutory process should future amends be required to the DCO."* [AS- 016]. It maintained its concern throughout the Examination.
- 21.8.86. At the second DCO ISH and in its Response to Action Points [REP7-004], WG requested an amendment to paragraph 4 to prevent any changes going beyond the maximum parameters assessed in the ES and order limits. This was to avoid the risk of amendments going beyond the assessment in the ES as set out in its previous representations [REP4-053].
- 21.8.87. WG was concerned about the lack of clarity around *"materially"* different effects and that this could create potential for the project to go beyond the Rochdale Envelope. Whilst it understood that the Applicant was not seeking power to exceed the maximum parameters assessed in the ES, WG could see no reason why *"and do not go beyond the maximum parameters assessed within the Environmental Statement"* could not be inserted after *"Environmental Statement"* in paragraph 1 (4). WG argued that this would be in addition to the existing wording and so would still retain the flexibility sought by the Applicant [REP7-004].
- 21.8.88. The Applicant did not agree. In its view, *"other Interested Parties appear to be comfortable with the use of tailpieces within the requirements"* and it considered the inclusion was not necessary as the clause already provides for it and to refer to parameters would *"create more uncertainty as to what is actually meant."* [REP10-013]

- 21.8.89. The ExA understands that the Applicant and WG both hold strong views on the drafting of paragraph 1 (4) and the use of tailpieces in requirements more generally. The Applicant cites a number of precedents in made Orders including Hinkley Point C New Nuclear Power Station to justify its approach. It also states that the drafting is identical to that used in Hinkley Point C.
- 21.8.90. Although the intent of 1(4) was accepted by WG, it still wanted the inclusion of more explicit drafting in order to provide clarity over 'materially' different effects and to avoid the possibility of the project going beyond the Rochdale Envelope.
- 21.8.91. The ExA notes the Applicants comments about other IPs appearing to be comfortable with requirements and would simply remark that this does not mean that the point made by WG is of any less value or relevance.
- 21.8.92. The ExA accepts that there is clear precedent in other made Orders for the approach to requirements and tailpieces taken by the Applicant. However, irrespective of precedent, it is still proper for the ExA to consider whether such flexibility is justified in the context of this particular development.
- 21.8.93. The ExA is of the view that the drafting put forward by WG adds to clarity and is necessary to ensure that the tailpieces do not allow the unlawful amendment of the development beyond that which was the subject of EIA and beyond the parameters of the Rochdale envelope. As such, the ExA recommends the inclusion of the drafting proposed by WG at 1 (4) to read:

(4) Where an approval of details or other document is required under the terms under the terms of any Requirement or where compliance with a document contains the wording "unless otherwise agreed" by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreements by the discharging authority is not to be given except in relation to minor or immaterial changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement and do not go beyond the maximum parameters assessed within the Environmental Statement."

Detailed drafting of Project Wide (PW) requirements

- 21.8.94. The ExA examined the drafting of requirements during the three DCO ISHs; in first and second round of questions [PD-009, PD-013] and through a R17 request [PD-021].
- 21.8.95. Table 4 to follow considers the drafting of project-wide (PW) requirements. The ExA's reasoning and recommendation in relation to each PW requirement is provided below.

Table 4: Project-Wide requirements (PW)

Requirement	Issue	ExA reasoning and recommendation
<i>Project Wide Requirements</i> <i>Prefixed PW</i>		
PW1- Time Limits	Amendment made to change date of commencement from 5 to 6 years. Introduced at Deadline 8 (25 March) following discussion at the DCO ISH and CA Hearing in March and the inclusion of Article 83 – Funding for implementation of the authorised development [REP8-033]. The Applicant stated that it sought a one-year time extension to enable the undertaker to go through the additional approval process before it could implement the project [REP8-010]. No objections were raised by IPs in response to this proposal.	Given the suspension of the proposed scheme, the ExA considers that the proposed increase in time for commencement of the proposed scheme provides the Applicant with additional flexibility at the start of the project to secure (or otherwise) additional approvals from the SoS. The ExA accepts the amendment to the drafting proposed by the Applicant as being relevant and reasonable in this circumstance.
PW2 – Phasing of the authorised development	NRW [REP9-037] requests it is included in addition to IACC for the discharge of this	The ExA notes that a Memorandum of Understanding (MoU) was agreed between IACC, NRW and WG and submitted into

Requirement	Issue	ExA reasoning and recommendation
	requirement at PW 2 (1) and (2) given that the phasing of the MOLF is in respect of works that cross the MHWS. The Applicant disagrees with NRW because in its view, "this could lead to issues where discharging authorities do not agree with each other" [REP8-004]. It also argues that as the Phasing Strategy is related to the avoidance of land-based issues (and the MOLF construction is to avoid traffic impacts) there is no need to include NRW as discharging authority and that IACC could consult them if it thought it appropriate [REP8-004]. The Applicant maintained this view until the end of the Examination [REP10-013]. IACC stated at Deadline 5 that there should only be one discharging authority but did not return to this point in later	the Examination in final form at Deadline 10. The MoU sets out the procedure to be followed for those works that traverse Mean High Water Springs (MHWS), and therefore engage IACC and NRW as discharging authorities for land above and below MHWS respectively [REP10-013]. The ExA notes that IACCs resistance to this requirement was at the point in the Examination when there was no clarity over the roles of NRW and IACC in relation to the discharge of requirements. Subsequently, IACC agreed to the MoU resolving the lack of clarity over the roles of NRW, WG and itself [REP10-015]. Given this, the ExA is satisfied that the respective roles of IACC, NRW and WG in relation to the process of discharge of requirements in the inter-tidal area is clear. The ExA therefore does not accept the Applicants reasoning. Neither does the ExA accept that the Phasing Strategy is only concerned with land-based issues. The phasing of the MOLF would equally affect matters that would fall within NRW's remit. For these reasons, the ExA recommends amendment to PW2 to include NRW at (1) and (2)

Requirement	Issue	ExA reasoning and recommendation
	submissions [REP5-057].	
PW3 – Construction Method Statement	NRW requested it be included as a consultee, to which the Applicant agreed, adding NRW to the drafting of the requirement at Deadline 10 of the Examination.	The ExA considers the amendment to include NRW to be necessary and reasonable. In addition, the ExA recommends two minor amendments to the drafting of the requirement: deletion of the word 'general' in PW3(1) and inclusion of the words 'must be' in PW3(2) for precision and enforceability.
PW4- Notice of completion and operational use	NRW requested its inclusion in the requirement in relation to notification of completion and operational use of Marine Works. This was added by the Applicant.	The ExA considers the amendment to be necessary and reasonable and accepts the Applicants proposed drafting.
PW5 (1) – European Protected Species: pre-commencement surveys	The ExA is concerned that the drafting of this requirement appears to exclude Work No.12 from pre-commencement surveys for European Protected Species. Therefore, it appears to the ExA that these works could potentially go ahead should the Order be granted, and European Protected Species could be affected.	The ExA recommends that the SoS amends PW5(1) to delete reference to Work No 12 as the ExA consider that European Protected Species pre-commencement surveys would be required for these works. at

Requirement	Issue	ExA reasoning and recommendation
PW6 Protection of Breeding Wild Birds		Minor amendment to paragraph numbering added.
PW7 - Wylfa Newydd CoCP and schemes	There were two issues in relation to PW7. Firstly, IACC proposes additional drafting relating to the detailed content of the Construction Safety Management Scheme [REP9-031]. The Applicants views is that the detail requested by IACC is not necessary as it would be included in the final Community Safety Management Strategy (CSMS) [REP10-013]. Secondly, WG raised concerns that the CSMS will need to cover safeguarding issues. As such, it considered that the CSMS should be developed through collaboration with the Emergency Services Engagement Group and the Health and Well Being Engagement Group prior to submission	In relation to the first issue, the ExA agrees with the Applicants reasoning. In relation to the second issue, the ExA considers that WG raises legitimate concerns. However, the ExA notes that the Emergency Services Engagement Group and the Health and the Well Being Engagement Group would not be formally in existence until after the submission of the CSMS to IACC for approval. The ExA notes the amendment made to the consultees list in relation to the CSMS at Schedule 4, Control Documents and Schemes and is of the view that this addresses WGs concern in this regard. As such, the ExA accepts the Applicants drafting.

Requirement	Issue	ExA reasoning and recommendation
	to IACC [REP6-062].	
PW-7 Traffic Incident Management Scheme and Work No 12	1.North Wales Police (NWP) requested that it was a consultee. 2.NWP were also concerned that it didn't cover Work No. 12.	1.The ExA notes that NWP has been included as a consultee in Schedule 4, Part 1. 2. In the ExA's view this is reasonable given the volumes of traffic and therefore the likelihood of an accident would remain relatively low during site preparation and clearance works.
PW8 – workforce behaviour	In response to Q2.4.17 [PD-013] WG was concerned that if reliance was to be placed on the WMS it must be drafted precisely so that it could be enforced [REP6-062] . PW8 (4) The ExA notes the inclusion by the Applicant of NWP as a consultee in PW8(1); and that NWP is to be provided with a copy of the Wylfa Newydd Code of Conduct at PW8(2) and that NWP is to be a consultee at PW8(3).	The ExA considers that this is reasonable – however an individual's conduct cannot be governed by this requirement as their conduct is governed by their contract of employment with their employer (which would incorporate a code of conduct) and relevant employment law. PW8(4) The ExA recommends a minor amendment to ensure that NWP in addition to IACC, also receives a copy of any revisions to the Wylfa Newydd Code of Conduct at PW8(4).

Requirement	Issue	ExA reasoning and recommendation
PW9 – Date of commissioning and cessation		No changes proposed and Applicants drafting changes accepted by the ExA.
PW10 - Wylfa Newydd decommissioning scheme	PW10 (1) needs to be amended to refer to PW9(2) as PW9(1) is commissioning and this requirement relates to decommissioning. PW10(2) as worded is a closed list.	PW10 is a requirement that deals with decommissioning. PW9(1) deals with commissioning and PW9(2) deals with decommissioning. Requirement needs to be amended to only refer to decommissioning. PW10(2) needs to be amended to allow IACC flexibility to request the documents that they need including for example a decommissioning ES and a TA for decommissioning
PW11 – Digital Infrastructure Plan	The ExA notes the drafting of this requirement was agreed with IACC. However, at the Socio-Economic ISH, representatives from the blue light services expressed their concern at the lack of mobile signal coverage on the island and the opportunities for collaboration with the Applicant, IACC and others in addressing these issues.	The ExA propose that Schedule 4 is amended to include NWP, North Wales Fire and Rescue Service, North Wales Ambulance Service NHS Trust at PW11(1).

Site preparation and Clearance Requirements

- 21.8.96. The Table below considers the detailed drafting of requirements relating to Site Preparation and Clearance.

Table 5: Site Preparation and Clearance requirements (SPC)

Requirement	Issue	ExA reasoning and recommendation
<i>Site preparation and clearance requirements</i> <i>Prefixed SPC</i>		
SPC6, SPC11	Unchanged or subject to minor or consequential amendments. The Applicant has set out the reason why these changes are proposed in its 'Summary Table of Amendments to the DCO' that accompanied each iteration of the dDCO [REP1-009; REP2-004; REP5-006; REP8-010, and REP10-010].	Whilst the ExA was not always convinced by the Applicant's reasons for some of these minor and consequential amendments, it agrees that the proposed changes are justified to improve the clarity of drafting or are consequential amendments to ensure that the DCO has its intended effect. Therefore, the ExA accepts the drafting proposed by the Applicant in its preferred DCO [REP10-006].
SPC1 – Detailed Design Drawings	NRW requested their inclusion in this requirement – consultation added by the Applicant at Deadline 5 [REP5-003]	The ExA accepts the drafting proposed by the Applicant
SPC2 – Construction car parking	The ExA is concerned that the drafting of this requirement lacks precision in relation to timing and as a result, enforcement of the requirement would be difficult.	The ExA recommends that SPC2 is reworded to include a trigger for when the construction car parking would need to be delivered and details of how the parking would be phased as follows: Prior to the commencement of Work No 12 45 parking spaces for use by construction workers shall be provided and available

Requirement	Issue	ExA reasoning and recommendation
	Work No 12 is excluded from requirement PW7(2) and as a result would not be captured by the parking phasing strategy which would set timescales and quanta for the delivery of parking. As a result, as currently worded the requirement lacks precision in relation to timing and minimum quantum's and would therefore not meet the test for requirements	within the WNDAs (including spaces allocated for disabled staff). The parking provided shall be made available for use by construction workers and shall be retained for the duration of the works.
SPC3 – Main Power Station Site sub-CoCP	NRW requested inclusion in this requirement – added by the Applicant at Deadline x	The ExA accepts the drafting proposed by the Applicant
SPC4 and SPC5	SPC4 and SPC5 were originally in the dDCO and then were deleted and reinserted as PW5 and PW6 respectively.	N/A
SPC6	Unchanged or subject to minor or consequential amendments.	Whilst the ExA was not always convinced by the Applicant's reasons for some of these minor and consequential amendments, it agrees that the proposed changes are justified to improve the clarity of

Requirement	Issue	ExA reasoning and recommendation
		drafting or are consequential amendments to ensure that the DCO has its intended effect. Therefore, the ExA accepts the drafting proposed by the Applicant in its preferred DCO [REP10-006].
SPC7	Unchanged or subject to minor or consequential amendments.	Whilst the ExA was not always convinced by the Applicant's reasons for some of these minor and consequential amendments, it agrees that the proposed changes are justified to improve the clarity of drafting or are consequential amendments to ensure that the DCO has its intended effect. Therefore, the ExA accepts the drafting proposed by the Applicant in its preferred DCO [REP10-006].
SPC8 – Archaeological written scheme of investigation	WG proposed new wording to ensure that an Archaeological written scheme of investigation was in place for the SPC works.	The ExA has accepted WG's drafting, with minor changes.
SPC 9 – Water Treatment scheme	NRW proposed inclusion as a consultee. The Applicant agreed.	The ExA has accepted the Applicants drafting.
SPC10 – Drainage Scheme	SPC10 was originally in the dDCO and then deleted and reinserted as WN1 and WN2	N/A

Requirement	Issue	ExA reasoning and recommendation
SPC12 - Access	NWP initially raised a concern about the set back of the main site to allow safe access by all construction vehicles. The Applicant responded to First Written Question 4.0.65 [REP2-375] to explain why it was designed in that way. IACC did not raise this as an issue and supported the 8m set back [REP5-057].	With the explanation provided by the Applicant and the fact the IACC as local highway authority raised no objection to the proposed drafting, the ExA is satisfied that the requirement is necessary and relevant to the proposed development.
SPC 13 – Restoration	Various changes made in discussion with IACC and NRW.	The ExA notes agreement was reached and accepts the Applicants drafting.

21.8.100. Tables 6 to 11 provide paragraph references to the location in this report where discussion of work specific requirements relating to the following matters is contained:

- Power Station Works;
- Off-Site Power Station Facilities;
- Park and Ride Facilities;
- Logistics Centre facilities;
- A5025 off-line highway improvements; and
- Ecological compensation sites.

Table 6: Power Station Works requirements (WN)

Requirement	Paragraph reference in the report
<i>Power Station Works (WNDA)</i> Prefix - WN	
WN1	6.3, 6.4, 6.8, 7.6, 9.6, 9.7, 9.9, 10.4, 17.4, 17.7
WN2	6.4, 6.13, 7.6, 10.4
WN3	6.8, 7.6
WN4	13.5, 14.3
WN5	13.7, 13.8, 14.5
WN6	13.7, 13.8, 14.5
WN7	14.3, 14.5
WN8	6.6
WN9	6.6, 14.3
WN10	6.6, 13.5, 13.6, 13.7
WN11	6.4, 6.6, 9.8, 13.5, 13.6, 13.7
WN12	6.4, 9.8, 13.5, 13.6, 13.7
WN13	6.4, 7.6, 18.5
WN14	6.4, 6.6, 9.8, 13.5, 13.6, 13.7
WN15	6.4, 6.7
WN16	6.4, 6.7
WN17	6.4

Requirement	Paragraph reference in the report
WN18	17.4
WN19	14.5, 17.4
WN20	7.6, 8.4, 11.4
WN21	8.4, 8.6
WN22	8.4, 14.4, 14.5, 16.3
WN23	8.4, 14.3
WN24	8.4, 13.6
WN25	8.4
WN26	8.4
WN27	8.4, 6.13
WN28	11.4, 7.6
WN29	14.4
WN30	14.3
WN31	17.4, 17.6
WN32	7.6

Table 7: Off-Site Power Station Facilities (OPSF)

Requirement	Paragraph reference in the report
<i>Off-site power station facilities</i> <i>Prefix - OPSF</i>	

Requirement	Paragraph reference in the report
OPSF1	9.9
OPSF	14.4, 14.5
OPSF3	14.3, 14.5
OPSF4	14.4, 14.5
OPSF5	8.8
OPSF6	17.4

Table 8: Park and Ride Facility requirements (PR)

Requirement	Paragraph reference in the report
<i>Park and Ride facility</i> <i>Prefix - PR</i>	
PR1	9.9, 11.4
PR2	14.4
PR3	14.4
PR4	14.3
PR5	17.5 17.6
PR6	13.6
PR7	17.4
PR8	17.4

Table 9: Logistics Centre requirements (LC)

Requirement	Paragraph reference in the report
<i>Logistics Centre</i> <i>Prefix – LC</i>	
LC1	9.9, 11.4
LC2	14.4
LC3	14.4
LC4	14.3, 14.4
LC5	9.9, 13.6, 14.5
LC6	17.4
LC7	17.4
LC8	9.10

Table 10: A5025 Off-Line Highway Improvements requirements (OH)

Requirement	Paragraph reference in the report
<i>A5025 Off-line highway improvements</i> <i>Prefix – OH</i>	
OH1	9.9, 11.4
OH2	14.4
OH3	14.4
OH4	14.4
OH5	17.4

Requirement	Paragraph reference in the report
OH6	14.3, 17.4
OH7	17.4
OH8	13.6
OH9	6.4
OH10	6.4

Table 11: Ecological Compensation Sites requirements (ECS)

Requirement	Paragraph reference in the report
<i>Ecological compensation sites</i> <i>Prefix – ECS</i>	
ECS1	6.4, 11.4
ECS2	6.4, 16.3
ECS3	6.4
ECS4	6.4

Article 5 – Effect of the Order on the Site Preparation Permission

- 21.8.259. The drafting of Article 5 altered significantly mid-way through the Examination. The original drafting was prepared at the time when the Applicant had applied for planning permission under the TCPA for Site Preparation and Clearance works within the WNDA. This drafting sought to enable a twin track approach to the site preparation and clearance works and would have enabled the Applicant to switch to undertaking the works under the Order if planning permission was not granted. The track

change versions of the dDCO and EM provides the history of how the drafting altered during the Examination.

- 21.8.260. There was considerable discussion at the second DCO ISH as to how the two processes would work in practice and the potential for overlap / gaps between areas of different jurisdiction. Many of the questions and concerns raised were not capable of being resolved at that point in the Examination, due to the fact that the Planning Application for Site Preparation and Clearance (SPC) had been Called-In by the Welsh Ministers three months into the Examination and neither the timing of the decision from the Welsh Ministers or the decision itself, were known quantities [REP4-053]. J Chanay also raised many concerns with the implications of the withdrawal of the TCPA planning application in relation to devolved jurisdiction [REP5-083].
- 21.8.261. In the event, the planning application under TCPA for planning permission for site preparation and clearance works, was withdrawn in the wake of Hitachi's announcement to suspend its nuclear power station project in the UK [AS-039]. This resulted in the deletion of the Application version of Schedule 4 of the dDCO – Deemed Approval or Compliance by the Applicant, on the grounds that it was based upon the draft conditions of a withdrawn planning application and was no longer relevant [REP5-006].
- 21.8.262. Article 5 was subsequently redrafted in the context of a notional future planning application for site preparation and clearance works.
- 21.8.263. Whilst WG was content with the intention of the redrafted Article 5, that being to "speed up delivery" it asked whether the definition of "SPC Permission" should be amended to be consistent with the works permitted under Work No.12 in Schedule 1 of the Order. It argued that without this consistency, determining which DCO Requirements have been discharged in whole or in part, *"could potentially be complex and unclear in circumstances where a future SPC Permission authorises materially different works (potentially of smaller extent and type) to those authorised under Work No 12."* [REP7-004]. It also proposed two detailed drafting points.
- 21.8.264. The Applicants response was that it had considered the amendment but was of the view that it would not be appropriate to confine the SPC works under a future planning application in this way – as they could be smaller, the same, or larger than Work No.12. In any event, the decision on what conditions are deemed approved is one for IACC and the undertaker and so if the SPC were different to Work No.12, the parties would likely not agree to the works under the planning permission being taken as discharging obligations in respect of Work No.12 [REP8-004]. Other minor amendments sought by the WG in respect of this Article 5 were included by the Applicant.
- 21.8.265. In its R17 request, the ExA asked IACC as the discharging/enforcing authority, whether it was content with the Applicants drafting of the Article in the light of the proposed amendment to the definition

suggested by WG and the Applicants response. If it was not content, then to provide reasons and alternative drafting [PD-021]. IACC was silent on this particular matter before the close of the Examination.

- 21.8.266. The withdrawal of the TCPA planning application and deletion of the Application version of Schedule 4 to which the Article originally gave force, had the effect of alleviating most of the concerns of the ExA and IPs in relation to how the initial twin track approach proposed by the Applicant would operate.
- 21.8.267. The main outstanding issue relates to WG's proposal to seek alignment of the definition of Site Preparation and Clearance Works with Work No. 12, which the Applicant resists and on which IACC has no stated view.
- 21.8.268. The ExA understands WG's concern in relation to the potential lack of clarity in the future and the Applicants response. However, the ExA is of the view that there is no certainty over a future planning application for site preparation and clearance works being submitted to IACC under TCPA by a future undertaker. In any event, it would be for IACC or WG if it were to be Called-In, to be clear about the relationship of the planning application with the Order (if granted) when the planning application was made. To attempt to determine this in advance of an unknown eventuality, seems to the ExA to create a potentially unhelpful level of restriction.
- 21.8.269. The ExA accepts the Applicants justification and drafting of Article 5. It considers it reasonable and necessary in the DCO to provide a mechanism (notification) to ensure certainty about planning control of the site preparation works through requirements and not through conditions. It would be open to the planning application decision maker to use the planning permission or a Section 106 Agreement to address any inconsistencies / tensions between the site preparation works permission and the made DCO.

Article 9 -Consent to transfer the benefit of the Order

- 21.8.270. The Applicant's preferred drafting of this article is not agreed by the Nuclear Decommissioning Authority (NDA) for reasons set out in its Deadline 7 response [REP7-019]. The Applicant, whilst agreeing with some of the points raised by NDA, does not agree to the NDA's recommendation for amending the drafting of Article 9 [REP8-004].
- 21.8.271. In response to ExA Question R17.2.9, the NDA [REP9-040] proposes that Article 9 be amended to refer to paragraph 29 of Part 3 of Schedule 15 to the dDCO [now REP10-006], and paragraph 29 is replaced by the NDA's text in paragraph 7.2 of REP9-040.
- 21.8.272. The NDA Deadline 9 proposed wording is, firstly for dDCO Article 9:

"...9.-(1) Subject to paragraph 29 of Part 3 of Schedule 15, the undertaker may, with the consent of the Secretary of State..."

21.8.273. And then dDCO Schedule 15, Part 3 paragraph 29:

"...29. The undertaker must not transfer or grant to another person any or all of the benefits of the provisions of this Order under Article 9 (Consent to transfer benefit of Order) which relates to or affects all or any part of the NDA Site without the consent of the NDA (such consent not to be unreasonably withheld or delayed)...."

21.8.274. In REP10-014 regarding the NDA's answer to the R17 Question: 17.2.9, the Applicant highlights that prior to REP9-040, the NDA was seeking via [REP7-019] the dDCO to be amended to include a new and additional requirement at Article 9(2) that would read as:

"...(2) Prior to any transfer or grant made pursuant to the powers conferred by paragraph (1) which relates to or affects all or any part of the NDA Site, the transferee or lessee (as applicable) must first enter into a nuclear site licensees' co-operation agreement with NDA and Magnox, unless NDA, Magnox and the undertaker agree otherwise..."

21.8.275. The effect of the text proposed by the NDA at Deadline 9 for dDCO Schedule 15 Part 3 paragraph 29 would be to fetter the decision-making powers of the SoS [REP10-014 R17.2.9]. If the NDA withheld its consent, the proposed text would prevent a transfer under Article 9 despite the SoS's making of the Order and granting the powers that it would provide, whereas the appropriate outcome under Article 9 would be to ensure that the effects of a such a SoS granted transfer would be acceptable. Therefore, the Panel considers the NDA's suggested text for paragraph 29 to be inappropriate.

21.8.276. Turning to the NDA's suggested text for Article 9(1) [REP9-040]. A number of other dDCO Articles have been drafted to cross-refer to Schedule 15, for example, Article 19 (Maintenance of new and altered streets) and Article 37 (Statutory Undertakers). However, protective provisions are the subject of, and given effect by, Article 41. Therefore, it is not apparent that the NDA's proposed wording for Article 9 [REP9-040] is necessary given: the purpose of Article 41; the proposed text for dDCO Schedule 15 Part 3 paragraph 29; along with the dDCO Article 2 definition of an 'undertaker'.

21.8.277. Protective provisions for NDA interests, are addressed in the chapter dealing with CA and related matters.

21.8.278. In its R17 request [PD-021], the ExA questioned whether the use of the term 'other' at 9(4) was correct. The Applicant amended this to 'alternative'. This is discussed later in relation to Article 82.

21.8.279. Other than the unresolved issue with NDA and a request for further consultation on Articles 9, 82 and 83 [REP10-069], IPs were content with the drafting of this Article. This Examination was a public process that enabled Article 9 to be fully considered following various opportunities for IPs to comment. These opportunities for consultation included the hearings in March 2019, and Deadlines 8, 9 and 10 which followed discussion on Article 9 (and Articles 82 and 83).

21.8.280. The ExA accepts the Applicant's justification and the drafting of Article 9.

Article 10 – Defence to proceedings in respect of statutory nuisance

21.8.281. The main change to the drafting of this article has been to include reference to sub-CoCPs and Schemes approved under Schedule 3 (Requirements) and Schedule 21 (Control documents and schemes) at s10(a)(iii) [REP8-010] Note that Schedule 21 was renumbered as Schedule 4 in the preferred dDCO.

21.8.282. Although the drafting of this article and the insertion of the reference to sub-CoCPs and Schemes was not contentious per se, the article is discussed in more detail here because of the concern expressed by IACC in the early part of the Examination that the Article provided a statutory defence to the Applicant on the basis of control documents that were not considered to be adequate in either coverage of issues or level of detail [REP4-034; REP5-057]. Other IPs raised similar concerns.

21.8.283. In its Deadline 8 response, the Applicant stated that:

"a lot of progress has been made with IACC and other Interested Parties to agree the content of the CoCPs"

21.8.284. adding that it had:

"offered a range of schemes for subsequent approval where the content could not be agreed" [REP8-004].

21.8.285. Given this, the Applicant put forward its understanding that from Deadline 6, 19 February 2019 and onwards:

"the previous concerns with the adequacy of the control documents (have) now been resolved and Interested Parties are comfortable with that the defence under article 10 is appropriate" [REP8-004].

21.8.286. IACC did not agree with this position [REP9-031]. Whilst it supported the view that substantial progress had been made in agreeing more detail with the Control documents and Schemes, it remained of the view that the defence was too wide given the level of detail in the CoCPs and the lack of specification of detail in those documents. IACC requested that Article 10(1)(a)(iii) be deleted to overcome its concerns [REP9-031].

21.8.287. Subparagraph 10(1)(a)(iii) states:

"...Article 10. (1)

(a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out and use of the authorised development in accordance with—

iii) the controls and measures relating to noise, vibration, dust or lighting as described in the Wylfa Newydd CoCP, Wylfa Newydd CoOP, the

relevant sub-CoCP and scheme approved under Schedules 3 (Requirements) and 4 (Control documents and schemes) of this Order or permit relating to the operation of the authorised development; or...”

- 21.8.288. No agreement was reached on this matter and in its preferred dDCO [REP10-006] the Applicant retains Article 10(1)(a)(iii) for the reasons it had previously given [REP10-013].
- 21.8.289. The ExA observed at the round of ISHs from 4 to 8 March 2019, that the Applicant and IPs were engaged in a good level of dialogue. The ExA also noted the inclusion at Deadline 8, 25 March 2019 of Revision 5 of the dDCO, containing a large number of additions and amendments to Schedule 3 -Requirements, and the inclusion of a new Schedule 21 – Control documents and schemes (renumbered as Schedule 4 in the Applicants preferred dDCO) consisting of two parts: Project-Wide Schemes and Site-Specific Schemes. This schedule (discussed later in the report) contains an extensive list of additional schemes.
- 21.8.290. The track change versions of the dDCO comparing Version 5 with Version 1 of the dDCO and comparing Version 5 against Version 4, show the extent of the changes made [REP8-031, REP8-030].
- 21.8.291. Nonetheless, the ExA shares IACC’s concerns over the defence to proceedings in relation to statutory nuisance given the outline nature of the Schemes contained in Schedule 4. It does not support the wide powers permitted by the drafting in the Applicants preferred dDCO in relation to the defence to proceedings [REP10-006]. In its view, the powers afford excessive flexibility covering all sites, whether part of the NSIP or an associated development site, with the same broad brush.
- 21.8.292. The ExA considers that the embedded mitigation measures and good practice measures set out in earlier chapters of this report, for example the physical design of the Mounds, and the local noise Mitigation strategy would mean that construction or operational activity should not give rise to statutory nuisance events. The ExA also considers that IACC (with the powers to bring statutory nuisance proceedings) should not be prevented by the Applicant’s proposed statutory defence, from undertaking the necessary steps to ensure the living conditions of receptors are maintained.
- 21.8.293. As such, the ExA supports the proposal put forward by IACC and recommends deletion of subparagraph 10(1)(a)(iii) in the rDCO.

Part 3 – Streets

Article 11 – Power to Alter Streets

- 21.8.294. Small amendments were made to this article at Deadline 5 to make clear that powers included the right to enter the street; and to replace ‘highway’ with ‘street’ for consistency. The Applicant explained that ‘highway’ was included with the definition of ‘street’ in Article 2 [REP5-006].

- 21.8.295. In response to First Written Question 4.0.9 [PD-009] IACC (as local highway authority) confirmed it was content with 56 days before deemed consent would be given, referring to its detailed comments on deemed consents and guillotine provisions in its Written Representation at section 4.5 [REP2-218]. The Applicant subsequently amended the deemed approval provisions at Deadline 3 to reflect the 56 days [REP3-005].
- 21.8.296. The ExA also questioned whether the 56 days were working days or consecutive days [PD-009]. The Applicant confirmed these were consecutive [REP2-375].
- 21.8.297. The amendments to Article 11 were agreed with IACC. 56 days as a time limit appears on a number of occasions in the dDCO, in relation to deemed consent at Articles 11, 12, 16 and 18; in relation to removal of human remains at Article 71; in various Protective Provisions at Schedule 15 and at Schedule 19 in relation to deemed approvals and consents. However, the definition of 56 days as 56 consecutive days is not defined in the Applicants preferred dDCO [REP10-006].
- 21.8.298. The ExA recommends inclusion of a definition in Article 2 to clarify the 56 day time limit as follows:

"56 days" means 56 consecutive days including bank holidays, weekends and other public holidays;"

Article 19 – Maintenance of new and altered streets

- 21.8.299. The Applicant initially amended the drafting of this article in response to IACCs Written Representation [REP2-218] and its concern regarding maintenance of both the A5025 Off-Line Highway Improvements and maintenance of any street altered or subject to street works.
- 21.8.300. At the third DCO ISH and the Compulsory Acquisition Hearing [EV-039 – EV-042, : EV-034, EV-036 & EV-037, OD-012] IACC made clear that despite the Applicants revisions it was not content. The Applicant and IACC resolved to overcome their differences of opinion which related primarily to maintenance responsibilities, cost allocations and timescales, via protective provisions. These were agreed and are set out in Schedule 15 of the dDCO [REP10-006]. Consequently, references to maintenance obligations were deleted from Article 19 at Deadline 8 [REP8-029] and included in Schedule 15 Protective Provisions. Protective Provisions are discussed later in this chapter.
- 21.8.301. With agreement reached over the way forward, IACC was content with the second revision to the drafting of Article 19.
- 21.8.302. The ExA accepts the justification for the drafting of this Article, considering it necessary and reasonable for inclusion in the DCO [REP10-006].

PART 5 – POWERS OF ACQUISITION AND POSSESSION OF LAND

- 21.8.303. The ExA asked a number of First WQs [PD-009] in relation to CA articles and detailed drafting was discussed at the three DCO ISH's and at the CA Hearing. Main changes are discussed below.

Article 28 – Time limit for exercise of authority to acquire land compulsorily

- 21.8.304. S28(1) 5 years changed to 8 years as the time limit to acquire land compulsorily [REP8-010 and REP8-029]. This was in the wake of Hitachi's announcement to suspend its nuclear power station project in the UK [AS-039]. The Applicant explained that it was requesting the change in time limit to prevent the situation where the Applicant could implement the DCO if made and would then be forced to acquire all the land and interests immediately, rather than when it might actually be required for construction. This could lead to significant cost and would also mean that the landowners had the benefit of their land for as long as possible.
- 21.8.305. The ExA accepts the justification for the Article and the Applicants drafting.

Article 30 – Application of the 1981 Act

- 21.8.306. Change to extension of time limit during challenge to an eight-year period for the same reason as set out in relation to Article 28 [REP8-010 and REP8-029].
- 21.8.307. The ExA accepts the justification for the Article and the Applicants drafting.

Article 33 – Modification of the 1965 Act

- 21.8.308. Article 33 was rewritten at Deadline 2, including a change to the title of the Article. In its revised form, it seeks to provide clarity regarding the serving of a counter notice and the circumstances where the power to serve a counter notice would not apply [REP2-020].
- 21.8.309. The Explanatory Memorandum describes what Article 33 seeks to do [REP10-015]. The wording has not been a source of contention, and no other matters would cause the ExA to doubt the appropriateness of Article 33 as drafted. The ExA accepts the justification for the Article and the Applicants drafting.

Article 35 – Temporary Use of land for carrying out the authorised development

- 21.8.310. Article 35 sub-paragraphs 5 and 6 were inserted at Deadline 2 to provide compensation for any loss or damage caused by the Applicant in exercising its rights under the Article, and a means of dispute resolution [REP2-021, REP2-023, REP10-006, REP10-017].
- 21.8.311. The proposed wording has not been a source of objection, and no other matters would cause the ExA to doubt the appropriateness of Article 35

as drafted. The ExA accepts the justification for the Article and the Applicants drafting.

Article 36 – Temporary use of land for maintaining the authorised development

- 21.8.312. The powers Articles 35 and 36 would provide for the Applicant to take Temporary Possession of highway land is addressed in Chapter 20.
- 21.8.313. Article 36(7) and (8) reflect the provisions in Article 35(5) and (6). The proposed wording has not been a source of objection, and no other matters would cause the ExA to doubt the appropriateness of Article 35 as drafted. The ExA accepts the justification for the Article and the Applicants drafting.

Article 37- Statutory Undertakers

- 21.8.314. S37(3) inclusion of NDA and Magnox in definition of statutory undertakers.
- 21.8.315. Chapter 20 deals with "Statutory Undertakers (and Statutory Corporation)" to reflect that the NDA is a 'Statutory Corporation' and the site tenant is Magnox Limited [REP9-040]. The ExA accepts the justification for the Article and the Applicants drafting.

PART 6 – MARINE WORKS

- 21.8.316. The ExA asked a number of First WQs [PD-009] as part of its examination of the drafting of Part 6 of the dDCO. IPs were broadly content with the drafting of the provisions and as set out earlier in this chapter, many provisions were unchanged or subject to minor amendments for clarity only.
- 21.8.317. That said, three articles were subject to amendments, these are discussed in turn below.

Article 48 – Limits of harbour

- 21.8.318. 48 (2) Inclusion of reference to Schedule 16 - Limits of Harbour prevailing was added by the Applicant at Deadline 10 [REP10-007].
- 21.8.319. The ExA is of the view that this provides helpful clarification and accepts the Applicants drafting.

Article 49 – Application of Marine and Coastal Access Act 2009

- 21.8.320. Following the ExA's First Written Question [PD-009] in relation to Article 53 Power to Dredge, and the response of NRW [REP2-325] the Applicant stated it was in discussion with WG about the potential of a new article relating to the Marine and Coastal Act 2009 to make it clear that the dDCO would not obviate the need to obtain a marine licence.

- 21.8.321. Article 49 was added at Deadline 5 in response to representations made by WG at the Preliminary Meeting [EV-013] and in its written submissions [REP4-053]. The article addresses the point that no powers under the Order remove the need for a Marine Licence under the Marine and Coastal Access Act 2009. The Applicant states it is provided for the avoidance of doubt and reconfirms the statutory position in PA2008 s149A. [REP5-006]
- 21.8.322. NRW requested the article be amended to confirm that the enforcement provisions under PA2008 would not be affected by the dDCO [REP5-081]. The Applicant agreed adding "*under Part 4 of the 2009 Act*" to the drafting at the end of subparagraph 49(1).
- 21.8.323. This article was inserted at the behest of IPs. It is not contentious. The ExA accepts the justification for the Article and the Applicants drafting.

Article 58 – Safety of Navigation

- 21.8.324. This article was amended by the Applicant at Deadline 8 to include S58(1) replacement of reference to Maritime and Coastguard Agency with Welsh Ministers and inclusion of Maritime and Coastguard Agency as a consultee [REP8-031].
- 21.8.325. The ExA is of the view that this amendment is necessary as it makes clear the position in Wales with regards to the role of Welsh Ministers and the Maritime and Coastguard Agency. As such the ExA accepts the Applicants drafting.

Article 73 – Operational land for the purposes of the 1990 Act

- 21.8.326. IACC objected to the non-power station sites (i.e. the associated development sites) being categorised as 'operational' because this granted certain permitted development rights that IACC felt were not appropriate on non-power station land.
- 21.8.327. This was discussed at the first DCO hearing (9 January) and followed up by the Applicant and IACC in their D4 submissions. The ExA asked Second Written Questions to see if they had changed their views on this matter [PD-013].
- 21.8.328. Both parties did not change their view, maintaining their position as previously stated. See IACC [REP9-031] and the Applicant [REP10-013]. Albeit the Applicant did comment that:

"if the ExA were minded to restrict the powers under article 74, (the Applicant) considers the powers should apply to both the WNDA and the Off Site Power Station Facilities." [REP10-013].

- 21.8.329. The ExA agrees with IACC's reasoning that:

"the associated development sites should not be considered as operational land for the purposes of the electricity generating

undertaking as they are not used or required for the purposes of generating electricity. They are required only for the construction of the power station and to allow them to benefit from permitted development rights for generation of electricity is unreasonable” [REP9-031].

- 21.8.330. As such, the ExA recommends that Article 73 be changed to include reference to Work No.6 and Work No. 5 (the WNDA and Off Site Power Station Facilities respectively). Article 73 to then read as follows:

"Development consent granted by this Order for Work No. 1 and Work No. 5 is to be treated as specific planning permission for the purposes of paragraph 264(3)(a) of the 1990 Act (Cases in which land is to be treated as not being operational land for the purposes of that Act)."

Part 7 – Miscellaneous and General

Article 82- Guarantees in respect of payment of compensation

- 21.8.331. The Applicant first introduced Article 82 at Deadline 6 [as proposed Article '83' in REP6-020] for its insertion into the dDCO at Deadline 8 following the March hearings. When financial matters were discussed during the CA hearing on 5 March 2019, the Applicant noted that, ideally, [REP6-020] also should have included Article 83 [i.e. as numbered in [REP10-006]. These Articles provide financial guarantees for CA and related) compensation and the overall delivery of the project. Further consideration of their provisions is contained within the Need and Funding and CA chapters of this report.
- 21.8.332. At Deadline 8, IPs and the Applicant had an opportunity to comment on matters discussed at the hearings in March. Further comments were made in [REP10-069] regarding further public consultation. However as noted above in relation to Article 9, the Examination was a public process that provided opportunities for people to comment, and all of the resulting representations have been considered. This includes any comments received at Deadline 9 in relation to the proposed wording for Article 9(4) [REP9-006 in relation to question 17.2.11], which cross-refers to this Article (numbered '83' at that stage) and has been included in the final version of the dDCO [REP10-006].
- 21.8.333. In summary, the ExA accepts the Applicant's drafting.

Article 83 – Funding for implementation of the authorised development

- 21.8.334. IACC expressed some initial concerns during the CA hearing on 5 March 2019 regarding Article 83 (as it was then, proposed Article 84), and WG wished to see the text of proposed Article 83 before commenting further. However, since then IACC confirmed [REP9-031] that it had no issues with proposed Articles 82 and 83 [REP7-002], and WG has not sought to raise any issues [REP8-071 & REP9-029].

- 21.8.335. The ExA asked several questions about Article 83 (numbered '84' at that time) [PD-021].
- 21.8.336. If a funding arrangement is agreed for new nuclear which changes the risk profile, then such an approach would render Article 83 'seemingly redundant' [section 9.4 REP9-048]. However, and as explained in the Need and Funding chapter of this report, that is not the Applicant's case, whereas the inclusion of Article 83 is, and it is therefore not redundant.
- 21.8.337. From the drafted text of Articles 82 and 83, the exchanges during the hearing sessions and the written representations during the Examination, it is apparent to the Panel that Articles 82 and 83 would provide the funding guarantees that they seek to do.
- 21.8.338. Accordingly, the ExA accepts the Applicant's drafting.

Article 86 - Marine Enforcement Authority

- 21.8.339. At the outset of the Examination, WG set out its view that Welsh Ministers should be the enforcing authority in respect of requirements relating to Marine Works [EV-013] and that this approach was consistent with that adopted for the discharge and enforcement of conditions attached to any marine licence granted. This was a topic returned to at subsequent DCO ISHs and in written submissions by WG.
- 21.8.340. The Applicant agreed that whilst it was clear that IACC would be the enforcement authority for the DCO if made, for land down to the low water mark, PA2008 "*is silent on who the enforcement authority should be*" below the low water mark [REP10-010]. A new article was therefore added at Deadline 10: Article 86 - Marine Enforcement Authority. This makes clear that Welsh Ministers should be the enforcement authority for land below the low water mark [REP10-006]. The Applicant confirmed that WG and IACC both agreed to the drafting of Article 86 [REP10-010].
- 21.8.341. Given that this Article was inserted at the last deadline of the Examination, the ExA has been unable to confirm directly with WG and IACC whether they are content with the drafting of Article 86. That said, given that WG had raised the issue consistently since the beginning of the Examination and that the insertion does not alter the discharging responsibilities of IACC, the ExA has no reason to disagree with the drafting and insertion of Article 86. Consequently, the ExA accepts the Applicants drafting and recommends this for inclusion in the DCO.

21.9. ARTICLES RECOMMENDED TO BE DELETED

- 21.9.1. Two articles were proposed for deletion by the Applicant. These are set out in the table below.

Table 12: DCO Articles recommended to be deleted

Provision	Examination Issue	Recommendation

Subsidiary Works	Deleted at Deadline 2 [REP2-004]. Previously Article 50 of the dDCO [APP-029]. Deleted in response to FWQ Q4.0.41 [PD-009] regarding potential duplication between this article and 'other associated development' in Schedule 1 of the dDCO. However, the Applicant inserted some works into Schedule 1 to ensure these are provided for (pumps and access structures) [REP2-004].	With the amendments made to Schedule 1, ExA agrees with deletion to avoid duplication in dDCO.
Maintenance of Marine Works	Deleted at Deadline 1 [REP1-009] in response to ExA question 42 in Supplementary Agenda to the first DCO ISH. Previously Article 49 of dDCO [APP-029]. Applicant agreed the article duplicated article 6 – Maintain, albeit that article 6 required insertions into the definition of maintain.	With the amendments made to Article 6 – Maintain, ExA agrees with deletion to avoid duplication in dDCO.

21.10. REQUIREMENTS RECOMMENDED TO BE ADDED

- 21.10.1. At Second WQs, the ExA questioned whether there should be a Register of Requirements to enable IPs and others to keep track of progress with the project should the Order be granted [PD-013]. The ExA included wording of a similar requirement in the granted DCO for A14 Cambridge

to Huntingdon for consideration. The drafting of that article was as follows:

Register of requirements

(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

21.10.2. The Applicant disagreed because in its view:

"It is not appropriate for a private body to have to maintain a register when the local authority already has a system in place to track applications and approvals" [REP5-002].

21.10.3. Furthermore, the Applicant argued that:

"a requirement like the one suggested by the ExA had only been imposed in highway NSIPs and likely because Highways England (which is typically the discharging authority in those DCOs) does not have a public register of applications. In those instances, (the Applicant) agrees that it may be appropriate to impose this requirement on the applicant; however, that is not the case in this DCO." [REP5-002].

21.10.4. The Applicant observed that for the Hinkley Point C New Nuclear Power Station, Sedgemoor District Council and the West Somerset Council maintain DCO Project Pages where the community can view all discharge applications and decisions as well as other Project documents such as the section 106 agreement and details of advisory groups.

21.10.5. In the Applicants view:

"There is no reason why IACC should not take this same approach, rather than putting the onus on a private body who would be reliant on IACC providing the relevant inputs (which if it failed to do, Horizon could be held to be in breach of the requirement)" [REP5-002].

21.10.6. In contrast, IPs including NRW [REP5-081] and IACC [REP5-057] supported the concept of a Register of Requirements. IACC commented:

"The IACC would welcome the inclusion of a requirement for a register in the terms suggested. As well as assisting the statutory bodies in carrying out their functions, such a register would assist the communities affected by the development by providing a useful reference and would therefore

assist in making the development process transparent and accessible to the public” [REP5-057].

- 21.10.7. WG also supported the idea of a Register [REP5-080], because it observed that IACC did not have an online planning system that would allow public access to track applications and approvals [REP6-062].
- 21.10.8. Despite the strong opposition from the Applicant, the ExA agrees with IACC and others that a register of requirements would help statutory bodies carry out functions in relation to the DCO etc and facilitate effective management / enforcement of controls imposed by DCO requirements.
- 21.10.9. However, the ExA also acknowledges the practical difficulties identified by WG in relation to the lack of online planning system, and the difficulties identified by the Applicant, in terms of its reliance on the discharging authority to provide relevant information in a timely manner, and if it didn't the Applicant could be held to be in breach of the requirement.
- 21.10.10. The ExA notes that s120 (5) (c) provides power to include any provision that appears to be necessary or expedient for giving full effect to any other provisions of the order. If the SoS agrees that such a provision is necessary or expedient, the ExA recommends that a new Project Wide requirement, following the same principle as Requirement 22 (Part 2 of Schedule 2) of the made Order for the A14 Cambridge to Huntingdon Improvement Scheme is imposed. However, it should be reasonably adapted to address the circumstances in this case, for example making provision for the Applicant to facilitate the setting up of IACC's online register (which IACC then maintains) and in the meantime, enabling the Applicant to create a non-statutory register on its own project website.
- 21.10.11. The ExA considers the relevant place for this would be to insert a new requirement after requirement 6 in Schedule 19.

Table 13: Requirements recommended to be added

Provision	Examination Issue	Summary of Recommendation and reference to location in report where this is discussed
Register of Requirements	The ExA questioned whether there should be a Register of Requirements to enable IPs and others to keep track of progress with the project should the Order be granted [PD-013]	Project Wide requirement, following the same principle as Requirement 22 (Part 2 of Schedule 2) of the made Order for the A14 Cambridge to Huntingdon Improvement Scheme.

		The ExA considers the relevant place for this would be to insert a new requirement after requirement 6 in Schedule 19. Chapter 21 – DCO,
Tern Compensation Strategy	As discussed in Chapter 7 of this report, the Applicant had drafted a Requirement which could be included in the dDCO to secure compensatory measures for the Anglesey Tern SPA [REP10-035]. There was little agreement between the Applicant, NRW and the eNGOs on the precise wording of the Requirement.	The ExA's recommends inclusion of this Requirement with amendments for the reasons explained in Chapter 7.10 WN33

Schedule 15 – Protective Provisions

- 21.10.15. Protective Provisions are given effect by Article 41 of the Order. These are agreed in all instances apart from those with the Nuclear Decommissioning Authority (NDA) and Network Rail. The Applicant provides a summary of what it considered to be the areas of disagreement at Deadline 8 [REP8-004].

Schedule 19 – Procedure for Approvals, Consents and Appeals

Introduction

- 21.10.16. Schedule 19 is given effect by Articles 78 of the dDCO. The EM explains that the purpose of the Schedule is to set out the procedures that apply to any approvals, consents and appeals under the Requirements in Schedule 3 and various approvals and consents under the Order [REP10-015].
- 21.10.17. There are different processes for approval depending on whether the Requirement is major, for example detailed design approval for the main

components of the WNDA; or minor, such as those that seek revisions to approved plans or designs, approvals for minor elements of works or seek revisions to other minor requirements [REP10-015].

Examination of issues

- 21.10.18. The ExA asked the Applicant to provide a full explanation and justification for the departure from standard definitions in relation to the Procedure around certain approvals set out in Appendix 1 of PINS Advice note 15 Rev.2 Drafting Development Consent Orders published in July 2018 [PD-009].
- 21.10.19. The ExA also asked IACC and other discharging authorities to comment on the procedure's timescales; categorisation of scale of development and fees proposed in relation to the appeals procedure proposed in Schedule 18 (Article 79) asking whether the discharging authorities considered the proposals reasonable and proportionate and whether they would be adequately resourced [PD-009]

Applicants case

- 21.10.20. The Applicant provided a detailed explanation of its position [REP2-375]. It explained that the Schedule had been drafted before the revision to the PINS Advice Note 15 Rev.2 was published and that it was based upon other Orders of similar size and complexity. It also provided a line by line comparison of Schedule 19 with Advice Note 15, setting out the areas of difference [REP2-375].
- 21.10.21. These are reproduced below, (albeit the paragraph numbering refers to the previous version of the dDCO and not the final version):
- In summary, Schedule 19 differs as follows from the suggested text in the Appendix to PINS Advice Note 15:
 - The title to Schedule 19 has been drafted to include "*consents and appeals*" as these are also dealt with in the schedule.
 - Paragraph 1 has been drafted to distinguish between major detailed requirements and minor detailed requirements as these should have different approval timeframes due to their scope and nature.
 - Advice Note 15 provided a six-week period for approvals; Schedule 19 provides: 56 days for major detailed requirements (design and management approvals for key Project elements – i.e. the Power Station Site or the Site Campus); 35 days for minor detailed requirements (revisions to approved documents or minor or discrete works – e.g. Ecological Compensation Sites).
 - Major and minor detailed requirements have been defined in clause 5 of schedule 19.
 - Paragraph 1(3) has been drafted to include "deemed approvals" within the discharging process. This is considered appropriate to enable Horizon to efficiently undertake the Wylfa Newydd DCO Project and to ensure the intention of the Planning Act 2008 is not frustrated. This clause provides that if no response has been provided by the discharging authority, it will be taken to have granted all parts of the

application; the discharging authority still has the power to refuse to grant approval or to grant subject to conditions.

- Paragraph 1(4) has been inserted to make it clear that if IACC wants to consult with Requirement consultees (e.g. NRW) in making any approvals or determinations under this Schedule, Horizon will provide all relevant materials to the Requirement consultee to assist in its consultation role.
- Paragraph 2(2) has been drafted to provide timeframes for requests for further information. Timeframes differ depending on whether a Requirement consultee (defined as NRW) is involved. The timeframe for receiving requests for further information where no Requirement consultee is involved, has been reduced to 7 business days; however, in the updated draft DCO (Revision 3.0) submitted at Deadline 2 (4 December 2018) [WN0902-HZDCO-PACREP-00043], Horizon amended this to be 10 business days.
- Paragraph 2(3) provides time extensions for requests for further information where a Requirement consultee is involved. This is considered appropriate to ensure clarity about the applicable timescales where there is a consultee.
- Paragraph 3 has been drafted to recognize the different costs involved in discharging the different types of requirements. The fee schedule in Paragraph 3 is based on Town and Country Planning Act (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017 (which apply in Wales)). These Regulations have been used to set fee charges in other development consent orders such as Thames Tideway, Hinkley and North London and Horizon considers them appropriate.
- Paragraph 3(3) provides that fees paid can be credited towards future approvals where agreed between the parties.
- Paragraph 4 has been drafted to reflect the processes under the draft DCO and to address the "*deemed approval*" provisions in paragraph 1(3). Paragraph 4(11) has also been updated to refer to the latest planning guidance on appeals.
- Paragraph 5 has been drafted to reflect the new definitions included in Schedule 18 as a result of the amendments noted above. [REP2-375 PD- Q4.1.101]

21.10.22. IACC, NRW and WG had many issues with the drafting of Schedule 19. IACC summarised the position, stating that the schedule would need "*substantial amendment if it is to be fit for purpose*" [REP2-218].

21.10.23. Issues with the drafting centred around the following matters:

- i. resource planning to enable the discharge of requirements to the relevant timescales;
- ii. proposed inclusion of deemed approval in the schedule;
- iii. clarity around definitions and roles in relation to discharging authority;
- iv. consultation on proposed changes to approved documents with the public or with stakeholders;
- v. timescales for discharge of requirements;

- vi. fees, including structure of fees, appropriate level and mechanism to keep these under review and updated; and
- vii. who the appellate authority should be.

21.10.24. These issues are considered in turn.

i. Resource planning

21.10.25. IACC considered that without an adequate Phasing Plan, it could not consider the best way to resource demand or plan staff deployment to ensure capacity was in place to process applications [REP2-218].

21.10.26. At Deadline 5, following discussions at the second DCO ISH, the Applicant inserted a new sub para 1(4) the provision of a rolling schedule of forthcoming applications every six months to enable IACC to resource and plan effectively between commencement of the authorised development until the commencement of the operational period [REP5-006].

21.10.27. IACC considered this amendment did not go far enough [REP9-031]. Therefore, at Deadline 10, the Applicant added a new paragraph 1- Discharge programme, setting out in detail the process that should be followed before submitting a discharge application under the dDCO so that the discharging authorities can be adequately resourced. The Applicant stated that the new paragraph had been agreed by IACC [REP10-010].

21.10.28. Given that the insertion was made to the dDCO at the final deadline of the Examination (Deadline 10), the ExA has been unable to confirm that IACC was content with the drafting. However, given that the amendment made addresses the concerns raised by IACC and the Applicant has confirmed that IACC were in agreement over the drafting, the ExA accepts the Applicants proposed drafting.

ii. Deemed approval

21.10.29. IACC disagreed with the deemed approval approach to the schedule. It argued that a right to appeal should exist at the end of a set period, not an automatic approval. It also stated that the made Orders referred to by the Applicant, both contained a right of appeal not a deemed approval and as such, did not provide a suitable precedent [REP2-218].

21.10.30. At Deadline 5, the Applicant removed the deemed approval provisions [REP5-006].

21.10.31. The ExA accepts the Applicants deletion of deemed approval provisions from the schedule.

iii. Discharge Authority

21.10.32. Initially, IACC and NRW disagreed over the role of NRW in relation to discharge of requirements for matters seaward of MHWS. Subsequently, parties reached agreement over their respective roles, agreeing to a Memorandum of Understanding (MoU) during the latter half of the

Examination with WG that would set out how the authorities would work together in the discharge of requirements [REP10-013].

- 21.10.33. At Deadline 8 the Applicant added a new sub paragraph 2(4) to Schedule 19: *"Where an application is made in relation to a Work that has more than one discharging authority, the discharge of those applications will be managed in accordance with a memorandum of understanding agreed between the undertaker, IACC and NRW."* [REP8-010].
- 21.10.34. NRW objected to the drafting of the clause at 2(4). In its view the MoU *"sets out the proposed arrangements between IACC and NRW. It is intended that IACC will give up its planning role in the intertidal area and NRW will be the sole discharging authority seaward of MHWS, with one of the respective bodies being specified as a required consultee where the other is the discharging."* [REP9-037]. It therefore argued that the drafting should reflect the proposed arrangements for discharge of requirements for works which include landward and intertidal elements; or in any way extend across MHWS. NRW also argued that for the identity of the discharging authority to be clearly delineated in the dDCO.
- 21.10.35. At Deadline 10, the Applicant added additional wording at paragraph 2(4) and (5) to clarify the process to be followed where more than one discharging authority is involved, including specific reference to the scope of the MoU between IACC and NRW and associated timeframes [REP10-010].
- 21.10.36. Given that the insertion was made to the dDCO at the last deadline of the Examination, the ExA has been unable to confirm that NRW was content with the drafting. However, given that the amendment made addresses the concerns raised by NRW, the ExA accepts the Applicants proposed drafting.

iv. Consultation

- 21.10.37. IACC argued that Schedule 19 provided limited opportunity for it to consult on any proposed changes to approved documents, either with the public or with stakeholders. It proposed the Applicant should undertake consultation on the details of any proposed change and that a summary report of the consultation undertaken and the response to that consultation should be submitted to the discharging authority, and if consultation details did not reflect the consultation responses, reasons why this was so [REP2-218].
- 21.10.38. At Deadline 5 following discussions at the second DCO ISH, the Applicant included drafting to make clear that IACC could consult any statutory consultee it considers relevant when considering an application for discharge sub paragraph 1(3) [REP5-006].
- 21.10.39. The ExA considers that the proposed drafting amendment does not fully address the issue raised by IACC, failing as it does to include a requirement for the Applicant to consult with the public or other stakeholders such as the environmental NGOs in advance on proposed changes.

- 21.10.40. In the ExA's view, this approach overlooks the importance of the Franks Principles in terms of openness and fairness in terms of allowing affected persons to have their say about proposed changes. Given that IACC are content with the timescales for discharge of requirements, the ExA proposed the drafting of the article be amended to oblige the Applicant to undertake consultation in advance of any proposed changes.
- 21.10.41. No alternative drafting was submitted during the Examination. As a result, the ExA recommends that the SoS considers making provision within Schedule 19 to require the Applicant to consult before submitting an application to amend approved documents and to include a consultation report with the application when submitting it to the discharging authority. As proposed by IACC, the consultation report should describe the consultation, the response to it and, as appropriate, the reasons for not acting on the consultation responses.

Timescales

- 21.10.42. IACC stated that the proposed timescales were "*thoroughly inadequate*". It proposed alternative timescales depending on whether it was dealing with minor requirements, major requirements not requiring environmental information and major requirements requiring environmental information [REP2-218].
- 21.10.43. NRW agreed. At Deadline 9 [REP9-037] it recommended that the associated time periods outlined in Schedule 19 paragraph 2(2) were increased to 84 days from receipt of an application or further information associated with a major requirement and 56 days from receipt of an application or further information associated for a minor requirement. NRW considered this important and necessary to allow appropriate time for NRW to properly determine requests for approval. NRW also argued that consultees should be given 28 working days to respond from receipt of a consultation notice from a local planning authority as opposed to the 20 days put forward by the Applicant.
- 21.10.44. NRW noted that the 8-week timescale was approved for other DCOs in Wales, for example The Port Talbot Steelworks Generating Station Order 2015, The Hirwaun Generating Station Order 2015, The Wrexham Gas Fired Generating Station Order 2017 and The Glyn Rhonwy Pumped Storage Generating Station Order 2017 and that this should apply to a 'minor detailed requirements' here. NRW considers that more time is required for major detailed requirement, by virtue of their complex nature, and propose that 12 weeks (84 days) is appropriate.
- 21.10.45. Whilst the Applicant made some amendments to timescales, it did not introduce all the changes proposed by NRW.
- 21.10.46. Given that the amendments were made at the last deadline of the Examination, the ExA has been unable to confirm NRW's final position on the matter. However, as there were significant differences of opinion between the Applicant and NRW, the ExA considers it very likely that NRW was not content with the proposal in relation to timescales. In

contrast, the ExA notes that IACC was content with the proposed timescales at the end of the Examination [REP10-013]

- 21.10.47. In considering this matter further, the ExA takes into account the fact that IACC and NRW's concerns around timescales stemmed from a lack of resources to enable both bodies to deal with discharging requirements within the timeframes set by the Applicant. Subsequently, IACC and NRW did reach agreement with the Applicant in relation to fees to ensure that the relevant resources could be put in place to enable the requirements to be discharged within the timeframes sought by the Applicant.
- 21.10.48. On balance, because IACC is satisfied with the proposed timescales and because NRW and the Applicant did reach agreement over the level of fees to be charged for the task, the ExA agrees the wording in the dDCO in respect of timescales.
- 21.10.49. IACC argued the fees were too low given the high volume of work required over a considerable period of time (in excess of 12 years) and that these needed to be reconsidered on a 'per requirement or part thereof' basis. NRW also explained that it had a separate fee regime in place for such matters [REP2-218].
- 21.10.50. At Deadline 8, following extensive discussions of the Schedule at the third DCO ISH, the Applicant introduced several drafting amendments. These included amendments to make clear that the fee regulations referred to those that apply in Wales; and to distinguish between fees payable to IACC 3(1) and fees payable to NRW (paragraph 4) given that both discharging authorities have different fee structures [REP8-010].
- 21.10.51. Just before the close of the Examination, the Applicant explained that agreement had been reached with IACC over the Fee structure and a new para 5 on Fees was inserted into the Schedule, replacing the previous wording on Fees in its entirety. [REP10-010].
- 21.10.52. At Deadline 9 NRW confirmed that it was content with the proposed wording in respect of fees to be charged by NRW [REP9-037]
- 21.10.53. WG also requested that in respect of the fees set out in Paragraph 3 of the Schedule, the applicable Regulations which should be referred to for a Welsh development are the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (SI2015/1522) (as amended or superseded). [REP3-061].
- 21.10.54. The Applicant introduced this amendment at paragraph 7- Appeals, to bring the drafting up to date following withdrawal of Circular 03/2009. The amendment refers to the new guidance on appeals which deals with cost awards [REP10-010].
- 21.10.55. Given that the insertion was made to the dDCO at the last deadline of the Examination, the ExA has been unable to confirm directly with IACC that it was content with the drafting of paragraph 5 on Fees.

- 21.10.56. The ExA notes the Applicant's assertion that the new fee structure was agreed by IACC [REP10-010 and REP10-013]. The ExA also takes into account the detail of Schedule 16 of the completed s106 agreement [REP10-009] which includes:
- an annual Service Level contribution of £500,000 to be paid to IACC for the duration of the construction period;
 - that the contribution could be used to fund the running of the programme office as well as additional officer provision to deliver the Council's obligations at peak times,
 - that the contribution could also include additional officers to deal with Welsh language, tourism, transport, environment, economic development and safeguarding.
 - an annual contribution of £60,000 paid to IACC to contribute towards the Council's costs of monitoring implementation, compliance and enforcement which may include the provision of officer resource.
- 21.10.57. The ExA is therefore satisfied that combined with the fees, IACC would have sufficient resources available to it to deal with discharging requirements and monitoring implementation, compliance and where necessary undertaking enforcement.

v. Appeals

- 21.10.58. WG requested that the dDCO was amended in line with the Swansea Bay Tidal Lagoon DCO to ensure that the dDCO respected the devolution settlement. It requested that a specific Article was inserted into the dDCO, to reflect the approach taken at Article 48 the Swansea Bay DCO. [REP3-061]

- 21.10.59. Article 48 of the Swansea Bay DCO states:

"(1) Where an application is made to the relevant planning authorities or either of them for any consent, agreement or approval required by a Requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the Requirement were a condition imposed on the grant of planning permission—

(a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);

(b) the provisions of any orders, rules or regulations that provide in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission Planning (Environmental Impact Assessment) Regulations 2009 and any other orders, rules or regulations made under the 2008 Act.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it provides in relation to an application for such a consent, agreement or

approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

(3) For the purposes of the application of section 262 of the 1990 Act (meaning of "statutory undertaker") to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989."

21.10.60. IACC supported WG's stance. It referred to the role of WG as appellate decision maker in Wales in relation to decisions made by local planning authorities. It considered that it would be in line with planning practice in Wales and the devolution arrangements for the WG, if WG were to be the appeal authority under schedule 19 rather than the Secretary of State [REP2-218].

21.10.61. The Applicant set out detailed reasoning on why it considered this should not be the case in response to the ExA's Second WQ Q2.4.43 [REP5-002]. In its view:

"the matter should be left to the SoS given the divergence of view of approaches in Welsh DCOs even where WG has made submissions on the matter" [REP8-004].

21.10.62. In response to the ExA's request for further information [PD-015] at Deadline 9, WG confirmed that it had not altered its view on the matter:

21.10.63. *"It is critical that DCOs in Wales fully respect the Devolution Settlement and as this appeal function relates to Welsh Local Planning Authorities' in the discharge of conditions, it is wholly appropriate that in this instance the appellate authority should be Welsh Ministers. WG requests that the Examining Authority support and suggest a positive amendment to the text that replaces references to the Secretary of State to Welsh Ministers" [REP9-029].*

21.10.64. The ExA is of the view that the arguments on this matter are finely balanced. In its view however, it considers the WG should be the appellate body in Wales because it can be argued that the SoS has discharged his duty as decision-maker in respect of the development consent order in the context of PA 2008 (as amended) and, if the Order is made, has, in effect, granted planning permission subject to conditions. The Order requires that many matters of detail are to be determined by Welsh institutions, - mainly IACC and NRW - and that, logically the appellate in these circumstances should be ministers representing WG.

21.10.65. The ExA recommends replacing "Secretary of State" with "Welsh Ministers" at Schedule 19 Appeals 7(2) (a) and 7(2)(c). The ExA also recommends replacement of "Department of Communities and Local Government guidance on appeals" with "xxxx" at 7(2)(11).

21.11. SECTION 106

21.11.1. In addition to the provisions of the DCO, including the Schedule 3 requirements, the effect of the proposed development would be

mitigated by planning and development consent obligations contained within an agreement made under s106 of the Town and Country Planning Act 1990. The s106 [REP10-006] was signed on the 17 April 2019. The contents of the s106 were helpfully summarised by the Applicant in a separate table in the mitigation route map submitted at Deadline 9 [REP9-008] and require no further analysis here. The ExA considers that the s106 agreement should be taken into account as being material to the determination of the application for development consent.

- 21.11.2. The IACC, GCC, CCBC, WG, NWP, NWFR, NWAST, BCUHB, PHW, NWWT, NT are generally satisfied with the package of mitigation measures contained within the s106. Where there is a difference of opinion between the parties this is considered in detail in the relevant section of this report.
- 21.11.3. The ExA considers that the measures contained in the s106 agreement are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. As a consequence, the ExA is satisfied that the s106 would meet the test for planning obligations as set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 and Welsh Office Circular 13/97: Planning Obligations.
- 21.11.4. The s106 would provide substantial mitigation for the adverse effects of the proposed development and should be given significant weight by the SoS when considering the Application.

21.12. CONSENTS AND OTHER LICENCES

- 21.12.1. In addition to consent required under PA2008 the proposed development requires other consents and permits for its construction and operation. These are set out in the Consent and Agreements Position Statement [APP-053] and include:

For Construction

- Marine Licences under the Marine and Coastal Access Act 2009 for marine works;
- Planning permission under the Town and Country Planning Act 1990 for A5025 On-line Highway Improvements and Site Preparation and Clearance;
- Protected Species Licences under the Conservation of Habitats and Species Regulations 2017
- Conservation Licences under the Wildlife and Countryside Act 1981;
- Water abstraction licence(s) under the Water Resources Act 1991;
- Environmental Permits under the Permitting (England and Wales) Regulations 2016;
- Local Air Pollution Prevention and Control (LAPPC) Part B permits and waste permits;
- Foul Water Sewer Requisition under the Water Industry Act 1991 and the Water Act 2003;
- Request for Non-Domestic Water Supply under the Water Industry Act 1991;

- Ordinary Watercourse Consents under the Land Drainage Act 1991;
- Construction-related Health and Safety consents under the Health and Safety at Work Act 1974 and subsidiary legislation;
- Permit for transport of Abnormal Indivisible Loads under The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988;
- Section 61 Prior Consent under the Control of Pollution Act 1974;
- Coastal Station Radio Technically Assigned under the Wireless Telegraphy Act 2006;
- Control of Major Accident Hazards (COMAH) Notification associated with water treatment chemicals and back up fuel. - Major Accident Prevention Policy (MAPP) - Safety Report under Control of Major Accident Hazards Regulations 2015 (as amended);
- Notification of Construction Project under the Construction (Design and Management) Regulations 2015;
- Article 41 of the European Atomic Energy Community (Euratom) Treaty requires that the Applicant notify the European Commission (EC) of its intention to construct and operate the twin UKABWR, Wylfa Newydd power station on the Isle of Anglesey;
- Nuclear Site Licence under the Nuclear Installations Act 1965, submitted to the ONR in March 2017 (subsequently withdrawn by the Applicant [REP10-037]);
- Planning (Hazardous Substances) Consent under the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) (Wales) Regulations 2015;
- Hazardous Waste Producer Registration (Wales); and
- Section 31 Notice under the Highways Act 1980.

For Operation

- Operation- related Health and Safety consents under Health and Safety at Work Act 1974 and subsidiary legislation including the Pressure Systems Safety Regulations 2000 and the Dangerous Substances and Explosive Atmospheres Regulations 2002;
- Electricity generation licence under the Electricity Act 1989;
- EPs to allow operation of the Power Station under the Environmental Permitting (England and Wales) Regulations 2016;
- Permit to emit CO₂ under the Greenhouse Gas Emissions Trading Scheme Regulations 2012;
- Building Regulation approval under the Building Regulations 2010;
- Hazardous waste producer registration under the Hazardous Waste (Wales) Regulations 2005;
- Planning permissions for any element of the Project not within the scope of the DCO (i.e. permanent Visitor Centre) Town and Country Planning Act 1990;
- Article 37 Positive Opinion (for the operation of two UK ABWRs with associated on-site storage of Spent Fuel and Radioactive Waste) under the Euratom Treaty; and
- Marine Licences under the Marine and Coastal Access Act 2009.

Other Agreements

- Bilateral Construction Agreement, to set out the construction programme and the responsibilities for the connection including upgrades to the transmission system, with National Grid Electricity Transmission PLC; and
- Bilateral Connection Agreement, to enable the Power Plant to connect and export and import electricity to and from the electricity transmission network, with National Grid Electricity Transmission PLC.

Discussion

21.12.2. NRW [REP1-028] advised that:

"Under Reg 10(1)(b) of the Marine Works Regulations, NRW may determine that an EIA is not required, for the purposes of determining the Marine Licence application, if we are satisfied that an assessment of any effects on the environment of the project in question has already been, is being or is to be carried out by another consenting authority and the assessment is or will be sufficient to meet the requirements of the EIA Directive in relation to that project".

21.12.3. As the assessment of environmental effects is being carried out as part of the DCO determination, NRW determined that no EIA was required for the Marine Licence and it intended to rely on the above exception.

21.12.4. NRW continued:

"Under Regulations 10 (1)(b) and 10 (4)(a) of the Marine Works Regulations (as amended) NRW cannot determine the marine licence application until we are satisfied that to do so would be sufficient to meet the requirements of the EIA Directive and be compatible with the measures identified by the Secretary of State to ensure compliance with the EIA Directive.

"Therefore, in these circumstances, a marine licence for this project can only be legally granted after the completion of the consideration of the EIA and associated decision made by the Secretary of State".

21.12.5. The Applicant therefore does not include proposals for a Deemed Marine Licence (DML) as part of the dDCO. The ExA notes it would be for NRW to grant any future marine licence.

21.12.6. The Applicant identified its overall approach to consents and agreements at the first DCO Hearing [REP4-004]. Under this approach, the Applicant had not sought to duplicate within the dDCO controls in statutory guidance or under other consents such as mitigation licences or environmental permits. The Applicant's reasoning for this was that those other documents sufficiently control construction activities and if they were duplicated within the CoCPs there could be a future inconsistency if the statutory guidance or other permission was amended.

21.12.7. The ExA, at the first ISH on Biodiversity on 10 January 2019 requested the Applicant and NRW to provide an update regarding progress for obtaining any other consents, licences and agreements [REP4-005]. Following this request, on 17 January the Applicant suspended the

project [AS-039]. The Applicant, following discussion with NRW, took the decision to withdraw three operational environment permits, for the Management of Radioactive substances, Combustion and Operational Water Discharge [REP7-012].

- 21.12.8. NRW continues with its determination of the Construction Water Discharge permit and Marine Licence. The schedule for delivery of these applications remains as in its submission, with final decisions not expected before March 2020 [REP4-039].
- 21.12.9. NRW's Permitting Service considered that the removal of the three operational permits raises challenges with respect to delivery of a total effect assessment to support its determination and that it is currently considering the implications [REP7-012].
- 21.12.10. The Applicant updated its Consent and Agreements Position Statement at [REP4-026] and [REP6-017] to allow for the withdrawal of the operational environmental permits and the planning application for site preparation and clearance, and update of progress with other consents and licences.
- 21.12.11. At Deadline 6 [REP6-017] planning permission for the A5025 on line highway improvements had been granted by IAAC, the EC had provided their view that the investment fulfils the objectives of the Euratom Treaty, an Electricity Generating Licence had been obtained and regulators had issued a Statement of Design Acceptance, which approved the UK ABWR as suitable for construction in the UK. All other consents and licences would not be made or completed before issuing of the DCO, if it was approved.
- 21.12.12. In relation to this range of consents, the ExA has considered the available information bearing on these matters and, without prejudice to the exercise of discretion by future decision-makers, has concluded that with the withdrawal of operational permits and planning application it cannot advise that there are no impediments to the implementation of the proposed development, should the SoS grant development consent for the Application.

22. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

22.1. INTRODUCTION

- 22.1.1. As set out in Chapter 2, the Application as applied for, was a Development Consent Order (DCO) to construct and operate a nuclear power station comprising of two Advanced Boiling Water Reactors (ABWRs) in Wales. The Power Station would have a nominal gross electrical capacity of 3.1GWe.
- 22.1.2. The Power Station, other on-site developments and Marine Works would be located within the Wylfa Newydd Development Area (WNDA) adjacent to the Existing Wylfa Power Station at Wylfa Head, west of Cemaes on the north coast of Anglesey and would comprise a range of buildings, structures, facilities and features.
- 22.1.3. The Off-site Power Station Facilities would be located on a site adjacent to the A5025 at Llanfaethlu, approximately 7.5km south of the WNDA. The facilities would be used during the operational phase of the Power Station and are required to provide resilience against extreme events with very low probabilities.
- 22.1.4. Due to the nature of the proposed development and the character of the area, a number of associated developments form part of the proposed development to facilitate the construction of the Power Station and to mitigate potential environmental effects associated with the project. These include a site campus; park and ride facility; logistics centre; A5025 off-line highway improvements and three ecological compensation sites.

22.2. APPRAISAL OF THE APPLICATION UNDER S105 OF THE PA2008

- 22.2.1. The proposed development would be deployed post 2025, therefore it falls to be considered and a decision to be made under s105 of the PA2008.
- 22.2.2. Chapter 3 of the Report sets out the policy context against which this Application has been examined including the suite of Welsh National Policy and Guidance documents. As the Application is for an onshore electricity generating station with a nominal gross electrical capacity of 3.1GWe, the proposal is to be considered by the UK Government under the PA2008.
- 22.2.3. The Written Ministerial Statement on Energy Infrastructure (WMS) published on 7 December 2017, states that in the absence of a post-2025 nuclear NPS, nuclear power station projects yet to apply for development consent and due to be deployed beyond 2025 should be

considered under s105 of the PA2008 until such time as a new nuclear NPS is adopted.

22.2.4. Under s105 the SoS in deciding the application is to have regard to:

- LIRs submitted by local authorities;
- relevant prescribed matters; and
- other matters that the SoS thinks are both important and relevant to their decision.

22.2.5. As the Application is for a nuclear power station, NPS EN-1: Overarching National Policy Statement for Energy (EN-1); and NPS EN-6: National Policy Statement for Nuclear Power Generation (EN-6) apply as important and relevant.

22.2.6. EN-1 sets out the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply and supporting the government's policies on sustainable development, in particular by mitigating and adapting to climate change.

22.2.7. NPS EN-6 provides further detail in relation to nuclear power generation including the need for early deployment; the siting of new nuclear power stations; the consideration of alternatives and the management and disposal of radioactive waste.

22.2.8. The WMS states that for projects due to deploy beyond 2025, the Government continues to give its strong in principle support to project proposals at those sites listed in EN-6. The WMS states that even if EN-6 is considered not to have effect under s104 of the PA2008, as is the case for this Application, s105 would apply.

22.2.9. The WMS states that the Government is confident that both EN-1 and EN-6 incorporate information, assessments and statements which would continue to be important and relevant for projects which could deploy post 2025. In respect of matters where there is no relevant change to circumstances, the WMS states that it is likely that significant weight would be given to policy in EN-1 and EN-6 and they remain important and relevant.

22.2.10. WG policy on A Low Carbon Future for Wales is also supportive of the development at Wylfa Newydd and this weighs in its favour.

22.3. LOCAL IMPACT REPORTS

22.3.1. LIRs have been received from three relevant local authorities: IACC, CCBC and GCC. The LIRs include a range of relevant policies from their development plans and other documents within the local framework.

22.3.2. The LIRs provide a comprehensive analysis of the potential effects of the Application from their respective viewpoints. Each of the three local authorities did not identify that the proposed development would be in conflict with local policy.

- 22.3.3. The ExA has taken account each of the LIRs in its examination of the application and each chapter of the Report has addressed comments made in the LIRs. The ExA has therefore had regard to the LIRs in this Recommendation Report to the SoS.

22.4. PRESCRIBED MATTERS

- 22.4.1. The prescribed matters as set out in the Infrastructure Planning (Decisions) Regulations 2010 and which are raised by this Application are:

"3 - Listed buildings, conservation areas and scheduled monuments

When deciding an application which affects a listed building or its setting, the [Secretary of State] must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

When deciding an application relating to a conservation area, the [Secretary of State] must have regard to the desirability of preserving or enhancing the character or appearance of that area.

When deciding an application for development consent which affects or is likely to affect a scheduled monument or its setting, the [Secretary of State] must have regard to the desirability of preserving the scheduled monument or its setting.

7 - Biological Diversity

When deciding an application for development consent the Panel or Council must have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992(1)..."

- 22.4.2. The ExA has had regard to these prescribed matters in its consideration of the Application.
- 22.4.3. The examination and conclusions on these prescribed matters are dealt with in separate chapters of this Report as follows: Chapter 6 on biodiversity matters; Chapter 7 on HRA matters; Chapter 9 on the effects in relation to the historic environment; Chapter 10 on Water Resources including the WFD and Chapter 15 on Marine Environment. The planning balance in relation to all these matters is set out in Chapter 19 along with other important and relevant matters considered by the ExA.
- 22.4.4. In so far as listed buildings, conservation areas and scheduled monuments are concerned, from the information submitted into the examination, the ExA concludes that the benefits from the proposed development outweigh any possible direct or residual impacts in relation to listed buildings, conservation areas and scheduled monuments.
- 22.4.5. From the information submitted into the examination relevant to biological diversity, the ExA concludes that the benefits of the proposed development do not outweigh any possible direct or residual impacts.

22.5. IMPORTANT AND RELEVANT MATTERS

22.5.1. Important and relevant matters are summarised in Chapter 4. Chapters 5 – 18 put forward the ExAs findings and conclusions in respect of those issues and the Planning Balance is set out in Chapter 19.

22.6. NEED FOR ENERGY

22.6.1. Given that the Application falls to be considered under s105 of PA2008, the ExA wanted to examine whether there was still a need for energy and new energy infrastructure of the type proposed in the Application. In considering this, the ExA was clear that it was not its role to make policy, but to draw together findings within the context of existing policy.

22.6.2. In Chapter 5 the ExA finds the fact that the nuclear power provision envisaged for and encouraged to be delivered by 2025, had not materialised, did not mean either the 'need' or the 'urgency' to generate, low-carbon electricity from nuclear energy were negated.

22.6.3. The ExA concludes that there is a clear and urgent need for new low carbon energy infrastructure and that the Application could contribute to meeting this need.

22.7. TERRESTRIAL ECOLOGY AND BIODIVERSITY

22.7.1. The ExA's conclusions regarding the various biodiversity issues that would be impacted by the proposed development are given in relevant sections of Chapter 6 and summarised in the Planning Balance at Chapter 19.

22.7.2. The ExA concludes in summary:

- considering EN-1, the benefits of the development at this site would not outweigh the broader impacts on the national network of SSSIs;
- with respect to Tre'r Gof SSSI, the proposed development does not comply with the assessment given in EN-6 Volume II;
- the provision of compensation sites has the potential for moderate benefits in terms of biodiversity;
- due to insufficient scientific evidence, it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon Cemlyn Bay and with reference to 5.3.17 of EN-1, substantial weight should be given these potential adverse effects;
- there is doubt that there would be a net gain in Section 7 habitats and therefore is not compliant with EN-1, TAN 5 or Part 1 of the Environment (Wales) Act (2016) in this respect; and
- there is probability that the nationally important CHEG grasslands may be lost and not able to be re-created, so not being compliant with 5.3.17 of EN-1 or TAN 5.

22.7.3. The ExA advises the SoS that in terms of biodiversity, ecology and nature conservation the proposed development fails the tests in paragraphs 5.3.11, 5.3.13, 5.3.17 and 5.3.18 of EN-1; TAN 5 and Part 1 of the Environment (Wales) Act (2016).

22.7.4. The ExA advises that the proposed development does not conform to Article 8 (c) to (e) of the United Nations Environmental Programme Convention on Biological Diversity of 1992.

22.7.5. The ExA advises that terrestrial ecology and biodiversity are matters which should weigh substantially against the Order being made.

22.8. HABITATS REGULATION ASSESSMENT

22.8.1. The ExA's conclusions regarding HRA are given in relevant sections of Chapter 7 and summarised in the Planning Balance at Chapter 19.

22.8.2. The SoS is the competent authority under the Habitats Regulations, the ExA finds that in its view, the proposal would adversely affect European sites, species and habitats which the ExA has taken into account in reaching its recommendation.

22.8.3. The ExA advises the SoS that:

- further scrutiny of the Republic of Ireland's concerns should be afforded under the ongoing duty to have regard to the submissions made under EIA Regulation 24;
- AEoI can be excluded for SACs where marine mammal are qualifying features provided an additional requirement is made within the MWSCoCP to secure a marine mammal mitigation plan;
- for Cemlyn Bay SAC, a conclusion of no AEoI could be reached provided that appropriate controls are attached to the relevant Environmental Permit for emissions and mitigation of recreational impacts are improved;
- the SoS does not conclude that AEoI can be excluded for Morwenoliaid Ynys Môn/Anglesey Terns SPA;
- it is for the SoS to consider the implications of need and alternative sites at a national level, but the ExA is of the view that the Applicant has not demonstrated that there is no alternative to delivering some aspects of the proposed development;
- for the Morwenoliaid Ynys Môn/Anglesey Terns SPA, an assessment of alternatives, compensation measures and IROPI must be considered in order to come to a decision on compliance with the Habitats Regulations; and
- if the SoS is minded to accept IROPI, then the ExA's draft Requirement is included in the DCO and that the SoS consults with the Applicant, NRW and the eNGOs on revising the Tern Compensation Strategy and the MPSSSCoCP and MWSCoCP to align with the DCO Requirement.

22.9. SOCIO ECONOMIC MATTERS

22.9.1. The Application would deliver a number of significant socio-economic benefits, including the delivery of a source of low carbon energy and jobs and training. However, the additional pressure that would be placed on accommodation within the KSA during the construction period could even with the proposed mitigation, adversely affect tourism, the local economy, health and wellbeing and Welsh language and culture.

22.10. HISTORIC ENVIRONMENT

- 22.10.1. There are heritage assets of high significance including scheduled ancient monuments, listed buildings and a registered historic garden that would be lost or harmed by the proposed development. However, by virtue of the mitigation measures proposed, substantial harm would be avoided, and enhancement would be undertaken that would contribute to the social and economic well-being of North Anglesey. Furthermore, loss or harm of heritage assets is justified where the substantial public benefits outweigh the loss or harm. The ExA is therefore satisfied that the tests set out in NPS EN-1 (paragraphs 5.8.11 to 5.8.15) would be met.
- 22.10.2. The proposed development would achieve the objectives of PPW and policy PS20 of the JLDP by conserving archaeological remains; safeguarding the character of historic buildings; managing change to preserve special architectural and historic interest; and preserving the special interest of sites on the Register of Historic Parks and Gardens.
- 22.10.3. However, the ExA has outstanding concerns regarding preliminary archaeological investigation works that were being undertaken during the Examination. The ExA accepts that if the work of investigation is satisfactorily completed to the agreed standards substantial harm would be avoided; but if not, then substantial harm has been caused to the assets and needs to be justified; and advises the SoS accordingly.
- 22.10.4. The ExA concludes that the Application has addressed the historic environment according to the requirements of National, Welsh and local policy and where loss or harm would occur mitigation is in place to ensure that the loss or harm would be less than substantial and that negative impacts on historic environment should not weigh against the Application.

22.11. WATER RESOURCES

- 22.11.1. The ExAs conclusions regarding the various WFD and water resource issues that would be impacted by the proposed development are given in relevant sections of Chapter 10 and summarised in the Planning Balance at Chapter 19.
- 22.11.2. It is accepted by the Applicant that the proposed development would require derogation under Article 4 (7) of the WFD for The Skerries coastal water body and Ynys Môn Secondary groundwater body. The SoS, WG and NRW will have to examine the case for such derogation which may be justified in the public interested in relation to sustainable development
- 22.11.3. The ExA recommends that the SoS, WG and NRW can conclude that the UK would not be in breach of the WFD as the conditions of Article 4(7) have been satisfactorily addressed for The Skerries and Anglesey North water bodies and Ynys Môn secondary groundwater body.
- 22.11.4. Considering EN-1, the ExA is satisfied that the application is supported by an appropriate FRA, the Sequential Test has been applied, the proposal is in line with local flood risk strategies, priority has been given to

sustainable drainage systems and the project is appropriately flood resilient and resistant.

- 22.11.5. While some aspects of the proposed development do not comply with TAN 15 flood risk requirements, the ExA advises the SoS that proposed mitigation and employment objectives allows compliance with TAN 15.

22.12. AIR QUALITY

- 22.12.1. Paragraphs 4.10.1 to 4.10.3 of NPS EN-1 are clear that the planning and pollution control systems are separate but complimentary; and that in considering the appropriateness of the proposed land use, the ExA should work on the assumption that the relevant pollution control regime (and other environmental regulatory regimes) will be properly applied and enforced by the relevant regulator. There is no evidence that indicates: any other approach would be appropriate in this case; or that a future permit application would be likely to be unsuccessful.
- 22.12.2. Nor is it apparent that in relation to the air quality that would be experienced by people in the areas around the proposal, the development would cause unacceptable adverse effects on air quality to breach the objectives of section 5.2 of EN-1.
- 22.12.3. In terms of effects on ecology and biodiversity, as operational phase emissions were not agreed by the close of the Examination, and with the withdrawal of the Operational Combustion Installations permit application, the ExA remains concerned that there is no secured mitigation to ensure against adverse effects from air quality during operation.

22.13. CLIMATE CHANGE

- 22.13.1. The ExA's conclusions regarding the climate change issues that would be impacted by the proposed development are given in relevant sections of Chapter 12 and summarised in the Planning Balance at Chapter 19.
- 22.13.2. The ExA recommends that the Applicant has complied with the requirements of EN-1 and EN-6, WG policies and 2018 UK Climate Predictions.
- 22.13.3. The ExA draws the SoS's attention to the fact that more detailed data sets and modelling of the 2018 projections is anticipated and the SoS may wish to satisfy themselves regarding any further modelling requirements.

22.14. LANDSCAPE AND VISUAL

- 22.14.1. Some community would experience negative visual impacts during construction and there will be continuing, but reducing, negative impacts during operation.
- 22.14.2. Anglesey AONB and North Anglesey Heritage Coast are designated landscapes. Proposed Mound E would be within the AONB as would part

of the North Anglesey Heritage Coast at Porth-y-Pistyll. The whole of the site would be visible from the AONB.

22.14.3. The ExA acknowledge that the proposed development would have adverse effects on the landscape and visual amenity of North Anglesey in all phases. However, the ExA is of the opinion that the Application has had regard to siting, operational and other relevant constraints through all phases and would minimise harm to the landscape and provide reasonable mitigation where possible and appropriate. In the case of the designated landscapes it would not compromise the purpose of the designations and exceptional circumstances are demonstrated by way of justification.

22.14.4. The ExA consider that the proposal would therefore meet the test of exceptional circumstances set out on NPS EN-1 and EN-6 to justify the development within and effecting the designated areas. As such it would also comply with PPW, policy PS 9 of the JLDP and GP21 of the SPG.

22.15. GOOD DESIGN

22.15.1. In accordance with NPS EN-1 (Section 4.5), the Application considers all the dimensions of good design. The Application addresses the requirements of Welsh Government and local policy in seeking to achieve good design in respect of setting; location within the landscape; place-making and the design of individual elements. Further, it takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places within the context of the size and nature of the proposal and the presence in the landscape of the existing Nuclear Power Station.

22.15.2. However, across the project as a whole the level of success in reaching the goal of good design varies and the layout of the site, including the location of Mound A, would result in significant adverse residual effects at Tre'r Gof SSSI from hydrological changes during construction and operation due to the siting of Mound A and to a lesser extent the Site Campus, which cannot be mitigated.

22.15.3. Further, the Applicant has not fulfilled good design on the basis that the layout of the works would affect designated sites (Cemlyn Bay and Cae Gwyn SSSIs, in addition to Tre'r Gof SSSI). In addition, the works impact on other significant species including CHEG grasslands, chough and tern.

22.15.4. Therefore, taking the precautionary approach while the ExA concludes that the National, Welsh and local policy tests have been met for individual elements and for the physical design of the project overall, it cannot, due to the impact upon designated sites, make the conclusion for good design for the project overall. On balance the ExA concludes that the Application would therefore not follow good design principles, and this should be given limited weight against the Application.

22.16. MARINE ENVIRONMENT

- 22.16.1. The ExAs conclusions regarding the various marine environment issues that would be impacted by the proposed development are given in relevant sections of Chapter 15 and summarised in the Planning Balance at Chapter 19.
- 22.16.2. The ExA concludes that for Bae Cemaes/Cemaes Bay bathing water, INNS and marine mammals there will be no adverse impacts as a result of the proposed development. In EIA terms the ExA has given weight to advice from NRW, as the relevant statutory nature conservation body, that both the benthic invertebrate element in the Skerries water body and the hydromorphological element will have adverse effects from the proposed development.
- 22.16.3. The ExA has taken into consideration the requirements of EN-6, which states that "the applicant's assessment should also set out the characteristics of cooling water for new nuclear power stations and the specific implications of the proposal on marine and estuarine environments". It advises the SoS that the Applicant has satisfied this requirement and that there would be no deterioration of the water body as a result of the cooling water discharge.
- 22.16.4. The ExA is also content that the Applicant has considered the cumulative effects of the DCO application with other major infrastructure proposals in accordance with the requirements of EN-1 and that there are no adverse cumulative effects. However, the ExA acknowledges the Republic of Ireland's comments regarding cumulative effects on cetaceans arising from the proposed West Cumbria coal mine development.
- 22.16.5. The ExA therefore concludes that, considering the conclusions on water bodies given in the WFD section of this Chapter, the effects of the proposed development on the marine environment comply with EN-1 and has little weight against the Order being made. The ExA also concludes that the proposed development complies with the United Nations Environmental Programme Convention on Biological Diversity of 1992 in this respect.

22.17. NOISE AND VIBRATION

- 22.17.1. The ExA considers that the impact of noise and vibration on human and infrastructure receptors from the proposed development would meet the objectives of NPS EN-1. The ExA concludes that noise and vibration should not weigh against the Order being made.

22.18. TRAFFIC AND TRANSPORT

- 22.18.1. The ExA are satisfied that the proposed impacts from construction and operational traffic would be adequately mitigated. A significant amount of deliveries would be made by sea in accordance with NPS EN-1. In addition, it recognises that the proposed Off-line Highway Works would provide a long term legacy benefit for residents of Anglesey.

22.19. OTHER MATTERS

22.19.1. In regard to other relevant matters, the ExA is satisfied that accompanied by suitable mitigation and management secured by the dDCO, CoCP and sub-CoCPs and CoOP these would not weigh against the proposed development.

22.19.2. The ExA does, however, draw to the SoS's attention the fact that the ONR has confirmed that the application for the nuclear site licence to operate Wylfa Newydd has been formally withdrawn [REP10-037]. The ExA also draws the SoS's attention to the designation of the Geological Disposal Facility (GDF) NPS for higher-activity radioactive waste in July 2019, which was not available within the Examination for the ExA to consider.

22.20. PLANNING BALANCE SUMMARY

22.20.1. Having regard to all the matters referred in Chapters 6-21 of this report, the ExA's conclusion is that, on balance, the matters weighing against the proposed development outweigh the matters weighing in favour of it. The ExA therefore finds the case for development is not made and it recommends accordingly.

22.21. COMPULSORY ACQUISITION AND RELATED MATTERS

22.21.1. In relation to the application for compulsory acquisition and related powers within the Application, the ExA in summary concludes that if the SoS refuses the Application:

22.21.2. There would be no requirement for the proposed CA of land and rights;

22.21.3. There would be no compelling case in the public interest for the land to be acquired compulsorily and therefore:

22.21.4. Conditions in section 122 of the PA2008 would not be met for the proposed compulsory acquisition to be authorised;

22.21.5. In addition, the proposed temporary possession would not be necessary to implement the scheme; and

22.21.6. The extinguishment or removal rights and apparatus of Statutory Undertakers would not be necessary.

22.21.7. If the SoS concludes that the case is made for the proposed development, the ExA considers that:

22.21.8. In relation to s122(2) of the PA2008, it will have been shown that the legal interests in all proposed CA plots described and set out in the Book of Reference and on the Land Plans (i.e. excluding those within Class 6) would be required in order to implement the scheme;

22.21.9. When the Application is set against s122(3), the ExA would consider there to be a compelling case in the public interest for the grant of the CA powers sought by the Applicant;

- 22.21.10. Article 82 would provide a mechanism for demonstrating that adequate funds would be available;
- 22.21.11. It will have been shown that there are no suitable alternative sites to the use of the land proposed for the Wylfa Newydd development;
- 22.21.12. In such circumstances and for the reasons given in the report, the development would comply with the conditions in s122 of the PA2008 and the relevant DCLG Guidance;
- 22.21.13. For the most part, the Statutory Undertakers' protective provisions in dDCO Schedule 15 have been agreed, but there remain areas of disagreement in regard to those for [REDACTED], and the [REDACTED] (which is a Statutory Corporation);
- 22.21.14. With the protective provisions in Schedule 15 of the dDCO, the acquisition of the land and rights sought through the Order would cause no serious detriment to the undertakings, and the nature and situation of the land and rights are such that the proposal would meet the matters set out in s127 of the PA2008;
- 22.21.15. The extinguishment of rights or removal of the apparatus of Statutory Undertakers would be necessary for the purpose of carrying out the development to which the order relates, and thus would comply with s138 of the PA2008;
- 22.21.16. The proposed temporary possession would be necessary to implement the scheme; and
- 22.21.17. The proposed interference with human rights would be justified, and such interference would be proportionate to be lawful in the public interest.

22.22. DEVELOPMENT CONSENT ORDER

- 22.22.1. The ExA has examined the draft Development Consent Order in detail. Proposed changes to the drafting of Articles are discussed in Chapter 21. Proposed changes to requirements are discussed throughout Chapters 6 to 18, with references provided in Chapter 21 to their location in the report. All proposed changes are included in the recommended DCO provided at Appendix D.
- 22.22.2. At the end of the Examination, some matters remained unresolved. These matters have been discussed at relevant points of the report. The ExA recommends that the views of the Applicant (and others as appropriate) are sought in respect of these matters which are set out in Appendix G for ease of reference.

22.23. RECOMMENDATION

- 22.23.1. For all of the above reasons and in the light of the ExA's findings and conclusions, the ExA under s105 of the PA2008 recommends the Secretary of State for Business, Environment and Industrial Strategy does not grant the Wylfa Newydd Project Development Consent Order.

- 22.23.2. If the Secretary of State disagrees with the ExA's recommendation, the Development Consent Order in the form recommended is attached at Appendix D for consideration and the ExA has set out in Appendix G a number of matters that the SoS may wish to satisfy themselves on.

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The Planning Inspectorate Yr Arolygiaeth Gynllunio

The Planning Act 2008

Wylfa Newydd Nuclear Power Station

Examining Authority's Report
of Findings and Conclusions

and

Recommendation to the Secretary of State for
Business, Energy and Industrial Strategy

Examining Authority

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VOLUME 4 OF 4
APPENDICES

23 July 2019

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LIST OF REPORT VOLUMES

This report contains four volumes.

This is Volume 4 of 4.

1. VOLUME 1: CHAPTERS 1 TO 7
2. VOLUME 2: CHAPTERS 8 TO 19
3. VOLUME 3: CHAPTERS 20 TO 31
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APPENDIX A: THE EXAMINATION

The table below lists the main events that occurred during the Examination and the procedural decisions taken by the Examining Authority (ExA)

Date	Examination Event
22 October 2018	Unaccompanied Site Inspection
23 October 2018	Preliminary Meeting
24 October 2018	Issue Specific Hearing on the Development Consent Order
25 October 2018	Open Floor Hearing 1
25 October 2018	Open Floor Hearing 2
6 November 2018	Issue by the ExA of: • Examination Timetable • Written Questions • Notification of any hearings and Accompanied Site Inspection
13 November 2018	Deadline 1
4 December 2018	Deadline 2
18 December 2018	Welsh Government called in the Site preparation and clearance application [REP3-061]
18 December 2018	Issue by the ExA of: Request for Further Information and amendment to the Examination Timetable - Rules 8(3) & 17
18 December 2018	Deadline 3
7 January 2019	First Issue Specific Hearing on Socio-Economic Matters (including accommodation; education; health; language; law and order. recreation and tourism)
8 January 2019	Second Issue Specific Hearing on Socio-Economic Matters (including jobs and skills and supply chain) and traffic and transport
9 January 2019	Second Issue Specific Hearing on the draft DCO including draft s106 Agreement
10 January 2019	First Issue Specific Hearing on Biodiversity (Terrestrial Ecology; Birds; Marine Works and environmental impacts; HRA)
11 January 2019	Second Issue Specific Hearing on Biodiversity (Coastal Change; Climate Change; Transboundary Impacts)
17 January 2019	Deadline 4

APPENDIX A: THE EXAMINATION

23 January 2019	Hitachi's Withdrawal Announcement [AS-039]
30 January 2019	Publication by ExA of: • The ExA's Further Written Questions
12 February 2019	Unaccompanied Site Inspection
12 February 2019	Issue by ExA of: • Notification of any Hearings
12 February 2019	Deadline 5
13 February 2019	Accompanied Site Inspection
14 February 2019	Accompanied Site Inspection 2
19 February 2019	Deadline 6
20 February 2019	North Wales Connection formally withdrew their application [REP8-012]
25 February 2019	Issue by the ExA of: Request for Further Information - Rule 17
4 March 2019	Issue Specific Hearing on Wylfa Newydd Development Area (WNTA)
5 March 2019	Compulsory Acquisition Hearing (CAH)
5 March 2019	Open Floor Hearing (evening)
6 March 2019	Issue Specific Hearing on the draft DCO and draft Section 106 Agreement
6 March 2019	Planning application under Town and Country Planning Act for Site Preparation and Clearance Works withdrawal [AS-039]
7 March 2019	Issue Specific Hearing on the proposed Off-site power station facilities site and other associated development sites outside the WNTA
8 March 2019	Issue Specific Hearing Issue Specific Hearing on Biodiversity (HRA; Terrestrial Ecology; Birds; Marine Works and environmental impacts; Coastal Change)
14 March 2019	Deadline 7
25 March 2019	Deadline 8
8 March 2019	Environmental permit application withdrawal [REP7-001g]
27 March 2019	Publication by the ExA of: • The RIES
3 April 2019	Issue by the ExA of: Request for Further Information - Rule 17

APPENDIX A: THE EXAMINATION

4 April 2019	Issue By the ExA of: Procedural Decision relating to the proposed Dalar Hir Park and Ride
10 April 2019	Issue by the ExA of: Request for Further Information - Rule 17
10 April 2019	Deadline 9
15 April 2019	Issue by the ExA of: Request for Further Information - Rule 17
17 April 2019	Deadline 10
17 April 2019	Office for Nuclear Regulation confirms the Applicants withdrawal
23 April 2019	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting
23 April 2019	Examination closed

EN010007 Wylfa Newydd
Nuclear Power Station

Llyfrgell yr Archwiliad

Wedi'i ddiweddaru –

23 Gorffennaf 2019

EN010007 Wylfa Newydd
Nuclear Power Station

Examination Library

Updated –

23 July 2019

Mae'r Llyfrgell Archwilio hon yn ymwneud â chais Wylfa. Mae'r llyfrgell yn rhestru pob dogfen a gyflwynwyd i'r archwiliad gan unrhyw barti ynghyd â dogfennau sydd wedi'u cyhoeddi gan yr Arolygiaeth Gynllunio. Mae'r holl ddogfennau a restrwyd wedi'u cyhoeddi ar y wefan Seilwaith Cenedlaethol a darperir hyperddolen ar gyfer pob dogfen. Rhoddir cyfeirnod unigryw i bob dogfen; bydd y cyfeirnodau hyn yn cael eu defnyddio yn yr Adroddiad ar y Goblygiadau i Safleoedd Ewropeaidd ac fe'u defnyddir yn Adroddiad Argymhellion yr Awdurdod Archwilio. Mae'r dogfennau yn y llyfrgell wedi'u categorioedd naill ai yn ôl y math o ddogfen neu yn ôl y terfyn amser ar gyfer eu cyflwyno.

This Examination Library relates to the Wylfa application. The library lists each document that has been submitted to the examination by any party and documents that have been issued by the Planning Inspectorate. All documents listed have been published to the National Infrastructure's Planning website and a hyperlink is provided for each document. A unique reference is given to each document; these references will be used within the Report on the Implications for European Sites and will be used in the Examining Authority's Recommendation Report. The documents within the library are categorised either by document type or by the deadline to which they are submitted.

Byddwch gystal â nodi'r canlynol:

- Mae hon y ddogfen weithio a bydd yn cael ei diweddarau bob hyn a hyn wrth i'r archwiliad fynd rhagddo.
- Mae cyngor o dan Adran 51 Deddf Cynllunio 2008 sydd wedi'i gyhoeddi gan yr Arolygiaeth, wedi'i gyhoeddi ar y Wefan Seilwaith Cenedlaethol ond nid yw wedi'i gynnwys yn y Llyfrgell Archwilio gan nad yw'r cyfryw gyngor yn ddogfen archwiliad.
- Mae'r ddogfen hon yn cynnwys cyfeiriadau at ddogfennau o'r pwynt y cyflwynwyd y cais.
- Mae trefn y dogfennau ym mhob isadran naill ai'n drefn gronolegol, rifol, neu'n drefn y wyddor ac nid yw'n rhoi blaenoriaeth na statws uwch i'r rheiny sydd wedi'u rhestru gyntaf.
- Nodwch y bydd yr holl ddogfennau a dderbynnir gan yr Arolygiaeth yn cael eu cyhoeddi yn yr iaith a ysgrifennwyd. Bydd dogfennau a baratowyd gan yr Arolygiaeth ar gael yn ddwyieithog.

Please note the following:

- This is a working document and will be updated periodically as the examination progresses.
- Advice under Section 51 of the Planning Act 2008 that has been issued by the Inspectorate, is published to the National Infrastructure Website but is not included within the Examination Library as such advice is not an examination document.
- This document contains references to documents from the point the application was submitted.
- The order of documents within each sub-section is either chronological, numerical, or alphabetical and confers no priority or higher status on those that have been listed first.
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AoC-002	Isle of Anglesey County Council Adequacy of Consultation Representation (Welsh Version)
Cynrychiolaeth Berthnasol/ Relevant Representations	
RR-001	Anglesey Federation of WI
RR-002	Ann Tooze
RR-003	Arthur Wyn Owen
RR-004	Dr Jonathan F Dean
RR-005	Roderick Armstrong
RR-006	Robin Williams
RR-007	Roger Dobson
RR-008	Menna Jones
RR-009	Stephen Smith
RR-010	Jack O Toole
RR-011	Valley Community Council
RR-012	Llanddona Community Council
RR-013	Magnox Limited
RR-014	SP Energy Networks
RR-015	Bill Howard
RR-016	Cemaes Bay History Group
RR-017	Professor David Kay
RR-018	Ysgol Syr Thomas Jones
RR-019	Clwb y Cen

Appendix B: Examination Library

RR-020	Cyngor Sir Ynys Mon / Isle of Anglesey County Council
RR-021	Cyngor Gwynedd/ Gwynedd Council
RR-022	Ysgol Gymuned Bryngwran
RR-023	Adran Dysgu Cyngor Sir Ynys Mon
RR-024	Ysgol Uwchradd Bodedern on behalf of Cyngor Ysgol Uwchradd Bodedern
RR-025	Gareth Wyn Jones
RR-026	Urdd Gobaith Cymru
RR-027	Cyngor Cymuned Llanddaniel
RR-028	Menter Iaith Mon
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RR-030	Ysgol Uwchradd Bodedern
RR-031	Dafydd Griffiths
RR-032	Dafydd Roberts
RR-033	Clybiau Ffermwyr Ifanc Ynys Mon
RR-034	PAWB, Pobl Atal Wylfa B/People Against Wylfa B
RR-035	Cyngor Cymuned Penmynydd
RR-036	John Idris Jones
RR-037	Unllais Mon
RR-038	Cymdeithas yr Iaith Gymraeg
RR-039	Cyngor Bro Llanfairpwll
RR-040	Cyngor Cymuned Mechell Community Council
RR-041	Fforwm Iaith Strategol Ynys Mon
RR-042	Gwawr Jones
RR-043	Michael Cominetti, BA,FCIWEM, C.WEM, CEnv.
RR-044	Gwen Richards
RR-045	Llangoed and Penmon Community Council
RR-046	Ministry of Infrastructure and Water
RR-047	Together against Sizewell C (TASC)
RR-048	Davis Meade Property Consultants Ltd on behalf of Messrs MW ,EW & M Harper
RR-049	Ad Trac Anglesey County Council
RR-050	Humphreys Waste Recycling Ltd
RR-051	Jesse Hughes Youth Club
RR-052	Ysgol Uwchradd Caergybi
RR-053	National Trust
RR-054	Wood Environment & Infrastructure Solutions UK Ltd on behalf of North Anglesey Council's Partnership
RR-055	Brian Williams
RR-056	M Flooks
RR-057	Rosemary Jones
RR-058	Coed Cottages
RR-059	Christopher Wilson
RR-060	Linda Rogers
RR-061	Thomas Hecht
RR-062	Mandy Jones AM on behalf of National Assembly for Wales
RR-063	Mark Bennett on behalf of residents of Plas Ellen
RR-064	Bethan Roberts
RR-065	Ernie Brown
RR-066	Grwp Llandrillo Menai

RR-067	Gwynedd Archaeological Planning Service
RR-068	Anheddau CYF
RR-069	Clare Norlander
RR-070	Helen Ralston
RR-071	Pinsent Masons on behalf of Land and Lakes (Anglesey) Limited
RR-072	Victor Simms
RR-073	The Corporation of Trinity House of Depford Strond
RR-074	Zencity Limited
RR-075	Oldbury PC
RR-076	Betsi Cadwaladr University Health Board
RR-077	Public Health Wales
RR-078	Isle of Anglesey County Council Youth Service
RR-079	Pam Lee
RR-080	SP Energy Networks on behalf of SP Manweb
RR-081	The Representative Body of The Church in Wales
RR-082	Office for Nuclear Regulation
RR-083	Oldbury-on-Severn Parish Council
RR-084	RSPB Cymru
RR-085	Caroline Bateson
RR-086	Conwy County Borough Council
RR-087	J Chanay
RR-088	Natural Resources Wales
RR-089	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited
RR-090	Welsh Ambulance Services NHS Trust
RR-091	Welsh Anti Nuclear Alliance
RR-092	Welsh Government
RR-093	Bryngwran Cymunedol Ltd
RR-094	Jennifer Wilson
RR-095	North Wales Fire and Rescue Service
RR-096	Aled Naylor
RR-097	Amlwch and Cemaes Youth Club
RR-098	Andrew Robert Patience
RR-099	Cheryl Weaver
RR-100	Talwrn Village Hall
RR-101	Tregele Action Group (TAG)
RR-102	Albert Owen MP
RR-103	Brian Horsey
RR-104	David Irfon Rowlands on behalf of Bryngwran Community Council
RR-105	CBI Wales
RR-106	Dafydd Owen
RR-107	Department of Environment, Food & Agriculture
RR-108	Doris Shaw
RR-109	Dr Carl Iwan Clowes OBE FFPH DTM MSc.(Soc. Med.) FRCGP
RR-110	Dr David Lowry
RR-111	Dr Isabel Hargreaves
RR-112	Dwr Cymru Welsh Water
RR-113	Ellen Menai Jones
RR-114	Fred McCormack
RR-115	Greenpeace

RR-116	Ieuan Jones
RR-117	Karin White
RR-118	Kevin Barnett
RR-119	Llanbadrig Community Council
RR-120	Marine Management Organisation
RR-121	Medrwn Mon
RR-122	Davis Meade Property Consultants on behalf of Messrs G & I Hughes
RR-123	National Grid
RR-124	North Wales Police
RR-125	North Wales Wildlife Trust
RR-126	Nuclear Industry Association
RR-127	Nuclear Free Local Authorities
RR-128	Femke Hustert
RR-129	Ayumi Fukakusa
RR-130	Anti Atom Komitee
RR-131	Paula Stegmuller
RR-132	Za Zemiata/Friends of the Earth Bulgaria
RR-133	Keep it Green
RR-134	GLOBAL 2000 - Friends of the Earth Austria
RR-135	Danish Emergency Management Agency (Beredskabsstyrelsen)
RR-136	Brigitte Artmann
RR-137	Umweltinstitut Munchen e.V.
RR-138	Ministry For The Ecological Transition
RR-139	Austrian Institute of Ecology
RR-140	Abteilung 8, Ref. 1086 on behalf of Ministerium fur Umwelt, Energie, Ernährung und Forsten des Landes Rheinland-Pfalz
RR-141	Stowarzyszenie Ekologiczno-Kulturalne Wspolna Ziemia (Association Common Earth) (Stowarzyszenie Ekologiczno-Kulturalne Wspolna Ziemia (Association Common Earth))
RR-142	Verein Lebensraum Waldviertel
RR-143	Waldviertler Energie-Stammtisch - Woodquarter Energy-Roundtable
Penderfyniadau Gweithdrefnol a Hysbysiadau gan yr Awdurdod Archwilio/ Procedural Decisions and Notifications from the Examining Authority	
PD-001	Hysbysiad o Benderfyniad i Dderbyn Cais Fersiwn Gymraeg/ Fersiwn Saesneg Notification of Decision to Accept Application Welsh version/ English version
PD-002	Cyngor Adran 51 i'r Ymgeisydd Fersiwn Gymraeg/ Fersiwn Saesneg Section 51 advice to the Applicant Welsh version/ English version

PD-003	Rhestr Wirio Adran 55 Fersiwn Gymraeg/ Fersiwn Saesneg Section 55 Checklist Welsh version/ English version
PD-004	Penodi'r Awdurdod Archwilio Fersiwn Gymraeg/ Fersiwn Saesneg Appointment of the Examining Authority Welsh version/ English version
PD-005	Ymateb Awdurdod Archwilio i geisiadau dan adran 102A Deddf Cynllunio 2008 - Felin Honeybees LTD Examining Authority Response to Request under s102A of the Planning Act 2008 - Felin Honeybees LTD
PD-006	Ymateb Awdurdod Archwilio i geisiadau dan adran 102A Deddf Cynllunio 2008 - Wendy Vidler Examining Authority Response to Request under s102A of the Planning Act 2008 - Wendy Vidler
PD-007	Ymateb Awdurdod Archwilio i geisiadau dan adran 102A Deddf Cynllunio 2008 - Ken Vidler Examining Authority Response to Request under s102A of the Planning Act 2008 - Ken Vidler
PD-008	Rheol 6 - Hysbysiad o'r cyfarfod rhagarweiniol Rule 6 - Notification of the preliminary meeting
PD-009	Cwestiynau Ysgrifenedig Written Questions
PD-010	Rheol 8 - Hysbysiad o'r amserlen ar gyfer yr archwiliad Rule 8 – Notification of Timetable for the Examination
PD-011	Ymateb Awdurdod Archwilio i geisiadau dan adran 102A Deddf Cynllunio 2008 - Jobe Developments Examining Authority Response to Request under s102A of the Planning Act 2008 - Jobe Developments
PD-012	Archwiliad Safle â Chwmni Accompanied Site Inspections

PD-013	Cwestiynau Ysgrifenedig Pellach Further Written Questions
PD-014	Rheol 8(3) – Amrywiad i'r amserlen a 13 Variation to Timetable – Rule 8(3) and 13
PD-015	Cais am wybodaeth bellach - Rheol 17 a Rheol 9 Request for Further Information - Rule 17 and Rule 9
PD-016	Adroddiad ar y Goblygiadau i Safleoedd Ewropeaidd (RIES) Report on the Implications for European Sites (RIES)
PD-017	Hysbysiad o Benderfyniad Gweithdrefnol Llythyr at yr Adran Amaethyddiaeth, yr Amgylchedd a Materion Gwledig Notification of Procedural Decision Letter to the Department of Agriculture, Environment and Rural Affairs
PD-018	Hysbysiad o Benderfyniad Gweithdrefnol Llythyr at Naturiol yr Alban Notification of Procedural Decision Letter to Scottish Natural Heritage
PD-019	Hysbysiad o Benderfyniad Gweithdrefnol Llythyr at Natural England Notification of Procedural Decision Letter to Natural England
PD-020	Rheol 13 - Hysbysiad o Wrandawiaidau Hysbysiad o'r Gwrandawriad Mater Penodol, Gwrandawriad Caffael Gorfodol a'r Gwrandawriad Llwr Agored yn cael ei gynnal ar 4 - 8 Mawrth 2019 Rule 13 - Notification of Hearings Notification of the Issue Specific Hearings, Compulsory Acquisition Hearing and The Open Floor Hearing being held on the 4-8 March 2019
PD-021	Cais am wybodaeth bellach - Rheol 17 Request for Further Information - Rule 17
PD-022	Hysbysiad o Benderfyniad Gweithdrefnol – Rheol 9 Notification of Procedural Decision - Rule 9

PD-023	Cais am wybodaeth bellach - Rheol 17 Request for Further Information - Rule 17
PD-024	Hysbysiad o gwblhau Archwiliad yr Awdurdod Arholi Notification of completion of the Examining Authority's Examination
Cyflwyniadau Ychwanegol/ Additional Submissions	
AS-001	Colum Sands Additional Submission - Objection to Nuclear Plant - Accepted at the discretion of the Examining Authority
AS-002	Roval Mail Additional Submission - Notice to become an Interested Party - Accepted at the discretion of the Examining Authority
AS-003	Jill Truesdale Relevant Representation – Objection to Nuclear Plant - Additional Submission accepted at the discretion of the Examining Authority
AS-004	Welsh Historic Garden Trust Relevant Representation - Additional Submission accepted at the discretion of the Examining Authority
AS-005	Grŵp Cynefin Housing Association Relevant Representation - Additional Submission accepted at the discretion of the Examining Authority
AS-006	Pennaf Ltd Relevant Representation - Additional Submission accepted at the discretion of the Examining Authority
AS-007	Horizon Nuclear Power S51 Cover letter – Additional Submission accepted at the discretion of the Examining Authority
AS-008	REFERENCE NOT IN USE
AS-009	Horizon Nuclear Power 2.2 Land Plans (Rev 2.0)
AS-010	Horizon Nuclear Power 5.2.2 Shadow Habitats Regulations Assessment Report Addendum (Rev 1.0)
AS-011	Horizon Nuclear Power 3.3 Explanatory Memorandum (clean version) (Rev 2.0)
AS-012	Horizon Nuclear Power 3.3 Explanatory Memorandum (track changed version) (Rev 2.0)
AS-013	Horizon Nuclear Power 4.3 Book of Reference (Part 1 of 3) (Rev 2.0)
AS-014	Horizon Nuclear Power 4.3 Book of Reference (Part 2 of 3) (Rev 2.0)

AS-015	Horizon Nuclear Power 4.3 Book of Reference (Part 3 of 3) (Rev 2.0)
AS-016	Welsh Government Additional Submission - Comments on Draft DCO - Accepted at the discretion of the Examining Authority
AS-017	Eifiona Rider Relevant Representation - Additional Submission accepted at the discretion of the Examining Authority
AS-018	Welsh Government Additional Submission -Comments on ISH dates - Accepted at the discretion of the Examining Authority
AS-019	Horizon Nuclear Power Cover letter for the Applicant's change requests. Accepted at the discretion of the Examining Authority.
AS-020	Horizon Nuclear Power Change request 1. Blasting Strategy. Accepted at the discretion of the Examining Authority
AS-021	Horizon Nuclear Power Change request 2. Marine vessel movement. Accepted at the discretion of the Examining Authority
AS-022	Destination Anglesey Partnership Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-023	Michael Cominetti Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-024	Isle of Anglesey County Council Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-025	North Wales Police Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-026	North Anglesey Councils Partnership Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-027	Marine Management Organisation Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority

AS-028	Horizon Nuclear Power Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-029	Network Rail Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-030	National Trust, North Wales Wildlife Trust and RSPB Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
AS-031	Regulation 24 - response from Slovakia Additional submission accepted at the discretion of the Examining Authority
AS-032	Regulation 24 - response from Austria Additional Submission accepted at the discretion of the Examining Authority
AS-033	Regulation 24 - response from Austria Additional submission accepted at the discretion of the Examining Authority
AS-034	Regulation 24 - response from Germany Additional Submissions accepted at the discretion of the Examining Authority
AS-035	Katherine Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-036	R E & JA Roberts Additional Submission - Accepted at the discretion of the Examining Authority
AS-037	Welsh Historic Garden Trust Additional Submission - Accepted at the discretion of the Examining Authority
AS-038	Horizon Nuclear Power Additional Submission - Response to Change Request - Accepted at the discretion of the Examining Authority
AS-039	Horizon Nuclear Power Additional Submission - In relation to Horizon's suspension of the project Accepted at the discretion of the Examining Authority
AS-040	Residents of Llanfachraeth Anglesey Additional Submission - Accepted at the discretion of the Examining Authority

AS-041	Horizon Nuclear Power Additional submission – Response to Procedural Decision - Accepted at the discretion of the Examining Authority
AS-042	Horizon Nuclear Power Additional submission - Response to Examining Authority's Questions from the Accompanied Site Visit Accepted at the discretion of the Examining Authority
AS-043	Welsh Government Additional Submission – Response to Change Request - Accepted at the discretion of the Examining Authority - Letter to PINS
AS-044	Yvonne Mossop Additional Submission - Accepted at the discretion of the Examining Authority
AS-045	Tom and Jane Bown Additional Submission - Accepted at the discretion of the Examining Authority
AS-046	Valerie Chambers Additional Submission - Accepted at the discretion of the Examining Authority
AS-047	Tony and Shelia Roberts Additional Submission - Accepted at the discretion of the Examining Authority
AS-048	Victoria Butcher Additional Submission - Accepted at the discretion of the Examining Authority
AS-049	William Bown Additional Submission - Accepted at the discretion of the Examining Authority
AS-050	Sarah Irlam Additional Submission - Accepted at the discretion of the Examining Authority
AS-051	Rose Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-052	Sharon Roberts Additional Submission - Accepted at the discretion of the Examining Authority
AS-053	Sarah Gray Additional Submission - Accepted at the discretion of the Examining Authority

AS-054	Susan Davies Additional Submission - Accepted at the discretion of the Examining Authority
AS-055	Sioned McAreavey Additional Submission - Accepted at the discretion of the Examining Authority
AS-056	Susan Howe Additional Submission - Accepted at the discretion of the Examining Authority
AS-057	Simon and Cynthia Owen Additional Submission - Accepted at the discretion of the Examining Authority
AS-058	Sharon Owen Additional Submission - Accepted at the discretion of the Examining Authority
AS-059	Steve Mobbs Additional Submission - Accepted at the discretion of the Examining Authority
AS-060	Sarah Beck Additional Submission - Accepted at the discretion of the Examining Authority
AS-061	Quentin and Rosemari Heany Additional Submission - Accepted at the discretion of the Examining Authority
AS-062	Richard Salisbury Additional Submission - Accepted at the discretion of the Examining Authority
AS-063	Robert Edwards Additional Submission - Accepted at the discretion of the Examining Authority
AS-064	Rose Heaney Additional Submission - Accepted at the discretion of the Examining Authority
AS-065	Romana Cassidy Additional Submission - Accepted at the discretion of the Examining Authority
AS-066	Robert Ashcroft Additional Submission - Accepted at the discretion of the Examining Authority
AS-067	R E Bown Additional Submission - Accepted at the discretion of the Examining Authority

AS-068	Robert Howe Additional Submission - Accepted at the discretion of the Examining Authority
AS-069	Peter Williams Additional Submission - Accepted at the discretion of the Examining Authority
AS-070	Ronald Boyle Additional Submission - Accepted at the discretion of the Examining Authority
AS-071	Rhys Thomas Additional Submission - Accepted at the discretion of the Examining Authority
AS-072	Robert O'Regan Additional Submission - Accepted at the discretion of the Examining Authority
AS-073	Mrs Nerys Owen Additional Submission - Accepted at the discretion of the Examining Authority
AS-074	Penny Thomas Additional Submission - Accepted at the discretion of the Examining Authority
AS-075	<i>Duplicate Submission</i>
AS-076	Mary O'Regan Additional Submission - Accepted at the discretion of the Examining Authority
AS-077	Michael M Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-078	Nichola Evans Additional Submission - Accepted at the discretion of the Examining Authority
AS-079	Peter Townsend Additional Submission - Accepted at the discretion of the Examining Authority
AS-080	Mrs R A Williams Additional Submission - Accepted at the discretion of the Examining Authority
AS-081	Nicola Roberts Additional Submission - Accepted at the discretion of the Examining Authority

AS-082	Paul Madden Additional Submission - Accepted at the discretion of the Examining Authority
AS-083	Paul Limbert Additional Submission - Accepted at the discretion of the Examining Authority
AS-084	Mr W G Roberts Additional Submission - Accepted at the discretion of the Examining Authority
AS-085	Nicola J A Miller Additional Submission - Accepted at the discretion of the Examining Authority
AS-086	Mrs K Edwards Additional Submission - Accepted at the discretion of the Examining Authority
AS-087	Ms A-M Le Gall Additional Submission - Accepted at the discretion of the Examining Authority
AS-088	Kevin and Alison Wood Additional Submission - Accepted at the discretion of the Examining Authority
AS-089	Margaret Boyd Additional Submission - Accepted at the discretion of the Examining Authority
AS-090	Julie Moss Additional Submission - Accepted at the discretion of the Examining Authority
AS-091	Julie Schofield Additional Submission - Accepted at the discretion of the Examining Authority
AS-092	Lowri Roberts Additional Submission - Accepted at the discretion of the Examining Authority
AS-093	Jose Baker Additional Submission - Accepted at the discretion of the Examining Authority
AS-094	Julie Davies Additional Submission - Accepted at the discretion of the Examining Authority
AS-095	Mary Hughes Additional Submission - Accepted at the discretion of the Examining Authority

AS-096	Martin Snow Additional Submission - Accepted at the discretion of the Examining Authority
AS-097	Kim Neal Additional Submission - Accepted at the discretion of the Examining Authority
AS-098	Mark Hanson Additional Submission - Accepted at the discretion of the Examining Authority
AS-099	Jonathan Weaver Additional Submission - Accepted at the discretion of the Examining Authority
AS-100	Jim Additional Submission - Accepted at the discretion of the Examining Authority
AS-101	Geoffrey Lincoln Additional Submission - Accepted at the discretion of the Examining Authority
AS-102	John Brimecombe Additional Submission - Accepted at the discretion of the Examining Authority
AS-103	James Todd Additional Submission - Accepted at the discretion of the Examining Authority
AS-104	Jan Underwood Additional Submission - Accepted at the discretion of the Examining Authority
AS-105	Helen Owen Additional Submission - Accepted at the discretion of the Examining Authority
AS-106	John Shufflebottom Additional Submission - Accepted at the discretion of the Examining Authority
AS-107	John Owen Additional Submission - Accepted at the discretion of the Examining Authority
AS-108	John Baker Additional Submission - Accepted at the discretion of the Examining Authority

AS-109	Jane Hasting Additional Submission - Accepted at the discretion of the Examining Authority
AS-110	Glyn Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-111	Hazel Shufflebottom Additional Submission - Accepted at the discretion of the Examining Authority
AS-112	Helen Cox Additional Submission - Accepted at the discretion of the Examining Authority
AS-113	Helen Pritchard Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-114	Jenny Spilman Additional Submission - Accepted at the discretion of the Examining Authority
AS-115	Ian Mossop Additional Submission - Accepted at the discretion of the Examining Authority
AS-116	Jacqueline Ashworth Additional Submission - Accepted at the discretion of the Examining Authority
AS-117	Gwawr Bethan Griffiths Additional Submission - Accepted at the discretion of the Examining Authority
AS-118	Joan Edwards Additional Submission - Accepted at the discretion of the Examining Authority
AS-119	John Irlam Additional Submission - Accepted at the discretion of the Examining Authority
AS-120	Dylan Rees Additional Submission - Accepted at the discretion of the Examining Authority
AS-121	Gareth Roberts Additional Submission - Accepted at the discretion of the Examining Authority

AS-122	Elaine Ellen Additional Submission - Accepted at the discretion of the Examining Authority
AS-123	Eric Chambers Additional Submission - Accepted at the discretion of the Examining Authority
AS-124	Dafydd Jones-Morris Additional Submission - Accepted at the discretion of the Examining Authority
AS-125	Dr Marion and Robert Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-126	Dr Robin Barlow Additional Submission - Accepted at the discretion of the Examining Authority
AS-127	Dr Frederick Horrocks Additional Submission - Accepted at the discretion of the Examining Authority
AS-128	David Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-129	Dafydd Idriswyn Additional Submission - Accepted at the discretion of the Examining Authority
AS-130	Emyr Pierce Additional Submission - Accepted at the discretion of the Examining Authority
AS-131	David Mobbs Additional Submission - Accepted at the discretion of the Examining Authority
AS-132	Eirwen Allen Additional Submission - Accepted at the discretion of the Examining Authority
AS-133	Dr P R Thomas Additional Submission - Accepted at the discretion of the Examining Authority
AS-134	David Neal Additional Submission - Accepted at the discretion of the Examining Authority
AS-135	Beverly Ashcroft Additional Submission - Accepted at the discretion of the Examining Authority

AS-136	Awel Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-137	Ann Limbert Additional Submission - Accepted at the discretion of the Examining Authority
AS-138	Alun Jones Additional Submission - Accepted at the discretion of the Examining Authority
AS-139	D Gilford Additional Submission - Accepted at the discretion of the Examining Authority
AS-140	Ann Wailing Additional Submission - Accepted at the discretion of the Examining Authority
AS-141	Brian Lee Additional Submission - Accepted at the discretion of the Examining Authority
AS-142	Claire Masters Additional Submission - Accepted at the discretion of the Examining Authority
AS-143	Cynghorydd H Huws Additional Submission - Accepted at the discretion of the Examining Authority
AS-144	Arthur Hughes Additional Submission - Accepted at the discretion of the Examining Authority
AS-145	Christine Norbury Additional Submission - Accepted at the discretion of the Examining Authority
AS-146	Assembly Member for Ynys Môn Additional Submission - Accepted at the discretion of the Examining Authority
AS-147	Christopher Boyd Additional Submission - Accepted at the discretion of the Examining Authority
AS-148	D F Doyle Additional Submission - Accepted at the discretion of the Examining Authority
AS-149	Cheryl Weaver Additional Submission - Accepted at the discretion of the Examining Authority

AS-150	Horizon Nuclear Power Additional Submission - Accepted at the discretion of the Examining Authority - Letter to the Examining Authority - Response to Procedural Decision made on the 25 February 2019
AS-151	Gwynedd and Anglesey Housing and Planning Campaign Committee Additional Submission - Accepted at the discretion of the Examining Authority
AS-152	Helen McGreary Additional Submission - Comments on Site Preparation & Clearance (SPC) Works under the DCO - Accepted at the discretion of the Examining Authority
AS-0153	Response from Republic of Ireland Additional submission - Preliminary Response to Transboundary Consultation - Accepted at the discretion of the Examining Authority
AS-0154	Horizon Nuclear Power Additional Submission - Further correspondence in relation to Horizon's suspension of the project - accepted at the discretion of the Examining Authority
Digwyddiadau a Gwrandawiadau/ Events and Hearings	
Cyfarfod Rhagarweiniol 23 Hydref 2018/ Preliminary Meeting 23 October 2018	
EV-001	Destination Anglesey Partnership Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-002	Michael Cominetti Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-003	Isle of Anglesey County Council Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-004	North Wales Police Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-005	North Anglesey Councils Partnership Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-006	Horizon Nuclear Power Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority

EV-007	Network Rail Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-008	National Trust, North Wales Wildlife Trust and RSPB Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-009	Marine Management Organisation Response to Rule 6 Letter - Accepted at the discretion of the Examining Authority
EV-010	Nodyn Cyfarfod Rhagarweiniol Preliminary Meeting Note
Archwiliad Safle â Chwmni a Gwrandawiadau/ Accompanied Site Inspections and Hearings	
EV-010(A)	Horizon Nuclear Power Applicants Notice for Hearings
Gwrandawriad ar Fater Penodol: Gorchymyn Caniatâd Datblygu Drafft -24 Hydref 2018/Issue Specific Hearing on the Draft Development Consent Order - 24 October 2018	
EV-011	Gwrandawriad Mater Penodol ynglŷn â'r Gorchymyn Caniatâd Datblygu drafft - 24 Hydref 2018 Issue Specific Hearing Agenda Draft Development Consent Order - 24 October 2018
EV-012	Agenda atodol yr Awdurdod Archwilio ar gyfer y Gwrandawriad Mater Penodol i'r Gorchymyn Caniatâd Datblygu Drafft The Examining Authority's supplementary agenda for the Issue Specific Hearing into the Draft Development Consent Order
EV-013	Welsh Government Key points in respect of the draft DCO - Accepted at the discretion of the Examining Authority
Gwrandawriad Llawn Agored 25 Hydref 2018 (AM)/Open Floor Hearing 25 October 2018 (AM)	
EV-014	Gwrandawriad Llawn Agored - 25 Hydref 2018 Open Floor Hearing Agenda - 25 October 2018

EV-015	Recordiad o Gwrandawriad Llawr Agored - Rhan 1 Gwrandawriad Llawr Agored 1 - 25 Hydref 2018 Recording of Open Floor Hearing - Part 1 Open Floor Hearing 1 - 25 October 2018
Gwrandawriad Llawr Agored 25 Hydref 2018 (PM)/Open Floor Hearing 25 October 2018 (PM)	
EV-015	Recordiad o Gwrandawriad Llawr Agored - Rhan 2 Gwrandawriad Llawr Agored 2- 25 Hydref 2018 Recording of Open Floor Hearing - Part 2 Open Floor Hearing 2 - 25 October 2018
Agenda Gwrandawriad 7 – 11 Ionawr 2019 / Hearing Agenda 7 – 11 January 2019	
EV-016	Agenda ar gyfer Gwrandawriad Penodol - Y Gwrandawriad Mater Penodol cyntaf ar Faterion Economaidd-Gymdeithasol Agenda for Issue Specific Hearing - First Issue Specific Hearing on Socio-Economic Matters
EV-017	Agenda ar gyfer Gwrandawriad Penodol - Yr ail Wrandawriad Mater Penodol ar Faterion Economaidd-Gymdeithasol a Thraffig a Thrafnidiaeth Agenda for Issue Specific Hearing - Second Issue Specific Hearing on Socio-Economic Matters and Traffic and Transport
EV-018	Agenda ar gyfer Gwrandawriad Penodol - Gwrandawriad Penodol Cyntaf ar Fioamrywiaeth Agenda for Issue Specific Hearing - First Issue Specific Hearing on Biodiversity
EV-019	Agenda ar gyfer Gwrandawriad Penodol - Yr ail Wrandawriad Mater Penodol ar Fioamrywiaeth Agenda for Issue Specific Hearing - Second Issue Specific Hearing on Biodiversity
EV-020	Agenda ar gyfer Gwrandawriad Penodol - Yr Ail Wrandawriad Mater Penodol ar y Gorchymyn Caniatâd Datblygu drafft Agenda for Issue Specific Hearing - Second Issue Specific Hearing on the draft Development Consent Order
Cofnod o Wrandawriad Mater Penodol 7 – 11 Ionawr 2019 / Recording of Issue Specific Hearings 7 – 11 January 2019	
EV-20a	Cofnod o Wrandawriad Mater Penodol 1 ar Faterion Economaidd-Gymdeithasol - Sesiwn 1 - 07 Ionawr 2019 Recording of Issue Specific Hearing 1 on Socio-Economic Matters - Session 1 - 07 January 2019

EV-20b	Cofnod o Wrandawriad Mater Penodol 1 ar Faterion Economaidd-Gymdeithasol - Sesiwn 2 - 07 Ionawr 2019 Recording of Issue Specific Hearing 1 on Socio-Economic Matters - Session 2 - 07 January 2019
EV-20c	Cofnod o Wrandawriad Mater Penodol 1 ar Faterion Economaidd-Gymdeithasol - Sesiwn 3 - 07 Ionawr 2019 Recording of Issue Specific Hearing 1 on Socio-Economic Matters - Session 3 - 07 January 2019
EV-20d	Cofnod o Wrandawriad Mater Penodol 1 ar Faterion Economaidd-Gymdeithasol - Sesiwn 4 - 07 Ionawr 2019 Recording of Issue Specific Hearing 1 on Socio-Economic Matters - Session 4 - 07 January 2019
EV-20e	Cofnod o Wrandawriad Mater Penodol 2 ar Faterion Economaidd-Gymdeithasol - Sesiwn 1 - 08 Ionawr 2019 Recording of Issue Specific Hearing 2 on Socio-Economic Matters - Session 1 - 08 January 2019
EV-20f	Cofnod o Wrandawriad Mater Penodol 2 ar Faterion Economaidd-Gymdeithasol - Sesiwn 2 - 08 Ionawr 2019 Recording of Issue Specific Hearing 2 on Socio-Economic Matters - Session 2 - 08 January 2019
EV-20g	Cofnod o Wrandawriad Mater Penodol 2 ar Faterion Economaidd-Gymdeithasol - Sesiwn 3 - 08 Ionawr 2019 Recording of Issue Specific Hearing 2 on Socio-Economic Matters - Session 3 - 08 January 2019
EV-20h	Cofnod o Wrandawriad Mater Penodol 2 ar Faterion Economaidd-Gymdeithasol - Sesiwn 4 - 08 Ionawr 2019 Recording of Issue Specific Hearing 2 on Socio-Economic Matters - Session 4 - 08 January 2019
EV-20i	Recording of Issue Specific Hearing 3 on the draft DCO including draft s106 Agreement - Session 1 - 09 January 2019 Recording of Issue Specific Hearing 3 on the draft DCO including draft s106 Agreement - Session 1 - 09 January 2019
EV-20j	Cofnod o Wrandawriad Mater Penodol 3 ar y DCO drafft gan gynnwys Cytundeb s106 - Sesiwn 2 - 09 Ionawr 2019

	<u>Recording of Issue Specific Hearing 3 on the draft DCO including draft s106 Agreement - Session 2 - 09 January 2019</u>
EV-20k	<u>Cofnod o Wrandawriad Mater Penodol 3 ar y DCO drafft gan gynnwys Cytundeb s106 - Sesiwn 3 - 09 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 3 on the draft DCO including draft s106 Agreement - Session 3 - 09 January 2019</u>
EV-20l	<u>Cofnod o Wrandawriad Mater Penodol 3 ar y DCO drafft gan gynnwys Cytundeb s106 - Sesiwn 4 - 09 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 3 on the draft DCO including draft s106 Agreement - Session 4 - 09 January 2019</u>
EV-20m	<u>Cofnod o Wrandawriad Mater Penodol 4 ar Fioamrywiaeth - Sesiwn 1 - 10 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 4 on Biodiversity - Session 1 - 10 January 2019</u>
EV-20n	<u>Cofnod o Wrandawriad Mater Penodol 4 ar Fioamrywiaeth - Sesiwn 2 - 10 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 4 on Biodiversity - Session 2 - 10 January 2019</u>
EV-20o	<u>Cofnod o Wrandawriad Mater Penodol 4 ar Fioamrywiaeth - Sesiwn 3 - 10 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 4 on Biodiversity - Session 3 - 10 January 2019</u>
EV-20p	<u>Cofnod o Wrandawriad Mater Penodol 4 ar Fioamrywiaeth - Sesiwn 4 - 10 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 4 on Biodiversity - Session 4 - 10 January 2019</u>
EV-20q	<u>Cofnod o Wrandawriad Mater Penodol 5 ar Fioamrywiaeth - Sesiwn 1 - 11 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 5 on Biodiversity - Session 1 - 11 January 2019</u>
EV-20r	<u>Cofnod o Wrandawriad Mater Penodol 5 ar Fioamrywiaeth - Sesiwn 2 - 11 Ionawr 2019</u> <u>Recording of Issue Specific Hearing 5 on Biodiversity - Session 2 - 11 January 2019</u>

EV-20s	Cofnod o Wrandawriad Mater Penodol 5 ar Fioamrywiaeth - Sesiwn 3 - 11 Ionawr 2019 Recording of Issue Specific Hearing 5 on Biodiversity - Session 3 - 11 January 2019
Agenda Gwrandawriad 4 – 8 Mawrth 2019 / Hearing agenda 4 – 8 March 2019	
EV-021	Agenda ar gyfer Gwrandawriad Caffael Gorfodol Agenda for Compulsory Aquisition Hearing
EV-022	Agenda ar gyfer Gwrandawriadau Llawr Agored Agenda for Open Floor Hearing
EV-023	Agenda am y trydydd Gwrandawriad Mater Penodol ar y Gorchymyn Caniatáu Datblygiad Drafft Agenda for third Issue Specific Hearing on the draft Development Consent Order (dDCO)
EV-024	Agenda ar gyfer Asesiad Rheoleiddio Bioamrywiaeth a Chynefinoedd Agenda for Biodiversity and Habitats Regulation Assessment
EV-025	REFERENCE NOT IN USE
EV-026	Agenda ar gyfer Gwrandawriad Penodol Safle Cyfleusterau Oddi ar y Gorsaf Bŵer Agenda for Issue Specific Hearing Off-site Power Station Facilities Site
EV-027	Agenda ar gyfer Gwrandawriad Penodol ar Ardal Ddatblygu Arfaethedig Wylfa Newydd Agenda for Issue Specific Hearing on Proposed Wylfa Newydd Development Area
Gwrandawriad Mater Penodol ar Ardal Ddatblygu Arfaethedig Wylfa Newydd 4 Mawrth 2019 / Issue Specific Hearing on Wylfa Newydd Development Area (WNTA) – 4 March 2019	
EV-028	Cofnod o Wrandawriad Mater Penodol - 04 Mawrth 2019 - Sesiwn 1 Recording of Issue Specific Hearing - 04 March 2019 - Session 1
EV-029	Cofnod o Wrandawriad Mater Penodol - 04 Mawrth 2019 - Sesiwn 2 Recording of Issue Specific Hearing - 04 March 2019 - Session 2

EV-030	Cofnod o Wrandawriad Mater Penodol - 04 Mawrth 2019 - Sesiwn 3 Recording of Issue Specific Hearing - 04 March 2019 - Session 3
EV-031	Cofnod o Wrandawriad Mater Penodol - 04 Mawrth 2019 - Sesiwn 4 Recording of Issue Specific Hearing - 04 March 2019 - Session 4
EV-032	Cofnod o Wrandawriad Mater Penodol - 04 Mawrth 2019 - Sesiwn 5 Recording of Issue Specific Hearing - 04 March 2019 - Session 5
Gwrandawriad Caffael Gorfodol 5 Mawrth 2019 / Compulsory Acquisition Hearing – 5 March 2019	
EV-033	REFERENCE NOT IN USE: SESSION 1 IS LISTED BELOW AT EV-037
EV-034	Cofnod o Gwrandawriad Caffael Gorfodol - 05 Mawrth 2019 - Sesiwn 2 Recording of Compulsory Acquisition Hearing - 05 March 2019 - Session 2
EV-036	Cofnod o Gwrandawriad Caffael Gorfodol - 05 Mawrth 2019 - Sesiwn 3 Recording of Compulsory Acquisition Hearing - 05 March 2019 - Session 3
Gwrandawriadau Llawr Agored 5 Mawrth 2019 / Open Floor Hearing – 5 March 2019 (PM)	
EV-037	Cofnod o Gwrandawriad Caffael Gorfodol - 05 Mawrth 2019 - Sesiwn 1 Recording of Compulsory Acquisition Hearing - 05 March 2019 - Session 1
EV-038	Cofnod o Gwrandawriad Llawr Agored - 05 Mawrth 2019 - Sesiwn 2 Recording of Open Floor Hearing - 05 March 2019 - Session 2
EV-038a	Cofnod o Gwrandawriad Llawr Agored - 05 Mawrth 2019 - Sesiwn 1 Recording of Open Floor Hearing - 05 March 2019 - Session 1
Trydydd Gwrandawriad Mater Penodol ar y GCD drafft a Chytundeb a106 drafft - 6 Mawrth 2019 / Third Issue Specific Hearing on the draft DCO and draft s106 Agreement – 6 March 2019	

EV-039	Cofnod o Wrandawriad Mater Penodol - 06 Mawrth 2019 - Sesiwn 1 Recording of Issue Specific Hearing - 06 March 2019 - Session 1
EV-040	Cofnod o Wrandawriad Mater Penodol - 06 Mawrth 2019 - Sesiwn 2 Recording of Issue Specific Hearing - 06 March 2019 - Session 2
EV-041	Cofnod o Wrandawriad Mater Penodol - 06 Mawrth 2019 - Sesiwn 3 Recording of Issue Specific Hearing - 06 March 2019 - Session 3
EV-042	Cofnod o Wrandawriad Mater Penodol - 06 Mawrth 2019 - Sesiwn 4 Recording of Issue Specific Hearing - 06 March 2019 - Session 4
Y Gwrandawriad Mater Penodol cyntaf ynglŷn â'r safle Cyfleusterau Gorsaf Bŵer Oddi ar y Safle a'r Safleoedd Datblygu Cysylltiedig arfaethedig y tu allan i Ardal Ddatblygu Wylfa Newydd (WNTA) 7 Mawrth 2019 / Issue Specific Hearing on the proposed Off-site power station facilities site and other associated development sites outside the WNTA – 7 March 2019	
EV-043	Cofnod o Wrandawriad Mater Penodol - 07 Mawrth 2019 - Sesiwn 1 Recording of Issue Specific Hearing - 07 March 2019 - Session 1
EV-044	Cofnod o Wrandawriad Mater Penodol - 07 Mawrth 2019 - Sesiwn 2 Recording of Issue Specific Hearing - 07 March 2019 - Session 2
EV-045	Cofnod o Wrandawriad Mater Penodol - 07 Mawrth 2019 - Sesiwn 3 Recording of Issue Specific Hearing - 07 March 2019 - Session 3
EV-046	Cofnod o Wrandawriad Mater Penodol - 07 Mawrth 2019 - Sesiwn 4 Recording of Issue Specific Hearing - 07 March 2019 - Session 4
Trydydd Gwrandawriad Mater Penodol ar Fioamrywiaeth a'r Asesiad Rheoliadau Cynefinoedd 8 Mawrth 2019 / Third ISH on Biodiversity and Habitats Regulation Assessment – 8 March 2019	

EV-047	Cofnod o Wrandawriad Mater Penodol ar Fioamrywiaeth - 08 Mawrth 2019 - Sesiwn 1 Recording of Issue Specific Hearing on Biodiversity - 08 March 2019 - Session 1
EV-048	Cofnod o Wrandawriad Mater Penodol ar Fioamrywiaeth - 08 Mawrth 2019 - Sesiwn 2 Recording of Issue Specific Hearing on Biodiversity - 08 March 2019 - Session 2
Nodyn o'r Ymweliad Safle Heb Gwmni / Note of Unaccompanied Site Inspection	
EV-049	Nodyn o Archwiliad Safle Diqwmni - 22 Hydref 2018. Note of Unaccompanied Site Inspection - 22 October 2018
EV-049a	Nodyn Archwiliad Safle Heb Cwmni - 12 Chwefror 2019 Unaccompanied Site Inspection Note - 12 February 2019
Cyfarfod Rhagarweiniol / Preliminary Meeting	
EV-050	Recordiad o Cyfarfod Rhagarweiniol Cofnod o'r Cyfarfod Rhagarweiniol - 23 Hydref 2018 Recording of Preliminary Meeting Recording of Preliminary Meeting - 23 October 2018
EV-051	Recordiad Cyfarfod Rhagarweiniol Cofnod o'r Cyfarfod Rhagarweiniol gyda Chyfieithiadau - 23 Hydref 2018 Recording of Preliminary Meeting Recording of Preliminary Meeting with Translations - 23 October 2018
Issue Specific Hearing on the Draft Development Consent Order – 24 October 2018	
EV-052	Recordiad o Gwrandawriad Mater Penodol - Rhan 1 Recording of Issue Specific Hearing - Part 1
EV-053	Recordiad o Gwrandawriad Mater Penodol - Rhan 2 Recording of Issue Specific Hearing - Part 2
EV-054	Recordiad o Gwrandawriad Mater Penodol - Rhan 3 Recording of Issue Specific Hearing - Part 3
Cynrychiolaethau/ Representations	
Terfyn Amser 1/ Deadline 1 –	

Y terfyn amser ar gyfer derbyn:

- Canllaw'r Ymgeisydd i'r Cais
- Gorchymyn Caniatâd Datblygu (DCO) draft diwygiedig yn dilyn y Gwrandawriad Mater Penodol ynglŷn â'r DCO drafft
- Sylwadau ar Sylwadau Perthnasol
- Crynodebau o'r holl Sylwadau Perthnasol sydd dros 1,500 o eiriau
- Cyflwyno dogfennau ôl-wrandawriad, gan gynnwys unrhyw gyflwyniadau ysgrifenedig o achos a wnaed ar lafar
- Ymatebion i unrhyw wybodaeth bellach a geisiwyd gan yr Awdurdod Archwilio

- Applicant's Guide to the Application
- Revised draft DCO following the ISH on draft DCO
- Comments on Relevant Representations (RRs)
- Summaries of all RRs exceeding 1500 words
- Submission of post-hearing documents including any written submissions of oral case
- Responses to any other information as requested by the ExA

REP1-001	Horizon Nuclear Power Deadline 1 Submission - Cover Letter to PINS - Hearing action points from DCO ISH
REP1-002	Horizon Nuclear Power Deadline 1 Submission - Guide to the Application (Rev 2.0)
REP1-003	Horizon Nuclear Power Deadline 1 Submission - Summary of Horizon Nuclear Power Wylfa Limited's Oral Submissions at DCO ISH (24 October 2018)
REP1-004	Horizon Nuclear Power Deadline 1 Submission - Draft Development Consent Order (track change version)
REP1-005	Horizon Nuclear Power Deadline 1 Submission - Draft Development Consent Order (clean - Revision 2.0)
REP1-006	Horizon Nuclear Power Deadline 1 Submission - Explanatory Memorandum (clean version - Revision 3.0)
REP1-007	Horizon Nuclear Power Deadline 1 Submission - Explanatory Memorandum Track Change Version Against the Original Submission for DCO (Revision 1.0)
REP1-008	Horizon Nuclear Power Deadline 1 Submission - Site Preparation and Clearance Planning Permission and Section 106 Agreement Status Note
REP1-009	Horizon Nuclear Power Deadline 1 Submission - Summary Table of Amendments to the draft Development Consent Order (Revision 2.0)
REP1-010	Horizon Nuclear Power Deadline 1 Submission - Development Consent Order Section 106 Agreement Status Note
REP1-011	Horizon Nuclear Power Deadline 1 Submission - Guide to the Application - Welsh Language Translation (Rev 2.0)

Appendix B: Examination Library

REP1-012	Horizon Nuclear Power Deadline 1 Submission - Explanatory Memorandum Track Change Version Against Document Submitted for S51 Response (Revision 2.0)
REP1-013	Horizon Nuclear Power Deadline 1 Submission - Approach to Compulsory Acquisition within the WNDA Outside Power Island
REP1-014	Horizon Nuclear Power Deadline 1 Submission - Request for change Worker Shift Patterns
REP1-015	Horizon Nuclear Power Deadline 1 Submission - Timetable Clarification
REP1-016	Horizon Nuclear Power Deadline 1 Submission - Request for change HGV Movements
REP1-017	Horizon Nuclear Power Deadline 1 Submissions - Request for change Working Hours
REP1-018	Isle of Anglesey County Council Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-019	Isle of Anglesey County Council Deadline 1 Submission - Action Points arising from the DCO Hearing of 24 October 2018
REP1-020	Isle of Anglesey County Council Deadline 1 Submission - Response to the Applicants letter
REP1-021	Isle Anglesey County Council Deadline 1 Submission - Summary of Relevant Representations
REP1-022	Llanbadrig Community Council Deadline 1 Submission - Cover letter to post hearing submission
REP1-023	Llanbadrig Community Council Deadline 1 Submission - Submission
REP1-024	Welsh Government Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-025	Welsh Government Deadline 1 Submission - Action Points arising from the DCO Hearing of 24 October 2018
REP1-026	Welsh Government Deadline 1 Submission - Summary of Relevant Representations
REP1-027	Natural Resources Wales Deadline 1 Submission - Cover email
REP1-028	Natural Resources Wales Deadline 1 Submission - Regulation 10(b) Expectation of the Marine Works Regulations
REP1-029	Natural Resources Wales Deadline 1 Submission - Summary of relevant representation
REP1-030	Urdd Gobaith Cymru Deadline 1 Submission - Urdd Welsh Language Policy Version 9 November 2017
REP1-031	Urdd Gobaith Cymru Deadline 1 Submission - Urdd Annual Report 2016-2017

REP1-032	Urdd Gobaith Cymru Deadline 1 Submission - Anglesey Annual Report
REP1-033	Roger Dobson Deadline 1 Submission - Cover Email
REP1-034	Roger Dobson Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-035	Zencity Limited Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-036	Michael Cominetti Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-037	Margaret Eluned Treacy Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-038	J Chanay Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-039	Felin Honeybees Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-040	Cyngor Gwynedd Council Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-041	Land And Lakes Limited Deadline 1 Submission - Cover letter
REP1-042	Land And Lakes Limited Deadline 1 Submission - LL Planning Permission
REP1-043	Land And Lakes Limited Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-044	Land And Lakes Limited Deadline 1 Submission - Chapter 1 - Introduction
REP1-045	Land And Lakes Limited Deadline 1 Submission - Chapter 2 - Approach
REP1-046	Land And Lakes Limited Deadline 1 Submission - Chapter 3 - Site Description
REP1-047	Land And Lakes Limited Deadline 1 Submission - Chapter 4 - Alternatives
REP1-048	Land And Lakes Limited Deadline 1 Submission - Chapter 5 - The Proposed Development
REP1-049	Land And Lakes Limited Deadline 1 Submission - Chapter 6 - Demolition and Construction
REP1-050	Land And Lakes Limited Deadline 1 Submission - Chapter 7 - Planning Policy Context
REP1-051	Land And Lakes Limited Deadline 1 Submission - Chapter 8 - Socioeconomics Regeneration and Health

REP1-052	Land And Lakes Limited Deadline 1 Submission - Chapter 9 - LVIA
REP1-053	Land And Lakes Limited Deadline 1 Submission - Chapter 10 - Ecology and Nature Conservation
REP1-054	Land And Lakes Limited Deadline 1 Submission - Chapter 11 - Archaeology and Heritage
REP1-055	Land And Lakes Limited Deadline 1 Submission - Chapter 12 - Ground Conditions
REP1-056	Land And Lakes Limited Deadline 1 Submission - Chapter 13 - Drainage and Flood Risk
REP1-057	Land And Lakes Limited Deadline 1 Submission - Chapter 14 - Transport and Access
REP1-058	Land And Lakes Limited Deadline 1 Submission - Chapter 15 - Air Quality
REP1-059	Land And Lakes Limited Deadline 1 Submission - Chapter 16 - Noise
REP1-060	Land And Lakes Limited Deadline 1 Submission - Chapter 17 - Waste
REP1-061	Land And Lakes Limited Deadline 1 Submission - Chapter 18 - Lighting
REP1-062	Land And Lakes Limited Deadline 1 Submission - Chapter 19 - Utilities
REP1-063	Land And Lakes Limited Deadline 1 Submission - Chapter 20 - Sustainability
REP1-064	Land And Lakes Limited Deadline 1 Submission - Chapter 21 - Cumulative
REP1-065	Land And Lakes Limited Deadline 1 Submission - Chapter 22 - Mitigation and Residual Impacts
REP1-066	Land And Lakes Limited Deadline 1 Submission – Appendix A - Regulation 19 Request
REP1-067	Land And Lakes Limited Deadline 1 Submission – Appendix B - Additional Socio Economic Evidence
REP1-068	Land And Lakes Limited Deadline 1 Submission – Appendix C - Updated Welsh Language Assessment May 2013
REP1-069	Land And Lakes Limited Deadline 1 Submission - Appendix D - Update to Appendix 9.1 Visual Impact Table
REP1-070	Land And Lakes Limited Deadline 1 Submission - Appendix E - Update to Appendix 9.5 Views and Photomontages
REP1-071	Land And Lakes Limited Deadline 1 Submission - Appendix F - Response to IOACC Comments
REP1-072	Land And Lakes Limited Deadline 1 Submission - Appendix G - Lichen Survey

REP1-073	Land And Lakes Limited Deadline 1 Submission - Appendix H - Biodiversity Method Statement
REP1-074	Land And Lakes Limited Deadline 1 Submission - Appendix I - NERC Summary Table
REP1-075	Land And Lakes Limited Deadline 1 Submission - Appendix J - Arboricultural Impact Assessment
REP1-076	Land And Lakes Limited Deadline 1 Submission - Appendix K - Responses to the Impact on Woodland
REP1-077	Land And Lakes Limited Deadline 1 Submission - Appendix L - Woodland Method Statement
REP1-078	Land And Lakes Limited Deadline 1 Submission - Appendix M - Heritage Management Statement REV B
REP1-079	Land And Lakes Limited Deadline 1 Submission - Appendix N - Penrhos Listed Building Plan
REP1-080	Land And Lakes Limited Deadline 1 Submission - Appendix N - Penrhos Curtilage Plan
REP1-081	Land And Lakes Limited Deadline 1 Submission - Appendix N - Penrhos Non Protected Historic Structures
REP1-082	Land And Lakes Limited Deadline 1 Submission - Appendix O - Penrhos Minerals Report
REP1-083	Land And Lakes Limited Deadline 1 Submission - Appendix P - Transport Assessment Technical Note
REP1-084	Land And Lakes Limited Deadline 1 Submission - Appendix Q - Cumulative Impacts LVIA Figures
REP1-085	Land And Lakes Limited Deadline 1 Submission - Appendix 9.1 Visual Impact Table
REP1-086	Land And Lakes Limited Deadline 1 Submission - Appendix 9.2 Figures
REP1-087	Land And Lakes Limited Deadline 1 Submission - Appendix 9.3 Visual mapping methodology
REP1-088	Land And Lakes Limited Deadline 1 Submission - Appendix 9.4 AONB Evaluation
REP1-089	Land And Lakes Limited Deadline 1 Submission - ES Addendum Figures
REP1-090	Land And Lakes Limited Deadline 1 Submission - ES Addendum
REP1-091	Land And Lakes Limited Deadline 1 Submission - FINAL Non-Technical Summary
REP1-092	Land And Lakes Limited Deadline 1 Submission - ES Vol 2 Contents

REP1-093	Land And Lakes Limited Deadline 1 Submission - Glossary
REP1-094	Land And Lakes Limited Deadline 1 Submission - Abbreviations
REP1-095	Dr Jonathan Dean Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-096	North Wales Police Deadline 1 Submission - Submission of post-hearing documents including any written submissions of oral case
REP1-097	Land And Lakes Limited Deadline 1 Submission - Appendix 9.5 Photomontages

Terfyn Amser 2/ Deadline 2 –

- Canllaw'r Ymgeisydd i'r Cais
- Datganiadau Tir Cyffredin a geisiwyd gan yr Awdurdod Archwilio
- Datganiad Cyffredinedd Datganiadau Tir Cyffredin
- Yr Atodlen Caffael Gorfodol
- Cyflwyno'r atodlen a geisiwyd gan yr Awdurdod Archwilio mewn perthynas â buddiannau a Thir y Goron, gan gynnwys sut mae'r Ymgeisydd yn bwriadu cydymffurfio ag adran 135 Deddf Cynllunio 2008
- Cyflwyno'r atodlen a geisiwyd gan yr Awdurdod Archwilio mewn perthynas â thir ymgwymerwyr statudol a thir categori arbennig a diddymu hawliau a symud cyfarpar ymgwymerwyr statudol ac ati, gan gynnwys sut mae'r Ymgeisydd yn bwriadu bodloni adrannau 127, 132 a 138 Deddf Cynllunio 2008
- Matricsau Asesiad Rheoliadau Cynefinoedd yr Ymgeisydd wedi'u diweddarau i lywio'r Adroddiad ar Oblygiadau ar gyfer Safleoedd Ewropeaidd (RIES)
- Atodlen Lliniaru (sy'n dwyn ynghyd yr holl fesurau lliniaru ymgorfforedig mewn un ddogfen)
- Adroddiadau ar yr Effaith Leol gan unrhyw awdurdodau lleol
- Sylwadau Ysgrifenedig
- Ymatebion i Gwestiynau Ysgrifenedig yr Awdurdod Archwilio
- Sylwadau ar y dogfennau cais wedi'u diweddarau a gyflwynwyd gan yr Ymgeisydd i ymateb i gyngor Adran 51
- Sylwadau ar y wybodaeth a gyflwynwyd gan yr Ymgeisydd ar 17 Hydref 2018 mewn perthynas â'r Ceisiadau Blastio a'r Ceisiadau Newid Symudiadau Llongau Morol
- Sylwadau ar unrhyw gyflwyniadau ychwanegol a dderbyniwyd ar ôl diwedd y cyfnod Sylwadau Perthnasol
- Hysbysiad o ddymuniad i siarad mewn Gwrandawriad Llawr Agored
- Hysbysiad o ddymuniad i wneud sylwadau ar lafar ar y DCO drafft mewn unrhyw Wrandawriad Mater Penodol
- Hysbysiad o ddymuniad i wneud sylwadau ar lafar mewn Gwrandawriad Mater Penodol
- Hysbysiad o ddymuniad i fynychu Archwiliad Safle â Chwmni
- Cyflwyno lleoliadau / safleoedd awgrymedig i'r Panel eu cynnwys fel rhan o'i Archwiliadau Safle Di-gwmni ac ar gyfer yr Archwiliadau Safle â Chwmni, gan gynnwys y materion i'w harsylwi yno, gwybodaeth ynghylch p'un a ellir cael mynediad i'r safle ar dir cyhoeddus a'r rhesymau dros enwebu pob safle.
- Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio
- Applicant's Guide to the Application
- Statements of Common Ground requested by the ExA
- Statement of Commonality of Statements of Common Ground
- The Compulsory Acquisition Schedule
- Submission of the schedule requested by the ExA in relation to Crown Land and interests including how the Applicant intends to comply with section 135 PA2008
- Submission of the schedule requested by the ExA in relation to statutory undertakers' land and special category land and extinguishment of rights and removal of apparatus of statutory undertakers etc. including how the Applicant intends to satisfy sections 127, 132 and 138 PA2008

• Applicant's updated Habitats Regulations Assessment (HRA) Matrices to inform the Report on the Implications for European Sites (RIES) • Schedule of Mitigation (bringing together all embedded mitigation measures into one document) • Local Impact Reports from any local authorities • Written Representations (WRs) • Responses to the ExA's Written Questions • Comments on the updated application documents submitted by the Applicant in response to Section 51 advice • Comments on the information submitted by the Applicant on 17 October 2018 in relation to the Blasting and Vessel Movement Change Requests • Comments on any additional submissions that were received after the close of Relevant Representations • Notification of wish to speak at an Open Floor Hearing • Notification of wish to make oral representations at any Issue Specific Hearing on the draft DCO • Notification of wish to make oral representations at an Issue Specific Hearing • Notification of wish to attend an Accompanied Site Inspection • Submission of suggested locations / sites for the Panel to include as part of its Unaccompanied Site Inspections and for the Accompanied Site Inspection including the issues to be observed there, information on whether the site can be accessed on public land and reasoning for each nominated site. • Responses to any other information as requested by the ExA	
REP2-001	Horizon Nuclear Power Deadline2 Submission - Cover Email
REP2-002	Horizon Nuclear Power Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendices
REP2-003	Horizon Nuclear Power Deadline 2 Submission - Written Representation
REP2-004	Horizon Nuclear Power Deadline 2 Submission - Summary table of amendments to the draft DCO (Revision 3.0)
REP2-005	Horizon Nuclear Power Deadline 2 Submission - Other consents and licences
REP2-006	Horizon Nuclear Power Deadline 2 Submission - Response to post-hearing documents including any written submissions of oral case
REP2-007	Horizon Nuclear Power Deadline 2 Submission - Supplementary Information on Coastal Processes to Support Wylfa Newydd EIA and Shadow HRA
REP2-008	Horizon Nuclear Power Deadline 2 Submission - Site Visit Schedule
REP2-009	Horizon Nuclear Power Deadline 2 Submission - Crown Land and Interests s.135 Schedule
REP2-010	Horizon Nuclear Power Deadline 2 Submission - Compulsory Acquisition Objections Schedule
REP2-011	Horizon Nuclear Power Deadline 2 Submission - Statutory Undertaker and Special Category Land s.127 132 and 138 Schedules

REP2-012	Horizon Nuclear Power Deadline 2 Submission - 1.3 Guide to the Application (Revision 3.0) 27913-3-11680 v0.2
REP2-013	Horizon Nuclear Power Deadline 2 Submission - 1.3 Guide to the Application Welsh Language Translation
REP2-014	Horizon Nuclear Power Deadline 2 Submission - 2.2 Land Plans (Rev 3.0)
REP2-015	Horizon Nuclear Power Deadline 2 Submission - 2.3 Work Plans (Rev 2.0).
REP2-016	Horizon Nuclear Power Deadline 2 Submission - 2.4 Rights of Way (Rev 2.0)
REP2-017	Horizon Nuclear Power Deadline 2 Submission - 2.6.1 Wylfa Newydd Development Area and Power Station Site Plans (Part 1 of 2) (Rev 2.0)
REP2-018	Horizon Nuclear Power Deadline 2 Submission - 2.6.1 Wylfa Newydd Development Area and Power Station Site Plans (Part 2 of 2) (Rev 2.0)
REP2-019	Horizon Nuclear Power Deadline 2 Submission - 2.11 Park and Ride (Rev 2.0)
REP2-020	Horizon Nuclear Power Deadline 2 Submission - 3.1 Draft Development Consent Order (Revision 3.0)
REP2-021	Horizon Nuclear Power Deadline 2 Submission - 3.1 Draft Development Consent Order (Track change version Revision 3.0 against Revision 2.0)
REP2-022	Horizon Nuclear Power Deadline 2 Submission - 3.1 Draft Development Consent Order (Track change version - Revision 3.0 against Revision 1.0 APP-029)
REP2-023	Horizon Nuclear Power Deadline 2 Submission - 3.3 Explanatory Memorandum (Revision 4.0)
REP2-024	Horizon Nuclear Power Deadline 2 Submission - 3.3 Explanatory Memorandum (Track change version - Revision 4.0 against Revision 1.0 APP-030)
REP2-025	Horizon Nuclear Power Deadline 2 Submission - 3.3 Explanatory Memorandum (Track change version - Revision 4.0)
REP2-026	Horizon Nuclear Power Deadline 2 Submission - 4.3 Book of Reference (Part 1 of 3) (Rev 3.0).
REP2-027	Horizon Nuclear Power Deadline 2 Submission - 4.3 Book of Reference (Part 2 of 3) (Rev 3.0)
REP2-028	Horizon Nuclear Power Deadline 2 Submission - 4.3 Book of Reference (Part 3 of 3) (Rev 3.0)
REP2-029	Horizon Nuclear Power

	Deadline 2 Submission - 8.2.3 Design and Access Statement - Volume 3 (Part 1 of 2) (Rev 2.0)
REP2-030	Horizon Nuclear Power Deadline 2 Submission - 8.2.3 Design and Access Statement - Volume 3 (Part 2 of 2) (Rev 2.0)
REP2-031	Horizon Nuclear Power Deadline 2 Submission - 8.6 Wylfa Newydd Code of Construction Practice
REP2-032	Horizon Nuclear Power Deadline 2 Submission - 8.7 Main Power Station Site Sub-Code of Construction Practice
REP2-033	Horizon Nuclear Power Deadline 2 Submission - 8.8 Marine Works Sub-Code of Construction Practice
REP2-034	Horizon Nuclear Power Deadline 2 Submission - 8.9 Off-Site Power Station Facilities Sub-Code of Construction Practice
REP2-035	Horizon Nuclear Power Deadline 2 Submission - 8.10 Park and Ride sub--Code of Construction Practice
REP2-036	Horizon Nuclear Power Deadline 2 Submission - 8.12 A5025 Off-line Highway Improvements Sub-Code Of Construction Practice
REP2-037	Horizon Nuclear Power Deadline 2 - 8.13 Wylfa Newydd Code of Operational Practice
REP2-038	Horizon Nuclear Power Deadline 2 Submission - 8.14 Mitigation Route Map (Rev 2.0)
REP2-039	Horizon Nuclear Power Deadline 2 Submission - 8.16 Landscape and Habitat Management Strategy (Rev 2.0)
REP2-040	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Anglesey Councils Partnership
REP2-041	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Isle of Anglesey County Council
REP2-042	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Fire and Rescue Service
REP2-043	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Welsh Government
REP2-044	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and National Grid

REP2-045	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Nuclear Decommissioning Authority
REP2-046	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Magnox
REP2-047	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Destination Anglesey Partnership
REP2-048	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Welsh Water
REP2-049	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Natural Resources Wales
REP2-050	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Commonality for Statements of Common Ground
REP2-051	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Gwynedd County Council
REP2-052	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Public Health Wales
REP2-053	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Police
REP2-054	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Royal Society for the Protection of Birds
REP2-055	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Welsh Ambulance Service
REP2-056	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Wildlife Trust
REP2-057	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Conwy County Borough Council

REP2-058	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and National Trust
REP2-059	Horizon Nuclear Power Deadline 2 Submission - 8.25 Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Betsi Cadwaladr University Health Board
REP2-060	Isle of Anglesey County Council Deadline 2 Submission - Notification of wish to make oral representations at Issue Specific Hearings
REP2-061	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 1
REP2-062	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 2 Policy Framework
REP2-063	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 3 Economic Development
REP2-064	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 4 - Economic Development - Supply Chain
REP2-065	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 5 Tourism
REP2-066	Isle of Anglesey County Council Deadline 2 Submission - Local Impact report - Chapter 6 Safeguarding
REP2-067	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Chapter 7 Education and Skills
REP2-068	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Chapter 8 Housing
REP2-069	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 9 Welsh Language and Culture
REP2-070	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 10 Traffic and Transport
REP2-071	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 11 Waste Management
REP2-072	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Chapter 12 Lighting
REP2-073	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 13 Air Quality
REP2-074	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 14 Noise and Vibration
REP2-075	Isle of Anglesey County Council

	Deadline 2 Submission - Local Impact Report - Chapter 15 Community
REP2-076	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Chapter 16 Cumulative Impact Assessment
REP2-077	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 17 - Wylfa Newydd Development Area
REP2-078	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 18 Site Campus
REP2-079	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Chapter 19 Dalar Hir Park and Ride
REP2-080	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 20 Parc Cybi Logistics Centre
REP2-081	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 21 Off-site Power Station Facilities
REP2-082	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 22 A5025 Off-line Highway Improvements
REP2-083	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Chapter 23 Conclusion
REP2-084	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 1A - County Profile Nov 2018
REP2-085	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 1B - Anglesey A Sense of Place
REP2-086	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 1C - Legacy Framework
REP2-087	Isle of Anglesey County Council Deadline 2 Submission - Annex 1D - Well-Being of Future Generations Act Assessment
REP2-088	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1E - Proximity Principle
REP2-089	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1F - Review of Horizons DCO Application (Tourism)
REP2-090	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1G - Review of Horizons DCO Application (Temporary Worker Accommodation Campus)
REP2-091	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1H - Review of Horizons DCO Application (Housing)

REP2-092	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1I - Review of Horizons DCO Application (Local Employment Skills Displacement Supply Chain)
REP2-093	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1J - Review of Horizons DCO Application (Traffic and Transport)
REP2-094	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1K - Review of Horizons DCO Submission (Dalar Hir)
REP2-095	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1L - Review of Horizons DCO Submission (Logistics)
REP2-096	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1M - Review of Horizons DCO Submission (Off Site Power Station Facilities)
REP2-097	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1N - Review of Horizons DCO Application (Education Skills and Training)
REP2-098	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1O - Review of Horizons DCO Submission (Wylfa Newydd Development Area) 01.10.18
REP2-099	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1P - Review of Horizons DCO Submission (A5025 off-Line)
REP2-100	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 1Q - Review of HNPs DCO Application (Welsh Language and Culture)
REP2-101	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 3A - Energy Island and EZ Reassessment of Legacy targets
REP2-102	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 3B - Anglesey baseline economic analysis and growth scenarios 2017
REP2-103	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 3C - Demand for skills and supply of local people
REP2-104	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 3D - Social Care Review of Displacement in the Local Labour Market (October 2018)
REP2-105	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 3E - Wylfa Newydd wage inflation and displacement evidence
REP2-106	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 4A - Regional Supply Chain Programme - Business Support Provision Gap Analysis

REP2-107	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 4B - Proposed Wylfa B PWR Power Station - Environmental Statement
REP2-108	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 5A - CV's of Nigel Morgan and Annette Pritchard
REP2-109	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 5B - STEAM Report Anglesey 2017
REP2-110	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 5C - Anglesey Tourism Topic Report by Swansea University (November 2018)
REP2-111	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 5D - IACC Tourism Bedstock Survey Report (June 2018)
REP2-112	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report -Annex 5E - Letter to Horizon Review of Horizons DCO Application (Tourism) (Sept 2018)
REP2-113	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 6A Safeguarding
REP2-114	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 7A - Education and Skills
REP2-115	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8A - IACC Construction Workers Accommodation Evidence Base Report (May 2016)
REP2-116	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8B - IACC Construction Workers Accommodation Modelling Scenario Report (May 2016).
REP2-117	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8C - IACC Construction Workers Accommodation Position Statement (June 2016)
REP2-118	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8D - Anglesey Tourism Bedstock Survey Questionnaire (2018).
REP2-119	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8E - Second Homes Appendix
REP2-120	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8F - Social and Community Infrastructure Study (Baseline Report) (2016).
REP2-121	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8G - North Anglesey Study Report (2016)

REP2-122	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8H - Amlwch Leisure Centre Report
REP2-123	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8I - Hinkley Point C Housing Market Impact
REP2-124	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8J - Annual & Quarterly Estimate of Workforce
REP2-125	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8K - Use of Private Sector Accommodation (Cambridge University)
REP2-126	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8L - Use of Private Sector Accommodation
REP2-127	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8M - Non-Home Based Workforce Household Composition (August 2018)
REP2-128	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8N - Horizon Response to IACC Letter on no. Dependants (Oct 2018)
REP2-129	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8 O - Empty Homes Map
REP2-130	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8P - IACC Tourism Bedstock Survey Report (June 2018).
REP2-131	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 8Q - Caravans - Evidence Base Report (April 2017).
REP2-132	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8R - Number of caravan pitches licensed for full year occupancy
REP2-133	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8S - Location of caravan pitches licensed for full year occupancy
REP2-134	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8T - Number of Touring Caravan Pitches by Ward.
REP2-135	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8U - Number of Touring Caravan Pitches with permitted occupant in excess of 10 months per annum by Ward.
REP2-136	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 8V Accommodation Reports Hinkley Socio Economic Advisory Group
REP2-137	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 9A - Anglesey Language Profiling Data Report

REP2-138	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Non-Home Based Workforce Household Composition Annex 9C
REP2-139	Isle of Anglesey County Council Deadline 2 Submission - Draft DCO Review Annex 9D
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REP2-142	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - The Provision of Welsh Language Choice in the North Wales Criminal Justice Sector April 2008 Annex 9G
REP2-143	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 16A - Figure 1
REP2-144	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 16B - Figure 2
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REP2-148	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 17A - Anglesey A Sense of Place
REP2-149	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 17B - Anglesey Visitor Survey 2012
REP2-150	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 18A Review of Horizons DCO Application Temporary Worker Accommodation Campus
REP2-151	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Annex 18B - Annual & Quarterly Estimate of Workforce
REP2-152	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Annex 22A - Anglesey visitor survey report 2012
REP2-153	Isle of Anglesey County Council Deadline 3 Submission - Response to Examining Authority's First Round of Written Questions

REP2-154	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendix 1A - Q4.0.100
REP2-155	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions Appendix 1B - Q4.0.100 - Explanatory notes for IACC corrections
REP2-156	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendix 2A - Full response to Q7.0.1
REP2-157	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendix 2B - Full Response to Q7.0.2.
REP2-158	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendix 3A - Q10.1.5
REP2-159	Isle of Anglesey County Council Deadline 2 Submission - Response to Examining Authority's Written Questions - Appendix 3B - Q10.1.5.pdf
REP2-160	Isle of Anglesey County Council Deadline 2 Submission - Written Questions Appendix 3C - Q10.1.5
REP2-161	Isle of Anglesey County Council Deadline 2 Submission - Business Support Provisions Appendix 4A - Q10.4.1.
REP2-162	Isle of Anglesey County Council Deadline 2 Submission - Inflation Assessment Appendix 4B - Q10.4.1.
REP2-163	Isle of Anglesey County Council Deadline 2 Submission - Environmental Statement Appendix 5A - Q10.5.15.
REP2-164	Isle of Anglesey County Council Deadline 2 Submission - Socio-Economic Impact Assessment Appendix 5B - Q10.5.15.
REP2-165	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Appendix 5C.1 - Q10.5.15
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REP2-168	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 2 Welsh Language Assessment
REP2-169	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 3 Welsh Language Assessment

REP2-170	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 4 Welsh Language Assessment
REP2-171	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 5 Welsh Language Assessment
REP2-172	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 6 Welsh Language Assessment
REP2-173	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 7 Welsh Language Assessment
REP2-174	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 8 Welsh Language Assessment
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REP2-176	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 10 Welsh Language Assessment
REP2-177	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report - Map 10a Welsh Language Assessment
REP2-178	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 10b Welsh Language Assessment
REP2-179	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 11 Welsh Language Assessment
REP2-180	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Map 11a Welsh Language Assessment
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REP2-217	Isle of Anglesey County Council Deadline 2 Submission - Local Impact Report Summary of emails sent
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REP2-219	Land and Lakes Limited Deadline 2 Submission - Cover Letter for Examining Authority Written Questions
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REP2-266	Dafydd Griffiths Deadline 2 Submission - Written Representation
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REP2-275	Menter Iaith Môn Deadline 2 Submission - Written Representation
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REP2-277	Betsi Cadwaladr University Health Board Deadline 2 Submission - Written Representation

REP2-278	Betsi Cadwaladr University Health Board Deadline 2 Submission - Response to the Examining Authorities Written Questions
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REP2-280	Bryngwran Community Council Deadline 2 Submission - Written Representation
REP2-281	Bryngwran Cymunedol Cyf Deadline 2 Submission - Notification of wish to make oral representations at Issue Specific Hearings
REP2-282	Bryngwran Cymunedol Ltd (Iorwerth Arms) Deadline 2 Submission - Written Representation
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REP2-284	Anglesey Young Farmers Deadline 2 Submission – Written Representation - Yearbook
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REP2-289	Conwy County Borough Council Deadline 2 Submission - Local Impact Report
REP2-290	Public Health Wales Deadline 2 Submission - Cover Email
REP2-291	Public Health Wales Deadline 2 Submission - Written Representation
REP2-292	Greenpeace Deadline 2 Submission - Written Representation
REP2-293	Greenpeace Deadline 2 Submission - Summary of Written Representation
REP2-294	Gwynedd Council Deadline 2 Submission - Response to Examining Authority's Written Questions
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REP2-296	Gwynedd Council Deadline 2 Submission - Comments on the information submitted by the Applicant on 17 October 2018 in relation to the Blasting and Vessel Movement Change Requests
REP2-297	Gwynedd Council Deadline 2 Submission - Local Impact Report
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Appendix B: Examination Library

REP2-299	Gwynedd Council Deadline 2 Submission - Appendix 2 - Displacement Paper 1.0
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REP2-301	Gwynedd Council Deadline 2 Submission - Appendix 4 Gwynedd EXEC Summary Homelessness Review
REP2-302	Gwynedd Council Deadline 2 Submission - Appendix 4 Gwynedd EXEC Summary Homelessness Review
REP2-303	Gwynedd Council Deadline 2 Submission - Appendix 5 - Impact Report
REP2-304	Holyhead Town Council Deadline 2 Submission - Written Representation
REP2-305	J Chanay Deadline 2 Submission - Written Representation
REP2-306	Jobe Developments Deadline 2 Submission - Written representation
REP2-307	Jonanthan Dean Deadline 2 Submission - Written Representation
REP2-308	Magnox Ltd Deadline 2 Submission - Written Representation
REP2-309	Menna Jones Deadline 2 Submission - Notification of wish to attend hearings
REP2-310	Michael Cominetti Deadline 2 Submission - Written Representation
REP2-311	Ministry Of Defence Deadline 2 Submission - Response to Examining Authority Written Questions
REP2-312	National Grid Electricity Transmission PLC Deadline 2 Submission - Written Representation and Response to Examining Authority's Written Questions
REP2-313	National Trust Deadline 2 Submission - Cover Letter
REP2-314	National Trust Deadline 2 Submission - Notification Of Wish To Attend Hearings
REP2-315	National Trust Deadline 2 Submission - Notification of wish to attend an Accompanied Site Inspection
REP2-316	National Trust Deadline 2 Submission - Written Representation on Costal Processes and Geomorphology
REP2-317	National Trust Deadline 2 Submission - Written Representation on Landscape and visual issues
REP2-318	National Trust Deadline 2 Submission - Written Representation on Biodiversity Cemlyn Nature Reserve

REP2-319	National Trust Deadline 2 Submission - Commentary on ecology and land management
REP2-320	National Trust Deadline 2 Submission - Land Issues
REP2-321	National Trust Deadline 2 Submission - Summary of landscape and visual issues
REP2-322	National Trust Deadline 2 Submission - Vibration Assessment Review
REP2-323	National Trust Deadline 2 Submission - Noise and Vibration Impact on Tenanted Properties and Heritage Assets
REP2-324	National Trust Deadline 2 Submission - Wylfa Biographies
REP2-325	Natural Resources Wales Deadline 2 Submission - Written Representations, Response to the Examining Authority's Written Questions, Statement of Common Ground tables and advice on the Blasting and Vessel Movement Change Request
REP2-326	Natural Resources Wales Deadline 2 Submission - Notification Of Wish To Attend Issue Specific Hearings
REP2-327	Natural Resources Wales Deadline 2 Submission - Notification Of Wish To Attend Issue Specific Hearings
REP2-328	Natural Resources Wales Deadline 2 Submission - Notification of wish to attend an Accompanied Site Inspection
REP2-329	Natural Resources Wales Deadline 2 Submission - Submission of suggested locations / sites for the Panel to include as part of its Unaccompanied Site Inspections and for the Accompanied Site Inspection
REP2-330	Network Rail Deadline 2 Submission - Response to Examining Authority's Written Questions
REP2-331	Network Rail Deadline 2 Submission - Written Representation
REP2-332	Network Rail Deadline 2 Submission - Summary Of Written representation
REP2-333	North Anglesey Councils Partnership Deadline 2 Submission - Notification of wish to make oral representations at Issue Specific Hearings
REP2-334	North Anglesey Councils Partnership Deadline 2 Submission - Submission of suggested locations / sites for the Panel to include as part of its Unaccompanied Site Inspections and for the Accompanied Site Inspection
REP2-335	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Traffic and Transport Other Matters

REP2-336	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Residential Amenity
REP2-337	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Temporary workers accommodation
REP2-338	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - A5025 Traffic and transport
REP2-339	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Traffic and Transport Cross Country Routes
REP2-340	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Tourism and recreation
REP2-341	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Local Economic Opportunities
REP2-342	North Anglesey Councils Partnership Deadline 2 Submission - Written Representation - Construction Working hours
REP2-343	North Wales Fire and Rescue Service Deadline 2 Submission - Response to Examining Authority's Written Questions
REP2-344	North Wales Fire and Rescue Service Deadline 2 Submission - Written Representation
REP2-345	North Wales Police Deadline 2 Submission - This documents comprises of: Written Representation, Response to the Examining Authority's Written Questions, Comments on the updated application documents submitted by the Applicant in response to Section 51 Advice, Comments on Blasting and Vessel Movement Change Requests, Comments on additional submissions and Responses to any requested information by the Examining Authority
REP2-346	North Wales Wildlife Trust Deadline 2 Submission - Response to Examining Authority Written Questions
REP2-347	North Wales Wildlife Trust Deadline 2 Submission - Notification wish to attend Hearings and make oral representation
REP2-348	North Wales Wildlife Trust Deadline 2 Submission - Written Representation on Biodiversity - Cemlyn Nature Reserve
REP2-349	North Wales Wildlife Trust Deadline 2 Submission - Written Representation on Biodiversity - Tre'r Gof SSSI and the Temporary site campus
REP2-350	Nuclear Decommissioning Authority Deadline 2 Submission - Request to become an Interested Party
REP2-351	Nuclear Decommissioning Authority Deadline 2 Submission - Written Representation

REP2-352	Nuclear Free Local Authorities Welsh Forum Deadline 2 Submission - Written Representation
REP2-353	Nuclear Industry Association Deadline 2 Submission - Written Representation
REP2-354	Office for Nuclear Regulation Deadline 2 Submission - Response to Examining Authority Written Questions
REP2-355	Office For Nuclear Regulation Deadline 2 Submission - Written Representation
REP2-356	Office For Nuclear Regulation Deadline 2 Submission - Summary of Written Representations
REP2-357	People Against Wylfa B Deadline 2 Submission - Written Representation
REP2-358	Royal Society for the Protection of Birds Deadline 2 Submission - Response to Examining Authority Written Questions
REP2-359	Royal Society for the Protection of Birds Deadline 2 Submission - Notification Of Wish To Attend Issue Specific Hearings
REP2-360	Royal Society for the Protection of Birds Deadline 2 Submission - Biodiversity Cemlyn Nature Reserve
REP2-361	Royal Society for the Protection of Birds Deadline 2 Submission - Ecological Options Report
REP2-362	Welsh Ambulance Service Trust Deadline 2 Submission - Response to Examining Authority's Written Questions
REP2-363	Welsh Ambulance Service Trust Deadline 2 Submission - Written Representation
REP2-364	Welsh Anti Nuclear Alliance Deadline 2 Submission - Cover Email & Notification of wish to attend Issue Specific Hearings
REP2-365	Welsh Anti Nuclear Alliance Deadline 2 Submission - Written Representation
REP2-366	Welsh Government Deadline 2 Submission - Response to Examining Authority's Written Questions
REP2-367	Welsh Government Deadline 2 Submission - Written representation
REP2-368	Welsh Government Deadline 2 Submission - Summary of Written Representation
REP2-369	Zencity Deadline 2 Submission - Written representation
REP2-370	Isle of Anglesey County Council Deadline 2 Submission - A sense of Place Annex 1B and 17A - Further Submission
REP2-371	Anglesey Young Farmers Deadline 2 Submission - Summary - Further Submission
REP2-372	Horizon Nuclear Power Deadline 2 Submission - 6.6.16 FCA Addendum

REP2-373	Horizon Nuclear Power Deadline 2 Submission - 8.11 Logistics Centre sub-CoCP
REP2-374	Horizon Nuclear Power Deadline 2 Submission - Cover Letter
REP2-375	Horizon Nuclear Power Deadline 2 Submission - Response to Examining Authority's Written Questions
Terfyn Amser 3/ Deadline 3 Terfyn amser i'r Awdurdod Archwilio dderbyn: • Canllaw'r Ymgeisydd i'r Cais • Atodlen Caffael Gorfodol wedi'i diweddaru • Sylwadau ar unrhyw gyflwyniadau yn ymwneud â buddiannau a Thir y Goron a chydymffurfio ag adran 135 Deddf Cynllunio 2008 a gyflwynwyd erbyn Terfyn Amser 2 • Sylwadau ar unrhyw gyflwyniad yn ymwneud â thir ymgymrwyr statudol a thir categori arbennig a diddymu hawliau a symud cyfarpar ymgymrwyr statudol ac ati • Ymatebion yr Ymgeisydd i sylwadau ar y wybodaeth a gyflwynwyd gan yr Ymgeisydd ar y Ceisiadau Blastio a'r Ceisiadau Newid Symudiadau Llongau Morol • Sylwadau ar yr Adroddiadau ar yr Effaith Leol • Sylwadau ar yr Ymatebion Ysgrifenedig ac ymatebion i sylwadau ar y Sylwadau Perthnasol • Sylwadau ar ymatebion i Gwestiynau Ysgrifenedig yr Awdurdod Archwilio • Cytundeb a106 ddraft • Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio Deadline for receipt by the ExA of: • Applicant's Guide to the Application • Updated Compulsory Acquisition Schedule • Comments on any submissions in relation to Crown Land and interests and compliance with section 135 PA2008 submitted for Deadline 2 • Comments on any submission in relation to statutory undertakers' land and special category land and extinguishment of rights and removal of apparatus of statutory undertakers etc • Applicant's responses to comments on the information submitted by the Applicant on the Blasting and Vessel Movement Change Requests • Comments on Local Impact Reports • Comments on WRs and responses to comments on RRs • Comments on responses to the ExA's Written Questions • Draft s106 Agreement • Responses to any other information as requested by the ExA	
REP3-001	Horizon Nuclear Power Deadline 3 Submission - Cover Letter
REP3-002	Horizon Nuclear Power Deadline 3 Submission - 1.3 Guide to the Application
REP3-003	Horizon Nuclear Power Deadline 3 Submission - 1.3 Guide to the Application (Rev 4.0) Welsh Language
REP3-004	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Isle of Anglesey County Council's Local Impact Report
REP3-005	Horizon Nuclear Power Deadline 3 Submission - Horizons response to Interested Parties responses to the Examining Authority's First Round Written Questions
REP3-006	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Arthur Wyn Owen

REP3-007	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Betsi Cadwaladr University Health Board
REP3-008	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Bryngwran Cymunedol Ltd
REP3-009	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Cemaes Bay History Group
REP3-010	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Conwy County Borough Council
REP3-011	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Dafydd Griffiths
REP3-012	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Greenpeace
REP3-013	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Gwynedd Council
REP3-014	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Magnox Ltd
REP3-015	REFERENCE NOT IN USE
REP3-016	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Nuclear Free Local Authorities
REP3-017	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Welsh Anti-Nuclear Alliance
REP3-018	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Zencity Limited
REP3-019	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Isle of Anglesey County Council
REP3-020	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - North Wales Police
REP3-021	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - North Wales Fire and Rescue Service
REP3-022	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Welsh Ambulance Services Trust

REP3-023	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - People Against Wylfa B
REP3-024	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - J Chanay
REP3-025	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - National Grid
REP3-026	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - eNGO Biodiversity Cemlyn Nature Reserve
REP3-027	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - North Wales Wildlife Trust
REP3-028	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - National Trust
REP3-029	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Public Health Wales
REP3-030	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Holyhead Council
REP3-031	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Network Rail Infrastructure Ltd
REP3-032	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - North Anglesey Councils Partnership
REP3-033	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Nuclear Decommissioning Authority
REP3-034	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Welsh Government
REP3-035	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Natural Resources Wales
REP3-036	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Pinsent Masons on behalf of Land and Lakes
REP3-037	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Bryngwran Community Council
REP3-038	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Menter Iaith Môn

REP3-039	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Menter Iaith Môn Welsh Translation
REP3-040	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Clybiau Ffermwyr Ifanc Ynys Môn
REP3-041	Horizon Nuclear Power Deadline 3 Submission - Horizon's Response to Written Representation - Clybiau Ffermwyr Ifanc Ynys Môn Welsh Version
REP3-042	Horizon Nuclear Power Deadline 3 Submission - Draft DCO s.106 Agreement
REP3-043	Horizon Nuclear Power Deadline 3 Submission - Status Update Paper for Key Issues arising from the Draft DCO s.106 Agreement
REP3-044	Horizon Nuclear Power Deadline 3 Submission - Applicants responses to Batch 1 NMC Comments
REP3-045	Horizon Nuclear Power Deadline 3 Submission - Addendum to Seabird Baseline Report Disturbance Monitoring at Cemlyn Lagoon
REP3-046	Horizon Nuclear Power Deadline 3 Submission - Addendum to 2018 Chough Baseline Report
REP3-047	Horizon Nuclear Power Deadline 3 Submission - Illustrative Lighting Spill Technical Note and Associate Appendices
REP3-048	Horizon Nuclear Power Deadline 3 Submission - Technical Note indicating how Horizon would meet committed noise levels
REP3-049	Horizon Nuclear Power Deadline 3 Submission - Off site Power Station Facilities - Building M3 Bat Survey Results
REP3-050	Horizon Nuclear Power Deadline 3 Submission - Local Noise Mitigation Strategy Update
REP3-051	Horizon Nuclear Power Deadline 3 Submission - Local Noise Mitigation Strategy (Companion Guide)
REP3-052	Horizon Nuclear Power Deadline 3 Submission - Air Quality Mitigation Quantification Report
REP3-053	North Wales Fire and Rescue Service Deadline 3 Submission - Response to Examining Authority Written Questions
REP3-054	Natural Resources Wales Deadline 3 Submission
REP3-055	Isle of Anglesey County Council Deadline 3 Submission

REP3-056	National Trust Deadline 3 Submission
REP3-057	J Chanay Deadline 3 Submission
REP3-058	Pinsent Masons LLP on behalf of Land and Lakes Limited Deadline 3 Submission
REP3-059	Pinsent Masons LLP on behalf of Land and Lakes Limited Deadline 3 Submission - Review of the documentation submitted at Deadline 2
REP3-060	Gwynedd Council Deadline 3 Submission
REP3-061	Welsh Government Deadline 3 Submission
REP3-062	Barton Willmore on behalf of North Wales Police Deadline 3 Submission - Late Submission
REP3-063	Gwynedd Council Deadline 3 Submission - Late Submission
REP3-064	Land and Lakes Limited Deadline 3 Submission - Request for New Site Visit Location and attendance at Accompanied Site Visit
Terfyn Amser 4 / Deadline 4: • Canllaw'r Ymgeisydd i'r Cais • Atodlen Caffael Gorfodol wedi'i diweddarau • Unrhyw gadarnhad ysgrifenedig sy'n ofynnol gan y Goron mewn perthynas ag adran 135 Deddf Cynllunio 2008 sy'n darparu cadarnhad dogfennol nad oes unrhyw fuddiannau'n gysylltiedig a/neu fod Awdurdod y Goron yn cydsynio • Hysbysiad o ddymuniad i siarad mewn Gwrandawriad Caffael Gorfodol • Cyflwyniadau ôl-wrandawriad gan gynnwys cyflwyniadau ysgrifenedig o achosion llafar • Sylwadau ar Geisiadau am Newid yn ymwneud â'r wybodaeth a gyflwynwyd gan yr Ymgeisydd erbyn Terfyn Amser 1 (13 Tachwedd 2018) mewn perthynas ag Dydd Iau 17 Ionawr 2019 • Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio Applicant's Guide to the Application • Updated Compulsory Acquisition Schedule • Any written confirmation required from the Crown in relation to section 135 PA2008 providing documentary confirmation that no interests are engaged and/or the Crown Authority consents • Notification of wish to speak at a Compulsory Acquisition Hearing (CAH) • Post hearing submissions including written submissions of oral cases • Comments on Change Requests relating to the information submitted by the Applicant at Deadline 1 (13 November 2018) in relation to REP1-014; REP1-016; and REP1-017 • Responses to any other information as requested by the ExA	
REP4-001	Horizon Nuclear Power Deadline Submission 4 - Cover Letter
REP4-002	Horizon Nuclear Power Deadline 4 Submission - Post Oral Hearing Summaries – Monday 7 January 2019
REP4-003	Horizon Nuclear Power Deadline 4 Submission - Post Oral Hearing Summaries – Tuesday 8 January 2019

REP4-004	Horizon Nuclear Power Deadline 4 Submission - Post Oral Hearing Summaries – Wednesday 9 January 2019
REP4-005	Horizon Nuclear Power Deadline 4 Submission - Post Oral Hearing Summaries – Thursday 10 January 2019
REP4-006	Horizon Nuclear Power Deadline 4 Submission - Post Oral Hearing Summaries – Friday 11 January 2019
REP4-007	Horizon Nuclear Power Deadline 4 Submission - Response to Action Points set in Issue Specific Hearing on the 7 January 2019
REP4-008	Horizon Nuclear Power Deadline 4 Submission - Response to Action Points set in Issue Specific Hearing on the 8 January 2019
REP4-009	Horizon Nuclear Power Deadline 4 Submission - Late Submission - Response to Action Points set in Issue Specific Hearing on the 10 January 2019 - Accepted at the discretion of the Examining Authority
REP4-010	Horizon Nuclear Power Deadline 4 Submission - Response to Action Points set in Issue Specific Hearing on the 11 January 2019
REP4-011	Horizon Nuclear Power Deadline 4 Submission - Request for Non-Material Change Worker Shift Patterns
REP4-012	Horizon Nuclear Power Deadline 4 Submission - Request for Non-Material Change – Working Hours
REP4-013	Horizon Nuclear Power Deadline 4 Submission - Request for Non-Material Change – HGV Delivery Window
REP4-014	Horizon Nuclear Power Deadline 4 Submission - 8.29 Phasing Strategy
REP4-015	Horizon Nuclear Power Deadline 4 Submission - Phasing Strategy – Tracked Change version Rev 2.0 against Rev 1.0
REP4-016	Horizon Nuclear Power Deadline 4 Submission - Design and Access Statement - 1 Volume (Rev 3.0)
REP4-017	Horizon Nuclear Power Deadline 4 Submission - Design and Access Statement - 2 Volume (Rev 3.0)
REP4-018	Horizon Nuclear Power Deadline 4 Submission - Design and Access Statement - 3 Volume Part 1 of 2 (Rev 3.0)
REP4-019	Horizon Nuclear Power Deadline 4 Submission - Design and Access Statement – 3 Volume Part 2 of 2 (Rev 3.0)
REP4-020	Horizon Nuclear Power Deadline 4 Submission - Response to Conwy County Borough Council's Written Representation

REP4-021	Horizon Nuclear Power Deadline 4 Submission - Response to Gwynedd County Council's Written Representation
REP4-022	Horizon Nuclear Power Deadline 4 Submission - Cemlyn Bay Baseline Noise Measurements
REP4-023	Horizon Nuclear Power Deadline 4 Submission - Ecological Enhancements Mitigation Report
REP4-024	Horizon Nuclear Power Deadline 4 Submission - Table of Progress in Relation to Protected Provisions (DCO Hearing Action Points)
REP4-025	Horizon Nuclear Power Deadline 4 Submission - DCO Noise Modelling Propagation Figures
REP4-026	Horizon Nuclear Power Deadline 4 Submission - Details of Other Consents and Licences
REP4-027	Horizon Nuclear Power Deadline 4 Submission - Response to the Isle of Anglesey's County Council Deadline 3 Submission
REP4-028	Horizon Nuclear Power Deadline 4 Submission - Site Campus (Rev 2.0)
REP4-029	Horizon Nuclear Power Deadline 4 Submission - Guide to Application (Rev 5.0)
REP4-030	Horizon Nuclear Power Deadline 4 Submission - Guide to Application – Welsh Language (Rev 5.0)
REP4-031	Dafydd Griffiths Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-032	Gwynedd Council Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-033	Harlaxton Energy Networks Ltd Deadline 4 Submission - Comments on Change Requests relating to the information submitted by the Applicant at Deadline 1 (13 November 2018) in relation to REP1-014; REP1-016; and REP1-017
REP4-034	Isle Anglesey County Council Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-035	J Chanay Deadline 4 Submission - Response to Deadline 4
REP4-036	Pinsent Masons on behalf of Land and Lakes Limited Deadline 4 Submission - Appendices 1-5
REP4-037	Llanbadrig and Mechell Community Councils Deadline 4 Submission - Note on Environmental Impact upon Tregele
REP4-038	National Trust Deadline 4 Submission - Post hearing submissions including written submissions of oral cases

REP4-039	Natural Resources Wales Deadline 4 Submission - Post hearing submissions including written submissions of oral cases and Comments on Change Requests relating to the information submitted by the Applicant at Deadline 1 (13 November 2018) in relation to REP1-014; REP1-016; and REP1-017
REP4-040	Addleshaw Goddard LLP on behalf of Network Rail Deadline 4 Submission - Response to the Examining Authority's Written Questions
REP4-041	North Anglesey Partnership of Town and Community Councils Deadline 4 Submission - Comments on Temporary Work Accommodation
REP4-042	North Wales Fire and Rescue Service Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-043	North Wales Police Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-044	North Wales Wildlife Trust Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-045	Nuclear Decommissioning Authority Deadline 4 Submission - Response to Deadline 4
REP4-046	Office for Nuclear Regulation Deadline 4 Submission - Comments on Change Requests relating to the information submitted by the Applicant at Deadline 1 (13 November 2018) in relation to REP1-014; REP1-016; and REP1-017
REP4-047	People Against Wylfa B Deadline 4 Submission - Written Submission
REP4-048	People Against Wylfa B Deadline 4 Submission - Consultation on the Siting Criteria and Process for a New National Policy Statement for Nuclear Power with Single Reactor Capacity over 1 Gigawatt beyond 2025
REP4-049	Peter & Maureen Shea Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-050	Reginald & Jean Biddlecombe Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-051	Roger Dobson Deadline 4 Submission - Notes on Worker Hours
REP4-052	Welsh Anti-Nuclear Alliance Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-053	Welsh Government Deadline 4 Submission - Post hearing submissions including written submissions of oral cases
REP4-054	North Anglesey Council Partnership Deadline 4 Submission - Post hearing submissions including written submissions of oral cases

REP4-055	Bob Wright Deadline 4 Submission - Late Submission - Signed petition against the extension of the traffic on the A5025 and increased traffic through Llanfachraeth - Accepted at the discretion of the Examining Authority
REP4-056	Trinity House Deadline 4 Submission - Late Submission - Response to the Examining Authority's Written Questions
REP4-057	Keep it Green Deadline 4 Submission
Terfyn Amser 5 / Deadline 5: Terfyn amser ar gyfer derbyn: • Canllaw'r Ymgeisydd i'r Cais • DCO drafft diwygiedig yr Ymgeisydd • Atodlen Caffael Gorfodol wedi'i diweddaru • Atodlen Lliniaru wedi'i diweddaru (sy'n dwyn ynghyd yr holl fesurau lliniaru ymgorfforedig mewn un ddogfen) • Ymatebion i Gwestiynau Ysgrifenedig Ychwanegol yr Awdurdod Archwilio (os yw'n berthnasol) • Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio Deadline for receipt of: • Applicant's Guide to the Application • Applicant's revised draft DCO • Updated Compulsory Acquisition Schedule • Updated Schedule of Mitigation (bringing together all embedded mitigation measures into one document) • Responses to the ExA's Further Written Questions (if applicable) • Responses to any other information as requested by the ExA	
REP5-001	Horizon Nuclear Power Deadline 5 Submission - Deadline 5 Cover Letter
REP5-002	Horizon Nuclear Power Deadline 5 Submission - Responses to Examining Authority's Further Written Question
REP5-003	Horizon Nuclear Power Deadline 5 Submission - Draft Development Consent Order
REP5-004	Horizon Nuclear Power Deadline 5 Submission - Draft Development Consent Order Revision 4.0 against Revision 1.0
REP5-005	Horizon Nuclear Power Deadline 5 Submission - Draft Development Consent Order Revision 4.0 against Revision 3.0
REP5-006	Horizon Nuclear Power Deadline 5 Submission - Summary Table of Amendments to the draft Development Consent Order
REP5-007	Horizon Nuclear Power Deadline 5 Submission - Draft DCO s.106 Agreement dated 23 January 2019
REP5-008	Horizon Nuclear Power Deadline 5 Submission - Draft DCO s.106 Agreement dated 23 January 2019 (Track Change Version)

REP5-009	Horizon Nuclear Power Deadline 5 Submission - Overview Note of Revised Draft DCO s.106 Agreement dated 23 January 2019
REP5-010	Horizon Nuclear Power Deadline 5 Submission - 1.3 Guide to the Application (Rev 6.0)
REP5-011	Horizon Nuclear Power Deadline 5 Submissions – 1.3 Guide to Application (Welsh Translation – Rev 6.0)
REP5-012	Horizon Nuclear Power Deadline 5 Submission - 2.4 Rights of Way
REP5-013	Horizon Nuclear Power Deadline 5 Submissions - 2.6.1 Wylfa Newydd Development Area and Power Station Site Plans (Part 1 of 2 – Rev3.0)
REP5-014	Horizon Nuclear Power Deadline 5 Submission - 2.6.1 Wylfa Newydd Development Area and Power Station Site Plans (Part 2 of 2 – Rev3.0)
REP5-015	Horizon Nuclear Power Deadline 5 Submission - 3.3 Explanatory Memorandum
REP5-016	Horizon Nuclear Power Deadline 5 Submission - 3.3 Explanatory Memorandum (Track change version - Revision 5.0 against Revision 1)
REP5-017	Horizon Nuclear Power Deadline 5 Submission - 3.3 Explanatory Memorandum (Track change version - Revision 5.0 against Revision 4.0)
REP5-018	Horizon Nuclear Power Deadline 5 Submissions - 6.4.17 Construction Method Statement (Rev2.0)
REP5-019	Horizon Nuclear Power Deadline 5 Submission - 6.4.17 App D1-1 Construction Method Statement (Track Change Version - Revision 2.0 against Revision 1.0)
REP5-020	Horizon Nuclear Power Deadline 5 Submission - 8.6 Wylfa Newydd Code of Construction Practice
REP5-021	Horizon Nuclear Power Deadline 5 Submission - 8.6 Wylfa Newydd Code of Construction Practice (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-022	Horizon Nuclear Power Deadline 5 Submission - 8.7 Main Power Station Site sub-CoCP
REP5-023	Horizon Nuclear Power Deadline 5 Submission - 8.7 Main Power Station Site sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-024	Horizon Nuclear Power Deadline 5 Submission - 8.8 Marine Works sub-CoCP
REP5-025	Horizon Nuclear Power Deadline 5 Submission - 8.8 Marine Works sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0)

REP5-026	Horizon Nuclear Power Deadline 5 Submission - 8.9 Off-site Power Station Facilities sub-CoCP
REP5-027	Horizon Nuclear Power Deadline 5 Submission - 8.9 Off-site Power Station Facilities sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0).
REP5-028	Horizon Nuclear Power Deadline 5 Submission - 8.10 Park and Ride sub-CoCP
REP5-029	Horizon Nuclear Power Deadline 5 Submission - 8.10 Park and Ride sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-030	Horizon Nuclear Power Deadline 5 Submission - 8.11 Logistics Centre sub-CoCP
REP5-031	Horizon Nuclear Power Deadline 5 Submission - 8.11 Logistics Centre sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-032	Horizon Nuclear Power Deadline 5 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP
REP5-033	Horizon Nuclear Power Deadline 5 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-034	Horizon Nuclear Power Deadline 5 Submission - 8.13 Wylfa Newydd Code of Operational Practice
REP5-035	Horizon Nuclear Power Deadline 5 Submission - 8.13 Wylfa Newydd Code of Operational Practice (Tracked Change Version - Revision 3.0 against Revision 2.0)
REP5-036	Horizon Nuclear Power Deadline 5 Submission - 8.16 Landscape and Habitat Management Strategy Parts 1 of 2 and 2 of 2
REP5-037	Horizon Nuclear Power Deadline 5 Submission - 8.17 Workforce Management Strategy
REP5-038	Horizon Nuclear Power Deadline 5 Submission - 8.17 Workforce Management Strategy (Track Change Version - Revision 2.0 against Revision 1.0)
REP5-039	Horizon Nuclear Power Deadline 5 Submission - 8.29 Phasing Strategy
REP5-040	Horizon Nuclear Power Deadline 5 Submission - 8.29 Phasing Strategy (Track Change Version - Revision 3.0 against Revision 2.0)
REP5-041	Horizon Nuclear Power Deadline 5 Submission - Biosecurity Risk Assessment Strategy Report
REP5-042	Horizon Nuclear Power Deadline 5 Submission - Compulsory Acquisition Objections Schedule
REP5-043	Horizon Nuclear Power

	Deadline 5 Submission - Crown Land and Interests s.135 Schedule
REP5-044	Horizon Nuclear Power Deadline 5 Submission - HRA Stage 3 Assessment of Alternative Solutions
REP5-045	Horizon Nuclear Power Deadline 5 Submission - Imperative Reasons of Overriding Public Interest (IROPI) Report
REP5-046	Horizon Nuclear Power Deadline 5 Submission - Position Paper on Compensation Measures
REP5-047	Horizon Nuclear Power Deadline 5 Submissions - Response to Bob Wright on behalf of Residents of Llanfachraeth
REP5-048	Horizon Nuclear Power Deadline 5 Submission - Response to Land and Lakes' Deadline 4 Submission
REP5-049	Horizon Nuclear Power Deadline 5 Submission - Response to Comments from Pwyllgor Ymgyrch Tai a Chynllunio Gwynedd a Môn
REP5-050	Horizon Nuclear Power Deadline 5 Submission - Response to the Welsh Government's Deadline 4 Submission
REP5-051	Horizon Nuclear Power Deadline 5 Submission - Responses to eNGOs Post January Hearing Submission Documents.
REP5-052	Horizon Nuclear Power Deadline 5 Submission - Response to the Isle of Anglesey County Council Deadline 4 Submission
REP5-053	Horizon Nuclear Power Deadline 5 Submission - Response to Deadline 5 Issue Specific Hearing Actions on 7 January 2019
REP5-054	Horizon Nuclear Power Deadline 5 Submission - Response to Deadline 5 Issue Specific Hearing Actions on 8 January 2019
REP5-055	Horizon Nuclear Power Deadline 5 Submission - Response to Deadline 5 Issue Specific Hearing Actions on 9 January 2019
REP5-056	Horizon Nuclear Power Deadline 5 Submissions - Response to Deadline 5 Issue Specific Hearing Actions on 11 January 2019
REP5-057	Isle of Anglesey County Council Deadline 5 Submission - Response to Examining Authority's Further Written Questions
REP5-058	Isle of Anglesey County Council Deadline 5 Submission - Action Points on Issue Specific Hearings
REP5-059	Isle of Anglesey County Council Deadline 5 Submission - Climate Change
REP5-060	Isle of Anglesey County Council Deadline 5 Submission - Economic Development
REP5-061	Isle of Anglesey County Council

	Deadline 5 Submission - Supplementary Planning Guide
REP5-062	Isle of Anglesey County Council Deadline 5 Submission - Natural Environment
REP5-063	Isle of Anglesey County Council Deadline 5 Submission - Infrastructure
REP5-064	Isle of Anglesey County Council Deadline 5 Submission - Housing
REP5-065	Isle of Anglesey County Council Deadline 5 Submission - Transport
REP5-066	Isle of Anglesey County Council Deadline 5 Submission - Waste
REP5-067	Isle of Anglesey County Council Deadline 5 Submission - North Anglesey
REP5-068	Isle of Anglesey County Council Deadline 5 Submission - Historic Environment
REP5-069	Isle of Anglesey County Council Deadline 5 Submission - Amenity
REP5-070	Isle of Anglesey County Council Deadline 5 Submission - Population and Community
REP5-071	Barton Willmore on behalf of North Wales Police Deadline 5 Submission - Cover Letter
REP5-072	Barton Willmore on behalf of North Wales Police Deadline 5 Submission - Letter To PINS
REP5-073	North Wales Police Deadline 5 Submission - Response to the Examining Authority's Further Written Questions
REP5-074	Womble Bond Dickson on behalf of North Wales Police Deadline 5 Submission - Section 106 heads of Terms required by North Wales Police for Wylfa Newydd
REP5-075	North Wales Wildlife Trust Deadline 5 Submission - Response to the Examining Authority's Further Written Questions
REP5-076	National Trust Deadline 5 Submission - Response to the Examining Authority's Further Written Questions
REP5-077	Royal Society for the Protection of Birds Deadline 5 Submission - Responses to Examining Authority's Further Written Questions
REP5-078	Gwynedd Council Deadline 5 Submission - Response to Examining Authority's Further Written Questions
REP5-079	Land and Lakes Limited Deadline 5 Submission - Response to the Examining Authority's Further Written Questions
REP5-080	Welsh Government Deadline 5 Submission - Response to any other information as requested by the Examining Authority
REP5-081	Natural Resources Wales Deadline 5 Submission - Response to any other information as requested by the Examining Authority

REP5-082	Linda Rogers Deadline 5 Submission - Response to the Examining Authority's Further Written Questions
REP5-083	J Chanay Deadline 5 Submission - Further Material Evidence
REP5-084	Horizon Nuclear Power Deadline 5 Submission - Deadline 5 Responses to actions set in Issue Specific Hearing on 10 January 2019
REP5-085	Betsi Cadwaladr University Health Board Deadline 5 Submission - Late Submission - Response to the Examining Authority's Written Questions
REP5-086	Betsi Cadwaladr University Health Board Deadline 5 Submission - Late Submission - Response to post hearing Questions
REP5-087	North Wales Fire and Rescue Services Deadline 5 Submission - Late Submission - Responses to Examining Authority's Further Written Questions
REP5-088	Horizon Nuclear Power Deadline 5 Submission - Response to North Wales Police Examination Submissions
REP5-089	Horizon Nuclear Power Deadline 5 Submission - 2.11 Park and Ride (3.0)
REP5-090	Olaf a Helen Davies Deadline 5 Submission - Comments on Proposed Site Preparation and Clearance Work under the Development Consent Order (DCO)
REP5-091	Ann Thomas Deadline 5 Submission - Comments on Proposed Site Preparation and Clearance Work under the Development Consent Order (DCO)
REP5-092	Wood Environmental & Infrastructure Solutions UK on behalf of North Anglesey Council's Partnership Deadline 5 Submission - Response to the Examining Authority's Further Written Questions

Terfyn Amser 6 / Deadline 6

- Canllaw'r Ymgeisydd i'r Cais
- Sylwadau ar ymatebion i Gwestiynau Ysgrifenedig Ychwanegol yr Awdurdod Archwilio (os yw'n berthnasol)
- Datganiadau Tir Cyffredin terfynol
- Datganiad Cyffredinedd Datganiadau Tir Cyffredin terfynol
- Cytundeb a106 wedi'i ddiweddarau
- Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio
- Signed s106 Agreements
- Applicant's Guide to the Application
- Comments on responses to ExA's Further Written Questions (if applicable)
- Final Statements of Common Ground
- Final Statement of Commonality of Statements of Common Ground
- Updated s106 Agreement
- Responses to any other information as requested by the ExA

REP6-001	Horizon Nuclear Power Deadline 6 Submission - Cover Letter
REP6-002	Horizon Nuclear Power Deadline 6 Submission - 1.3 Guide to the Application
REP6-003	Horizon Nuclear Power Deadline 6 Submission - 1.3 Guide to the Application (Welsh Translation)
REP6-004	Horizon Nuclear Power Deadline 6 Submission - Draft DCO s.106 Agreement
REP6-005	Horizon Nuclear Power Deadline 6 Submission - Draft DCO s.106 Agreement (Track Change Version)
REP6-006	Horizon Nuclear Power Deadline 6 Submission - Development Consent Order Section 106 - Agreement Status Note
REP6-007	Horizon Nuclear Power Deadline 6 Submission - Development Consent Order Application Errata
REP6-008	Horizon Nuclear Power Deadline 6 Submission - Statement of Reasons
REP6-009	Horizon Nuclear Power Deadline 6 Submission - Comments to Responses on Examining Authority's Further Written Question's
REP6-010	Horizon Nuclear Power Deadline 6 Submission - Responses to Actions set in Issue Specific Hearing on 7 - 11 January 2019.
REP6-011	Horizon Nuclear Power Deadline 6 Submission - 4.3 Book of Reference (Part 1/3)
REP6-012	Horizon Nuclear Power Deadline 6 Submission - 4.3 Book of Reference (Part 2/3)
REP6-013	Horizon Nuclear Power Deadline 6 Submission - 4.3 Book of Reference (Part 3/3)
REP6-014	Horizon Nuclear Power Deadline 6 Submission - Code of Construction Practice Progress Update
REP6-015	Horizon Nuclear Power Deadline 6 Submission - Environmental Statement Addendum
REP6-016	Horizon Nuclear Power Deadline 6 Submission - Environmental Statement Addendum - Appendices
REP6-017	Horizon Nuclear Power Deadline 6 Submission - Other Consents and Licences
REP6-018	Horizon Nuclear Power Deadline 6 Submission - Wireline Construction Visualisations
REP6-019	Horizon Nuclear Power Deadline 6 Submission - Illustrative Construction Visualisations

REP6-020	Horizon Nuclear Power Deadline 6 Submission - Examination Hearing Note on CPO Compensation
REP6-021	Horizon Nuclear Power Deadline 6 Submission - 2.2 Land Plans
REP6-022	Horizon Nuclear Power Deadline 6 Submission - 2.5 Crown Land Estate Plans
REP6-023	Horizon Nuclear Power Deadline 6 Submission - 8.14 Mitigation Route Map
REP6-024	Horizon Nuclear Power Deadline 6 Submission - 8.26 Water Framework Directive Compliance Assessment
REP6-025	Horizon Nuclear Power Deadline 6 Submission - 8.27 Water Framework Directive Information to Support Article 4(7) Derogation
REP6-026	Horizon Nuclear Power Deadline 6 Submission - Horizon's Response to Welsh Government's Deadline 5 submission on Health Professionals
REP6-027	Horizon Nuclear Power Deadline 6 Submission - Horizon Nuclear Power's Response to Natural Resources Wales' Deadline 5 Submission
REP6-028	Horizon Nuclear Power Deadline 6 Submission - Horizon's Responses to Representations made on the Batch 2 RfNMC's
REP6-029	Horizon Nuclear Power Deadline 6 Submission - 8.25 Statement of Commonality for Statement of Common Ground
REP6-030	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Llanbadrig Community Council
REP6-031	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Mechell Community Council
REP6-032	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Fforwm Iaith Môn
REP6-033	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Fforwm Iaith Môn (FfIM) (Welsh Translation)
REP6-034	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and North Wales Fire and Rescue Service
REP6-035	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and North Wales Police
REP6-036	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Welsh Ambulance Service

REP6-037	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Destination Anglesey Partnership
REP6-038	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Magnox
REP6-039	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Dwr Cymru Welsh Water
REP6-040	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Nuclear Decommissioning Authority
REP6-041	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Betsi Cadwaladr University Health Board
REP6-042	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and North Anglesey Councils Partnership
REP6-043	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and National Grid
REP6-044	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Public Health Wales
REP6-045	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Isle of Anglesey County Council
REP6-046	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and The Royal Society for the Protection of Birds
REP6-047	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Natural Resources Wales (NRW)
REP6-048	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and Gwynedd County Council
REP6-049	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and National Trust
REP6-050	Horizon Nuclear Power Deadline 6 Submission -Statement of Common Ground between Horizon Nuclear Power and Conwy County Borough Council

REP6-051	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Welsh Government
REP6-052	Horizon Nuclear Power Deadline 6 Submission - Statement of Common Ground between Horizon Nuclear Power and North Wales Wildlife Trust
REP6-053	J Chanay Deadline 6 Submission - Deadline 6 Comment
REP6-054	Trinity House Deadline 6 Submission - Response to Examining Authority's Written Questions
REP6-055	Pinsent Masons LLP on behalf of Land and Lakes Limited Deadline 6 Submission - Response to Examining Authority Written Questions and Appendices
REP6-056	North Wales Fire and Rescue Service Deadline 6 Submissions - Comments on Responses to Examining Authority's Further Written Questions
REP6-057	North Wales Police Deadline 6 Submission - Response to Deadline 6
REP6-058	North Wales Police Deadline 6 Submission - Draft Statement of Common Ground between North Wales Police and Horizon Nuclear Power - Track Changed
REP6-059	Gwynedd Council Deadline 6 Submission - Draft s106 Agreement
REP6-060	North Anglesey Councils Partnership Deadline 6 Submission - Deadline 6 Response , Response to the Examining Authority's' Written Question Q2.14.8 and the applicant's deadline 5 submission
REP6-061	Isle of Anglesey County Council Deadline 6 Submission - Response to Deadline 6
REP6-062	WSP on behalf of Welsh Government Deadline 6 Submission - Response to Deadline 6
REP6-063	Natural Resources Wales Deadline 6 Submission - Late Submission - Clarification on the Status of the Statement of Common Ground between Horizon Nuclear Power and Cyfoeth Naturiol Cymru / Natural Resources Wales
REP6-064	REFERENCE NOT IN USE

Terfyn Amser 7/ Deadline 7

Terfyn amser ar gyfer derbyn:

- Canllaw'r Ymgeisydd i'r Cais
- Atodlen Lliniaru derfynol (sy'n dwyn ynghyd yr holl fesurau lliniaru ymgorfforedig mewn un ddogfen)
- Dogfennau ôl-wrandawriad, gan gynnwys unrhyw gyflwyniadau ysgrifenedig o achos a wnaed ar lafar
- Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio

Deadline for receipt of: • Applicant's Guide to the Application • Final Schedule of Mitigation (bringing together all embedded mitigation measures into one document) • Post hearing submissions including written submissions of oral case • Responses to any other information as requested by the ExA	
REP7-001	Horizon Nuclear Power Deadline 7 Submission - Response to Deadline 7
REP7-001a	Horizon Nuclear Power Deadline 7 Submission - Cover Letter
REP7-001b	Horizon Nuclear Power Deadline 7 Submission - Response to Actions points set in the Issue Specific Hearings on the 4 – 8 March 2019
REP7-001c	Horizon Nuclear Power Deadline 7 Submission - Post Oral Summaries for Issue Specific Hearing 4 March 2019
REP7-001d	Horizon Nuclear Power Deadline 7 Submission - Post Oral Summaries for Issue Specific Hearing 5 March 2019
REP7-001e	Horizon Nuclear Power Deadline 7 Submission -Post Oral Summaries for Issue Specific Hearing 6 March 2019
REP7-001f	Horizon Nuclear Power Deadline 7 Submission - Post Oral Summaries for Issue Specific Hearing 7 March 2019
REP7-001g	Horizon Nuclear Power Deadline 7 Submission - Post Oral Summaries for Issue Specific Hearing 8 March 2019
REP7-001h	Horizon Nuclear Power Deadline 7 Submission - 1.4 General Glossary
REP7-001i	Horizon Nuclear Power Deadline 7 Submission - Response to the Examining Authority's Questions from the February 2019 Accompanied Site Inspection
REP7-001j	Horizon Nuclear Power Deadline 7 Submission - Response on the Proposed Security Articles 83 and 84
REP7-001k	Horizon Nuclear Power Deadline 7 Submission -Request for Non-Material Change (RfNMC) no.6 Dalar Hir Park and Ride Junction Improvement
REP7-001l	Horizon Nuclear Power Deadline 7 Submission - 1.3 Guide to the Application
REP7-001m	Horizon Nuclear Power Deadline 7 Submission - 1.3 Guide to Application (Welsh)
REP7-002	Horizon Nuclear Power Deadline 7 Submission - Proposed Amendments to CPO ProvisionsAS-001
REP7-003	Gwynedd Council Deadline 7 Submission - Post Hearing Notes of the Open Floor Hearing 6 March 2019
REP7-004	Welsh Government Deadline 7 Submission - Response to Actions points set in the Issue Specific Hearings on the 4 – 8 March 2019

REP7-005	Welsh Government Deadline 7 Submission - Submission in advance of Issue Specific Hearing (ISH) on the Wylfa Newydd Development Area (WNDA) – 04 March 2019
REP7-006	North Wales Police Deadline 7 Submission - Additional pre-hearing submission
REP7-007	North Wales Police Deadline 7 Submission - Written summary of oral representation and Representations on Specific Sections of the draft of the Section 106 Agreement
REP7-008	North Wales Fire and Rescue Service Deadline 7 Submission - Written summary of oral representation and Response to Actions points set in the Issue Specific Hearings on the 4 – 8 March 2019
REP7-009	National Trust Deadline 7 Submission - Response to Deadline 7
REP7-010	National Trust Deadline 7 Submission - Written summary of oral representation
REP7-011	National Trust Deadline 7 Submission - Comments on Compulsory Acquisition and most recent Book of Reference
REP7-012	Natural Resource Wales Deadline 7 Submission - Written summary of oral representation and Response to Actions points set in the Issue Specific Hearings on the 4 – 8 March 2019
REP7-013	Greenpeace UK Deadline Submission 7 - Post Oral Summaries for Issue Specific Hearing 5 March 2019
REP7-014	Isle of Anglesey County Council Deadline 7 Submission - Response to Deadline 7
REP7-015	North Wales Wildlife Trust Deadline 7 Submission - Written summary of oral representation
REP7-016	Wales & West Utilities Ltd Deadline 7 Submission - Response to the Examining Authority's Questions from the February 2019 Accompanied Site Inspection
REP7-017	North Anglesey Council's Partnership Deadline 7 Submission - Written summary of oral representation
REP7-018	Land and Lakes (Anglesey) Limited Deadline 7 Submission - Post Hearing Notes of the Open Floor
REP7-019	Nuclear Decommissioning Authority Deadline 7 Submission - Representation on behalf of the Nuclear Decommissioning Authority for the Compulsory Acquisition Hearing and Issue Specific Hearing on the Draft Development Consent Order – 5 and 6 March 2019
REP7-020	Menter Iaith Môn Deadline 7 Submission - Comments on Welsh Language Matters
REP7-021	Michael Cominetti Deadline 7 Submission - Response to the Applicant's comments on Written Representations
REP7-022	Gwyneth Taylor Deadline 7 Submission - Response to Deadline 7

REP7-023	Project Liaison Group Deadline 7 Submission - Written summary of oral representation
REP7-024	Linda Rogers Deadline 7 Submissions - Response to Deadline 7
REP7-025	Felin Honey Bees Deadline 7 Submission - Post Hearing Notes of the Open Floor Hearing 6 March 2019
REP7-026	Mr A Newman Deadline 7 Submission - Comments on the Development Consent Order
REP7-027	Bob Wright Deadline 7 Submission - Response to Deadline 7
REP7-028	Dr Jonathan Dean Deadline 7 Submission - Written summary of oral representation
REP7-029	Dr Jonathan Dean Deadline 7 Submission - Comments on National Grid Electricity Transmissions Application Withdrawal
REP7-030	Dr Jonathan Dean Deadline 7 Submission - Further Comments on National Grid Electricity Transmissions Application Withdrawal
REP7-031	Dr Jonathan Dean Deadline 7 Submission - Response to Deadline 7 - PhD Thesis
REP7-032	Dr Jonathan Dean Deadline 7 Submission - Objections on the National Grid Electricity Transmissions Application
REP7-033	Dr Jonathan Dean Deadline 7 Submission - Comments on the Statement of Common Ground between the Applicant and National Grid Electricity Transmission
REP7-034	People Against Wylfa B Deadline 7 Submission - Examination of Wylfa Newydd proposed Site Preparation and Clearance (SPC) Works under the DCO
REP7-035	People Against Wylfa B Deadline 7 Submission - Written summary of oral representation
REP7-036	J Chanay Deadline 7 Submission - Response to Deadline 7
REP7-037	Mechell Council Deadline 7 Submission - Written summary of oral representation
REP7-038	Bob Wright Deadline 7 Submission - Response to Deadline 7
REP7-039	Bob Wright Deadline 7 Submission - Response to Deadline 7
REP7-040	Roger Dobson Deadline 7 Submission - Written summary of oral representation
REP7-041	Dennis Evans Deadline 7 Submission - Written summary of oral representation
REP7-042	Duplicate Submission

Terfyn Amser 8 /Deadline 8

Terfyn amser ar gyfer derbyn:

- Canllaw'r Ymgeisydd i'r Cais
- Atodlen Caffael Gorfodol Derfynol
- Fersiwn derfynol wedi'i diweddaru o'r Llyfr Cyfeirio
- DCO drafft terfynol i'w gyflwyno gan yr Ymgeisydd ar y templed Offeryn Statudol (OS) gyda'r adroddiad dilysu
- Cytundeb a106 diweddorol
- Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio

Deadline for receipt of:

- Applicant's Guide to the Application
- Final Compulsory Acquisition Schedule
- Final updated version of the Book of Reference
- Final draft DCO to be submitted by the Applicant in the Statutory Instrument (SI) template with the validation report
- Final s106 Agreement
- Responses to any other information as requested by the ExA

REP8-001	Horizon Nuclear Power Deadline 8 Submission - Cover Letter
REP8-002	Horizon Nuclear Power Deadline 8 Submission - 1.3 Guide to the Application
REP8-003	Horizon Nuclear Power Deadline 8 Submission - 1.3 Guide to the Application (Welsh)
REP8-004	Horizon Nuclear Power Deadline 8 Submission - Development Consent Order – Outstanding Issues Register
REP8-005	Horizon Nuclear Power Deadline 8 Submission - Environmental Statement Addendum (Revision 2.0)
REP8-006	Horizon Nuclear Power Deadline 8 Submission - Environmental Statement Addendum Appendices
REP8-007	Horizon Nuclear Power Deadline 8 Submission - Crown Land and Interests s.135 Schedule
REP8-008	Horizon Nuclear Power Deadline 8 Submission - Statutory Undertaker and Special Category Land- s.127, 132 and 138 schedules
REP8-009	Horizon Nuclear Power Deadline 8 Submission - Compulsory Acquisition Objections Schedule
REP8-010	Horizon Nuclear Power Deadline 8 Submission - Summary Table of amendments to the Draft Development Consent Order (Revision 5.0)
REP8-011	Horizon Nuclear Power Deadline 8 Submission - Responses to Action set in Issue Specific Hearings on 4-8 March 2019
REP8-012	Horizon Nuclear Power Deadline 8 Submission - Responses to Written Submission of Oral Case relating to Open Floor Hearing 5 March 2019

REP8-013	Horizon Nuclear Power Deadline 8 Submission - Responses to Stakeholder Deadline 7 Submissions
REP8-014	Horizon Nuclear Power Deadline 8 Submission - Influence of the Wylfa Newydd Project Non-Material Changes on the Shadow HRA
REP8-015	Horizon Nuclear Power Deadline 8 Submission - Archaeology Site Summary Reports and Plans
REP8-016	Horizon Nuclear Power Deadline 8 Submission - Illustrative Construction and Operation Visualisation for Viewpoint 27, and Viewpoint 38 at Felin Gafnan
REP8-017	Horizon Nuclear Power Deadline 8 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Welsh Government
REP8-018	Horizon Nuclear Power Deadline 8 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Natural Resources Wales
REP8-019	Horizon Nuclear Power Deadline 8 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Isle of Anglesey County Council
REP8-020	Horizon Nuclear Power Deadline 8 Submission - Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Police
REP8-021	Horizon Nuclear Power Deadline 8 Submission - 8.2.1 Design and Access Statement – Volume 1 (Revision 4)
REP8-022	Horizon Nuclear Power Deadline 8 Submission - 2.2 Land Plans (Revision 5.0)
REP8-023	Horizon Nuclear Power Deadline 8 Submission - 2.3 Work Plans (Revision 4.0)
REP8-024	Horizon Nuclear Power Deadline 8 Submission - 2.4 Rights of Way - Revision 4
REP8-025	Horizon Nuclear Power Deadline 8 Submission - 2.5 Crown Land Plans (Revision 3.0)
REP8-026	Horizon Nuclear Power Deadline 8 Submission - 2.6.1 Wylfa Newydd Development Area – Power Station Site Plans (part 1 of 2) Revision 4.0
REP8-027	Horizon Nuclear Power Deadline 8 Submission - 2.6.1 Wylfa Newydd Development Area – Power Station Site Plans (part 2 of 2) Revision 4.0
REP8-028	Horizon Nuclear Power Deadline 8 Submission - 2.11 Park and Ride (Revision 4.0)
REP8-029	Horizon Nuclear Power Deadline 8 Submission - 3.1 Draft Development Consent Order
REP8-030	Horizon Nuclear Power Deadline 8 Submission - 3.1 Draft Development Consent Order (Tracked Change version- Revision 5.0 against Revision 4.0)

REP8-031	Horizon Nuclear Power Deadline 8 Submission - 3.1 Development Consent Order (Track Change Version - Revision 5.0 against Revision 1.0 APP-029)
REP8-032	Horizon Nuclear Power Deadline 8 Submission - 2.12 Logistics Centre (Revision 2.0)
REP8-033	Horizon Nuclear Power Deadline 8 Submission - 3.3 Explanatory Memorandum (Clean version – Revision 6.0)
REP8-034	Horizon Nuclear Power Deadline 8 Submission - 3.3 Explanatory Memorandum (Revision 6.0) against the Draft Development Order (Revision 1.0)
REP8-035	Horizon Nuclear Power Deadline 8 Submission - 3.3 Explanatory Memorandum (Revision 6.0) against Deadline 5 Revision 5.0
REP8-036	Horizon Nuclear Power Deadline 8 Submission - 4.1 Statement of Reasons
REP8-037	Horizon Nuclear Power Deadline 8 Submission - 4.1 Statement of Reasons (Track Change version Revision 3.0 against Revision 2.0)
REP8-038	Horizon Nuclear Power Deadline 8 Submission - 4.2 Funding Statement (Revision 2.0)
REP8-039	Horizon Nuclear Power Deadline 8 Submission - 4.3 Book of Reference (part 1 of 3) Revision 5
REP8-040	Horizon Nuclear Power Deadline 8 Submission - 4.3 Book of Reference (part 2 of 3) Revision 5
REP8-041	Horizon Nuclear Power Deadline 8 Submission - 4.3 Book of Reference (part 3 of 3) Revision 5
REP8-042	Horizon Nuclear Power Deadline 8 Submission - 6.4.17 ES Volume D - WNDA Development App D1-1 - Construction Method Statement (Revision 3)
REP8-043	Horizon Nuclear Power Deadline 8 Submission - 6.4.17 ES Volume D - WNDA Development App D1-1 - Construction Method Statement (Track Change Version - Revision 3.0 against Revision 2.0)
REP8-044	Horizon Nuclear Power Deadline 8 Submission - 8.2.2 Design and Access Statement – Volume 2 (Revision 4)
REP8-045	Horizon Nuclear Power Deadline 8 Submission - 8.2.3 Design and Access Statement – Volume 3 (Part 1 of 2 Revision 4)
REP8-046	Horizon Nuclear Power Deadline 8 Submission - 8.2.3 Design and Access Statement – Volume 3 (Part 2 of 2 -Revision 4)
REP8-047	Horizon Nuclear Power Deadline 8 Submission - 8.6 Wylfa Newydd Code of Construction Practice

REP8-048	Horizon Nuclear Power Deadline 8 Submission - 8.6 Wylfa Newydd Code of Construction Practice (Tracked Change Version – Revision 4 against Revision 3)
REP8-049	Horizon Nuclear Power Deadline 8 Submission - 8.7 Main Power Station site sub-CoCP
REP8-050	Horizon Nuclear Power Deadline 8 Submission - 8.7 Main Power Station site sub-CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-051	Horizon Nuclear Power Deadline 8 Submission - 8.8 Marine Works sub-CoCP
REP8-052	Horizon Nuclear Power Deadline 8 Submission - 8.8 Marine Works sub-CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-053	Horizon Nuclear Power Deadline 8 Submission - 8.9 Off-Site Power Station Facilities Sub CoCP
REP8-054	Horizon Nuclear Power Deadline 8 Submission - 8.9 Off-Site Power Station Facilities Sub CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-055	Horizon Nuclear Power Deadline 8 Submission - 8.10 Park and Ride sub-CoCP
REP8-056	Horizon Nuclear Power Deadline 8 Submission - 8.10 Park and Ride sub-CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-057	Horizon Nuclear Power Deadline 8 Submission - 8.11 Logistics Centre sub-CoCP
REP8-058	Horizon Nuclear Power Deadline 8 Submission - 8.11 Logistics Centre sub-CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-059	Horizon Nuclear Power Deadline 8 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP
REP8-060	Horizon Nuclear Power Deadline 8 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP (Tracked Change Version – Revision 4 against Revision 3)
REP8-061	Horizon Nuclear Power Deadline 8 Submission - 8.13 Wylfa Newydd Code of Operational Practise
REP8-062	Horizon Nuclear Power Deadline 8 Submission - 8.13 Wylfa Newydd Code of Operational Practise (Tracked Change Version – Revision 4 against Revision 3)
REP8-063	Horizon Nuclear Power Deadline 8 Submission - 8.16 Landscape and Habitat Management Strategy parts 1 of 2 and 2 of 2 (Revision 4)
REP8-064	Horizon Nuclear Power Deadline 8 Submission - 8.17 Workforce Management Strategy
REP8-065	Horizon Nuclear Power

	Deadline 8 Submission - 8.17 Workforce Management Strategy (Tracked Change Version – Revision 3 against Revision 2)
REP8-066	Horizon Nuclear Power Deadline 8 Submission - 8.25 Statement of Commonality for Statements of Common Ground
REP8-067	Horizon Nuclear Power Deadline 8 Submission - 8.26 Water Framework Directive Compliance Assessment
REP8-068	Horizon Nuclear Power Deadline 8 Submission - 8.27 Water Framework Directive Information to Support Article 4(7) Derogation
REP8-069	Horizon Nuclear Power Deadline 8 Submission - 8.29 Phasing Strategy
REP8-070	Horizon Nuclear Power Deadline 8 Submission - 8.29 Phasing Strategy (Track Change Version - Revision 4.0 against Revision 3.0)
REP8-071	Welsh Government Deadline 8 Submission
REP8-072	Isle of Anglesey County Council Deadline 8 Submission - Deadline 8 Submission
REP8-073	Welsh Ambulance Service NHS Trust Deadline 8 Submission - Section 106 Agreement
REP8-074	Welsh Ambulance Service NHS Trust Deadline 8 Submission - Deed of Covenant
REP8-075	North Wales Police Deadline 8 Submission - Deadline 8 Submission
REP8-076	Land and Lakes Ltd Deadline 8 Submission - Legal Advice on Horizon's Letter Dated 14 March 2019
REP8-077	Prof David Kay and Dr Mark Wyer Deadline 8 Submission - Comments in response to Deadline 5
REP8-078	J Chanay Deadline 8 Submission - Comments on Deadline 7 Submissions
REP8-079	Dafydd Griffiths Deadline 8 Submission - Non-Motorised Users Provision
REP8-080	Natural Resources Wales Deadline 8 Submission - Letter
Terfyn Amser 9 / Deadline 9 Terfyn amser ar gyfer derbyn: • Canllaw'r Ymgeisydd i'r Cais • Sylwadau ar y RIES • Cytundebau s106 wedi'u llofnodi • Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio Deadline for receipt of: • Applicant's Guide to the Application • Comments on the RIES • Signed s106 Agreements • Responses to any other information as requested by the ExA	
REP9-001	Horizon Nuclear Power Deadline 9 Submission - Cover Letter
REP9-002	Horizon Nuclear Power

	Deadline 9 Submission - 1.3 Guide to Application
REP9-003	Horizon Nuclear Power Deadline 9 Submission - 1.3 Guide to the Application (Welsh)
REP9-004	Horizon Nuclear Power Deadline 9 Submission - Draft Development Order s106 Agreement
REP9-005	Horizon Nuclear Power Deadline 9 Submission - Response to Report on the Implications for European Sites
REP9-006	Horizon Nuclear Power Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-007	Horizon Nuclear Power Deadline 9 Submission - 4.2 Funding Statement (Track change version - Revision 2.0 against revision 1.0)
REP9-008	Horizon Nuclear Power Deadline 9 Submission - 8.14 Mitigation Route Map Revision 4.0)
REP9-009	Horizon Nuclear Power Deadline 9 Submission - 8.6 Wylfa Newydd CoCP
REP9-010	Horizon Nuclear Power Deadline 9 Submission - 8.6 Wylfa Newydd CoCP (Tracked Change Version - Revision 5.0 against Revision 4.0)
REP9-011	Horizon Nuclear Power Deadline 9 Submission - 8.7 Main Power Station site sub-CoCP
REP9-012	Horizon Nuclear Power Deadline 9 Submission - 8.7 Main Power Station site sub-CoCP (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-013	Horizon Nuclear Power Deadline 9 Submission - 8.8 Marine Works sub-CoCP
REP9-014	Horizon Nuclear Power Deadline 9 Submission - 8.8 Marine Works sub-CoCP (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-015	Horizon Nuclear Power Deadline 9 Submission - 8.9 Off-site Power Station Facilities sub-CoCP
REP9-016	Horizon Nuclear Power Deadline 9 Submission - 8.9 Off-site Power Station Facilities sub-CoCP (Tracked Change Version - Revision 5.0 against Revision 4.0)
REP9-017	Horizon Nuclear Power Deadline 9 Submission - 8.10 Park and Ride sub-CoCP
REP9-018	Horizon Nuclear Power Deadline 9 Submission - 8.10 Park and Ride sub-CoCP (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-019	Horizon Nuclear Power Deadline 9 Submission - 8.11 Logistics Centre sub-CoCP
REP9-020	Horizon Nuclear Power Deadline 9 Submission - 8.11 Logistics Centre sub-CoCP (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-021	Horizon Nuclear Power

	Deadline 9 Submission – 8.12 A5025 Off-line Highway Improvements sub-CoCP
REP9-022	Horizon Nuclear Power Deadline 9 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP (Track Change Version - Revision 5.0 against 4.0)
REP9-023	Horizon Nuclear Power Deadline 9 Submission - 8.13 Wylfa Newydd Code of Operational Practice
REP9-024	Horizon Nuclear Power Deadline 9 Submission - 8.13 Wylfa Newydd Code of Operational Practice (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-025	Horizon Nuclear Power Deadline 9 Submission - 8.29 Phasing Strategy
REP9-026	Horizon Nuclear Power Deadline 9 Submission - 8.29 Phasing Strategy (Track Change Version - Revision 5.0 against Revision 4.0)
REP9-027	Horizon Nuclear Power Deadline 9 Submission - Written opinion of Michael Humphries QC regarding the imposition of a Grampian condition
REP9-028	Horizon Nuclear Power Deadline 9 Submission - Tern Compensation Proposal
REP9-029	Welsh Government Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-030	Natural England Deadline 9 Submission - Response to Report on the Implications for European Sites
REP9-031	Isle of Anglesey County Council Deadline 9 Submission - Response to Deadline 9
REP9-032	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited Deadline 9 Submission - Response to the Examining Authority's Written Questions
REP9-033	Dafydd Griffiths Deadline 9 Submission - Comments on Local Workforce
REP9-034	Destination Anglesey Partnership Deadline 9 Submission - Comments on Statement of Common Ground for Tourism
REP9-035	Dr Jonathan F Dean Deadline 9 Submission - Response to Statement of Common Ground between the Applicant and National Grid
REP9-036	eNGO Deadline 9 Submission - Response to Report on the Implications for European Sites
REP9-037	Natural Resources Wales Deadline 9 Submission - Response to Deadline 9
REP9-038	North Wales Police Deadline 9 Submission - Response to Deadline 9

REP9-039	North Wales Wildlife Trust Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-040	Nuclear Decommissioning Authority Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-041	Nuclear Decommissioning Authority Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information - Appendix 1
REP9-042	Pam Lee Deadline 9 Submission - Response to Statement of Common Ground between the Applicant and National Grid
REP9-043	Pam Roberts Deadline 9 Submission - Response to Statement of Common Ground between the Applicant and National Grid
REP9-044	People Against Wylfa B Deadline 9 Submission - Response to the Statement of Reasons submitted in March 2019
REP9-045	Ronald Boyle Deadline 9 Submission - Response to Statement of Common Ground between the Applicant and National Grid
REP9-046	SP Manweb Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-047	Welsh Water Deadline 9 Submission - Response to the Examining Authority's Rule 17 request for more information
REP9-048	J Chanay Deadline 9 Submission - Response to Deadline 9 - Late Submission
REP9-049	Scottish Natural Heritage Deadline 9 Submission - Response to Report on the Implications for European Sites - Late Submission
Terfyn Amser 10 / Deadline 10 Terfyn amser ar gyfer derbyn: • Canllaw'r Ymgeisydd i'r Cais • Sylwadau ar y RIES • Ymatebion i unrhyw wybodaeth arall a geisiwyd gan yr Awdurdod Archwilio Deadline for receipt of: • Applicant's final Guide to the Application • Responses to comments on the RIES • Responses to any other information as requested by the ExA	
REP10-001	Horizon Nuclear Power Deadline 10 Submission - Cover Letter
REP10-002	Horizon Nuclear Power Deadline 10 Submission - 1.3 Guide to the Application

REP10-003	Horizon Nuclear Power Deadline 10 Submission - 1.3 Guide to the Application (Track Change Version - Revision 11.0 against Revision 10.0)
REP10-004	Horizon Nuclear Power Deadline 10 Submission - 1.3 Guide to the Application (Welsh)
REP10-005	Horizon Nuclear Power Deadline 10 Submission - 1.3 Guide to the Application (Welsh) (Track Change Version - Revision 11.0 against Revision 10.0)
REP10-006	Horizon Nuclear Power Deadline 10 Submission - 3.1 Development Consent Order - Clean
REP10-007	Horizon Nuclear Power Deadline 10 Submission - 3.1 Development Consent Order - (Track Change Version - Revision 6.0 against Revision 1.0 APP-029)
REP10-008	Horizon Nuclear Power Deadline 10 Submission - 3.1 Development Consent Order - (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-009	Horizon Nuclear Power Deadline 10 Submission -DCO s.106 Agreement
REP10-010	Horizon Nuclear Power Deadline 10 Submission -Summary Table of Amendments to the DCO (Revision 6.0)
REP10-011	Horizon Nuclear Power Deadline 10 Submission - Horizon's Response to the Examining Authority's Second Round Request for Further Information
REP10-012	Horizon Nuclear Power Deadline 10 Submission - Horizon's Comments on Stakeholders Responses to the RIES
REP10-013	Horizon Nuclear Power Deadline 10 Submission - Horizon's Response to Other Matters Raised by Stakeholders at Deadline 9
REP10-014	Horizon Nuclear Power Deadline 10 Submission - Horizon's Comments on Stakeholders Responses to the Examining Authority's Request for Further Information
REP10-015	Horizon Nuclear Power Deadline 10 Submission -3.3 Explanatory Memorandum
REP10-016	Horizon Nuclear Power Deadline 10 Submission -3.3 Explanatory Memorandum (Track Change Version - Revision 7.0 against Revision 1.0)
REP10-017	Horizon Nuclear Power Deadline 10 Submission - 3.3 Explanatory Memorandum (Track Change Version - Revision 7.0 against Revision 6.0)
REP10-018	Horizon Nuclear Power Deadline 10 Submission - 8.6 Wylfa Newydd Code of Construction Practice -Clean

REP10-019	Horizon Nuclear Power Deadline 10 Submission - 8.6 Wylfa Newydd Code of Construction Practice (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-020	Horizon Nuclear Power Deadline 10 Submission - 8.7 Main Power Station Site sub-CoCP
REP10-021	Horizon Nuclear Power Deadline 10 Submission - 8.7 Main Power Station Site sub-CoCP (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-022	Horizon Nuclear Power Deadline 10 Submissions - 8.8 Marine Works sub-CoCP
REP10-023	Horizon Nuclear Power Deadline 10 Submission - 8.9 Off-site Power Station Facilities sub-CoCP
REP10-024	Horizon Nuclear Power Deadline 10 Submission - 8.9 Off-site Power Station Facilities sub-CoCP (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-025	Horizon Nuclear Power Deadline 10 Submission - 8.10 Park and Ride sub-CoCP
REP10-026	Horizon Nuclear Power Deadline 10 Submission - 8.10 Park and Ride sub-CoCP (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-027	Horizon Nuclear Power Deadline 10 Submission - 8.11 Logistics Centre sub-CoCP
REP10-028	Horizon Nuclear Power Deadline 10 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP
REP10-029	Horizon Nuclear Power Deadline 10 Submission - 8.12 A5025 Off-line Highway Improvements sub-CoCP (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-030	Horizon Nuclear Power Deadline 10 Submission - 8.13 Wylfa Newydd Code of Operational Practice
REP10-031	Horizon Nuclear Power Deadline 10 Submission - 8.13 Wylfa Newydd Code of Operational Practice (Tracked Change Version - Revision 6.0 against Revision 5.0)
REP10-032	Horizon Nuclear Power Deadline 10 Submission - 8.29 Phasing Strategy
REP10-033	Horizon Nuclear Power Deadline 10 Submission - 8.29 Phasing Strategy (Track Change Version - Revision 6.0 against Revision 5.0)
REP10-034	National Grid Electricity Transmission Plc Deadline 10 Submission - Response to the Examining Authority's request for further information

REP10-035	Natural Resources Wales Deadline 10 Submission – Response in relation to Horizon's Tern Compensation Proposal, Response to the Applicant's comments on the RIES, Advice on the requirements of Article 4(7) and update on, and further advice on outstanding issues
REP10-036	Network Rail Deadline 10 Submission - Protective Provisions
REP10-037	Office for Nuclear Regulation Deadline 10 Submission - Response to Request of further information
REP10-038	Welsh Government Deadline 10 Submission – Response in relation to responses to ExA's Rule 17 request for further information, Wylfa Newydd CoCP, s135 Crown Land, Tern Island – Tern Compensation Site and S106 Agreement – Accommodation (Contingency) Fund
REP10-039	DAERA NIEA CDP Deadline 10 Submission - Response in relation to Rule 17 request for further information
REP10-040	Environmental non-governmental organisation Deadline 10 Submission - eNGO joint response to Horizon's Tern Compensation Package
REP10-041	Gwynedd Council Deadline 10 Submission - Comments on updated 106 Agreement
REP10-042	Isle of Anglesey County Council Deadline 10 Submission – Response in relation to phasing strategy, s106, DCO schedule 19, Horizon's response to the ExA's request for further information and Rule 17 request for further information.
REP10-043	National Trust Deadline 10 Submission - Response to Examining Authority's Written Question R17.2.1.5
REP10-044	North Anglesey Council's Partnership Deadline 10 Submission - Comments on local Labour Workforce and potential displacement
REP10-045	North Wales Police Deadline 10 Submission – Response to DCO, Control Documents and Management Strategies, S106, Deed of Covenant with IACC, Statement of Common Ground between Horizon Nuclear Power and North Wales Police
REP10-046	North Wales Wildlife Trust Deadline 10 Submission - North Wales Wildlife Trust response to the Examining Authority's request for further information issued on 15 April 2019
REP10-047	People Against Wylfa B Deadline 10 Submission - Comments from PAWB in relation to the Statement of Common Ground between Horizon and Menter Iaith Môn

REP10-048	Eric and Valerie Chambers Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-049	Dr Jonathan F Dean Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid - Letter to Gwen Parry-Jones
REP10-050	Jonathan Dean Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-051	Jonathan Dean Deadline 10 Submission - Comments on Applicants Response to the request of further information
REP10-052	Jonathan Dean Deadline 10 Submission - Comments on Applicants Response to the request of further information
REP10-053	Michael and Donna Doyle Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-054	Anne-Marie Le Gall Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-055	Gareth Cemlyn Jones Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-056	Dr Marion and Robert Jones Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-057	Brian Lee Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-058	Pam Lee Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-059	David Mobbs Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-060	D Neal Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-061	Graham Pitts Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-062	Sally Roberts Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid

REP10-063	W.G. Roberts Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-064	Hazel Shufflebottom Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-065	Angharad Westmore Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-066	Helen Grove-White Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-067	Gwen Williams Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-068	Julian Wynne Deadline 10 Submission - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-069	J Chanay Deadline 10 Submission -Late submission accepted at the discretion of the Examining Authority - Response to Deadline 10 - Part 1
REP10-070	J Chanay Deadline 10 Submission -Late Submission accepted at the discretion of the Examining Authority - Response to Deadline 10 - Part 2
REP10-071	Jonathan Dean Deadline 10 Submission -Late Submission accepted at the discretion of the Examining Authority – Comments on Statement of Common Ground between Horizon and NGET
REP10-072	Mark Evans Deadline 10 Submission - Late Submission accepted at the discretion of the Examining Authority - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-073	Rhun Ap Iorwerth (AM) Deadline 10 Submission - Late Submission accepted at the discretion of the Examining Authority - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-074	Claire Masters Deadline 10 Submission - Late Submission accepted at the discretion of the Examining Authority - Comments on Statement of Common Ground between the Applicant and National Grid
REP10-075	Mrs M.A Walker Deadline 10 Submission - Late Submission accepted at the discretion of the Examining Authority - Comments on Statement of Common Ground between the Applicant and National Grid

REP10-076	Land and Lakes Limited Deadline 10 Submission -Late Submission accepted at the discretion of the Examining Authority - Comments in relation to HNP's Response to the Examining Authority's Question 17.2.4
REP10-077	Horizon Nuclear Power Deadline 10 Submission - Late Submission accepted at the discretion of the Examining Authority -3.1 Draft Development Consent Order Statutory Instrument Validation Report
Dogfennau Erail/ Other Documents	
OD-001	Transboundary screening undertaken by the Secretary of State
OD-002	Horizon Nuclear Power Hysbysiad O Dan Adran 56/ Notice Under Section 56
OD-003	Horizon Nuclear Power Section 56, Section 59 and Reg 13 Compliance Certificates
OD-004	Action Points from the Development Consent Order hearing Wednesday 24 October 2018
OD-005	Action points from the First Socio-Economic Hearing – 7 January 2019
OD-006	Action points from the Second Socio-Economic Hearing – 8 January 2019
OD-007	Action points from the First Biodiversity Hearing – 10 January 2019
OD-008	Action points from the Second draft DCO Hearing – 9 January 2019
OD-009	Action points from the Second Biodiversity Hearing – 11 January 2019
OD-010	4 March Hearing Action Points Wylfa Newydd Development Area (WNDA)
OD-011	5 March Hearing Action Points Compulsory Acquisition (CA)
OD-012	6 March Hearing Action Points dDCO
OD-013	7 March Hearing Action Points Associated Development
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OD-015	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Introduction REP2-061
OD-016	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Policy Framework REP2-062
OD-017	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Economic Development – Local Employment - REP2-063
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OD-023	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Welsh Language and Culture REP2-069
OD-024	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Traffic and Transport REP2-070
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OD-028	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Noise & Vibration REP2-074
OD-029	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Community REP2-075
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OD-033	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Dalar Hir Park and Ride REP2-079
OD-034	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Parc Cybi Logistics Centre REP2-080
OD-035	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Offsite Power Station Facilities REP2-081
OD-036	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - A5025 Off Line Highway Improvements REP2-082

OD-037	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Conclusion REP2-083
OD-038	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Comments w.r.t s51 Advice REP2-213
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OD-041	Isle of Anglesey County Council Welsh translation of IACC's Deadline 2 submission - Local Impact Report Index REP2-216
OD-042	Isle of Anglesey County Council Welsh translation of IACC's Deadline 3 submission -IACC Deadline 3 Submission FINAL 18.12.2018 REP3-055
OD-043	Isle of Anglesey County Council Welsh translation of IACC's Deadline 4 submission - D4 covering letter Final 17 January 2019 REP4-034
OD-044	Isle of Anglesey County Council Welsh translation of IACC's Deadline 5 submission - IACC Deadline 5 Submission Covering Letter 14.2.2019 REP5-059
OD-045	Isle of Anglesey County Council Welsh translation of IACC's Deadline 6 submission -IACC Deadline 6 Final Submission 19.2.2019 REP6-061
OD-046	Isle of Anglesey County Council Welsh translation of IACC's Deadline 7 submission - IACC D7 Submission FINAL 14.03.2019 REP7-014
OD-047	Isle of Anglesey County Council Welsh translation of IACC's Deadline 8 submission - IACC Deadline 8 Submission 25.03.2019 REP8-072
OD-048	Isle of Anglesey County Council Welsh translation of IACC's Deadline 9 submission - IACC D9 Submission Final Letter 10 April 2019 REP9-031
OD-049	Isle of Anglesey County Council Welsh translation of IACC's Deadline 10 submission -IACC Deadline 10 FINAL 17 April 2019 REP10-042

APPENDIX C: LIST OF ABBREVIATIONS

Abbreviation	
OH	A5025 Off-line Highway Improvements
ABWRs	Advanced Boiling Water Reactors
AECC	Alternative Emergency Control Centre
AEoI	Advers Effects on the Integrity
AIL	Abnormal Indivisible Load
ANPR	Automatic Number Plate Recognition
AOD	Above Ordinance Datum
AONB	Area of Outstanding Natural Beauty
APs	Affected Persons
AQD	Air Quality Directive
AQMA	Air Quality Management Area
ASI	Accompanied Site Inspection
BAT	Best Available Techniques
BCUHB	Betsi Cardwaladr University Health Board
BoR	Book of Reference
CA	Compulsory Acquisition
Cadw	Welsh Government's historic environment service
CAH	Compulsory Acquisition Hearing
CCBC	Conwy County Borough Council
CCC	Climate Change Committee
CCSW	Climate Change Strategy Wales
CIO	Community Involvement Officer
CO ₂ e	Carbon Dioxide Equivalent
CoCP	Code of Construction Practice
COMAH	Control of Major Accident Hazards
CRF	Community Resilience Fund
cSAC	Candidate Special Areas of Conservation
CSMS	Community Site Management Strategy

Appendix C: List of Abbreviations

DCfW	Design Commission for Wales
DAS	Design and Access Statement
DAQ	Decision Aiding Questions
dB	Decibel
dB(A)	The Relative Loudness of Sounds in Air as Perceived by the Human Ear; A-Weighted Measurement
dBLAFmax	A-Weighted, Fast Response, Maximum, Sound Level
dBLAeq	A-Weighted, Equivalent Sound Level
DCCZ	Daily Commuting Construction Zone
DCLG	Department for Communities and Local Government
DCLG Guidance	Planning Act 2008 - Guidance related to procedures for the compulsory acquisition of land
DCO	Development Consent Order
DCWW	Dŵr Cymru Welsh Water
dDCO	Draft Development Consent Order
DML	Deemed Marine Licence
DMRB	Design Manual for Roads and Bridges
DNS	Development of National Significance
dWNMP	(draft) Welsh National Marine Plan
EA1995	Environment Act 2009
EC	European Commission
ECOW	Ecological Clerk of Works
eNGOs	Environmental Non-Governmental Organisations (North Wales Wildlife Trust, The Royal Society for the Protection of Birds and the National Trust.
EP	Environmental Permit
EPR	Infrastructure Planning (Exam Procedure) Rules 2010
EPS	European Protected Species
EqIA	Equality Impact Assessment
ES	Environmental Statement

Appendix C: List of Abbreviations

ESL	Environmental Survey Laboratory
Euratom	European Atomic Energy Community
ExA	Examining Authority
FCA	Flood Consequence Assessments
FTE	Full Time Equivalent
GCC	Gwynedd County Council
GDF	Geological Disposal Facility
GWe	Gigawatt electrical
Habitats Directive	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
Habitats Regulations	Conservation of Habitats and Species Regulations 2017
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
HRA	Habitat Regulations Assessment
HSE	Health and Safety Executive
IACC	Isle of Anglesey County Council
IAPI	Initial Assessment of Principal Issues
INNS	Invasive Non-Native Species
IP	Interested Party
ISH	Issue Specific Hearing
JLDP	Anglesey and Gwynedd Joint Local Development Plan 2011-2026, Written Statement adopted 31 July 2017
KPI	Key Performance Indicator
KSA	Key Socio-Economic Study Area
LAI	Local Area of Influence
LAPPC	Local Air Pollution Prevention and Control
LC	Logistics Centre
LIR	Local Impact Report
LHMS	Landscape and Habitat Management Strategy
LNMS	Local Noise Mitigation Strategy

Appendix C: List of Abbreviations

Lo-Lo	Lift On – Lift Off
LSE	Likely Significant Effects
MAPP	Major Accident Prevention Policy
MCAA	Marine Coastal Areas Act 2009
MCZ	Marine Conservation Zones
MEEG	Mobile Emergency Equipment Garage
MHCLG	Ministry of Housing, Communities and Local Government
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MoD	Ministry of Defence
MOLF	Marine Off-Loading Facility
MPS	Marine Policy Statement
MPSSSCoCP	Main Power Station site sub-Code of Construction Practice
MUGA	Multi Use Games Area
MW	Megawatts
MWSCoCP	Marine Works sub-Code of Construction Practice
NACP	North Anglesey Councils Partnership
NCN	National Cycle Networks
NDA	Nuclear Decommissioning Authority
NDF	National Development Framework
NERC	Natural Environment and Rural Communities Act 2006
Network Rail	Network Rail Infrastructure Limited
NISR	Nuclear Industries Security Regulations 2003
NMU	Non-Motorised Vehicles
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NRW	Natural Resources Wales
NPS EN-1	Overarching National Policy Statement for Energy
NSP EN-6	National Policy Statement for Nuclear Power Generation

Appendix C: List of Abbreviations

NSIP	Nationally Significant Infrastructure Project
NT	National Trust
NVMS	Noise and Vibration Management Strategy
NWAST	North Wales Ambulance Service Trust
NWFRS	North Wales Fire and Rescue Service
NWP	North Wales Police
NWWT	North Wales Wildlife Trust
OFH	Open Floor Hearing
ONR	Office for Nuclear Regulation
OPSF	Off-Site Power Station Facility
PA2008	Planning Act 2008
PAWB	People Against Wylfa B
PHW	Public Health Wales
PINS	Planning Inspectorate
PM	Preliminary Meeting
pSPA	Possible Special Protection Area
PPW	Planning Policy Wales
PR	Park and Ride Facility
PRoW	Public Rights of Way
PRS	Private Rented Sector
PSED	Public Sector Equality Duty
RAF	Royal Air Force
RDS	Retained Delivery Service
RIES	Report on the Impact on European Species
Ro-Ro	Roll On – Roll Off
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SA	Sustainability Assessment
SAC	Special Areas of Conservation
SCI	Sites of Community Importance
SHRA	Shadow Habitats Regulations Assessment

Appendix C: List of Abbreviations

SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPC	Site Preparation and Clearance
SPG	Supplementary Planning Guidance (adopted May 2018)
SoR	Statement of Reasons
SSA	Strategic Site Assessment
SSSI	Site of Special Scientific Interest
SS	Sustainability Statement
SuDS	Sustainable Drainage System
TAN	Technical Advice Note
TP	Temporary Possession
TRO	Total Residual Oxygen
TSS	Traffic Separation Scheme
TWA	Temporary Worker Accommodation (also known as the Site Campus)
UK	United Kingdom
USI	Unaccompanied Site Inspection
WA2017	Wales Act 2017
WAMS	Workforce Accommodation Management Service
WAST	Welsh Ambulance Service NHS Trust
WBFGA	Wellbeing of Future Generations (Wales) Act 2015
WFD	Water Framework Directive
WG	Welsh Government
WHGT	Welsh Historic Garden Trust
WKFM	Workforce Management Strategy
WLIA	Welsh Language Impact Assessment
WLCS	Welsh Language and Cultural Strategy
WMS	Written Ministerial Statement
WN	Wylfa Newydd

Appendix C: List of Abbreviations

WNDA	Wylfa Newydd Development Area
WNC _o CP	Wylfa Newydd Code of Construction Practice
WNC _o OP	Wylfa Newydd Code of Operational Practice
WSP	Wales Spatial Plan
WQ	Written Questions

2018 No. 123

INFRASTRUCTURE PLANNING

The Wylfa Newydd (Nuclear Generating Station) Order

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008 (“the 2008 Act” (a)) and in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b) for an Order under sections 114, 115 and 120 of the 2008 Act.

The application was examined by a Panel of 5 members (“the Panel”) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The Panel, having considered the application with the documents that accompanied it and the representations made and not withdrawn, has submitted a report with a recommendation to the Secretary of State.

The Secretary of State, having considered the report and recommendation of the Panel, has decided to make an Order granting development consent for the development described in the application [with modifications that in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application].

The Secretary of State is satisfied that the special category land (as identified in the Book of Reference), when burdened with rights imposed by this Order, will be no less advantageous than it was before to persons in whom it is vested, other persons, if any, entitled to rights of common or other rights and the public, and that accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114, 115 and 120 of the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Wylfa Newydd (Nuclear Generating Station) Order and comes into force on [x].

Interpretation

2.—(1) In this Order, unless the context requires otherwise—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847(d);

“the 1961 Act” means the Land Compensation Act 1961(e);

“the 1965 Act” means the Compulsory Purchase Act 1965(f);

-
- (a) 2008 c.29. Section 37 was amended by section 173(5) of, and paragraph 5 of Schedule 13 to the Localism Act 2011 (c.20). Parts 1 to 7 were amended by Chapter 6 of Part 6 of, and Part 1 of Schedule 13 to the Localism Act 2011 (c.20).
- (b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/1659, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2014/2381, S.I. 2015/1682, S.I. 2017/524 and S.I. 2017/572.
- (c) S.I. 2010/103, amended by S.I. 2012/635.
- (d) 1847 c.27. Sections 35 and 39 were amended by section 46 of the Criminal and Justice Act 1982 (c.48). There are other amendments made to the 1847 Act which are not relevant to this Order.
- (e) 1961 c.33. Part 1 was amended by S.I. 2009/1307. There are other amendments to the 1961 Act which are not relevant to this Order.
- (f) 1965 c.56. Section 5 was amended by section 67 of the Planning and Compensation Act 1961 (c.34), section 192(2) of the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307. Section 11 was amended by sections 186, 187(2) and 188 of, paragraph 3 of Schedule 16 to and paragraph 6 of Schedule 14 to the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307, by paragraphs 14(3)(a) and 14(3)(b) of Schedule 4 to the Acquisition of Land Act 1981 (c.67), and by section

“the 1980 Act” means the Highways Act 1980(a);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(b);

“the 1984 Act” means the Road Traffic Regulation Act 1984(c);

“the 1990 Act” means the Town and Country Planning Act 1990(d);

“the 1991 Act” means the New Roads and Street Works Act 1991(e);

“the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(f);

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009(g);

“56 days” means 56 consecutive days including bank holidays, weekends and other public holidays;

“A5025 Off-Line Highway Improvements sub-CoCP” means the document certified as the A5025 Off-Line Highway Improvements sub-Code of Construction Practice by the Secretary of State under article 76 (Certification of plans, etc.) and identified in Schedule 18 (Certified documents) for the purposes of this Order;

“Access Road Plan” means the document which shows the existing access and approach roads to the Power Station Site from the A5025, is certified as the access road plan by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 6 of Schedule 2 (Approved plans);

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus”, unless otherwise provided for, has the same meaning as in Part 3 of the 1991 Act;

“area of seaward construction activity” means the area of the sea within the Order Limits shown on the Work Plans;

“authorised development” means the development and associated development described in Schedule 1 (Authorised development) and any other development authorised by this Order which is development within the meaning of section 32 of the 2008 Act (Meaning of ‘development’);

“Book of Reference” means the document certified by the Secretary of State as the book of reference under article 76 and identified in Schedule 18 for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“commence” means beginning to carry out any material operation, as defined in section 155 of the 2008 Act (When development begins), forming part, or carried out for the purposes of, the authorised development other than operations consisting of—

- (a) site preparation and clearance in relation to Work No.s 5, 6, 7, 8, 9, 10, 11, 13, 14 and 15;
- (b) pre-construction archaeological works;

14 of and paragraph 12(1) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 13 was amended by sections 139(5) to (9) of paragraph 28 of Schedule 13 and paragraph 1 of Schedule 23 to the Tribunal, Courts and Enforcement Act 2007 (c.15). There are other amendments to the 1965 Act which are not relevant to this Order.

- (a) 1980 c.66. Section 64 was amended by section 102 of and Schedule 17 to the Local Government Act 1985 (c.51) and paragraph 1 of Schedule 9 to the New Roads and Street Works Act 1991 (c.22). There are other amendments to the 1980 Act which are not relevant to this Order.
- (b) 1981 c.66.
- (c) 1984 c.27. Section 32 was amended by sections 1, 2 and 8(1) and paragraph 4(6)(d) of Schedule 5 to the Local Government Act 1985 (c.51). There are other amendments to the 1984 Act which are not relevant to this Order.
- (d) 1990 c.8.
- (e) 1991 c.22. Sections 48 and 50 were amended by section 124 of the Local Transport Act 2008 (c.26). Sections 51, 54, 55, 57, 59, 60, 65, 67, 68 to 70, 75, 76, 79 to 81 and 85 were amended by sections 40, 42, 49, 51, 52 and 54 of and Schedule 1 to the Traffic Management Act 2004 (c.18) and S.I. 2007/1951.
- (f) S.I. 1995/418. Article 3 was amended by S.I. 1999/1783 and S.I. 2016/58. There are other amendments to S.I. 1995/418 which are not relevant to this Order.
- (g) 2009 c.23.

- (c) environmental surveys and monitoring;
- (d) removal of hedgerows, trees and shrubs;
- (e) investigations for the purpose of assessing ground conditions;
- (f) diversion or laying of services;
- (g) remedial work in respect of any contamination or adverse ground conditions;
- (h) receipt and erection of construction plant and equipment;
- (i) the temporary display of site notices and advertisements;
- (j) erection of temporary buildings and structures (to a maximum height of two storeys for Work No.s 5, , 7, 13, 14 and 15) or enclosures related to any of the works listed above; and

the words “commencement” and “commenced” are to be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act (Notice of authorisation of compulsory acquisition);

“Construction Method Statement” means the document certified as the construction method statement by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“Dalar Hir Park and Ride sub-CoCP” means the document certified as the Dalar Hir Park and Ride sub-Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“Design and Access Statement” or “DAS” means the document certified as the design and access statement by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“Detailed Design Drawings” means the drawings certified as the detailed design drawings by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 6 of Schedule 2 of this Order or approved pursuant to a Requirement;

“discharging authority” means either or both IACC and NRW, where IACC’s approval is required in respect of any Requirements in Schedule 3 (Requirements) of this Order relating to land above the MHWS, and NRW’s approval is required in respect of any Requirements relating to land seaward of the MHWS;

“electronic transmission” means a communication transmitted—

- (k) by means of an electronic communications network; or
- (l) by other means but while in electronic form;

“Environmental Statement” means the document submitted by the undertaker to support its application for development consent and certified as the environmental statement by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and includes the Environmental Statement Addendum;

“Environmental Statement Addendum” means the addendum document comprising consolidated errata and changes to the Environmental Statement and certified as the Environmental Statement Addendum by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“First Nuclear Concrete” means the pour of the structural reinforced concrete for buildings or structures with nuclear safety significance, which also represents commencement of first practicably irreversible nuclear construction;

“footpath” and “footway” have the same meanings as in the 1980 Act;

“footpath implementation plan” means a written plan agreed between the undertaker and the highway authority under article 15 (Status of footpaths created or improved) for creation or improvement of a footpath or combined footpath/cycleway to a specified standard;

“general direction” means a direction given by the undertaker under article 61 (General directions to vessels);

“harbour” means the harbour as comprised within the harbour limits and to be constructed by the undertaker in pursuance of the powers conferred on it by this Order, and all other works, land, buildings, ancillary works, plant, property and conveniences connected with it, as from time to time existing within the harbour limits;

“harbour authority”, in relation to a harbour, means the harbour authority that has a statutory duty to manage, maintain or improve the harbour;

“harbour limits” means the limits of the harbour as specified in article 48 (Limits of harbour) and identified in Schedule 16 (Limits of harbour);

“harbour master” means the person appointed as such by the undertaker and includes that person’s deputies and assistants and any other person for the time being authorised by the undertaker to act, either generally or for a specific purpose, in the capacity of harbour master;

“the harbour undertaking” means the harbour undertaking of the undertaker as authorised from time to time;

“highway”, “highway authority” and “local highway authority” have the same meanings as in the 1980 Act;

“IACC” means the Isle of Anglesey County Council;

“Kitchen Garden” means the area marked within the WNDA as HLT2 – Cestyll Garden – Kitchen Garden, HLT2 – Cestyll Garden – Essential Setting, and HLT2 – Cestyll Garden on Figure D11-21 of the Environmental Statement;

“land” includes land covered by water, any interest in land or right in, to or over land;

“Land Plans” means the plans certified as the land plans by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 3 of Schedule 2 of this Order;

“Landscape and Habitat Management Strategy” or “LHMS” means the document certified as the Landscape and Habitat Management Strategy by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“level of high water” means the level of mean high water springs;

“level of low water” means the level of mean low water neaps;

“limits of deviation” means the limits of deviation referred to in article 4 (Limits of deviation) and shown on the Works Plans and Detailed Design Drawings;

“local planning authority” has the same meaning as in the 1990 Act;

“Magnar” means Magnox Limited (Company No. 02264251);

“Main Power Station Site sub-CoCP” means the document certified as the Power Station Main Site sub-Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“maintain” includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish, relay, extend, enlarge or replace any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and do not go beyond the maximum parameters assessed within the Environmental Statement, the design principles of the design and Access Statement and the design and management principles in Chapters 4 and 7 of the Landscape and Habitat Management Strategy or vary the authorised development as described in Schedule 1, and any derivative of “maintain” must be construed accordingly;

“master”, in relation to a vessel, means any person for the time being having or taking the command, charge or management of the vessel;

“Marine Off-Loading Facility” means the marine off-loading facility comprised in Work No. 1F as described in Schedule 1 of this Order;

“Marine Works” means Work No.s 1E, 1F, 1G, 1H described in Schedule 1 and any other Works authorised by this Order or, as the case may require, any part of those works and

“Marine Work” refers to any one of the Marine Works;

“Marine Works sub-CoCP” means the document certified as the Marine Works sub-Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“the Maritime and Coastguard Agency” means the executive agency of the Department for Transport;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time, unless otherwise agreed with NRW;

“National Grid” means National Grid Electricity Transmission plc. (Company No. 02366977) and its successors in title, assigns and any other person exercising its powers or performing the same functions;

“NDA” means the Nuclear Decommissioning Authority, a non-departmental public body established by the Energy Act 2004 and any successor with responsibility for carrying out the same or similar statutory functions;

“NRW” means Natural Resources Body for Wales;

“Off-Site Power Station Facilities sub-CoCP” means the document certified as the Off-Site Power Station Facilities sub-Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“operational period” means the period of time that the relevant part of the authorised development is in operation after construction and commissioning is complete pursuant to the relevant construction contract or contracts and “operation” and “operational” should be construed accordingly;

“Order Land” means the land identified by plot numbers on the Land Plans and described in the Book of Reference;

“Order Limits” means the limits shown on the Order Limits Plans and Works Plans within which the authorised development may be carried out;

“Order Limits Plans” means the plans certified as the order limits plans by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 1 of Schedule 2 of this Order;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981 (interpretation)(a);

“Parameter Plans” means the plans certified as the parameter plans by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 4 of Schedule 2 of this Order;

“Parc Cybi Logistics Centre sub-CoCP” means the document certified as the Parc Cybi Logistics Centre sub-Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“Phasing Strategy” means the document certified as the phasing strategy by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“Power Station Site” means the area within the Work Areas for the Power Station Works and Marine Works as shown on the Work Plans;

“the relevant sub-CoCP” means the sub-Code of Construction Practice that is relevant to the site concerned;

“Requirement” means a requirement set out in Schedule 3 (Requirements), and a reference to a numbered Requirement is a reference to the Requirement set out in the paragraph of the same number in that Schedule;

(a) 1981 c.67. Section 7 was amended by Paragraph 9 of Part I of Schedule 15 to the Planning and Compensation Act 1991 (c.34). Part III of Schedule 2 was amended by S.I. 2009/1307. There are other amendments to the Acquisition of Land Act 1981 which are not relevant to this Order.

“Rights of Way Plans” means the plans certified as the rights of way plans by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 5 of Schedule 2 of this Order;

“Secretary of State” means the Secretary of State for Business, Energy and Industrial Strategy, except that in article 71 (Removal of human remains) Secretary of State means the Secretary of State for Justice;

“SPC permission” means a planning permission for site preparation and clearance of land within the Wylfa Newydd Development Area under the 1990 Act;

“special direction” means a direction given by the harbour master under article 63 (Special directions to vessels);

“specific associated development works” means Work No.s 3, 6 and 7;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act (Statutory undertakers’ land) and includes a public communications provider as defined in section 151(1) of the Communications Act 2003(a);

“street” means, irrespective of whether it is a thoroughfare, the whole or any part of any highway, road, lane, footway, alley, passage, square, court and any land laid out as a way whether it is for the time being formed as a footpath or not, together with land on the verge of a street or between two carriageways, and includes part of a street and any bridge, viaduct, overpass or underpass which a street passes over;

“street authority”, in relation to a street, has the meaning given in Part 3 of the 1991 Act (The street authority and other relevant authorities);

“subsoil” means any stratum of land that is below the surface of the ground;

“the Tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“undertaker” means Horizon Nuclear Power Wylfa Limited or the person who has the benefit of this Order in accordance with articles 8 (Benefit of Order) and 9 (Consent to transfer benefit of Order);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“the Welsh Ministers” has the same meaning as in the Government of Wales Act 2006(b);

“Work” means a work identified as part of the authorised development in Schedule 1;

“Work Area” means the area shown for a work on the Work Plans in Schedule 2 of this Order;

“Work Plans” means the plans certified by the Secretary of State as Works Plans under article 76 and identified in Schedule 18 for the purposes of this Order and identified in Part 2 of Schedule 2 of this Order;

“Workforce Management Strategy” means the document certified as the Workforce Management Strategy by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order;

“working days” means Monday to Friday excluding bank holidays and other public holidays;

(a) 2003 c.21. The definition of “the electronic communications code” and section 106 were amended by sections 4(3) and (4) of the Digital Economy Act 2017 (c.30). There are other amendments to the Communications Act 2003 which are not relevant to this Order.

(b) 2006 c.32 as amended by the Wales Act 2017 c.4.

“Wylfa Newydd CoCP” means the document certified as the Wylfa Newydd Code of Construction Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order; and

“Wylfa Newydd CoOP” means the document certified as the Wylfa Newydd Code of Operational Practice by the Secretary of State under article 76 and identified in Schedule 18 for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictions are references to restrictive covenants over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a Work comprised in the authorised development and shown on the Works Plans or Rights of Way Plans are to be taken to be measured along that Work.

(4) All areas described in square metres in the Book of Reference are approximate.

(5) References to any statutory body includes that body’s successor bodies from time to time that have jurisdiction over the authorised development.

(6) A reference in this Order to a Work designated by a number, or by a combination of letters and numbers (for example, “Work No. 9A”), is a reference to the Work so designated in Schedule 1 (Authorised development) and reference to—

- (a) Work No. 1 includes Work No.s 1A-1O;
- (b) Work No. 2 includes Work No.s 2A-D;
- (c) Work No. 3 includes Work No.s 3A-B;
- (d) Work No. 9 includes Work No.s 9A-B; and
- (e) Work No. 10 includes Work No.s 10A-B.

(7) A reference in the Schedules to a “relevant site” is a reference to the site of that name shown in the Work Plans, Rights of Way Plans and Land Plans.

(8) References in the Schedules to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the Rights of Way Plans or Land Plans.

(9) Grid references in the Schedules are references to points on the Ordnance Survey National Grid.

(10) In this Order, the expression “includes” or “include” is to be construed without limitation.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by Order

3. Subject to the provisions of this Order and Schedule 3 (Requirements), the undertaker is granted development consent for the authorised development, to be carried out within the Order Limits.

Limits of deviation

4.—(1) Subject to Schedule 3 (Requirements) articles 11 (Power to alter layout etc. of streets) and 12 (Street works), the undertaker must construct and maintain the authorised development within the Order Limits and—

- (a) in respect of any non-linear work, the undertaker may deviate laterally to the extent of the limits of deviation for that Work as shown on the Works Plan and vertically to any extent necessary;

- (b) in respect of any linear work, the undertaker may deviate laterally within the lines or situations shown on the Work Plans, so that the centre line of that work may be situated up to 2 metres either side of the centre line of that work shown on the Works Plans;
 - (c) in respect of Work No.s 8, 9, 10 and 11 (excluding any viaduct, overbridge and underpass), the undertaker may deviate vertically from the levels shown or noted on the Detailed Design Drawings of any linear work—
 - (i) to a maximum of 0.5 metres upwards;
 - (ii) to any extent downwards as may be found necessary or convenient; and
 - (d) in respect of the viaduct, overbridge and underpass comprised in Work No.s 9, 10 and 11, deviate to any extent necessary.
- (2) in this article, reference to—
- (a) a “linear work” is a reference to Work No.s 8, 9, 10 and 11; and
 - (b) a “non-linear work” is a reference to Work No.s 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, and 16.

Effect of the Order on the site preparation permission

5.—(1) If the undertaker has implemented an SPC permission and subsequently intends to change to undertaking Work No. 12, the undertaker must serve notice on IACC that it intends to commence Work No. 12.

(2) If the undertaker serves a notice on IACC under paragraph (1) that it intends to commence Work No. 12—

- (a) the undertaker must cease to carry out development under the SPC permission; and
- (b) the conditions of the SPC permission will be unenforceable, except in respect of any breach that occurred prior to the undertaker serving notice under paragraph 5(1).

(3) The undertaker may not carry out Work No. 12 under this Order in the circumstances set out in paragraph (1) until notice has been served under paragraph (1).

(4) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of any part of the authorised development prior to or following service of notice under paragraph (1).

(5) Without prejudice to the generality of paragraph (4), the undertaker may discharge any Requirement in Schedule 3 of this Order at any time prior to or following the service of notice under paragraph (1).

(6) Where details, documents, plans (except for those plans which are also the Detailed Design Drawings relating to Work No. 12), works or any other matters have been imposed as a condition, or approved or agreed pursuant to a condition of the SPC permission prior to the date on which the undertaker serves notice under paragraph (1), IACC and the undertaker will agree which details, documents, plans, works or other matters under the SPC permission will be deemed to have been discharged, approved, agreed, obtained or undertaken for the purposes of the Requirements relating to Work No. 12.

Maintenance of the authorised development

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order provides otherwise.

Authorisation of use

7.—(1) The undertaker is authorised to operate and use the authorised development for which development consent is granted by this Order.

(2) Paragraph (1) does not relieve the undertaker of any requirement to obtain any permit, licence or other obligation under any other legislation that may be required from time to time to authorise the operation of any part of the authorised development.

Benefit of Order

8. Subject to article 9 (Consent to transfer benefit of Order), the provisions of this Order have effect solely for the benefit of the undertaker.

Consent to transfer benefit of Order

9.—(1) The undertaker may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where a transfer or grant has been made in accordance with paragraph (1), references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) will be subject to the same restrictions, liabilities and obligations (including development consent obligations within the meaning of section 106 of the 1990 Act (Planning obligations)) as would apply if those benefits or rights were exercised by the undertaker.

(4) Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer an equivalent guarantee or other form of security to that in place at the time of the transfer under article 82 (Guarantees in respect of payment of compensation) of this Order.

Defence to proceedings in respect of statutory nuisance

10.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (Summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraphs (e), (fb), and (g) of section 79(1) of that Act (statutory nuisances and inspections therefor), no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out and use of the authorised development in accordance with—
 - (i) a notice served under section 60 of the Control of Pollution Act 1974 (control of noise on construction sites)(b);
 - (ii) a consent given under section 61 of the Control of Pollution Act 1974 (prior consent for work on construction sites); or
 - (iii) ; or
- (b) is a consequence of the construction, maintenance or operation of the authorised development and that it cannot reasonably be avoided,

(2) Sections 61(9) of the Control of Pollution Act 1974 (consent for work on construction sites) as it relates to proceedings under section 82 of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by statutory nuisances) will not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(a) 1990 c.43. Section 79(1)(fb) was inserted by section 102 of the Clean Neighbourhoods and Environment Act 2005 (c.16).

(b) 1974 c.40. Section 61 was amended by section 133 of and Schedule 7 to the Building Act 1984 (c.55), section 162(1) of and paragraph 15 of Schedule 15 to the Environmental Protection Act 1990 (c.43) and paragraph 1 of Schedule 24 to the Environment Act 1995 (c.25).

(3) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990.

PART 3

STREETS

Power to alter layout, etc., of streets

11.—(1) The undertaker may, for the purposes of the authorised development, enter onto and alter the layout of or carry out any works in the street, as specified in column (2) of Part 1 or Part 2 of Schedule 5 (Streets subject to alteration of layout) and in the manner specified in relation to that street in column (3).

(2) Without prejudice to the specific powers conferred by paragraph (1) but subject to paragraph (3), the undertaker may, for the purposes of constructing, operating and maintaining the authorised development, alter the layout of or carry out any works on any street whether or not within the Order Limits and, without limiting the scope of this paragraph, the undertaker may—

- (a) alter the level or increase the width of any kerb, street, footpath, footway, cycle track or verge or central reservation;
- (b) make and maintain passing place(s);
- (c) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, verge or central reservation within the street;
- (d) reduce the width of the carriageway of the street;
- (e) execute any works to widen or alter the alignment of pavements;
- (f) execute any works of surfacing or re-surfacing of the street; and
- (g) execute any works necessary to alter existing facilities for the management and protection of pedestrians.

(3) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(4) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority which may not be unreasonably withheld or delayed.

(5) If a street authority that receives an application for consent under paragraph (4) fails to notify the undertaker of its decision within 56 days beginning with the date on which the application was made, that authority will be deemed to have granted consent.

Street works

12.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in column (2) of Schedule 6 (Streets subject to street works) as is within the Order Limits for the relevant site specified in column (1) of Schedule 6 without the consent of the street authority and—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street or carry out works to strengthen or repair the carriageway;
- (c) place or keep apparatus in the street;
- (d) maintain, renew or alter apparatus in or on the street or change its position;
- (e) demolish, remove, replace and relocate any bus shelter and associated bus stop infrastructure or other street furniture;
- (f) execute any works to provide or improve sight lines;
- (g) execute and maintain any works to provide hard and soft landscaping;
- (h) carry out re-lining and placement of road markings;

- (i) remove and install temporary and permanent signage; and
- (j) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (i).

(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent must not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised development, enter on so much of any other street whether or not within the Order Limits, for the purposes of carrying out the works set out at paragraph (1) above.

(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 days beginning with the date on which the application was made, that authority will be deemed to have granted consent.

Application of the 1991 Act

13.—(1) Where the undertaker carries out works under this Order in relation to a highway which consists of or includes a carriageway and the works carried out are—

- (a) of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or
- (b) works which, had they been executed by the highway authority, could have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageway and roundabouts),

the works will be treated for the purposes of Part 3 of the 1991 Act (street works) as if they were major highway works carried out by the highway authority.

(2) The provisions of sections 54 to 106 of the 1991 Act (save insofar as dis-applied through the operation of article 80 (Application, disapplication and modification of legislative provisions) and Schedule 20 (Miscellaneous controls), apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—

- (a) carrying out of works under articles 11 (Power to alter layout, etc., of streets) and 12 (Street works);
- (b) the permanent stopping up of a street by the undertaker under article 14 (Permanent stopping up of streets and extinguishment of private means of access); and
- (c) the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under article 16 (Temporary stopping up of streets), whether or not the carrying out of the works or the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) Sections 54 and 55 of the 1991 Act have effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(4) In Part 3 of the 1991 Act, provisions relating to major highway works which refer to the highway authority concerned will, in relation to works which are major highway works by virtue of paragraph (1), be construed as references to the undertaker.

Permanent stopping up of streets and extinguishment of rights

14.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and extinguish each private means of access specified in column (2) of Part 1 of Schedule 7 (Streets to be permanently stopped up and private means of access to be extinguished) to the extent specified, by reference to the letters and numbers shown on the Rights of Way Plans, in column (3) of that Part of that Schedule.

(2) No street or private means of access specified in column (2) of Part 1 of Schedule 7 will be wholly or partly stopped up or extinguished under this article unless—

- (a) the new street or private means of access to be substituted for it, which is specified in column (4) of that Part of that Schedule, is open for use and, in the case of a street, has been completed to the reasonable satisfaction of the street authority; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up between the commencement and termination points for the stopping up of the street or extinguishment of private means of access is first provided and, in the case of a street, is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) Where the undertaker provides a substitution under paragraph (2), the new or temporary alternative street or private means of access is not required to be of a higher standard than the stopped-up street or extinguished private means of access in column (2) of Part 1 of Schedule 7.

(4) No street or private means of access specified in column (2) of Part 2 of Schedule 7 will be wholly or partly stopped up or extinguished under this article unless at least one of the conditions specified in paragraph (5) is satisfied in relation to all the land which abuts on either side of the street to be stopped up or private means of access to be extinguished.

(5) The conditions referred to in paragraph (4) are that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street, public of way or private means of access concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street or private means of access concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up or extinguishment.

(6) Where a street has been stopped up or private means of access extinguished under this article—

- (a) all rights of way over or along the street or private means of access are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(7) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article will be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (descriptions of development).

(8) This article is subject to article 38 (Apparatus and rights of statutory undertakers in stopped-up streets).

(9) For the purposes of this article and Schedule 7, the definition of “street” under article 2 (Interpretation) is extended to also include any other public right of way.

Status of footpaths created or improved

15.—(1) With effect from the date on which the highway authority has approved that the footpaths specified in column (2) of Schedule 8 (Status of footpaths created or improved) have been created or improved to the standard specified in a footpath implementation plan, the footpaths in question will be deemed to have the status specified in column (3) of that Schedule.

(2) For the purposes of this article and Schedule 8, the definition of “footpaths” under article 2 (Interpretation) is extended to also include combined footway/cycleways, footways and cycleways.

Temporary stopping up of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter or divert any street shown on the Rights of Way Plans and may for any reasonable time—

(a) divert the traffic from the street; and

(b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limiting the scope of paragraph (1), the undertaker may use as a temporary working site any street which has been temporarily stopped up, altered or diverted under the powers conferred by this article.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in column (2) of Schedule 9 (Streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the Rights of Way Plans, in column (3) of that Schedule, and may provide a temporary diversion.

(5) The undertaker must not temporarily stop up, alter or divert—

(a) any street specified as mentioned in paragraph (4) without first consulting the street authority; and

(b) any other street without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld or delayed.

(6) Where the undertaker provides a temporary diversion under paragraph (4), the new or temporary alternative route is not required to be of a higher standard than the temporarily stopped-up street or extinguished private means of access in column (2) of Schedule 9.

(7) Prior to the reopening of any street stopped up under paragraph (4), the undertaker must remove all temporary works and restore the street to its previous condition.

(8) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in the case of dispute, under Part 1 of the 1961 Act.

(9) If a street authority that receives an application for consent under paragraph (5)(b) fails to notify the undertaker of its decision within 56 days of receiving the application, that street authority will be deemed to have granted consent.

(10) For the purposes of this article and Schedule 9, the definition of “street” under article 2 (Interpretation) is extended to also include any other public right of way.

Use of private roads for construction

17.—(1) The undertaker may use any private road within the Order Limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.

(2) The undertaker must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 of the 1961 Act.

Access to works

18.—(1) The undertaker may, for the purposes of the authorised development, form and lay out means of access, or improve existing means of access with the agreement of the street authority after consultation with the highway authority (such agreement not to be unreasonably withheld), at such locations within the Order Limits as the undertaker reasonably requires.

(2) If a street authority that receives an application for approval under paragraph (1) fails to notify the undertaker of its decision within 56 days of receiving the application, that authority will be deemed to have granted approval.

Maintenance of new and altered streets

19.—(1) The undertaker must maintain Work Nos 8, 9, 10 and 11 and any street that is altered or subject to street works under articles 11 (Power to alter layout, etc., of streets) or 12 (Street works) of this Order in accordance with Part 8 of Schedule 15 (Protective provisions) of this Order.

(2) Except for Works Nos 8, 9, 10 and 11, where land not previously part of the public highway comes to form part of the public highway by virtue of construction, diversion or alteration of a street under this Order, unless otherwise agreed with the highway authority, the land is deemed to have been dedicated as public highway immediately upon completion of the highway that has been constructed, altered or diverted.

(3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street in accordance with Schedule 15, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (3), the court must in particular have regard to the following matters—

- (a) the character of the street including the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the undertaker had given that person proper instructions with regard to the maintenance of the street and that those instructions had been carried out.

Agreements with street and highway authorities

20.—(1) The undertaker may enter into agreements with a street authority or highway authority with respect to—

- (a) the construction of any new street authorised by this Order;
- (b) any stopping up, alteration or diversion of a street authorised by this Order;
- (c) the maintenance of the structure of any bridge or tunnel carrying a street over or under any part of the authorised development;
- (d) the carrying out in the street of any of the works referred to in articles 11 (Power to alter layout, etc., of streets) or 12 (Street works); and
- (e) such works as the parties may agree.

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority or highway authority to carry out any function under this Order which relates to the street in question;
- (b) specify a reasonable time for the completion of the works;
- (c) make provision for the maintenance of the structure of any viaduct, underpass, overpass or bridge carrying a street; and

- (d) contain such terms as to payment and other matters as the parties consider appropriate.

Traffic regulation measures

21.—(1) Subject to the provisions of this article, the undertaker may at any time, for the purposes of the authorised development—

- (a) make provision, in respect of those streets specified in column (2) and (3) of Part 1 of Schedule 10 (Traffic regulation measures), as to the speed limit of those streets as specified in column (4) of that Part of that Schedule; and
- (b) make provision, in respect of those streets specified in column (2) of Part 1 of Schedule 10, as to the clearway status of, and the application of other prohibitions to, those streets as specified in column (3) of that Part of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent (such consent not to be unreasonably withheld) of the traffic authority in whose area the street is situated, which consent may be subject to reasonable conditions, the undertaker may, for the purposes or in connection with the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this article;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road;
- (e) permit or prohibit vehicular access to any road; and
- (f) make provision, in respect of those streets as specified in column (2) and (3) of Part 2 of Schedule 10, as to the speed limits of those streets as specified in column (4) of that Part of that Schedule,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) Before complying with the provisions of paragraph (4) the undertaker must consult the chief officer of police and the traffic authority in whose area the street is situated.

(4) The undertaker must not exercise the powers in paragraphs (1) and (2) unless it has—

- (a) given not less than 28 days' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the street is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in sub-paragraph (a).

(5) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1) and (2) has effect as if duly made by—

- (a) the traffic authority in whose area the street is situated as a traffic regulation order under the 1984 Act; or
- (b) the local authority in whose area the street is situated as an order under section 32 of the 1984 Act (Power of local authorities to provide parking places), and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 10) to which the prohibition, restriction or other provision is subject,

is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (Road traffic contraventions subject to civil enforcement)(a).

(a) 2004 c.18. Schedule 7 was amended by S.I. 2013/362 and S.I. 2018/488. There are other amendments made to the Traffic Management Act 2004 which are not relevant to this Order.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(7) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2), that authority is deemed to have granted consent.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

22.—(1) Subject to paragraphs (2) and (3), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, operation or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order Limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld or delayed.

(3) The undertaker must not make any opening into any public sewer or drain except—

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld or delayed; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(4) Where the person to whom the sewer or drain belongs receives an application for consent under paragraph (2) or approval under sub-paragraph (3)(a) and fails to notify the undertaker of its decision within 28 days of receiving an application, that person will be deemed to have granted consent or given approval, as the case may be.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river, subject to the Works that are authorised under this Order.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) will be determined as if it were a dispute under section 106 of the Water Industry Act 1991 (Right to communicate with public sewers)(a).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to NRW, an internal drainage board, a local authority or a sewerage undertaker; and

(b) except as provided in article 2 (Interpretation), other expressions used both in this article and in the Water Resources Act 1991(b) have the same meaning as in that Act.

(9) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016(c).

(a) 1991 c.56. Section 106 was amended by sections 35(8) and 43(2) of and paragraph 1 of Schedule 2 to the Competition and Service (Utilities) Act 1992 (c.43) and sections 36(2) and 99 of the Water Act 2003 (c.37). Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c.37) and paragraph 90 of Schedule 7 to the Water Act 2014 (c.21). Section 104 was amended by section 96(4) of and paragraph 1 of Part 3 of Schedule 9 to the Water Act 2003 (c.37) and section 42(3) of the Flood and Water Management Act 2010 (c.29).

(b) 1991 c.57.

(c) S.I. 2016/1154.

Protective work to buildings

23.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order Limits as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development becomes operational.

(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage, and place on, leave on, and remove from the building any apparatus and equipment for use in connection with the survey.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter and survey any building and any land within its curtilage and place on, leave on or remove any apparatus or equipment;
- (c) a right under sub-paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under sub-paragraph (4)(b) to enter land,

the undertaker will, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (d), the notice must specify the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question as to whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 77 (Arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (Further provision as to compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) must be determined, in case of dispute, under Part 1 of the 1961 Act (Determination of questions of disputed compensation).

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

24.—(1) The undertaker may, for the purposes of this Order, enter on any land shown within the Order Limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without limiting sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limiting sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey, investigation of land and making of trial holes.

(2) No land may be entered or equipment placed on, left on, or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required on entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes will be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld or delayed.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (Determination of questions of disputed compensation).

(6) If either a highway authority or street authority which has received an application for consent under paragraph (4) fails to notify the undertaker of its decision within 28 days of receiving the application, that authority is deemed to have granted the consent.

PART 5

POWERS OF ACQUISITION AND POSSESSION OF LAND

Power of Acquisition

Compulsory acquisition of land

25.—(1) The undertaker may acquire compulsorily so much of Order Land described in the Book of Reference and shown on the Land Plans as is required for the construction, operation and maintenance of the authorised development or to facilitate it, or as is incidental to it.

(2) This article is subject to—

- (a) article 27 (Compulsory acquisition of rights);
- (b) article 28 (Time limit for exercise of authority to acquire land compulsorily);
- (c) article 32 (Acquisition of land limited to subsoil lying more than 9 metres beneath the surface);
- (d) article 35 (Temporary use of land for carrying out authorised development); and
- (e) article 81 (Crown rights).

Compulsory acquisition of land – incorporation of the mineral code

26.—(1) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) are incorporated in this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” substitute “the undertaker”; and
- (c) for “undertaking” substitute “authorised development”.

Compulsory acquisition of rights

27.—(1) The undertaker may acquire compulsorily the existing rights, create and acquire compulsorily the new rights, and impose such restrictive covenants described in the Book of Reference and shown on the Land Plans in, under or over the Order Land as may be required for any purpose for which that land may be acquired under article 25 (Compulsory acquisition of land).

(2) In the case of the Order Land specified in column (2) of Schedule 11 (Land in which rights, etc. may be acquired), the undertaker’s powers of compulsory acquisition are limited to the acquisition of such new rights and the imposition of such restrictive covenants as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(3) Schedule 12 (Modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation and acquisition of a new right or the imposition of a restrictive covenant.

(4) In any case where the acquisition of rights or imposition of a restrictive covenant under paragraph (1) is required for the purposes of diverting, replacing or protecting the apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose restrictive covenants to the statutory undertaker in question.

(5) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (4) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(6) Any person who suffers loss under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Time limit for exercise of authority to acquire land compulsorily

28.—(1) After the end of the period of 8 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act applied by article 30 (Application of the 1981 Act),

in relation to any part of the Order Land.

(2) The authority conferred by article 35 (Temporary use of land for carrying out authorised development) ceases at the end of the period referred to in paragraph (1), save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period if the land was entered and possession was taken before the end of that period.

Private rights

29.—(1) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition of land or rights or the imposition of restrictions under this Order are extinguished or discharged—

- (a) as from the date of acquisition of the land or right by the undertaker or the imposition of the restriction by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights or restrictive covenants over land owned by the undertaker which, being within the Order Limits, are required for the purposes of this Order are extinguished or discharged on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights or restrictive covenants over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right or the discharge, imposition or suspension of any restrictive covenant under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(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.

(6) Paragraphs (1) to (3) have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land or right or the imposition of the restrictive covenant over or affecting the land;
 - (ii) the undertaker’s appropriation of it;
 - (iii) the undertaker’s entry onto it; or
 - (iv) the undertaker’s taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested, belongs or benefits.

(7) Where an agreement referred to in sub-paragraph (6)(b)—

- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

the agreement is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(8) Reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract having that effect.

(9) This article does not apply to any loss suffered under article 14 (Permanent stopping up of streets and extinguishment of rights).

Application of the 1981 Act

- 30.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied, has effect with the following modifications.
- (3) In section 1 (Application of act) for subsection (2) there is substituted—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (4) Omit section 5A (Time limit for general vesting declaration).
- (5) In section 5B (Extension of time limit during challenge)—
- (a) For “section 23 of the Acquisition of Land Act 1981 (Application to High Court in respect of compulsory purchase order)” substitute “section 118 of the Planning Act (Legal challenges relating to applications for orders granting development consent)”; and
- (b) For “the three year period mentioned in section 4” substitute “the 8 year period mentioned in article 28 (Time limit for exercise of authority to acquire land compulsorily) of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]”.
- (6) In section 6 (Notices after execution of declaration) for subsection (1)(b) there is substituted—
- “(1) (b) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134 of the Planning Act 2008.”
- (7) In section 7 (Constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 are to be construed as references to the 1965 Act as applied by section 125 of the 2008 Act (Application of compulsory acquisition provisions) to the compulsory acquisition of land under this Order.

Acquisition of subsoil only

- 31.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 25 (Compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.
- (2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.
- (3) Paragraph (2) does not prevent section 8 and Schedule 2A of the 1965 Act from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Acquisition of land limited to subsoil lying more than 9 metres beneath the surface

- 32.**—(1) This article applies to the land specified in Schedule 13 (Land of which only subsoil more than 9 metres beneath the surface may be acquired).
- (2) In the case of land to which this article applies, the undertaker may only acquire compulsorily under article 25 (Compulsory acquisition of land) so much of, or such rights in, the subsoil of the land as may be required for the purposes of the authorised development.
- (3) Where the undertaker acquires any part of, or rights in, the subsoil of the land to which this article applies, the undertaker is not required to acquire a greater interest in the land or an interest in any other part of it.
- (4) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil only—

- (a) Schedule 2A (Counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (Counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A) (Blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(5) References in this article to the subsoil of land are references to the subsoil lying more than 9 metres beneath the level of the surface of the land, and for this purpose “level of the surface of the land” means—

- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
- (b) in the case of a watercourse or other water area, the level of the surface of the ground nearest to it which is at all times above water level; or
- (c) in any other case, ground surface level.

Modification of the 1965 Act

33.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125 (application of compulsory acquisition provisions) of the 2008 Act, is modified as follows—

(2) In section 4 (time limit for giving notice to treat) for “after the end of the period of 3 years beginning the day on which the compulsory purchase order becomes operative” substitute “after the end of the period stated in article 28 (Time limit for exercise of authority to acquire land compulsorily) of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]”.

(3) In section 4A(1) (Extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (Application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118 of the Planning Act 2008 (Legal challenges relating to applications for orders granting development consent), the eight year period mentioned in article 28 (Time limit for exercise of powers to acquire land compulsorily) of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]”.

(4) In section 11A (Powers of entry: further notice of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(5) In section 22(2) (Expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 28 (Time limit for exercise of powers to acquire land compulsorily) of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]”.

(6) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat) after paragraph 29, end insert—

“PART 4

INTERPRETATION

“30. In this Schedule, references to entering on and taking possession of land do not include doing so under articles 23 (Protective works to buildings), 24 (Authority to survey and investigate land), 35 (Temporary use of land for carrying out the authorised development), 36 (Temporary use of land for maintaining the authorised development), or 42 (Rights over land) of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]”

Rights under or over streets

34.—(1) The undertaker may enter on, appropriate and use so much of the subsoil of, or air-space over, any street within the Order Limits as may be required for those purposes or any other purpose ancillary or incidental to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation will not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (Sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary Possession of Land

Temporary use of land for carrying out the authorised development

35.—(1) The undertaker may, in connection with the carrying out of the authorised development—

(a) enter on and take temporary possession of—

- (i) the land specified in column (2) of Schedule 14 (Land of which only temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule; and
- (ii) any of the Order Land in respect of which no notice of entry has been served under section 11 of the 1965 Act (Powers of entry) other than in connection with the acquisition of rights only and no declaration has been made under section 4 of the 1981 Act (Execution of declaration);

- (b) remove any electric line, electrical plant, structures, apparatus, buildings and vegetation from that land;
- (c) construct temporary or permanent works comprised within the authorised development (including the provision of means of access and buildings or structures on that land); and
- (d) construct any works specified in relation to that land in column (2) of Schedule 14, or any other mitigation works.

(2) Not less than 3 months before entering on and taking temporary possession of land under this article, the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession under this article—

- (a) in the case of land specified in sub-paragraph (1)(a)(i) above, after the end of the period of 1 year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (2) of Schedule 14 unless and to the extent that it is authorised to do so by the acquisition of rights over land or the creation of new rights over land pursuant to article 27 (Compulsory acquisition of rights); or
- (b) in the case of land referred to in sub-paragraph (1)(a)(ii), after the end of the period of 1 year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice

of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must either acquire the land under sub-paragraph (1)(a) or, unless otherwise agreed with the owners of the land, remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, except that the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under sub-paragraph (1)(d);
- (c) restore the land to a condition better than the relevant land was in before temporary possession;
- (d) remove any ground strengthening works which have been placed on the land to facilitate construction maintenance and operation of the authorised development;
- (e) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development; or
- (f) remove or reposition any apparatus belonging to statutory undertakers or necessary mitigation works.

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article and, for the avoidance of doubt, this will include compensation in respect of any loss or damage further to any ground strengthening works within sub-paragraph (4)(d) carried out by the undertaker in or on that land.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, will be determined under Part 1 of the 1961 Act.

(7) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (Compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in sub-paragraph (1)(a)(i) except that the undertaker is not precluded from—

- (a) acquiring existing and new rights or imposing any restrictive covenants over any part of that land under article 27 (Compulsory acquisition of rights);
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 31 (Acquisition of subsoil only) or in accordance with article 32 (Acquisition of land limited to subsoil lying more than 9 metres beneath the surface); or
- (c) carrying out a survey of that land under article 24 (Authority to survey and investigate the land).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (Refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (Application of compulsory acquisition provisions).

(11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in paragraph (1).

(12) Nothing in this article removes the need for a marine licence under Part 4 of the 2009 Act.

Temporary use of land for maintaining the authorised development

36.—(1) Subject to paragraph (2), at any time during the operational period relating to any part of the authorised development, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order Limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) construct such temporary works (including the provision of means of access) and structures and buildings on the land as may be reasonably necessary for that purpose; or
- (c) enter onto any land within the Order Limits for the purpose of gaining access as is reasonably required for the purpose of maintaining the authorised development.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house;
- (b) any building (other than a house) if it is for the time being occupied; or
- (c) any highway land.

(3) Not less than 3 months before entering on and taking temporary possession of land under this article, the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; and/or
- (c) the surrounding environment,

and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practicable in the circumstances.

(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(7) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, will be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (Further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6) of this Order.

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (Refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (Application of compulsory acquisition provisions).

(12) Nothing in this article removes the need for a marine licence under Part 4 of the 2009 Act.

Statutory undertakers

37.—(1) Subject to the provisions of Schedule 15 (Protective provisions), the undertaker may—

- (a) acquire compulsorily the land belonging to statutory undertakers within the Order Limits and described in the Book of Reference;
- (b) acquire existing rights, create and acquire new rights and impose restrictive covenants over the land belonging to statutory undertakers within the Order Limits and described in the Book of Reference;
- (c) extinguish or suspend the rights of, remove, alter, renew, relocate or reposition the apparatus belonging to statutory undertakers over or within the Order Limits; and
- (d) construct the authorised development in such a way as to interfere with any highway or cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order Limits.

(2) Subject to the provisions of Schedule 15, the undertaker may, for the purposes of article 12 (Street works), remove or reposition apparatus belonging to statutory undertakers which is laid beneath any of the streets specified in Schedule 6 (Streets subject to street works).

(3) For the purposes of this article, the definition of “statutory undertaker” in article 2 (Interpretation) is extended to include Magnox and the NDA.

Apparatus and rights of statutory undertakers in stopped-up streets

38.—(1) Where a street is stopped up under article 14 (Permanent stopping up of streets and public rights of way and extinguishment of rights), any statutory undertaker whose apparatus is under, in, on, along or across the street or public right of way has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 14 (Permanent stopping up of streets and extinguishment of rights), any statutory undertaker whose apparatus is under, in, on, over, along or across the street or public right of way may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker is to pay to any statutory undertaker an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street or public right of way; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case

may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory undertaker in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 of that Act (Sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

- (a) “relocation works” means work executed, or apparatus provided, under paragraph (2); and
- (b) “statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003 (Interpretation).

Recovery of costs of new connections

39.—(1) Where any apparatus of a public utility undertaker or public communications provider is removed under article 37 (Statutory undertakers), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 37 any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 38 (Apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

- (a) “public communications provider” has the meaning given in section 151(1) of the Communications Act 2003;(a) and
- (b) “public utility undertaker” has the same meaning as in the 1980 Act.

No double recovery

40. Compensation will not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Protective provisions

41. Schedule 15 (Protective provisions) to this Order has effect.

Rights over land

42.—(1) The undertaker may enter into and use so much of the air-space over any land within the Order Limits as may be required for the construction and maintenance of the authorised development and may use the air-space for those purposes or any other purposes ancillary to the authorised development.

(2) The undertaker may exercise any power conferred by paragraph (1) in relation to land without being required to acquire any part of the land or any easement or right in the land.

(3) Subject to paragraph (4), any person who is an owner or occupier of land used under paragraph (1) without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act (Sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

PART 6

MARINE WORKS

Incorporation of the 1847 Act

43.—(1) With the exception of sections 3A to 34, 36, 40 to 50, 59, 60, 67, 71-72, 77 to 82, 85, 89, 91 to 99, 101, 102 and 104, the 1847 Act is incorporated in this Order subject to the modifications stated in paragraphs (2) and (7).

(2) Section 35 of the 1847 Act (Masters to report arrival of vessel. Penalty for neglect) must have effect as if the words “liable to rates” were removed.

(3) Section 37 of the 1847 Act (Masters of vessels to give accounts of goods intended to be unshipped within the limits, &c) must have effect as if for the words “collector of rates” were substituted the words “harbour master”.

(4) Section 39 of the 1847 Act (Shippers to give an account of goods intended to be shipped) must have effect as if for the words “collector of rates” were substituted the words “harbour master”.

(5) Section 69 of the 1847 Act (Combustible matter on quays, &c., to be removed) must have effect as if for the words from “must forfeit” to the end of the section there were substituted the words “must be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

(a) c.21.

(6) In construing the 1847 Act as so incorporated—

- (a) the expression “the special Act” means this Order;
- (b) the expressions “the Promoters of the undertaking” and “the undertakers” mean the undertaker;
- (c) the expression “the harbour, dock or pier” means the harbour;
- (d) the expressions “limits” and “prescribed limits” mean the harbour limits;
- (e) the expression “near the pier” does not extend beyond the harbour limits;
- (f) the expression “the harbour master” means, in relation to the harbour, the harbour authority; and
- (g) the definition of “vessel” in article 2 (Interpretation) is substituted for the definition in section 3 of the 1847 Act (Interpretation).

(7) All fines and forfeitures recoverable under the provisions of the 1847 Act as incorporated within this Order may be recovered summarily.

Further powers as to works and extinguishment of rights

44.—(1) The undertaker may, in connection with the construction of the Marine Works—

- (a) enclose or reclaim from the foreshore and bed of the sea; and
- (b) hold and use as part of the Marine Works,

so much of the foreshore and bed of the sea as is situated within the limits of deviation and is required for, or in connection with, the construction of those works.

(2) As soon as the undertaker exercises the powers under paragraph (1), any right of navigation or other public rights over the part of the sea and the foreshore in respect of which it exercises those powers will be extinguished.

Harbour authority

45.—(1) The undertaker is the harbour authority in respect of the harbour.

(2) Without prejudice to any provision of the 1847 Act as incorporated in this Order by article 43 (Incorporation of the 1847 Act), the area within which the harbour authority may exercise its functions under this Order must be the harbour.

Agreements entered into by the undertaker

46. Any agreement or undertaking entered into by the undertaker before the coming into force of this Order in connection with the proposed exercise of its function as harbour authority must be binding upon the harbour authority notwithstanding that it was entered into by the undertaker before it was established as a harbour authority by article 45 (Harbour authority).

Application of Pilotage Act 1987

47. The undertaker is a competent harbour authority in respect of the harbour for the purposes of the Pilotage Act 1987(a).

Limits of harbour

48.—(1) The limits of the harbour within which the undertaker is permitted to exercise jurisdiction as the harbour authority and within which the powers of the harbour master are exercisable are the seaward and the landward areas described in Schedule 16 (Limits of harbour), with the seaward area of which is shown, for the purpose of identification only, edged by a red

(a) 1987 c.21.

line referred to as the Statutory Authority Area on WN0902-HZDCO-MRN-DRG-00034 in Schedule 2 (Approved plans) of this Order.

(2) In the event that there is any discrepancy between the description of the seaward area in Schedule 16 and the area shown on WN0902-HZDCO-MRN-DRG-00034, the description in Schedule 16 will prevail.

Application of Marine and Coastal Access Act 2009

49.—(1) Articles 43 (Incorporation of the 1847 Act) to 70 (Saving provision for Trinity House) are subject to the provisions of Part 4 of the 2009 Act and any licence granted pursuant to that Part and are without prejudice to the powers of the Welsh Ministers under that Part.

(2) No provision of this Order obviates the need to obtain a marine licence under Part 4 of the 2009 Act or to comply with the conditions of any marine licence, and nothing in this Order in any way limits the enforcement powers in respect of a marine licence under Part 4 of the 2009 Act.

(3) In the event of any inconsistency between the provisions of this Order and a marine licence, then the terms of the marine licence will take precedence.

Obstruction of work

50.—(1) Any person who—

- (a) intentionally obstructs any person acting under the authority of the undertaker in setting out the lines of, or in constructing, the Marine Works or authorised development; or
- (b) without reasonable excuse interferes with, moves or removes any pole, stake, station point, bench mark or equipment used in the construction, maintenance or use of the Marine Works or authorised development,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Obstruction of officers

51.—(1) Any person who—

- (a) intentionally obstructs an officer of the harbour authority or other person acting in pursuance of this Order or of any enactment relating to the harbour limits;
- (b) without reasonable excuse fails to comply with a requirement properly made by such an officer; or
- (c) without reasonable excuse fails to give such an officer any information or produce any document which he may require for the purpose of performance of his functions,

must be liable on summary conviction of a fine not exceeding level 3 on the standard scale.

(2) Any person who, in giving such information as is mentioned in sub-paragraph 51(c), makes a statement which he knows to be false, must be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Nothing in paragraph (1) applies to the harbour master or to any person acting under the authority of the harbour master.

Power to dredge

52.—(1) The undertaker may, for the purposes of constructing, maintaining and operating the Marine Works and of affording access to the Marine Works by vessels, from time to time deepen, dredge, scour, cleanse, alter and improve so much of the bed, shores and channels as lie within the harbour limits and may use, appropriate or dispose of the materials (other than wreck within the

meaning of Part 9 of the Merchant Shipping Act 1995 (salvage and wreck))(a) from time to time dredged by them.

(2) No such materials must be laid down or deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of high water otherwise than in such position and under such conditions and restrictions as may be approved or prescribed by NRW.

Abatement of works abandoned or decayed

53.—(1) Where a Marine Work is abandoned, or falls into decay, the Welsh Ministers may by notice in writing require the undertaker at its own expense either to repair and restore that work or any part, or to remove that work and restore the site to its former condition, to such an extent and within such limits as the Welsh Ministers think proper.

(2) Where a work consisting partly of a Marine Work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Welsh Ministers may include that part of the work, or any portion of it, in any notice under this article.

(3) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice, the Welsh Ministers may take whatever steps the Welsh Ministers consider appropriate to achieve the result required by the notice; and any expenditure incurred by the Welsh Ministers in so doing will be recoverable from the undertaker.

Survey of Marine Works

54. If the Welsh Ministers consider it expedient to do so, the Welsh Ministers may order a survey and examination of a Marine Work or of the site on which it is proposed to construct the work, and any expenditure incurred by the Welsh Ministers in any such survey and examination will be recoverable from the undertaker.

Lights on Marine Works etc. during construction

55.—(1) The undertaker must at or near—

- (a) any Marine Work, including any temporary work; or
- (b) any plant, equipment or other obstruction placed, in connection with any authorised development within the area of seaward construction activity,

during the whole time of the construction, reconstruction, extension, enlargement, replacement or relaying of such work or development, exhibit every night from sunset to sunrise and in periods of restricted visibility such lights, if any, and take such other steps for the prevention of danger to navigation, as Trinity House and the Welsh Ministers may from time to time direct.

Provision against danger to navigation

56. In case of damage to, or destruction or decay of, a Marine Work or any part of it, the undertaker must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights, and take such other steps for preventing danger to navigation, as Trinity House may direct from time to time.

(a) 1995 c.21.

Permanent lights on Marine Works

57. After the completion of a Marine Work the undertaker must, as directed by Trinity House, exhibit every night from sunset to sunrise and in periods of restricted visibility such lights, if any, and take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

Safety of navigation

58.—(1) No Marine Works are to be commenced until a scheme to secure safety of navigation has been submitted to and approved by the Welsh Ministers following appropriate consultation with Trinity House and the Maritime and Coastguard Agency.

(2) The approved scheme must make provision for—

- (a) additional aids to navigation and the reporting by the undertaker of aids to navigation to Trinity House;
- (b) retention of safety vessels; and
- (c) the circumstances where Her Majesty's Coastguard should be notified of any matter.

(3) The Marine Works are to be carried out in accordance with the approved scheme except to the extent that a variation to the approved scheme is approved by the persons mentioned in paragraph (1).

Rights to lease etc.

59.—(1) The undertaker may at any time lease or grant for the purposes of the harbour undertaking the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour undertaking for such period or periods and on such terms and conditions as may be agreed between the undertaker and the person taking the same.

(2) A lease or grant made or given under paragraph (1) may include provisions delegating to the lessee or grantee any of the functions of the undertaker other than those specified in subparagraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964 (Object for whose achievement harbour revision orders may be made)(a).

(3) A person—

- (a) exercising powers conferred by this Order; or
- (b) carrying out any development under planning permission granted by article 3 (Development consent, etc. granted by Order) of, and Part 17 of Schedule 2 (Development by statutory undertakers) to, the 1995 Order,

in pursuance of a lease or grant under paragraph (1) (“the lessee or grantee”) is subject to the same restrictions, liabilities and obligations as would apply under this Order or by virtue of any agreement or undertaking by the undertaker if those “owners” were exercised, or the development carried out, by the undertaker.

(4) The provisions of this Order or of any such agreement or undertaking, as respects any such exercise of powers or carrying out of development by the lessee or grantee, have effect (where the context so permits) as if any reference in those provisions to the undertaker included a reference to the lessee or the grantee, as the case may be.

Byelaws

60.—(1) The undertaker may, from time to time, make and enforce byelaws regulating the use and operation of the authorised development or the harbour, the maintenance of order on and

(a) 1964 c.40.

about the authorised development or the harbour and the conduct of all persons including employees of the undertaker while on and about the authorised development or the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbour and the berths, quays, piers, warehouses, sheds, landing places, equipment, works and conveniences (including moorings) in the harbour;
- (b) regulating the admission to, the movement within, and the departure from, the harbour of vessels, or the removal of vessels;
- (c) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the harbour;
- (d) regulating the berthing and mooring of vessels within the harbour;
- (e) preventing damage or injury to any goods, vehicles, plant, machinery, property or person within the harbour;
- (f) regulating the conduct of all persons within the harbour not being members of a police force or officers or servants of the Crown whilst in the execution of their duties;
- (g) regulating the placing and maintenance of moorings within the harbour;
- (h) preventing and removing obstructions or impediments within the harbour;
- (i) regulating in the harbour the use of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft and other small craft;
- (j) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits but not so as to prohibit the use for navigation of the vessels referred to in sub-paragraph (i);
- (k) regulating the launching of vessels within the harbour;
- (l) prohibiting persons in or entering the harbour, or any part of the harbour, from smoking in open spaces in the harbour;
- (m) regulating the movement and parking of vehicles within the harbour;
- (n) regulating the exercise of the powers vested in the harbour master;
- (o) safety precautions to be observed by persons within the harbour, whether or not on board vessels;
- (p) the protection and conservation of flora and fauna and other natural features;
- (q) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and for authorising the harbour master to take such action as may be reasonably required in default of compliance with any such condition, control or direction;
- (r) regulating the admission and access to the Marine Works forming part of the authorised development;
- (s) preventing and removing obstructions or impediments within the authorised development;
- (t) preventing damage or injury to any goods, vehicles, plant, machinery, property or persons within the authorised development;
- (u) regulating the activities of divers, surfers, water skiers and other persons engaged in recreational pursuits within the authorised development;
- (v) prohibiting persons in or entering the authorised development from smoking in open spaces; and
- (w) preventing nuisances on the authorised works.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given under them, fines not exceeding level 3 on the standard scale;
 - (b) relate to the whole of the harbour or the authorised development or to any part of the harbour and the authorised development; or
 - (c) make different provision for different parts of the harbour or in relation to different classes of vessels or vehicles.
- (4) Byelaws made by the undertaker under this Order come into force only when they have been confirmed by the Welsh Ministers.
- (5) Before applying for any byelaws to be confirmed under this article, the undertaker must publish a notice of its intention to apply for the byelaws to be confirmed once in each of 2 successive weeks in a local newspaper circulating in the area of the authorised development.
- (6) The notice must state—
- (a) the place at which and the times during which a copy of the proposed byelaws is to be available for public inspection; and
 - (b) that persons may make representations about the proposed byelaws to the Welsh Ministers in writing within the period specified in the notice being a period of not less than 28 days after the date of publication of the last notice required by paragraph (5).
- (7) For at least 28 days after the publication of the last notice required by paragraph (5), a copy of the proposed byelaws must be available for public inspection without payment at the principal office of the undertaker in the area of the authorised development at all reasonable times.
- (8) The undertaker must supply a copy of the proposed byelaws or part of the proposed byelaws to a person who applies for it on payment of a reasonable charge.
- (9) During the period specified in the notice in accordance with paragraph (5), any person may make representations about the proposed byelaws to the Welsh Ministers in writing.
- (10) The Welsh Ministers may, after the expiry of the period specified in the notice in accordance with sub-paragraph (6)(b), confirm with or without modification or may refuse to confirm any of the proposed byelaws submitted and may fix a date on which any byelaws so confirmed are to come into force, and, if no date is so fixed, the byelaws come into force after the expiry of 28 days after the date on which they were confirmed.
- (11) The Welsh Ministers may charge the undertaker such fees in respect of any byelaws submitted for confirmation under this article as the Welsh Ministers may consider appropriate for the purpose of defraying any administrative expenses incurred by the Welsh Ministers in connection with confirmation, modification or refusal.
- (12) A copy of any byelaws confirmed under this article must be printed and must be available for public inspection without payment at the principal office of the undertaker in the area of the authorised development at all reasonable times, and the undertaker must at the request of any person supply that person with a copy of such byelaws on payment of a reasonable charge.
- (13) Byelaws under this article may vary or revoke any byelaws in respect of the authorised development made under any other provision at any time.

General directions to vessels

61.—(1) Subject to paragraph (3), the undertaker may give directions, or revoke or amend directions that it has previously given, for the purpose of—

- (a) designating areas, routes or channels in the harbour and the approaches to the harbour which vessels are to use, or refrain from using, for movement or mooring;
- (b) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master to identify the vessel, its cargo and its likely time of arrival at and departure from the harbour; and
- (c) the protection of property, flora and fauna.

(2) A direction given under paragraph (1) may apply—

- (a) to all vessels or to a class of vessels designated in the direction;
- (b) to the whole of the harbour and the approaches and channels leading to the harbour, or to a part designated in the direction; and
- (c) at all times or at certain times or at certain states of tide designated in the direction,

and every direction given under this article must specify the extent of its application in relation to the matters referred to in sub-paragraphs (1)(a), (b) and (c).

(3) Before giving a direction, or revoking or amending a direction previously given, under paragraph (1), the undertaker must consult the Royal Yachting Association and the Chamber of Shipping.

Publication of general directions

62.—(1) Notice of the giving of a general direction or of any amendment or revocation of a general direction must, except in case of emergency, be published by the undertaker as soon as practicable once in Lloyd's List newspaper or some other newspaper specialising in shipping news; and, if the notice relates to the giving or amendment of a direction, the notice must state a place at which copies of the direction or the amended direction (as the case may be) may be inspected and bought, and the price of the direction or amended direction (as the case may be).

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the undertaker considers appropriate.

Special directions to vessels

63.—(1) The harbour master may give a special direction under this article—

- (a) requiring any vessel anywhere within the harbour or the approaches to the harbour to comply with a requirement made in or under a general direction;
- (b) regulating the time at which and the manner in which any vessel must enter into, go out of, or lie in or at the harbour;
- (c) for securing that vessels move only at certain times or during certain periods;
- (d) prohibiting the mooring of vessels in any particular part or parts of the harbour;
- (e) regulating or requiring the movement, mooring or unmooring of a vessel; and
- (f) regulating the manner in which within the harbour a vessel takes in or discharges (from ship to shore or shore to ship) personnel, cargo, fuel, water, ship's stores or ballast in the harbour.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction at any time.

Master's responsibility to be unaffected

64. The giving of a general direction under article 61 (General direction to vessels) or a special direction under article 63 (Special directions to vessels) does not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

Failure to comply with directions

65. The master of a vessel who fails without reasonable excuse to comply with a general direction issued under article 61 (General direction to vessels) or a special direction issued under article 63 (Special directions to vessels) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Enforcement of special directions

66.—(1) Without prejudice to any other remedy available to the undertaker, if a special direction issued under article 63 (Special directions to vessels) is not complied with within a reasonable time the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board the vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master must not do so unless, after reasonable inquiry has been made, the master of the vessel cannot be found.

(3) Expenses incurred in the exercise of the powers conferred by this article are recoverable by the undertaker from the owner of the vessel as if they were a charge of the undertaker in respect of the vessel.

Boarding of vessels

67.—(1) Any duly authorised officer of the undertaker may, on producing if so required his authority, enter and inspect a vessel in the harbour limits—

- (a) for the purposes of any enactment relating to the harbour authority or of any byelaw relating to the harbour authority or of any direction or byelaw of the harbour authority, including the enforcement thereof; or
- (b) to prevent or extinguish fire,

but, except in an emergency, no entry must be made under this article without notice first having been given to the owner or the person appearing to have charge of the vessel; and the notice must have annexed to it a copy of this article.

Charges

68.—(1) The undertaker may levy charges for any services performed by it in the exercise and performance of its statutory powers and duties at the harbour.

(2) The undertaker may confer total or partial exemption from, allow rebates to or make compositions with any person with respect to, charges and may vary or extinguish any such exemption, rebate or composition.

(3) In this article “charges” means any charges other than ship, passenger and goods dues.

Use of Marine Off-Loading Facility

69. The undertaker may only use the Marine Off-Loading Facility for the purposes of, or in connection with, the construction, operation, maintenance and decommissioning of the authorised development.

Saving for Trinity House

70. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

PART 7

MISCELLANEOUS AND GENERAL

Removal of human remains

71.—(1) In this article “the specified land” means the land within the Order Limits.

(2) Before the undertaker carries out any development or works within the Order Limits which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and
- (b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the local authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
- (b) removed to, and cremated in, any crematorium,

and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who must remove the remains and as to the payment of the costs of the application.

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
- (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified,

subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re-interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under this article—

- (a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
- (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the local authority mentioned in paragraph (4).

(12) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857 (Bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State)(a) does not apply to a removal carried out in accordance with this article.

Application of landlord and tenant law

72.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants is to prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

73. Development consent granted by this Order for Work No. 1 and Work No. 5 is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (Cases in which land is to be treated as not being operational land for the purposes of that Act).

Felling or lopping of trees and removal of hedgerows

74.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from—

- (a) obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or

(a) 1857 c.81.

- (b) constituting a danger to persons using the authorised development.
- (2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person who sustains any loss or damage arising from such activity for that loss or damage.
- (3) The undertaker may, for the purposes of the authorised development—
 - (a) subject to paragraph (2), remove any hedgerows within the Order Limits that may be required for the purposes of carrying out the authorised development; and
 - (b) only remove important hedgerows identified in Schedule 17 (Removal of important hedgerows) to the extent shown on the plans identified in Schedule 17.
- (4) The power conferred by paragraph (3) removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997^(a) in undertaking works pursuant to sub-paragraph 3(a) or (b).
- (5) Nothing in this article authorises any works to any tree subject to a Tree Preservation Order.
- (6) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act (determination of questions of disputed compensation).
- (7) In this article, "hedgerow" and "important hedgerow" have the meaning given in the Hedgerow Regulations 1997.

Service of notices

- 75.—(1) A notice served for the purposes of this Order must be provided in English and Welsh.
- (2) A notice or other document required or authorised to be served for the purposes of this Order may be served—
- (a) by post; or
 - (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
 - (c) with the consent of the recipient and subject to paragraphs (6) to (9), by electronic transmission.
- (3) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (4) For the purposes of section 7 of the Interpretation Act 1978^(b) (references to service by post) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—
- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
 - (b) in any other case, the last known address of that person at the time of service.
- (5) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having an interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—
- (a) addressing it to that person by name or by the description of "owner" or, as the case may be, "occupier" of the land (describing it); and
 - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(a) S.I. 1997/1160, amended by section 73(2) of the Countryside and Rights of Way Act 2000 (c.37) S.I. 2003/2155, S.I. 2006/1177, S.I. 2009/1307, S.I. 2013/755 and S.I. 2015/377.

(b) 1978 c.30. There are amendments made to the Interpretation Act 1978 which are not relevant to this Order.

(6) Paragraphs (6) to (9) apply where a person (“A”) is required or authorised to serve or send a notice or other document for the purposes of this Order on or to another person (“B”).

(7) A may serve or sending the notice or other document by electronic transmission if—

- (a) B has sent A notice that B agrees to receive that notice or document (or notices and documents of a description including that notice or document) by electronic transmission;
- (b) B has not subsequently withdrawn that agreement in accordance with paragraph (8); and
- (c) A complies with any conditions as to addressing or mode of transmission that B has specified in agreeing to receive notices or other documents by electronic transmission.

(8) If B notifies A within 7 days of receiving a notice or other document by electronic transmission that B requires a paper copy of all or any part of the notice or other document, A must provide B with such a copy as soon as reasonably practicable.

(9) B may withdraw agreement to receive a notice or document (or notices or documents of a specified description) by electronic transmission by sending a notice to that effect to A.

(10) Notice under paragraph (8) is final and takes effect on a date specified by B in the notice but that date must not be less than 7 days after the date on which the notice is given.

(11) This article does not exclude the employment of any method of service not expressly provided for by it.

(12) In this article “electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form.

Certification of plans, etc.

76.—(1) The undertaker must, as soon as practicable after the date on which this Order is made, submit to the Secretary of State copies of the documents and plans identified in Schedule 18 (Certified documents) of this Order for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document identified in Schedule 18 so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

77.—(1) Any difference or dispute under any provision of this Order, unless otherwise provided for in this Order or unless otherwise agreed between the parties, is to be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

(2) This article must not apply to the provisions of the 1847 Act incorporated in this Order by article 43 (Incorporation of the 1847 Act) or to Trinity House in the exercise of its statutory functions.

(3) This article is without prejudice to article 70 (Saving for Trinity House).

Procedure in relation to certain approvals etc.

78.—(1) Schedule 19 (Procedure for approvals, consents and appeals) is to have effect in relation to all consents, agreement or approvals granted, refused or withheld in relation to the Requirements unless otherwise agreed between the undertaker and the discharging authority.

(2) The procedure set out in paragraph (1) relating to the appeal process of Schedule 19 has effect in relation to any other consent, agreement or approval required under this Order (including the Requirements in Schedule 3 of this Order) where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

Application, exclusion and modification of legislative provisions

79. Part 1 of Schedule 20 (Miscellaneous controls) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

Amendment of local legislation

80. Part 2 of Schedule 20 (Miscellaneous controls) to this Order, which makes provision applying, modifying and excluding a legal legislation which relates to matters for which provision may be made by this Order, has effect.

Crown rights

81.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any lessee or licensee—

- (a) to enter upon, use and carry out the authorised development on or in any manner interfere with any land or rights of whatsoever description—
 - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
 - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
 - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that Government Department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and will be deemed to have been given in writing where it is sent electronically.

Guarantees in respect of payment of compensation

82.—(1) The undertaker must not exercise the powers conferred by the provisions referred to in paragraph (3) in relation to any land within the Order Limits unless—

- (a) the Secretary of State has approved in writing a sum of money to cover the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land; and
- (b) the undertaker has put in place either—
 - (i) a guarantee for the sum of money that has been approved by the Secretary of State under sub-paragraph (1)(a) above; or
 - (ii) an alternative form of security for the sum of money that has been approved under sub-paragraph (1)(a) above.

(2) The undertaker must provide the Secretary of State with such information as he or she may reasonably require to enable the Secretary of State to determine the adequacy of the sum of money referred to in sub-paragraph (1)(a) above, such information to include—

- (a) the interests in land affected; and
- (b) the undertaker's assessment of the proper level of compensation and its justification for the same.

(3) The provisions are—

- (a) article 25 (Compulsory acquisition of land);
- (b) article 27 (Compulsory acquisition of rights);
- (c) article 29 (Private rights);
- (d) article 31 (Acquisition of subsoil only);
- (e) article 32 (Acquisition of land limited to subsoil lying more than 9 metres beneath the surface);
- (f) article 34 (Rights under or over streets);
- (g) article 35 (Temporary use of land for carrying out the authorised development); and
- (h) article 36 (Temporary use of land for maintaining the authorised development).

(4) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under this Order is to be treated as enforceable against the guarantor or person providing the alternative form of security by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(5) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 10 years after the date on which the relevant power is exercised.

(6) The undertaker is entitled to reduce amount of the guarantee or alternative form of security to be maintained under paragraph (5) where—

- (a) the undertaker has made a payment of compensation under paragraph (4) to a claimant and provided evidence to the Secretary of State that such payment has been made; and
- (b) the Secretary of State is satisfied that the reduced amount of the guarantee or alternative form of security proposed by the undertaker will cover the remaining liabilities to pay compensation under this Order in respect of the exercise of the powers in paragraph (3) over the remaining affected land and interests within the Order Limits.

Funding for implementation of the authorised development

83.—(1) Except for Work No. 12, the authorised development must not be commenced unless and until—

- (a) the undertaker has provided the Secretary of State with written information to enable the Secretary of State to be satisfied that the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding; and
- (b) the Secretary of State has given the undertaker written confirmation that the Secretary of State is satisfied that the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding.

(2) Work No. 12 must not be commenced unless and until—

- (a) the undertaker has provided a guarantee or an alternative form of security, the amount to be approved by the Secretary of State, in respect of liabilities under the restoration scheme approved under Requirement SPC13 in Schedule 3 (Requirements) of this Order; or
- (b) the Secretary of State has given written confirmation under sub-paragraph (1)(b) above.

Control documents and schemes

84. Schedule 4 (Control documents and schemes) to this Order has effect for the purposes of the identified Requirements in Schedule 3 (Requirements) of this Order.

National Trust Land

85. No rights or powers under this Order may be exercised in respect of Plot 61 identified in the Book of Reference.

Marine enforcement authority

86. For the purposes of section 173 of the 2008 Act, the Welsh Ministers will be the relevant local planning authority in respect of land seaward of the mean low water springs.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

SCHEDULES

SCHEDULE 1

Article 3

AUTHORISED DEVELOPMENT

Wylfa Newydd DCO Project: In the County of Anglesey/Ynys Mon

A nationally significant infrastructure project as defined in sections 14 (Nationally significant infrastructure projects: general) and 15(2) (Generating stations) of the 2008 Act comprising the works described in column (1) of the table below. Associated development within the meaning of sections 115(2) (Development for which development consent may be granted) and 15(3A) of the 2008 Act including the works described in column (2) of the table below. All bracketed numbers following a building or structure in the work packages below are the unique numbers that are used in the Requirements in Schedule 3 (Requirements).

<i>(1) Works comprising a Nationally Significant Infrastructure Project as defined in sections 14 and 15(2) of the 2008 Act</i>	<i>(2) Works comprising associated development within the meaning of sections 115(2) and 15(3A) of the 2008 Act</i>
Work No.s 1 (comprising Works No.s 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N and 1O), 4 and 5.	Work No.s 2 (comprising Works No.s 2A, 2B, 2C and 2D), 3 (comprising Works No.s 3A and 3B), 6, 7, 8, 9 (comprising Works No.s 9A and 9B), 10 (comprising Work No.s 10A and 10B), 11, 12, 13, 14, 15 and 16.

These Works are marked with an asterisk in the description below

In this Schedule, † indicates the buildings that are listed under multiple work packages; however, the construction of these buildings will only occur under one work package. The final location of these buildings will be determined in the detailed design stage. This applies to the buildings 1-208 (Gas Cylinder Storage House), 2-208 (Gas Cylinder Storage House) and 9-308 (Vehicle Inspection Bay).

Work No. 1*

An electricity generating station with up to 3,100MW of total installed generation capacity generated by two nuclear reactor units, comprising the following works—

*Work No. 1A**: A twin unit nuclear reactor (nuclear reactor building comprising units 1 and 2), associated balance of plant, below ground services and ancillary buildings including—

- Two Reactor Buildings (1-101 and 2-101);
- Two Control Buildings (1-102 and 2-102);
- Two Turbine Buildings (1-108 and 2-108);
- Two Heat Exchanger Buildings (1-103 and 2-103);
- One Radioactive Waste Building (0-104);
- One Service Building (0-109);
- Six Emergency Diesel Generator Buildings (1-110a, 1-110b, 1-110c, 2-110a, 2-110b and 2-110c);
- Two Filter Vent Buildings (1-105 and 2-105);
- Two Switchgear Buildings (1-253 and 2-253);
- Two sets of Cooling Towers (1-519 and 2-519);

- Two joined Back-up Buildings (1-107 and 2-107);
- Two Seal Pits (1-413 and 2-413);
- Two Ball Strainer Pits (1-419 and 2-419);
- Transformers (1-506 a-d, 2-506 a-d, 1-518, 2-518, 1-520, 2-520, 1-521, 2-521, 1-522, 2-522);
- Stacks (S1 – S12);
- Two Security Gatehouses (9-304 and 9-305);
- One Maintenance Facility (0-226);
- One Nitrogen Gas Supply Facility (0-507);
- Water Storage Tanks (0-239, 1-505, 2-505, 1-515 a-k and 2-515 a-k);
- Oil Storage Tanks (1-502 and 2-502);
- Two Discharge Water Sampling Buildings (1-210 and 2-210);
- Two Gas Cylinder Storage Houses (1-208† and 2-208†); and
- Cooling water service tunnels and culverts.

*Work No. 1B**: Common power station (facilities to support units 1 and 2) buildings, associated balance of plant, below ground services and ancillary buildings including—

- One Auxiliary Boiler Building (0-218);
- Two Firewater Pump Houses (0-207a and 0-207b);
- One Domestic Water Pump House (0-255);
- One Make-up Water Treatment Plant (0-219);
- Water Storage Tanks (0-504a, 0-504b, 0-510a and 0-510b);
- Oil Storage Tank (0-513);
- One Lower Activity Waste Management Facility (9-246);
- One Conventional and Hazardous Waste Building (9-222);
- One Weighbridge (9-718) and associated gate post monitors;
- Stacks (S14 – S17); and
- Cooling water service tunnels and culverts.

*Work No. 1C**: Support facilities, associated balance of plant, below ground services and ancillary buildings including—

- One Administration Building (9-220);
- Two Garages for Mobile Emergency Vehicles (0-204a and 0-204b);
- One Emergency Response Centre (9-242);
- One Gatehouse (9-306);
- One Main Outer Gate (9-306a);
- One Auxiliary Standby Generator Building (9-256);
- One Fuelling Station (9-206);
- One Cask Transporter Garage (9-248);
- Two Gas Cylinder Storage Houses (1-208† and 2-208†); and
- Stack (S13).

*Work No. 1D**: Spent fuel and radioactive waste storage facilities, associated plant, below ground services and ancillary buildings including—

- One Intermediate Level Waste Storage Facility (9-202);
- One Spent Fuel Storage Facility (9-201);

*Work No. 1E**: Marine Preparatory works, including—

- temporary access ramp; and
- dredging of superficial material and rock.

*Work No. 1F**: Two breakwaters in Porth-y-Pistyll and a bulk MOLF, with associated below ground services including—

- the eastern breakwater;
- the western breakwater;
- temporary causeway and cofferdams;
- roll-on/roll-off MOLF;
- bulk MOLF comprising berthing platforms and mooring dolphins;
- temporary pontoon;
- lay-by berth;
- associated maritime navigation lights and markers; and
- related preparatory works including dredging and excavation of Porth-y-Pistyll for the intake channel and navigation to the MOLF, dredging and excavation for berthing pockets adjacent to the bulk MOLF; dredging and excavation of superficial deposits and rock; land reclamation, shore protection, temporary barge berth and associated works.

*Work No. 1G**: A cooling water intake system, associated plant, below ground services ancillary buildings including—

- Works inland of the MHWS—
 - One combined Intake Water Structure (1-411 and 2-411);
 - Two Intake Screen Structures for Auxiliary Service Water System, comprising 2 sets of joined buildings (1-404a and 1-404b, 2-404a and 2-404b);
 - Intake Tunnels; and
 - Biocide Plant (0-237); and
- Works seaward of the MHWS—
 - One combined Intake Water Structure (1-411 and 2-411) and associated intake channel;
 - Two Intake Screen Structures for Auxiliary Service Water System, comprising 2 sets of joined buildings (1-404a and 1-404b, 2-404a and 2-404b); and
 - One Intake Skimmer Wall (0-428).

*Work No. 1H**: Cooling water outfall system, associated plant, below ground services, ancillary buildings including—

- Works inland of the MHWS—
 - Outfall Facility (0-416); and
 - Discharge tunnels; and
- Works seaward of the MHWS—
 - Outfall Facility (0-416); and
 - Temporary cofferdams.

*Work No. 1I**: A Simulator and Training Building (9-904), car park area with a capacity of up to a maximum of 200 permanent spaces (9-709c), associated balance of plant and below ground services.

*Work No. 1J**: A new access road and roundabout connecting to the A5025, associated laying, replacement and diversions of apparatus and associated works.

Work No. 1K:* A Vehicle Inspection Bay (9-308†), Plant Logistics Warehouse (9-254) and 2 Cylinder Storage Houses (1-208), associated balance of plant and below ground services.

Work No. 1L:* Other required buildings, structures and development on the Wylfa Newydd Development Area, including—

- Search Building Main Entrance (9-310);
- Car park area with a capacity of up to a maximum of 500 permanent spaces and 200 temporary spaces (9-709a);
- Vehicle Inspection Bay (9-308†);
- Two Gas Cylinder Storage Houses (1-208† and 2-208†);
- Connection to new site access roads and associated balance of plant; and
- Below ground services.

Work No. 1M:* Other required buildings, structures and development in the Wylfa Newydd Development Area, including—

- Outage Building (9-240);
- Two Gas Cylinder Storage Houses (1-208† and 2-208†);
- Secondary Gatehouse for Outer Fence (9-307);
- Search Building Secondary Entrance (9-311);
- Secondary Outer Gate (307a);
- Foul Water Pumping Station (9-724);
- Associated balance of plant and temporary buildings to support outages; and
- Below ground services.

Work No. 1N:* Other required buildings, structures and development in the Wylfa Newydd Development Area, including—

- Car park area with a capacity of up to a maximum of 800 temporary spaces (9-709b);
- Connection to new site access roads and associated balance of plant; and
- Below ground services.

Work No. 1O:* New site access roads, associated balance of plant and below ground services.

Work No. 2

Work No. 2A: Earthworks within the Wylfa Newydd Development Area to establish Landscape Mound A.

Work No. 2B: Earthworks within the Wylfa Newydd Development Area to establish Landscape Mounds B and C.

Work No. 2C: Earthworks within the Wylfa Newydd Development Area to establish Landscape Mound D.

Work No. 2D: Earthworks within the Wylfa Newydd Development Area to establish Landscape Mound E.

Work No. 3

Work No. 3A: A temporary Site Campus comprising the following works—

- workers, accommodation buildings, amenity building and associated ancillary structures and plant (including substations) and below ground services;
- internal access roads, hard standing and vehicle, motorcycle and bicycle parking areas;
- provision of surface water and foul water drainage systems and utility services;

- provision of fencing, landscaping works, including open space and multi-use games areas, and external lighting and security works; and
- site restoration, final landscaping, reinstatement of access to Fisherman's Car Park and footpaths.

Work No. 3B: A Site Campus Access Road from the existing Magnox site access road to the Site Campus.

Work No. 4*

Electrical connections from Transformer 1-506a and Transformer 2-506a to the existing 400kV National Grid substation and associated buildings, structures, plant and apparatus.

Work No. 5*

Off-Site Power Station Facilities at Llanfaethlu comprising the following works—

- the Mobile Emergency Equipment Garage and Alternative Emergency Control Centre;
- the Environmental Survey Laboratory;
- storage facilities for temporary buildings;
- provision of site access from the A5025;
- landscaping, drainage ditches and fencing; and
- all associated structures and plant (including a substation and fuel storage) and below ground services.

Work No. 6

A temporary Park and Ride facility at Dalar Hir comprising the following works—

- construction of bus terminal building, security buildings, bus waiting structures and stops, and associated temporary structures and plant;
- provision of surface water, storm water and foul water drainage systems (including a package treatment plant and underground storage); utility services; fencing and landscaping;
- improvements to existing highway;
- provision of an access road off the existing roundabout, internal roads, car parking areas and site egress; and
- site restoration and final landscaping.

Work No. 7

A temporary Logistics Centre at Parc Cybi comprising the following works—

- construction of temporary office/welfare and security buildings, associated temporary structures and plant;
- heavy vehicle parking areas, car parking and hard standing areas;
- provision of surface and foul water drainage systems, utility services, external lighting and fencing, security works and landscaping; and
- provision of site access from the Parc Cybi main access road.

Work No. 8

A5025 Off-Line Highway Improvement Works at Valley (Section 1) comprising a new four-arm roundabout and 1.06km bypass connecting the A5 with the A5025 to the east of the existing A5/A5025 signalised junction.

Work No. 9

A5025 Off-Line Highway Improvement Works at Llanfachraeth (Section 3) comprising—

- Work No. 9A: A new 2.28km highway, including an elevated viaduct and associated underpass, to provide a bypass to the east of Llanfachraeth village; and
- Work No. 9B: An overbridge to accommodate existing side roads.

Work No. 10

A5025 Off-Line Highway Improvement Works at Llanfaethlu (Section 5) comprising—

- Work No. 10A: A new 1.43km bypass; and
- Work No. 10B: An associated underpass.

Work No. 11

A5025 Off-Line Highway Improvement Works at Cefn Coch (Section 7) comprising a new 1.3km bypass and associated underpass and overbridge.

Work No. 12

Site preparation and clearance works, including—

- site clearance (including vegetation clearance, management and wildlife relocation, removal of fencing, walls, gates, field boundaries, existing structures (including buildings), and other above ground features);
- site establishment works (including installation of a new crossing of the existing Magnox power station access road, fencing, formalisation of existing vehicular crossing points and vehicular routing, and provision of temporary footpath links and fuel and material storage compounds);
- ground improvement works (including establishment of a remediation processing compound and associated fencing, storage of treated/processed material, establishment of associated access tracks, drainage, excavation and treatment of soils likely to be contaminated, and treatment and removal of invasive non-native species);
- temporary diversion and/or closure of Cemlyn Road with controlled access to Ty Croes (Fisherman's Car Park); and
- other associated works,

except that no Work No. 12 may be undertaken within the Kitchen Garden.

Work No. 13

Landscaping and drainage works at the Ecological Compensation Site at Cors Gwawr, comprising—

- vegetation clearance, soil strip and landscaping;
- drainage works; and
- planting.

Work No. 14

Landscaping and drainage works at the Ecological Compensation Site at Cae Canol-dydd, comprising—

- vegetation clearance, soil strip and landscaping;
- drainage works; and
- planting.

Work No. 15

Landscaping and drainage works at the Ecological Compensation Site at Tŷ Du, comprising—

- vegetation clearance, soil strip and landscaping;
- drainage works;
- planting.

Work No. 16

Diversion and realignment of a tributary (Nant Porth-y-Pistyll) to the Afon Cafnan with associated landscaping works.

Other associated development

And in connection with Work No.s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 (unless otherwise indicated), to the extent that they do not otherwise form part of any such work, the following further works in connection with the construction, operation and maintenance of the authorised development within the Order Limits, being associated development within the meaning of section 115(2) of the 2008 Act (Development for which development consent may be granted)—

- earthworks and excavations (including tunnelling, soil stripping and storage, site levelling, vegetation clearance, spoil screening/storage for re-use on site and remediation); provision of spoil retaining structures, bunds and ground terracing to formation levels; and site ground preparation works including land remediation, vegetation clearance and groundwater de-watering;
- provision, protection, diversion and relocation of surface drainage systems (including swales, ditches, culverts, outfalls, ponds and water treatment and pumping); foul water drainage systems (including pipework, sewage treatment plant, pumps and outfalls); utilities, including electricity, telecommunications, water and power supplies (including substations, switchgear and transformers); cables, pipes, shafts, trenches and tunnels; and associated protective works for such infrastructure (including footbridges, barriers and grates);
- construction and provision of building compounds, external building plant and equipment, stacks and chimneys, access structures (including ladders, stairs and platforms) aials and communication plant and equipment;
- works to create temporary or permanent landscaping (including temporary mounds); drainage and flood compensation (including flood attenuation works); finished ground levels; means of enclosure; and reinstatement/replacement of, or construction of, boundary walls and security fences (including gates and retaining walls);
- establishment of temporary construction areas and compounds at each Works site to include, as necessary—
 - demolition and site clearance (including of existing buildings, vegetation, walls, fences, planters, and other above and below ground structures);
 - site hoardings (including perimeter enclosures and security fencing) and provision of construction and traffic signage and notices;
 - temporary vehicle parking;
 - formation of construction vehicle access routes and provision of temporary gated or other site access routes and other works to streets;
 - construction-related buildings, structures, facilities (including storage and manufacturing warehouse and temporary structures), plant, equipment, cranes, machinery (including concrete batching, concrete silos and construction bridges) and temporary bridges and access routes (including internal haulage routes); and

- provision of construction services and utilities, including electricity, telecommunications, water and power supplies (including substations) including means of enclosure, and construction lighting;
- provision of permanent and temporary hard-standing areas; welfare/office accommodation, workshops and stores; structures and plant; security kiosks, gates and barriers; vehicle and bicycle parking areas; vehicular and pedestrian access routes and internal roads; storage and handling areas; signage; CCTV poles and mountings; lighting poles and fittings; facilities and equipment for processing of excavated and construction materials; treatment enclosures; and any other temporary and permanent works required;
- in connection with the Marine Works, the following additional works—
 - the provision of temporary moorings, berths and piers (including dolphins), other equipment and facilities, pontoons and other floating structures and temporary works platforms and apparatus (including as necessary piling for support of such structures) for use by vessels in construction and maintenance of the authorised development;
 - dredging;
 - shore protection works;
 - temporary access ramps and slipways;
 - temporary causeway and haul roads;
 - provision of fish recovery and return outfall and acoustic fish deterrent systems;
 - the provision of buoys, beacons, fenders and other navigational warning or ship impact protection works;
- in connection with Work No. 2, provision of new footpaths; walls and fencing; planting; and ecology ponds;
- in connection with Work No.s 3A, 5, 6 and 7 the following additional works—
 - demolition/removal of temporary buildings, amenity buildings; hard-standing, parking areas; associated structures and plant; and associated post-operation phase work;
 - perimeter and internal fencing (including ecological fencing where necessary); pedestrian/footpath connections; and signage; secured entrances, gates and barriers;
- in connection with Work No.s 1J, 6, 7, 8, 9, 10 and 11 the following additional works—
 - alteration of layout of a street including widening the carriageway of a street, altering the level of any kerb footway, cycleway or verge within a street and surface treatments;
 - relocation and provision of street lighting;
 - works to place, alter, remove or maintain street furniture, transport infrastructure and apparatus, including the provision of temporary bus lay-bys;
 - relocation and provision of road traffic signs and markings; and
 - diversions or modifications (both temporary and permanent) of existing vehicle and pedestrian access routes (including footpaths and cycleways) and subsequent reinstatement of existing routes, and works to create permissive rights of way;
- works to trees, hedges and shrubs;
- habitat creation and management;
- permanent and temporary works for the benefit or protection of land or structures affected by the authorised development (including diversion or provision of utilities apparatus, private means of access and protective, survey and monitoring works to land, buildings and other structures);
- such other works as may be necessary for the purposes of or in connection with the construction, operation and maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects from those

assessed as set out in the Environmental Statement, except that this paragraph will not apply to Work No.s 3, 6 and 7 once the decommissioning or restoration of those Works has commenced.

SCHEDULE 2

APPROVED PLANS

Article 2

PART 1

ORDER LIMITS PLANS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1, 2, 3, 4, 12 and 16				
WN0902-HZDCO-RLB-DRG-00002	1.0	Wylfa Newydd Development Area, Order Limits, Sheet 1	1:2500	A0
WN0902-HZDCO-RLB-DRG-00003	1.0	Wylfa Newydd Development Area, Order Limits, Sheet 2	1:2500	A0
WN0902-HZDCO-RLB-DRG-00004	1.0	Wylfa Newydd Development Area, Order Limits, Sheet 3	1:2500	A0
WN0902-HZDCO-RLB-DRG-00005	1.0	Wylfa Newydd Development Area, Order Limits, Sheet 4	1:2500	A0
WN0902-HZDCO-RLB-DRG-00006	1.0	Wylfa Newydd Development Area, Order Limits, Sheet 5	1:2500	A0
A5025 Off-Line Highway Improvement Works – Work No.s 8, 9 and 11				
WN0902-HZDCO-RLB-DRG-00007	1.0	A5025 Off-line Highways Improvements, Section 1 - Valley, Order Limits	1:2500	A0
WN0902-HZDCO-RLB-DRG-00008	1.0	A5025 Off-line Highways Improvements, Section 3 - Llanfachraeth, Order Limits	1:2500	A0
WN0902-HZDCO-RLB-DRG-00011	1.0	A5025 Off-line Highways Improvements, Section 7 - Cefn Coch, Order Limits	1:2500	A0
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO-RLB-DRG-00012	1.0	Park and Ride - Dalar Hir, Order Limits	1:1250	A0
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO-RLB-DRG-00013	1.0	Logistics Centre - Parc Cybi, Order Limits	1:1250	A0
Ecological Compensation Sites – Work No.s 13, 14 and 15				
WN0902-HZDCO-RLB-DRG-00016	1.0	Ecological Compensation Site, Cors Gwawr, Order Limits	1:1250	A0
WN0902-HZDCO-RLB-DRG-00017	1.0	Ecological Compensation Site, Cae Canol-Dydd, Order Limits	1:1250	A0
WN0902-HZDCO-RLB-DRG-00018	1.0	Ecological Compensation Site, Ty Du, Order Limits	1:1250	A0
A5025 Off-Line Highway Improvement Works (Section 5 - Llanfaethlu) and Off-Site Power Station Facilities – Work No.s 5 and 10				
WN0902-HZDCO-RLB-DRG-00019	1.0	A5025 Off-line Highway Improvements, Section 5 and Off-Site Power, Station Facilities - Llanfaethlu, Order Limits	1:2500	A0

PART 2

WORK PLANS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1, 2, 3, 4, 12 and 16				
WN0902-HZDCO-WPN-DRG-00001	3.0	Wylfa Newydd Development Area, Works Plan, Sheet 1	1:2500	A0
WN0902-HZDCO-WPN-DRG-00002	3.0	Wylfa Newydd Development Area, Works Plan, Sheet 2	1:2500	A0
WN0902-HZDCO-WPN-DRG-00003	3.0	Wylfa Newydd Development Area, Works Plan, Sheet 3	1:2500	A0
WN0902-HZDCO-WPN-DRG-00004	3.0	Wylfa Newydd Development Area, Works Plan, Sheet 4	1:2500	A0
WN0902-HZDCO-WPN-DRG-00005	3.0	Wylfa Newydd Development Area, Works Plan, Sheet 5	1:2500	A0
A5025 Off-Line Highway Improvement Works – Work No.s 8, 9, 10 and 11				
WN0902-HZDCO-WPN-DRG-00006	3.0	A5025 Off-line Highway Improvements, Section 1 - Valley, Works Plan	1:1000	A0
WN0902-HZDCO-WPN-DRG-00007	3.0	A5025 Off-line Highway Improvements, Section 3 - Llanfachraeth, Works Plan	1:1250	A0
WN0902-HZDCO-WPN-DRG-00008	3.0	A5025 Off-line Highway Improvements, Section 5 - Llanfaethlu, Works Plan	1:1250	A0
WN0902-HZDCO-WPN-DRG-00010	3.0	A5025 Off-line Highway Improvements, Section 7 - Cefn Coch, Works Plan	1:1250	A0
Off-Site Power Station Facilities – Work No. 5				
WN0902-HZDCO-WPN-DRG-00009	3.0	Off-Site Power Station Facilities - Llanfaethlu, Works Plan	1:1250	A0
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO-WPN-DRG-00011	3.0	Park and Ride - Dalar Hir, Works Plan	1:1250	A0
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO-WPN-DRG-00012	3.0	Logistics Centre - Parc Cybi, Works Plan	1:1250	A0
Ecological Compensation Sites – Work No.s 13, 14 and 15				
WN0902- HZDCO-WPN-DRG-00018	3.0	Ecological Compensation Site, Cors Gwawr, Works Plan	1:1250	A0
WN0902- HZDCO-WPN-DRG-00019	3.0	Ecological Compensation Site, Cae Canol-Dydd, Works Plan	1:1250	A0
WN0902- HZDCO-WPN-DRG-00020	3.0	Ecological Compensation Site, Ty Du, Works Plan	1:1250	A0

PART 3

LAND PLANS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1, 2, 3, 4, 12 and 16				
WN0902-HZDCO-LPN-DRG-00002	5.0	Wylfa Newydd Development Area, Land Plan, Sheet 1	As shown	A0
WN0902-HZDCO-LPN-DRG-00003	5.0	Wylfa Newydd Development Area, Land Plan, Sheet 2	As shown	A0
WN0902-HZDCO-LPN-DRG-00004	5.0	Wylfa Newydd Development Area, Land Plan, Sheet 3	1:2500	A0
WN0902-HZDCO-LPN-DRG-00005	5.0	Wylfa Newydd Development Area, Land Plan, Sheet 4	As shown	A0
WN0902-HZDCO-LPN-DRG-00006	5.0	Wylfa Newydd Development Area, Land Plan, Sheet 5	1:2500	A0
A5025 Off-Line Highway Improvement Works – Work No.s 8, 9 and 11				
WN0902-HZDCO-LPN-DRG-00007	5.0	A5025 Off-line Highway Improvements, Section 1 - Valley, Land Plan	As shown	A0
WN0902-HZDCO-LPN-DRG-00008	5.0	A5025 Off-line Highway Improvements, Section 3 - Llanfachraeth, Land Plan	As shown	A0
WN0902-HZDCO-LPN-DRG-00011	5.0	A5025 Off-line Highway Improvements, Section 7 - Cefn Coch, Land Plan	As shown	A0
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO-LPN-DRG-00012	5.0	Park and Ride – Dalar Hir, Land Plan	As shown	A0
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO-LPN-DRG-00013	5.0	Logistics Centre – Parc Cybi, Land Plan	As shown	A0
Crown and Special Category Land				
WN0902-HZDCO-LPN-DRG-00014	5.0	Wylfa Newydd Development Area, Crown Land Plan	1:2500	A0
WN0902-HZDCO-LPN-DRG-00015	5.0	Wylfa Newydd Development Area, Special Category Land Plan	1:2500	A0
Ecological Compensation Sites – Works No.s 13, 14 and 15				
WN0902-HZDCO-LPN-DRG-00016	5.0	Ecological Compensation Site, Cors Gwawr, Land Plan	1:1250	A0
WN0902-HZDCO-LPN-DRG-00017	5.0	Ecological Compensation Site, Cae Canol-Dydd, Land Plan	1:1250	A0
WN0902-HZDCO-LPN-DRG-00018	5.0	Ecological Compensation Site, Ty Du, Land Plan	1:1250	A0
A5025 Off-Line Highway Improvement Works (Section 5 - Llanfaethlu) and Off-Site Power Station Facilities – Work No.s 5 and 10				
WN0902-HZDCO-LPN-DRG-00019	5.0	A5025 Off-line Highway Improvements, Section 5 and Off-Site Power, Station Facilities - Llanfaethlu, Land Plan	As shown	A0

PART 4

PARAMETER PLANS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1 and 3				
WN0902-HZDCO-MSP-DRG-00002	4.0	Wylfa Newydd Development Area, Power Station Site, Parameter Plan	1:2500	A1
WN0902-HZDCO-MSP-DRG-00008	4.0	Wylfa Newydd Development Area, Power Station Site, Construction Parameter Plan	1:5000	A0
WN0902-HZDCO-SCA-DRG-00001	2.0	Wylfa Newydd Development Area, Site Campus, Parameter Plan	1:1250	A1
WN0902-HZDCO-MRN-DRG-00001	1.0	Wylfa Newydd Development Area, Marine Works, Parameter Plan, Permanent Works	1:2000	A1
WN0902-HZDCO-MRN-DRG-00002	1.0	Wylfa Newydd Development Area, Marine Works, Parameter Plan, Temporary Works	1:2000	A1
WN0902-HZDCO-MRN-DRG-00003	1.0	Wylfa Newydd Development Area, Marine Works, Parameter Plan, Dredging	1:2000	A1
Off-Site Power Station Facilities – Work No. 5				
WN0902-HZDCO-ADV-DRG-00001	1.0	Off-Site Power Station Facilities, - Llanfaethlu, Parameter Plan	1:500	A1
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO-ADV-DRG-00032	4.0	Park and Ride – Dalar Hir, Parameter Plan	As shown	A1
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO-ADV-DRG-00014	2.0	Logistics Centre - Parc Cybi, Parameter Plan	1:500	A1

PART 5

RIGHTS OF WAY PLANS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1, 2, 3, 4, 12 and 16				
WN0902-HZDCO-ROW-DRG-00014	4.0	Wylfa Newydd Development Area, Rights of Way, Extinguishment and Stopping Up, For Construction - Sheet 1	1:2500	A0
WN0902-HZDCO-ROW-DRG-00015	4.0	Wylfa Newydd Development Area, Rights of Way, Extinguishment and Stopping Up, For Construction - Sheet 2	1:2500	A0
WN0902-HZDCO-ROW-DRG-00016	4.0	Wylfa Newydd Development Area, Rights of Way, Extinguishment and Stopping Up, For Construction - Sheet 3	1:2500	A0
WN0902-HZDCO-ROW-DRG-00017	4.0	Wylfa Newydd Development Area, Rights of Way, Extinguishment and Stopping Up, For Construction - Sheet 4	1:2500	A0
WN0902-HZDCO-ROW-DRG-00018	4.0	Wylfa Newydd Development Area, Rights of Way, Extinguishment and Stopping Up, For Construction - Sheet 5	1:2500	A0
WN0902-HZDCO-ROW-DRG-00019	4.0	Wylfa Newydd Development Area, Rights of Way, During Construction - Sheet 1	1:2500	A0
WN0902-HZDCO-ROW-DRG-00020	4.0	Wylfa Newydd Development Area, Rights of Way, During Construction - Sheet 2	1:2500	A0
WN0902-HZDCO-ROW-DRG-00021	4.0	Wylfa Newydd Development Area, Rights of Way, During Construction - Sheet 3	1:2500	A0
WN0902-HZDCO-ROW-DRG-00022	4.0	Wylfa Newydd Development Area, Rights of Way, During Construction - Sheet 4	1:2500	A0
WN0902-HZDCO-ROW-DRG-00023	4.0	Wylfa Newydd Development Area, Rights of Way, During Construction - Sheet 5	1:2500	A0
Wylfa Newydd Development Area (Power Station Access Junction) – Work No. 1J				
WN0902-HZDCO-ROW-DRG-00030	4.0	A5025 Off-line Highway Improvements, Section 9 Power Station Access Road Junction (Work No. 1J), Rights of Way	1:1000	A1
A5025 Off-Line Highway Improvement Works (Section 1 – Valley) – Work No.s 8, 9, 10 and 11				
WN0902-HZDCO-ROW-DRG-00007	4.0	A5025 Off-line Highway Improvements, Section 1 - Valley, Rights of Way	As shown	A1
WN0902-HZDCO-ROW-DRG-00008	4.0	A5025 Off-line Highway Improvements, Section 3 - Llanfachraeth, Rights of Way, Sheet 1	1:2500	A1
WN0902-HZDCO-ROW-DRG-00009	4.0	A5025 Off-line Highway Improvements, Section 3 - Llanfachraeth, Rights of Way, Sheet 2	As shown	A1
WN0902-HZDCO-ROW-DRG-00011	4.0	A5025 Off-line Highway Improvements, Section 5 - Llanfaethlu, Rights of Way	As shown	A1
WN0902-HZDCO-ROW-DRG-00029	4.0	A5025 Off-line Highway Improvements, Section 7 - Cefn Coch, Rights of Way	As shown	A1
Off-Site Power Station Facilities – Work No. 5				
WN0902-HZDCO-ROW-DRG-00010	4.0	Off-Site Power Station Facilities, Rights of Way	1:500	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO- ROW-DRG-00012	4.0	Park and Ride - Dalar Hir, Rights of Way	As shown	A0
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO- ROW-DRG-00013	4.0	Logistics Centre - Parc Cybi, Rights of Way	1:1000	A1
Ecological Compensation Sites – Work No.s 13, 14 and 15				
WN0902-HZDCO- ROW-DRG-00031	4.0	Ecological Compensation Site, Cors Gwawr, Rights of Way, Stopped Up or Diverted	1:1250	A0
WN0902-HZDCO- ROW-DRG-00032	4.0	Ecological Compensation Site, Cae Canol Dydd, Rights of Way, Stopped Up or Diverted	1:1250	A0
WN0902HZDCO- ROW-DRG-00033	4.0	Ecological Compensation Site, Ty Du, Rights of Way, Stopped Up or Diverted	1:1250	A0

PART 6

DETAILED DESIGN DRAWINGS

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
Wylfa Newydd Development Area – Work No.s 1, 2, 3 and 4				
WN0902-HZDCO-LFM-DRG-00031	4.0	Wylfa Newydd Development Area, Landscaping Retention Plan, Sheet 1	As shown	A0
WN0902-HZDCO-LFM-DRG-00032	4.0	Wylfa Newydd Development Area, Landscaping Retention Plan, Sheet 2	1:2500	A0
WN0902-HZDCO-LFM-DRG-00033	4.0	Wylfa Newydd Development Area, Landscaping Retention Plan, Sheet 3	1:2500	A0
WN0902-HZDCO-LFM-DRG-00034	4.0	Wylfa Newydd Development Area, Landscaping Retention Plan, Sheet 4	1:2500	A0
WN0902-HZDCO-LFM-DRG-00035	4.0	Wylfa Newydd Development Area, Landscaping Retention Plan, Sheet 5	1:2500	A0
WN0902-HZDCO-LFM-DRG-00037	4.0	Wylfa Newydd Development Area, Important Hedgerow Removal, Sheet 1	As shown	A0
WN0902-HZDCO-LFM-DRG-00038	4.0	Wylfa Newydd Development Area, Important Hedgerow Removal, Sheet 2	1:2500	A0
WN0902-HZDCO-LFM-DRG-00039	4.0	Wylfa Newydd Development Area, Important Hedgerow Removal, Sheet 3	1:2500	A0
WN0902-HZDCO-LFM-DRG-00040	4.0	Wylfa Newydd Development Area, Important Hedgerow Removal, Sheet 4	1:2500	A0
WN0902-HZDCO-LFM-DRG-00041	4.0	Wylfa Newydd Development Area, Important Hedgerow Removal, Sheet 5	1:2500	A0
Wylfa Newydd Development Area (Power Station Access Junction) – Work No. 1J				
WN0902-HZDCO-OHW-DRG-00063	4.0	A5025 Off-line Highway Improvements Section 9 – Power Station Access Road Junction (Work No. 1J), Proposed General Arrangement	As Shown	A1
WN0902-HZDCO-OHW-DRG-00064	4.0	A5025 Off-line Highway Improvements Section 9 - Power Station Access Road Junction (Work No. 1J), Proposed Site Clearance Plan	1:1000	A1
WN0902-HZDCO-OHW-DRG-00065	4.0	A5025 Off-line Highway Improvements Section 9 - Power Station Access Road Junction (Work No. 1J), Proposed Drainage Plan	As Shown	A1
WN0902-HZDCO-OHW-DRG-00066	4.0	A5025 Off-line Highway Improvements Section 9 - Power Station Access Road Junction (Work No. 1J), Proposed Cross Section 9A-A & 9B-B	1:100	A1
WN0902-HZDCO-OHW-DRG-00067	4.0	A5025 Off-line Highway Improvements Section 9 - Power Station Access Road Junction (Work No. 1J), Proposed Cross Section 9C-C	1:100	A1
Parc Cybi Logistics Centre – Work No. 7				
WN0902-HZDCO-ADV-DRG-00016	2.0	Logistics Centre - Parc Cybi, General Arrangement and Finished Levels	As Shown	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
WN0902-HZDCO-ADV-DRG-00017	2.0	Logistics Centre - Parc Cybi, Proposed Highways General Arrangement Plan	As Shown	A1
WN0902-HZDCO-ADV-DRG-00019	2.0	Logistics Centre - Parc Cybi, Proposed Surface Water and Foul Water Drainage Plan	1:500	A1
WN0902-HZDCO-ADV-DRG-00020	2.0	Logistics Centre - Parc Cybi, Site Utilities and Proposed Connections to Existing Statutory Undertakers	1:500	A1
WN0902-HZDCO-ADV-DRG-00022	2.0	Logistics Centre - Parc Cybi, Existing and Proposed Site Cross Sections	1:500	A1
WN0902-HZDCO-ADV-DRG-00023	2.0	Logistics Centre - Parc Cybi - Office/Welfare Building, Plans and Sections	1:100	A1
WN0902-HZDCO-ADV-DRG-00024	2.0	Logistics Centre - Parc Cybi – Office/Welfare Building, Elevations	1:100	A1
WN0902-HZDCO-ADV-DRG-00025	2.0	Logistics Centre - Parc Cybi - Miscellaneous Buildings and Structures, Plans and Elevations	As shown	A1
WN0902-HZDCO-ADV-DRG-00029	2.0	Logistics Centre - Parc Cybi, Clearance and Demolition Plan	1:500	A1
Dalar Hir Park and Ride Facility – Work No. 6				
WN0902-HZDCO-ADV-DRG-00033	4.0	Park and Ride - Dalar Hir, Site Layout Plan	As shown	A1
WN0902-HZDCO-ADV-DRG-00034	4.0	Park and Ride - Dalar Hir, Clearance and Demolition Plan	1:1250	A1
WN0902-HZDCO-ADV-DRG-00035	4.0	Park and Ride - Dalar Hir, Proposed Landscape Masterplan and Finished Levels	1:1250	A1
WN0902-HZDCO-ADV-DRG-00036	4.0	Park and Ride - Dalar Hir, Proposed Highways General Arrangement Plan	1:1250	A1
WN0902-HZDCO-ADV-DRG-00038	4.0	Park and Ride - Dalar Hir, Proposed Surface Water and Foul Water Drainage Plan	1:1250	A0
WN0902-HZDCO-ADV-DRG-00039	4.0	Park and Ride - Dalar Hir, Site Utilities and Proposed Connections to Existing Statutory Undertakers	1:1250	A1
WN0902-HZDCO-ADV-DRG-00040	4.0	Park and Ride - Dalar Hir, Proposed Restoration Plan Post Operation	1:1250	A1
WN0902-HZDCO-ADV-DRG-00041	4.0	Park and Ride - Dalar Hir, Existing and Proposed Site Cross Sections, Sheet 1	1:500	A1
WN0902-HZDCO-ADV-DRG-00042	4.0	Park and Ride - Dalar Hir, Existing and Proposed Site Cross Sections, Sheet 2	1:500	A1
WN0902-HZDCO-ADV-DRG-00043	4.0	Park and Ride - Dalar Hir, Existing and Proposed Site Cross Sections, Sheet 3	1:500	A1
WN0902-HZDCO-ADV-DRG-00044	4.0	Park and Ride - Dalar Hir, Bus Transport Facility Building, Plans and Sections	1:100	A1
WN0902-HZDCO-ADV-DRG-00045	4.0	Park and Ride - Dalar Hir - Bus Transport Facility Building, Elevations	1:100	A1
WN0902-HZDCO-ADV-DRG-00046	4.0	Park and Ride - Dalar Hir, Bus Shelters, Roof Plan and Elevations	1:100	A1
WN0902-HZDCO-ADV-DRG-00047	4.0	Park and Ride - Dalar Hir, Miscellaneous Buildings and Structures	As shown	A1
A5025 Off-Line Highway Improvement Works (Section 1 – Valley) – Work No. 8				
WN0902-HZDCO-OHW-DRG-00002	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed General Arrangement Plan (Sheet 1)	As shown	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
WN0902-HZDCO-OHW-DRG-00003	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed General Arrangement Plan (Sheet 2)	As shown	A1
WN0902-HZDCO-OHW-DRG-00004	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed Site Clearance Plan	1:2000	A1
WN0902-HZDCO-OHW-DRG-00005	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed Drainage Plan, Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00006	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed Drainage Plan, Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00008	1.0	A5025 Off-line Highway Improvements Section 1 - Valley, Proposed Cross Sections 1A-A and 1B-B	1:100	A1
A5025 Off-Line Highway Improvement Works (Section 3 – Llanfachraeth) – Work No. 9				
WN0902-HZDCO-OHW-DRG-00013	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed General Arrangement Plan (Sheet 1)	As shown	A1
WN0902-HZDCO-OHW-DRG-00014	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed General Arrangement Plan (Sheet 2)	As shown	A1
WN0902-HZDCO-OHW-DRG-00015	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed General Arrangement Plan (Sheet 3)	As shown	A1
WN0902-HZDCO-OHW-DRG-00016	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed General Arrangements Plan (Sheet 4)	As shown	A1
WN0902-HZDCO-OHW-DRG-00017	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Site Clearance Plan, Sheet 1	1:1000	A1
WN0902-HZDCO-OHW-DRG-00018	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Site Clearance Plan, Sheet 2	1:1000	A1
WN0902-HZDCO-OHW-DRG-00019	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Site Clearance Plan, Sheet 3	1:1000	A1
WN0902-HZDCO-OHW-DRG-00020	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Site Clearance Plan, Sheet 4	1:1000	A1
WN0902-HZDCO-OHW-DRG-00021	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Drainage Plan, Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00022	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Drainage Plan, Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00023	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Drainage Plan, Sheet 3	As shown	A1
WN0902-HZDCO-OHW-DRG-00024	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Drainage Plan, Sheet 4	As shown	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
WN0902-HZDCO-OHW-DRG-00026	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Cross Section 3A-A & 3B-B	1:200	A1
WN0902-HZDCO-OHW-DRG-00027	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Cross Section 3C-C & 3D-D	1:200	A1
WN0902-HZDCO-OHW-DRG-00028	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Cross Section 3E-E & 3F-F	1:200	A1
WN0902-HZDCO-OHW-DRG-00029	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Cross Section 3G-G and 3H-H	1:200	A1
WN0902-HZDCO-OHW-DRG-00030	1.0	A5025 Off-line Highway Improvements Section 3 - Llanfachraeth, Proposed Cross Section 3I-I	1:100	A1
A5025 Off-Line Highway Improvement Works (Section 5 – Llanfaethlu) – Work No. 10				
WN0902-HZDCO-OHW-DRG-00037	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed General Arrangement Plan - Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00038	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed General Arrangement Plan - Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00039	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Site Clearance Plan, Sheet 1	1:1000	A1
WN0902-HZDCO-OHW-DRG-00040	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Site Clearance Plan, Sheet 2	1:1000	A1
WN0902-HZDCO-OHW-DRG-00041	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Drainage Plan, Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00042	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Drainage Plan, Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00044	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Cross Section 5A-A and 5B-B	1:200	A1
WN0902-HZDCO-OHW-DRG-00045	1.0	A5025 Off-line Highway Improvements Section 5 - Llanfaethlu, Proposed Cross Section 5C-C and 5D-D	1:200	A1
A5025 Off-Line Highway Improvement Works (Section 7 – Cefn Coch) – Work No. 11				
WN0902-HZDCO-OHW-DRG-00049	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed General Arrangement, Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00050	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed General Arrangement, Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00051	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed General Arrangement, Sheet 3	As shown	A1
WN0902-HZDCO-OHW-DRG-00052	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Site Clearance Plan, Sheet 1	1:1000	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
WN0902-HZDCO-OHW-DRG-00053	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Site Clearance Plan, Sheet 2	1:1000	A1
WN0902-HZDCO-OHW-DRG-00054	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Drainage Plan, Sheet 1	As shown	A1
WN0902-HZDCO-OHW-DRG-00055	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Drainage Plan, Sheet 2	As shown	A1
WN0902-HZDCO-OHW-DRG-00056	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Drainage Plan, Sheet 3	As shown	A1
WN0902-HZDCO-OHW-DRG-00058	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Cross Section 7A-A & 7B-B	1:200	A1
WN0902-HZDCO-OHW-DRG-00059	1.0	A5025 Off-line Highway Improvements Section 7 - Cefn Coch, Proposed Cross Section 7C-C	1:200	A1
Site Preparation and Clearance – Work No. 12				
WN0902-HZDCO-SPC1-DRG-00001	1.0	Site Preparation and Clearance Works, Proposed Site Plan Work No. 12 (Site Preparation and Clearance Works)	1:5000	A0
WN0902-HZDCO-SPC1-DRG-00002	1.0	Site Preparation and Clearance Works, Proposed Main Site Compound Layout (Phase A)	1:500	A1
WN0902-HZDCO-SPC1-DRG-00004	1.0	Site Preparation and Clearance Works, Proposed Existing Power Station Road Crossing (Phase F)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00005	1.0	Site Preparation and Clearance Works, Proposed Cemlyn Road Crossing (Phase F)	1:500	A1
WN0902-HZDCO-SPC1-DRG-00006	1.0	Site Preparation and Clearance Works, Proposed Site Plan (Phase G)	1:5000	A0
WN0902-HZDCO-SPC1-DRG-00007	1.0	Site Preparation and Clearance Works, Remediation Processing Compound Layout (Phase G)	As shown	A1
WN0902-HZDCO-SPC1-DRG-00009	1.0	Site Preparation and Clearance Works, Proposed Compound 1 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00010	1.0	Site Preparation and Clearance Works, Proposed Compound 2 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00011	1.0	Site Preparation and Clearance Works, Proposed Compound 3 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00012	1.0	Site Preparation and Clearance Works, Proposed Compound 4 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00013	1.0	Site Preparation and Clearance Works, Proposed Compound 5 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00014	1.0	Site Preparation and Clearance Works, Proposed Compound 6 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00015	1.0	Site Preparation and Clearance Works, Proposed Compound 7 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00016	1.0	Site Preparation and Clearance Works, Proposed Compound 8 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00017	1.0	Site Preparation and Clearance Works, Proposed Compound 9 Layout (Phase E)	1:200	A1

<i>Drawing Number</i>	<i>Rev</i>	<i>Drawing Title</i>	<i>Scale</i>	<i>Paper size</i>
WN0902-HZDCO-SPC1-DRG-00018	1.0	Site Preparation and Clearance Works, Proposed Compound 10 Layout (Phase E)	1:200	A1
WN0902-HZDCO-SPC1-DRG-00019	1.0	Site Preparation and Clearance Works, Proposed Site Plan (Phase B)	1:5000	A0
WN0902-HZDCO-SPC1-DRG-00022	1.0	Site Preparation and Clearance Works, Proposed Indicative Site Plan (Phase C)	1:5000	A0
WN0903-HZDCO-SPC1-DRG-00023	1.0	Site Preparation and Clearance Works, Proposed Temporary Construction Fencing	1:25	A3
WN0902-HZDCO-SPC1-DRG-00024	1.0	Site Preparation and Clearance Works, Proposed CPNI Fencing (Centre for Protection of National Infrastructure)	1:25	A3
WN0902-HZDCO-SPC1-DRG-00025	1.0	Site Preparation and Clearance Works, Proposed 0.9m High Temporary Internal Boundary Fencing, Elevation And Section	1:50	A3
WN0903-HZDCO-SPC1-DRG-00026	1.0	Site Preparation and Clearance Works, Miscellaneous Buildings and Structures, Elevations	As shown	A3
WN0902-HZDCO-SPC1-DRG-00028	1.0	Site Preparation and Clearance Works, Tree and Hedgerow Removal Plan, Sheet 1	As shown	A1
WN0902-HZDCO-SPC1-DRG-00029	1.0	Site Preparation and Clearance Works, Tree and Hedgerow Removal Plan, Sheet 2	As shown	A1
WN0902-HZDCO-SPC1-DRG-00030	1.0	Site Preparation and Clearance Works, Tree and Hedgerow Removal/Retention Plan, Sheet 3	As shown	A1
WN0902-HZDCO-SPC1-DRG-00031	1.0	Site Preparation and Clearance Works, Tree and Hedgerow Removal Plan, Sheet 4	1:2500	A1
Work No. 16 – Diversion Works				
WN0902-HZDCO-SPC1-DRG-00021	1.0	Proposed Afon Cafnan Tributary Diversion Plan and Section (Phase D)	As shown	A1
Wylfa Newydd Development Area Access Road				
WN0902-HZDCO-LFM-DRG-00042	1.0	Access Road Plan	1:5000	A1

SCHEDULE 3

REQUIREMENTS

Article 3

Interpretation

1.—(1) In addition to article 2 (Interpretation), the terms in this Schedule have the following meanings, unless the context provides otherwise—

“A5025 Off-Line Highway Improvements” means Work No.s 8-11 and any other associated development related to such works described in Schedule 1 (Authorised development) of this Order and any other Works authorised by this Order, and reference to any part of the A5025 Off-Line Highway Improvements is reference to any one of the Works comprising the A5025 Off-Line Highway Improvements;

“A5025 Off-Line Highway Improvements Archaeological Mitigation Scheme” means the scheme for archaeological investigations within the Order Limits of the A5025 Off-Line Highway Improvements to be submitted for approval under Requirement OH1 and Schedule 4 (Control documents and schemes) of this Order;

“A5025 Off-Line Highway Improvements Construction Lighting Scheme” means the lighting scheme for the construction of the A5025 Off-Line Highway Improvements to be submitted for approval under Requirement OH1 and Schedule 4 of this Order;

“Abnormal Indivisible Loads Management Scheme” means the scheme to be submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“Base” means the base of the breakwater measured at the interface with the finished seabed;

“Cadw” means the Welsh Government’s historic environment service;

“Community Safety Management Scheme” means scheme submitted for approval under Requirement PW7 and Schedule 4 of this Order;

“Crest” means the nominal level top of the breakwater;

“Digital Infrastructure Plan” means plan relating to broadband and mobile capacity prepared under Requirement PW11 and Schedule 4 of this Order;

“Ecological Compensation Site Works” means Work No.s 13-15 and any other authorised development related to such works described in Schedule 1 of this Order and any other Works authorised by this Order, and reference to any “Ecological Compensation Site” is a reference to any one of the Works comprising the Ecological Compensation Site Works;

“ECoW” means the ecological clerk of works;

“ESL Building” means the environmental survey laboratory building which forms part of the Off-Site Power Station Facilities as described in Schedule 1;

“European Protected Species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017(a);

“Existing Power Station” means the existing Magnox nuclear power station at Wylfa;

“Great Crested Newt Receptor Site” means a zone within the Cae Gwyn SSSI adjacent to the WNDA (as shown on Figure D9-4 of the Environmental Statement);

“Grid Connection” means Work No. 4 and any other authorised development related to such works described in Schedule 1 of this Order and any other Works authorised by this Order;

“HGV” means heavy goods vehicle;

“Holyhead North” means an offshore disposal site (IS043) located west of Holy Island, Anglesey, approximately 18km from the Marine Works at Porth-y-Pistyll, Anglesey;

(a) S.I. 2017/1012.

“HV” means high voltage;

“Key Mitigation” means the Park and Ride Facility, Logistics Centre, A5025 Off-Line Highway Improvements, Marine Off-Loading Facility, Ecological Compensation Sites, Site Campus and landscape mounds within the WNDA;

“Llanfachraeth Water Vole Enhancement Area” means the area between the Afon Alaw and its southern side channel;

“Local Provenance” means plants that are grown from seed collected from healthy plants growing near to and in similar environmental conditions as the planting at the site, which gives new plants the best chance of survival;

“Logistics Centre” means Work No. 7 described in Schedule 1 of this Order and any other Works authorised by this Order or, as the case may require, any part of those works;

“Logistics Centre Archaeological Mitigation Scheme” means the scheme for archaeological investigations within the Order Limits of the Logistics Centre to be submitted for approval under Requirement LC1 and Schedule 4 of this Order;

“Logistics Centre Lighting Scheme” means the lighting scheme for the construction and operation of the Logistics Centre to be submitted for approval under Requirement LC1 and Schedule 4 of this Order;

“Magnox” means Magnox Limited (Company No. 2264251);

“marine works consultee” means either or both IACC and NRW, where IACC should be consulted in respect of any Marine Work Requirements relating to land seaward of the MHWS, and NRW should be consulted in respect of any Marine Work Requirements relating to land above the MHWS;

“Marine Works Requirement” means Requirements WN28 to WN32;

“MEEG/AECC Building” means the mobile emergency equipment garage and alternative emergency control centre building which forms part of the Off-Site Power Station Facilities as described in Schedule 1;

“MUGA” means multi-use games area which forms part of the Site Campus;

“Notable Wildlife” Enhancement Area” means the 15 hectares of land at Pen Carreg, within the western part of the Order Limits for the WNDA (as shown on Figure D9-9 of the Environmental Statement);

“North Anglesey” means the area identified as Anglesey North on Figure C1-2 of the Environmental Statement;

“Off-Site Power Station Facilities” means Work No. 5 and any other associated development related to such work described in Schedule 1 (Authorised development) of this Order and any other Works authorised by this Order or, as the case may require, any part of those works;

“Off-Site Power Station Facilities Archaeological Mitigation Scheme” means the scheme for archaeological investigations within the Order Limits of the Off-Site Power Station Facilities to be submitted for approval under Requirement OPSF1 and Schedule 4 of this Order;

“Off-Site Power Station Facilities Construction Lighting Scheme” means the lighting scheme for the construction of the Off-Site Power Station Facilities to be submitted for approval under Requirement OPSF1 and Schedule 4 of this Order;

“Off-Site Power Station Facilities Operational Lighting Scheme” means the lighting scheme for the operation of the Off-Site Power Station Facilities to be submitted for approval under Requirement WN13 and Schedule 4 of this Order;

“Park and Ride Archaeological Mitigation Scheme” means the scheme for archaeological investigations within the Order Limits of the Park and Ride facility to be submitted for approval under Requirement PR1 and Schedule 4 of this Order;

“Park and Ride facility” means Work No. 6 and any other associated development related to such work described in Schedule 1 of this Order and any other Works authorised by this Order;

“Park and Ride Lighting Scheme” means the lighting scheme for the construction and operation of the Park and Ride facility to be submitted for approval under Requirement PR1 and Schedule 4 of this Order;

“Parking Phasing Scheme” means the scheme for the provision of parking during the construction of the authorised development to be submitted for approval under Requirement PW7 and Schedule 4 of this Order;

“platform” means any area of level surface;

“Power Station” means Work No.s 1-4 as described in Schedule 1 of this Order;

“Power Station Works” means Work No.s 1A-D, 1I-O, 2, 4 and 16 described in Schedule 1 of this Order and any other Works authorised by this Order or, as the case may require, any part of those works, and reference to any part of the Power Station Works is reference to any one of the Power Station Works;

“Protest Management Scheme” means the scheme to be submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“Reptile Receptor Site” means the 5 hectares of land at Mynydd Ithel, within the south west of the Order Limits at the WNDA (as shown on Figure D9-8 of the Environmental Statement);

“site access arrangements” means the new junction comprising of two-lane entrance and single lane bus exit road for the Park and Ride facility from the existing A55-A5 junction northern roundabout (Junction 4) at the western tip of the Park and Ride facility;

“Site Campus” means Work No. 3A and any other associated development related to such work described in Schedule 1 of this Order and any other Works authorised by this Order or, as the case may require, any part of those works, and reference to “Site Campus site” means the area within the Works Area for Work No. 3A as shown on the Work Plans;

“Site Campus Access Road” means Work No. 3B and any other associated development related to such work described in Schedule 1 of this Order and any other Works authorised by this Order or, as the case may require, any part of those works;

“Site Campus Works” means Work No.s 3A and 3B and any other associated development related to such works described in Schedule 1 of this Order and any other Works authorised by this Order or, as the case may require, any part of those works;

“SSSI” means site of special scientific interest;

“Tern Compensation Sites” means any of the identified sites at: Dulas Bay; Glan y Môr; Morfa Madryn; Abermenai Point; or ‘Tern Island’ (Inland Sea); or any other site which forms a suitable compensation site for one or more of breeding Sandwich tern, common tern or Arctic tern;

“Tern Compensation Strategy” means the strategy included in Section 1 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;

“Traffic Incident Management Scheme” means scheme submitted for approval under Requirement PW7 and Schedule 4 of this Order;

“Tre’r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme” means the scheme submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“Unit 1” or “Unit 2” means one of the twin unit nuclear reactors described in Work No. 1A of Schedule 1 of this Order and reference to “Unit” is to be construed as either unit;

“Unit 1 Commissioning Date” means the date on which first nuclear fuel assembly enters Unit 1;

“Unit 2 Commissioning Date” means the date on which first nuclear fuel assembly enters Unit 2;

“Valley Water Vole Enhancement Area” means the area to the north-west of Work No. 8;

“Wild Birds” has the same meaning as under the Wildlife and Countryside Act 1981(a);

“WNSA” means the area identified as the Wylfa Newydd Development Area Order Limits on WN0902-HZDCO-RLB-DRG-00002, WN0902-HZDCO-RLB-DRG-00003, WN0902-HZDCO-RLB-DRG-00004, WN0902-HZDCO-RLB-DRG-00005 and WN0902-HZDCO-RLB-DRG-00006 in Schedule 2 (Approved Plans);

“WNSA Archaeological Mitigation Scheme” means the scheme for archaeological investigations within the WNSA to be submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“WNSA Operational Lighting Scheme” means the scheme for operational lighting within the WNSA to be submitted for approval under Requirement WN13 and Schedule 4 of this Order;

“WNSA Overarching Construction Drainage Scheme” means the drainage scheme for the WNSA during construction to be submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“WNSA Overarching Construction Lighting Scheme” means the lighting scheme for the WNSA during construction to be submitted for approval under Requirement WN1 and Schedule 4 of this Order;

“Wylfa Newydd Code of Conduct” means the code of conduct prepared in accordance with the principles in the Workforce Management Strategy under Requirement PW8; and

“Wylfa Newydd Development Area Retention Plans” means the retention plans for the WNSA as listed in Schedule 2 of this Order comprising WN0902-HZDCO-LFM-DRG-00031, WN0902-HZDCO-LFM-DRG-00032, WN0902-HZDCO-LFM-DRG-00033, WN0902-HZDCO-LFM-DRG-00034 and WN0902-HZDCO-LFM-DRG-00035.

(2) Where, under any of the Requirements, the approval or agreement of the discharging authority or another person is required—

- (a) the matter which requires approval or agreement must be submitted in writing for such approval or agreement; and
- (b) the approval or agreement must be given in writing.

(3) Where any Requirement—

- (a) refers to a scheme, drawing, document or plan, that scheme, document or plan will be taken to be the version certified by the Secretary of State under article 76 (Certification of plans, etc.) of this Order or to any subsequent version of that scheme, drawing, document or plan approved by the discharging authority under a Requirement; or
- (b) provides that the authorised development is to be carried out in accordance with details, or a scheme, plan or other document approved by the discharging authority, the approved details, scheme, plan or other document must be taken to include any amendments or revisions subsequently approved by the discharging authority.

(4) Where an approval of details or other document is required under the terms of any Requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to minor or immaterial changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement and do not go beyond the maximum parameters assessed within the Environmental Statement.

(5) Where any Requirement identifies a parameter for a building or structure, that parameter identifies the envelope for that building or structure and does not include any external projections including telecommunications infrastructure (including aerials and satellites), access structures

(a) 1981 c.69.

and safety measures (including ladders and handrails), mechanical plant, utilities infrastructure (including solar panels), minor architectural features (including gutters and lighting), external surface level areas and associated compounds and storage areas.

(6) Unless otherwise provided in this Order, where a Requirement relates to a specific site or Works and it specifies “commencement of development”, it refers to the commencement of development on that site or in relation to those Works only.

(7) For the purposes of Requirement OH6, the parameters for viaducts, overbridges and underpasses are to be measured as follows—

- (a) In respect of viaducts and overbridges—
 - (i) length is to be measured as the inside horizontal dimension from abutment to abutment;
 - (ii) height is to be measured as the vertical dimension from existing ground level to the top of the highest part of the bridge structure; and
 - (iii) width is to be measured as the overall horizontal width of bridge at its midpoint.
- (b) In respect of underpasses—
 - (i) length is to be measured as the overall horizontal dimension of the underpass structure;
 - (ii) height is to be measured as the internal vertical height of the underpass; and
 - (iii) width is to be measured as the internal horizontal width of the underpass.

(8) Unless otherwise provided in this Order, all maximum and minimum heights are to be measured from above finished ground level.

(9) For the purposes of these Requirements the authorised development is divided up into the following sites or Works, as shown on Works Plans WN0902-HZDCO-DRG-00001 to WN0902-HZDCO-DRG-0020—

- (a) Project wide (“PW”);
- (b) Site preparation and clearance (“SPC”) (Work No. 12);
- (c) Works within the Wylfa Newydd Development Area (“WN”)—
 - (i) Power Station Works (Work No.s 1A-D, 1I-O, 4 and 16);
 - (ii) Site Campus (Work No. 3); and
 - (iii) Marine Works (Work No.s 1E-1H);
- (d) Off-Site Power Station Facilities (“OPSF”) (Work No. 5);
- (e) Park and Ride facility (“PR”) (Work No. 6);
- (f) Logistics Centre (“LC”) (Work No. 7);
- (g) A5025 Off-Line Highway Improvements (“OH”) (Work No.s 8-11); and
- (h) Ecological Compensation Site Works (“ECS”) (Work No.s 13-15).

(10) For the purposes of discharging Requirements in phases, the undertaker may—

- (a) submit a plan or plans to the discharging authority identifying a part or parts of any of the sites to which each phase or design relates; or
- (b) submit notices to the discharging authority in respect of individual or combined work packages.

Project-wide Requirements

2.—(1) Requirements PW1 to PW11 relate to the whole of the authorised development, except where otherwise indicated—

<i>(1) Ref</i>	<i>(2) Requirement</i>
PW1	Time limits for commencement of the authorised development The authorised development must commence within 6 years of the date on which this Order is made.
PW2	Phasing of the authorised development (1) The delivery of Key Mitigation must be in accordance with the Phasing Strategy, unless otherwise approved by IACC in consultation with the Welsh Ministers and NRW. (2) Written notice of the commencement and completion of the Key Mitigation identified in the Phasing Strategy must be given to IACC and NRW at least 10 working days in advance of the Key Mitigation being commenced or completed, as the case may be.
PW3	Construction Method Statement (1) The construction of the Power Station Works, Site Campus Works and Marine Works must be carried out in accordance with the phasing and construction methodologies set out in Construction Method Statement, unless otherwise approved by IACC in consultation with NRW. (2) The construction of Power Station Works, Site Campus Works, and Marine Works must be in general accordance with the Construction Method Statement to the extent that any departure from the timing and methodologies identified in the Construction Method Statement gives rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.
PW4	Notice of completion and operational use The undertaker must at least 10 working days in advance of the completion of any Work comprising the authorised development serve notice in writing to IACC as well as NRW (in respect of Marine Works), of the date of completion of construction and intended date of operation for that Work.
PW5	European Protected Species: pre-commencement surveys (1) No part of the authorised development may commence until pre-commencement surveys for that part have been carried out by or on behalf of the ECoW to establish whether any European Protected Species are present on any of the land affected, or are likely to be affected by that part of the authorised development or in any of the trees or shrubs to be lopped or felled as part of construction of that part.(2) Where a European Protected Species is shown to be present, construction of that part of the authorised development must not commence until, after consultation with NRW and IACC, the undertaker has obtained the necessary European Protected Species licence(s). (3) Any pre-commencement survey for European Protected Species undertaken in accordance with the Wylfa Newydd CoCP or relevant sub-CoCP will be deemed to be undertaken pursuant to this Requirement.
PW6	Protection of breeding Wild Birds (1) No on-site vegetation clearance works for any part of the authorised development may occur within the period of March to August (inclusive) of any year unless a pre-commencement survey for that part has been carried out by, or on behalf of, the ECoW to establish whether any nest, or habitat with the potential to support nesting birds (including ground nesting species), is present on any of the land affected, or likely to be present, within any part of the authorised development or in any of the trees or shrubs to be lopped or felled as part of clearance of that part. (2) Where any active nests are shown to be present, either through the pre-commencement survey under paragraph (1) or at any time when carrying out the authorised development— (a) clearance of that part of the authorised development must not commence or must cease (if already commenced) until a written scheme for the protection and mitigation measures for nesting birds has been submitted to and approved by IACC; (b) the written scheme submitted under sub-paragraph 2(a) must be prepared in consultation with the ECoW and provide that where nesting birds are identified,

(1) Ref	(2) Requirement
	relevant clearance works should cease within an appropriate distance of the nest until the birds have fledged and the nest is no longer in use; and (c) vegetation clearance works will be undertaken in accordance with the written scheme approved under sub-paragraph 2(a), unless otherwise agreed with IACC. (3) Where no active nests are shown to be present following pre-commencement surveys under paragraph (1), vegetation clearance and demolition works on that part of the authorised development may commence under supervision of the ECoW. (4) Any pre-commencement survey undertaken in accordance with the Wylfa Newydd CoCP or relevant sub-CoCP will be deemed to be undertaken pursuant to this Requirement.
PW7	Wylfa Newydd CoCP and schemes (1) The construction of the authorised development, and the operation of Work No.s 3, 6 and 7, must be carried out in accordance with the Wylfa Newydd CoCP, unless otherwise approved by the IACC in consultation with NRW. (2) Except for Work No. 12, prior to the commencement of the authorised development the following schemes must be submitted to and approved by IACC— (a) Community Safety Management Scheme; (b) Traffic Incident Management Scheme; and (c) Parking Phasing Scheme. (3) All schemes submitted under paragraph (2) must be prepared in accordance with the details identified in Part 1 of Schedule 4 (Control documents and schemes) of this Order. (4) No part of the authorised development may commence until the schemes submitted under paragraph (2) have been approved by IACC in consultation with the relevant consultee identified for that scheme in Part 1 of Schedule 4. (5) Construction of the authorised development must be in accordance with the schemes approved under paragraph (4), unless otherwise agreed by IACC in consultation with the consultee identified in Part 1 of Schedule 4.
PW8	Wylfa Newydd workforce behaviour (1) The undertaker must comply with the Workforce Management Strategy during the construction of the authorised development, unless otherwise approved by the IACC in consultation with North Wales Police. (2) Except for Work No. 12, no construction of the authorised development may commence until the undertaker has provided a copy of the Wylfa Newydd Code of Conduct to IACC and North Wales Police for information. (3) The Wylfa Newydd Code of Conduct provided under paragraph (2) must be prepared in accordance with the principles set out in the Workforce Management Strategy, and in consultation with IACC and North Wales Police, and implemented throughout the construction of the authorised development. (4) Any revisions to the Wylfa Newydd Code of Conduct must be submitted for information to IACC and North Wales Police at least 2 months in advance of such revisions taking effect and must be in accordance with the principles set out in the Workforce Management Strategy. (5) Where any revisions are submitted to IACC under paragraph (4), the revised Wylfa Newydd Code of Conduct must be implemented for the remainder of the construction period.

(1) Ref	(2) Requirement
PW9	Date of commissioning and cessation (1) The undertaker must notify IACC of the Unit 1 Commissioning Date and Unit 2 Commissioning Date and operational period of each Unit as soon as reasonably practicable and, in any event, within 5 working days after the occurrence of those dates. (2) The undertaker must notify IACC of the date the authorised development permanently ceases to generate power (either actively generating electricity or being available to generate electricity on a standby basis) as soon as reasonably practicable and, in any event, within 3 months after the occurrence of that date.
PW10	Wylfa Newydd decommissioning scheme (1) Within 24 months of the undertaker serving a notice under PW9 (2), unless otherwise agreed with IACC, a decommissioning scheme for the demolition and removal of Work No.s 1, 4 and 5 and associated restoration works must be submitted to IACC for approval. (2) The decommissioning scheme submitted under paragraph (1) must include but not be limited to specific controls relating to— (a) lighting and effects on sensitive receptors; (b) groundwater flooding (including preliminary monitoring for a 2 year period following decommissioning to identify any necessary mitigation measures); (c) landscaping and site restoration to the equivalent pre-construction land use (including provision for existing landscaping to remain in-situ and habitat enhancement and creation); (d) decommissioning buildings and structures (including treatment and management of hazardous substances or re-use in relation to Work No. 5); (e) appropriate site drainage and management (including retention and maintenance measures); (f) methods for long-term care and maintenance of the reactor buildings in accordance with applicable regulations; (g) monitoring including analysis of historical data of geomorphological receptors (i.e. Esgair Gemlyn); (h) restoration and maintenance of structures to remain within watercourse; (i) management of waste generated during decommissioning of the Power Station; (j) timeframes for decommissioning, removal and restoration works; and (k) any other matters necessary due to legislative and regulatory requirements. (3) No demolition, removal and restoration works for Work No.s 1, 4 and 5 may commence until the scheme submitted under paragraph (1) has been approved by IACC. (4) The scheme approved under paragraph (1) must be implemented for the duration of decommissioning works, unless otherwise approved by IACC. (5) The decommissioning scheme approved under paragraph (3) will not apply to the decommissioning of Work No.s 3, 6 and 7 which are subject to Requirements WN27, PR8 and LC8. (6) No decommissioning scheme is required in relation to Work No.s 2, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

<i>(1) Ref</i>	<i>(2) Requirement</i>
PW11	Digital Infrastructure Plan (1) Except for Work No. 12, prior to the commencement of the authorised development, the undertaker must carry out a technical assessment of availability and capacity of mobile and broadband networks across North Anglesey and provide the results of this assessment to the IACC, North Wales Police, North Wales Fire and Rescue Service, North Wales Ambulance Services NHS Trust and the Welsh Ministers. (2) Within 3 months of the completion of the assessment under paragraph (1), the undertaker must prepare, in consultation with IACC, and submit for information to IACC and the Welsh Ministers a Digital Infrastructure Plan which outlines the measures that the undertaker will implement to mitigate any impacts that the construction workforce of the authorised development will have on existing mobile and broadband availability and capacity across North Anglesey. (3) The plan provided under paragraph (2) must be implemented prior to occupation of the Site Campus and for the duration of construction of the authorised development. (4) Any revisions to the plan prepared under paragraph (2) must be submitted for information to IACC and the Welsh Ministers at least 1 month in advance of such revisions taking place and must ensure the ongoing provision of mobile and broadband availability and capacity across North Anglesey during construction of the authorised development. (5) Where any revisions are submitted to IACC and the Welsh Ministers under paragraph (4), the revised plan must be implemented for the remainder of the construction of the authorised development.

Site preparation and clearance – Work No. 12 (WNDA)

3.—(1) Unless otherwise indicated, requirements SPC1 to SPC13 only apply to Work No. 12 and where notice has been given pursuant to article 5 (Effect of the Order on the site preparation permission) of this Order that such works are being undertaken pursuant to this Order—

<i>(1) Ref</i>	<i>(2) Requirement</i>
SPC1	Detailed Design Drawings Subject to article 5(5), Work No. 12 must be carried in accordance with the approved Detailed Design Drawings relating to the Work No. 12 in Schedule 2 (Approved plans) of this Order, unless otherwise approved by IACC in consultation with NRW.
SPC2	Construction car parking Prior to commencement of Work No.12 45 parking spaces for use by construction workers shall be provided and available within the WNDA (including spaces allocated for disabled staff). The parking provided shall be made available for construction workers and shall be retained for the duration of the SPC works.
SPC3	Main Power Station Site sub-CoCP The construction of Work No. 12 must be carried out in accordance with the Wylfa Newydd CoCP and the Main Power Station Site sub-CoCP, unless otherwise approved by IACC in consultation with NRW. In the event of conflict between the Wylfa Newydd CoCP and Main Power Station Site sub-CoCP, the Main Power Station Site sub-CoCP will prevail.
SPC6	Demolition of alternative emergency control centre/district survey laboratory Demolition of the existing Magnox alternative emergency control centre and district survey laboratory must not commence until an operational, replacement alternative emergency control centre and district survey laboratory have been provided.
SPC7	Existing archaeological programme Where Work No. 12 is required on land subject to an existing and ongoing

<i>(1) Ref</i>	<i>(2) Requirement</i>
	archaeological programme, no works must commence until the archaeological works have been completed in accordance with the relevant written scheme of investigation.
SPC8	Archaeological written scheme of investigation (1) No development shall take place within the WNDA area until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by IACC in consultation with Cadw. (2) No demolition or development shall take place other than in accordance with the written scheme of investigation approved under paragraph (1), unless otherwise approved by IACC. (3) 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 paragraph 1 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
SPC9	Water treatment scheme (1) No construction of Work No. 12 may commence until a scheme for water treatment relating to the cess pool and holding tanks associated with welfare facilities at the Power Station Site compound and the remediation processing compound has been submitted to and approved by IACC in consultation with NRW. (2) Construction of Work No. 12 must be undertaken in accordance with the scheme approved under paragraph (1), unless otherwise agreed.
SPC11	No surface water to highway No surface water from hard surfaces approved as part of Work No. 12 may discharge onto the county highway.
SPC12	Access (1) The first 8 metres from the nearside edge of the county highway of each new access route must be completed with a bitumen/concrete surface, with its gradient not exceeding 1 in 20 for the first 8 metres. (2) Gates must be set back a distance of 8 metres from the nearside edge of the adjoining carriageway with the gates opening inwards.
SPC13	Restoration scheme (1) In the event that the undertaker elects not to continue with the construction of Work No. 12, the undertaker must, within 1 month of its decision, serve notice in writing to IACC of the date of cessation of construction. (2) Within 6 months of notice being served under paragraph (1), a restoration scheme must be submitted to IACC for approval in consultation with NRW. (3) The restoration scheme submitted under paragraph (2) must include a restoration code of construction practice which sets out the methods and strategies to be followed by the undertaker in undertaking the restoration of those parts of the WNDA affected by Work No. 12. (4) No restoration of those parts of the WNDA affected by Work No. 12 may commence until IACC has approved the scheme submitted under paragraph (2). (5) Restoration of those parts of the WNDA affected by Work No. 12 must be undertaken in accordance with the restoration scheme approved under paragraph (2) and completed within 12 months of approval, unless otherwise approved by IACC.

Power Station Works – Work No. 1A-D, 1I-O, 2, 4 and 16 (WNDA)

4.—(1) Except for Work No. 12 and where otherwise indicated, Requirements WN1 to WN19 relate to the Power Station Works—

<i>(1) Ref</i>	<i>(2) Requirement</i>
WN1	Main Power Station Site sub-CoCP and schemes (1) Except for Work No. 1J, the construction of the Power Station Works must be

(1) Ref	(2) Requirement
	carried out in accordance with the Wylfa Newydd CoCP and the Main Power Station Site sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and Main Power Station Site sub-CoCP, the Main Power Station Site sub-CoCP will prevail. (2) The construction of Work No. 1J must be carried out in accordance with the Wylfa Newydd CoCP and the A5025 Off-Line Highway Improvements sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and A5025 Off-Line Highway Improvements sub-CoCP, the A5025 Off-Line Highway Improvements sub-CoCP will prevail. (3) Prior to the commencement of the Power Station Works, Marine Works or Site Campus the following schemes must be submitted to and approved by IACC— (a) WNDA Archaeological Mitigation Scheme, including a written scheme of investigation; (b) Abnormal Indivisible Loads Management Scheme; (c) WNDA Overarching Construction Drainage Scheme; (d) Protest Management Scheme; (e) Tre'r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme; and (f) WNDA Overarching Construction Lighting Scheme. (g) 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 it opening for use for by the public. (4) All schemes submitted under paragraph (3) must be prepared in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes) of this Order. (5) No part of the Power Station Works, Marine Works or Site Campus Works may commence until the schemes submitted under paragraph (3) have been approved by IACC, in consultation with the relevant consultee identified for that scheme in Part 2 of Schedule 4. (6) Construction of the Power Station Works, Marine Works and Site Campus Works must be in accordance with the schemes approved under paragraph (5), unless otherwise agreed by IACC in consultation with the consultee identified for that scheme in Part 2 of Schedule 4.
WN2	Phased construction drainage plans (1) No phase of the Power Station Works may commence until a construction drainage plan for that phase has been submitted for information, to IACC and NRW. (2) Any plan submitted under paragraph (1) must be prepared in accordance with the WNDA Overarching Construction Drainage Scheme approved under Requirement WN1 and implemented throughout the construction of that specific phase. (3) Any revisions to a construction drainage plan for a phase submitted under paragraph (1) must be submitted for information to IACC at least 2 months in advance of such revisions taking effect and must be in accordance with the approved WNDA Overarching Construction Drainage Scheme.
WN3	Phased construction lighting plans (1) No phase of the Power Station Works may commence until a construction lighting plan for that phase has been submitted, for information, to IACC and NRW. (2) Any plan submitted under paragraph (1) must be prepared in accordance with the WNDA Overarching Construction Lighting Scheme approved under Requirement WN1 and implemented throughout the construction of that specific phase. (3) Any revisions to a construction phase lighting plan submitted under paragraph (1)

<i>(1) Ref</i>	<i>(2) Requirement</i>
	must be submitted for information to IACC at least 2 months in advance of such revisions taking effect and must be in accordance with the approved WNDA Overarching Construction Lighting Scheme.
WN4	Power Station Site Construction Parameter Plans The construction landforms, buildings and other structures identified in Tables WN4A, WN4B and WN4C must only be constructed within the relevant parameter zones shown on the Power Station Site Construction Parameter Plan (WN0902-HZDCO-MSP-DRG-00008) in Schedule 2 (Approved plans) of this Order, and with maximum dimensions no greater than those shown in those tables for that landform, building or other structure—

Table WN4A

<i>Parameter Zone</i>	<i>Construction landform (temporary mounds)</i>	
	<i>Maximum height (m AOD)</i>	<i>Maximum gradient</i>
Zone C1	45	1:2
Zone C3	50	1:1
Zone C6	40	1:3

Table WN4B

<i>Parameter Zone</i>	<i>Construction landform (temporary mounds)</i>	<i>Temporary construction buildings and facilities</i>	<i>Cranes</i>
	<i>Maximum height (m AOD)</i>	<i>Maximum height (m AOD)</i>	<i>Maximum height (m AOD)</i>
Zone C2	45	60	265
Zone C5	35	60	255
Zone C7	22	52	292
Zone C8	14	20	234
Zone C9	14	48	234
Zone C10	22	37	242
Zone C11	23	33	243

Table WN4C

<i>Parameter Zone</i>	<i>Construction landform (temporary mounds)</i>	<i>Cranes</i>
	<i>Maximum height (m AOD)</i>	<i>Maximum height (m AOD)</i>
Zone C4	40	260

WN5 Power Station detailed design approval

(1) No construction may commence in respect of a building or other structure identified in Requirements WN6 and WN7 until plans and written details of the design (including size, external appearance, siting and materials) and typical external materials and colour samples for that type of building or structure have been submitted to and approved by IACC.

(2) The plans, details and samples submitted under paragraph (1) must be in accordance with the parameters and parameter plans identified in Requirements WN6 and WN7 and the design and landscaping principles relating to the Power Station in volume 2 of the DAS.

(3) The construction of any building or other structure identified in Requirements WN6

and WN7 must be carried out in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.

WN6 Power Station Works parameters – buildings and structures

(1) The buildings and other structures identified in Table WN6A may only be constructed within the relevant parameter zone shown on the Power Station Site Parameter Plan (WN0902-HZDCO-MSP-DRG-00002) and Marine Works Parameter Plan – Permanent Works (WN0902-HZDCO-MRN-DRG-00001) in Schedule 2 (Approved plans) of this Order, and in accordance with the minimum and maximum dimensions shown in that table for that building or other structure—

Table WN6A

No.	Description	Parameter Zone	Maximum Parameter				Minimum Parameter		
			L (m)	W (m)	H (m)	H (m AOD)	L (m)	W (m)	H (m)
1-208	Cylinder Storage House	1A, 1M, 1L, 1K or 1C	30	30	7	25	-	-	-
2-208	Cylinder Storage House	1A, 1M, 1L, 1K or 1C	30	30	7	25	-	-	-
1-210	Discharge Water Sampling Building	1A	15	12	6	24	-	-	-
2-210	Discharge Water Sampling Building	1A	15	12	6	24	-	-	-
0-226	Maintenance Facility	1A	100	55	20	38	-	-	-
0-239	Underground Water Storage Pit	1A	81	26	0*	-	-	-	-
9-304	Main Gatehouse for Inner Fence	1A	100	49	22	43	-	-	-
9-305	Secondary Gatehouse for Inner Fence	1A	45	40	16	34	-	-	-
1-413	Seal Pit	1A	26	27	0*	-	-	-	-
2-413	Seal Pit	1A	26	27	0*	-	-	-	-
1-419	Ball Strainer Pit	1A	19	29	0*	-	-	-	-
2-419	Ball Strainer Pit	1A	19	29	0*	-	-	-	-
1-502	BBG Light Oil Tank	1A	Dia 13	-	11	32	-	-	-
2-502	BBG Light Oil Tank	1A	Dia 13	-	11	32	-	-	-
0-507	Nitrogen Gas Supply System Facility	1A	20	26	23	41	-	-	-
1-515 (a-k)	FLSS Water Storage Tank	1A	Dia 17	-	15	36	-	-	-
2-515 (a-k)	FLSS Water Storage Tank	1A	Dia 17	-	15	36	-	-	-
1-518	Auxiliary Standby Transformer	1A	17	21	10	28	-	-	-
2-518	Auxiliary Standby Transformer	1A	17	21	10	28	-	-	-
1-519	Cooling Tower	1A	52	132	31	49	-	-	-
2-519	Cooling Tower	1A	52	132	31	49	-	-	-
1-101	Reactor Building	1A-1	77	78	49	67	66	67	38
2-101	Reactor Building	1A-1	76	76	49	67	65	65	38

No.	Description	Parameter Zone	Maximum Parameter				Minimum Parameter		
			L (m)	W (m)	H (m)	H (m AOD)	L (m)	W (m)	H (m)
1-102	Control Building	1A-1	76	50	49	67	65	39	19
2-102	Control Building	1A-1	76	50	49	67	66	39	19
1-103	Heat Exchanger Building	1A-1	69	77	49	67	42	66	20
2-103	Heat Exchanger Building	1A-1	69	77	49	67	42	66	20
0-104	Radioactive Waste Building	1A-1	82	68	49	67	-	-	-
1-105	Filter Vent Building	1A-1	23	28	49	67	-	-	-
2-105	Filter Vent Building	1A-1	23	28	49	67	-	-	-
1-108	Turbine Building	1A-1	96	121	49	67	80	109	34
2-108	Turbine Building	1A-1	96	121	49	67	80	109	34
0-109	Service Building	1A-1	88	41	49	67	79	40	28
1-110a	Emergency Diesel Generator Building	1A-1	26	37	49	67	-	-	-
1-110b	Emergency Diesel Generator Building	1A-1	35	49	49	67	-	-	-
1-110c	Emergency Diesel Generator Building	1A-1	26	36	49	67	-	-	-
2-110a	Emergency Diesel Generator Building	1A-1	35	55	49	67	-	-	-
2-110b	Emergency Diesel Generator Building	1A-1	26	36	49	67	-	-	-
2-110c	Emergency Diesel Generator Building	1A-1	26	36	49	67	-	-	-
2-506b	Auxiliary Normal Transformer	1A	22	37	11	29	-	-	-
1-506b	Auxiliary Normal Transformer	1A	22	37	11	29	-	-	-
2-506a	Generator Transformer	1A	59	24	16	34	-	-	-
2-506c	Excitation Transformer	1A	11	11	8	26	-	-	-
2-506d	Spare Generator Transformer	1A	21	22	12	30	-	-	-
1-506a	Generator Transformer	1A	59	24	16	34	-	-	-
1-506c	Excitation Transformer	1A	11	11	8	26	-	-	-
1-506d	Spare Generator Transformer	1A	21	22	12	30	-	-	-
1-107, 2-107	Back-up Building	1A-2	86	67	37	58	-	-	-
0-207a	Fire Water Pump House	1B-2	10	15	5	23	-	-	-
0-207b	Fire Water Pump House	1B-2	10	15	5	23	-	-	-
0-219	Makeup Water	1B	21	37	8	26	-	-	-

No.	Description	Parameter Zone	Maximum Parameter				Minimum Parameter		
			L (m)	W (m)	H (m)	H (m AOD)	L (m)	W (m)	H (m)
9-222	Treatment Building Conventional and Hazardous Waste Building	1B	74	44	14	35	-	-	-
9-246	Lower Activity Waste Management Facility	1B	151	66	18	39	-	-	-
0-504a	Domestic and Fire Water Storage Tank	1B	Dia 41	-	10	28	-	-	-
0-504b	Domestic Water and Fire Water Storage Tank	1B	Dia 41	-	10	28	-	-	-
0-510a	Purified Water Storage Tank	1B	Dia 19	-	15	33	-	-	-
0-510b	Purified Water Storage Tank	1B	Dia 19	-	15	33	-	-	-
0-513	Light Oil Storage Tank	1B	Dia 14	-	10	28	-	-	-
9-718	Weighbridge	1B	20	20	5	26	-	-	-
0-218	Auxiliary Boiler Building	1B-1	90	34	17	35	-	-	-
0-204a	Garage for Mobile Emergency Cooling Related Vehicles	1C	93	22	15	36	-	-	-
0-204b	Garage for Mobile Emergency Cooling Related Vehicles	1C	93	22	15	36	-	-	-
9-220	Administration Building	1C	158	45	23	44	-	-	-
9-242	Emergency Response Centre	1C	83	38	16	37	-	-	-
9-306	Main Gatehouse for Outer Fence	1C	84	48	22	43	-	-	-
9-256	Auxiliary Standby Generator Building	1C-1	40	30	22	43	-	-	-
9-201	Spent Fuel Storage Facility	1D	150	190	27	48	-	-	-
9-202	Intermediate Level Waste Storage Facility	1D	150	49	19	40	-	-	-
9-248	Cask Transporter Garage	1C	57	36	22	43	-	-	-
0-416	Outfall Facility	1H-1	38	25	0*	-	-	-	-
9-904	Simulator and Training Building	1I	145	85	21	52	-	-	-
9-308	Vehicle Inspection Bay	1K or 1L	61	51	12	40	-	-	-

No.	Description	Parameter Zone	Maximum Parameter				Minimum Parameter		
			L (m)	W (m)	H (m)	H (m AOD)	L (m)	W (m)	H (m)
9-310	Search Building Main Entrance	1L	45	38	10	31	-	-	-
9-240	Outage Building	1M	140	43	19	37	-	-	-
9-307	Secondary Gatehouse for Outer Fence	1M	45	45	10	28	-	-	-
9-311	Search Building Secondary Entrance	1M	45	38	10	28	-	-	-
1-253	Switchgear Building	1A-1	70	32	49	67	-	-	-
2-253	Switchgear Building	1A-1	70	32	49	67	-	-	-
1-411, 2-411	Intake Water Structure, includes Auxiliary Service Water Structure 404	1G-1	174	97	25	32	-	-	-
9-206	Fuelling Station	1C	41	38	11	32	-	-	-
0-237	Biocide Plant	1G	35	24	15	22	-	-	-
9-254	Plant Logistics Warehouse	1K	35	105	13	41	-	-	-
1-404a, 1-404b, 2-404a, 2-404b	Intake Screen Structure for Auxiliary Service Water System**	1G-1	** Dimensions included as part of 1-411, 2-411 above.						
1-505	HPCF Water Storage Tank	1A-1	40	40	17	35	-	-	-
2-505	HPCF Water Storage Tank	1A-1	40	40	17	35	-	-	-
1-520	Variable Speed Drive Transformer	1A	27	25	10	28	-	-	-
2-520	Variable Speed Drive Transformer	1A	27	25	10	28	-	-	-
1-521	Step-down Transformer for RIP ASD Panel	1A	27	25	10	28	-	-	-
2-521	Step-down Transformer for RIP ASD Panel	1A	27	25	10	28	-	-	-
1-522	Step-down Transformer for Class 1M/C	1A	35	16	10	28	-	-	-
2-522	Step-down Transformer for Class 1M/C	1A	35	16	10	28	-	-	-
0-255	Domestic Water Pump House	1B	12	12	7	28	-	-	-
9-724	Foul Water Pumping Station	1M	12	12	5	23	-	-	-
9-719	Outage	1M	60	15	8	26	-	-	-

No.	Description	Parameter Zone	Maximum Parameter				Minimum Parameter		
			L	W	H	H	L	W	H
			(m)	(m)	(m)	(m AOD)	(m)	(m)	(m)
Accommodation Laydown									

The symbol * indicates structures that are below ground.

(2) The stacks identified in Table WN6B may only be constructed within the locations identified for that stack on the Power Station Site Parameter Plan (WN0902-HZDCO-MSP-DRG-00002) in Schedule 2 (Approved plans) of this Order, and in accordance with the minimum and maximum dimensions shown in that table for those stacks—

Table WN6B

Stack Number Locations	Description	Stack Location		Height (m AOD)	
		Coordinates (BNG)(m)	Stack Centre NS/EW Parameter – Maximum radius	Maximum Parameter	Minimum Parameter
S1	Emergency Diesel Generator Building (EDG Stack)	NS: 393159 EW: 234889	5m radius	70	55
S2	Emergency Diesel Generator Building (EDG Stack)	NS: 393126 EW: 234938	5m radius	70	55
S3	Emergency Diesel Generator Building (EDG Stack)	NS: 393082 EW: 235024	5m radius	70	55
S4	Emergency Diesel Generator Building (EDG Stack)	NS: 393048 EW: 235072	5m radius	70	55
S5	Main Stack (1-106)	NS: 393152 EW: 234890	5m radius	98	94
S6	Main Stack (2-106)	NS: 393075 EW: 235024	5m radius	95	91
S7	Emergency Diesel Generator Building (EDG Stack)	NS: 393075 EW: 234902	5m radius	70	38
S8	Emergency Diesel Generator Building (EDG Stack)	NS: 392997 EW: 235036	5m radius	70	38

Stack Number Locations	Description	Stack Location		Height (m AOD)	
		Coordinates (BNG)(m)	Stack Centre NS/EW Parameter – Maximum radius	Maximum Parameter	Minimum Parameter
S9	Backup Building (BBG Stack)	NS: 392971 EW: 234823	5m radius	61	51
S10	Backup Building (BBG Stack)	NS: 392962 EW: 234839	5m radius	61	51
S11	Backup Building (BBG Stack)	NS: 392957 EW: 234847	5m radius	61	51
S12	Backup Building (BBG Stack)	NS: 392948 EW: 234863	5m radius	61	51
S13	Auxiliary Standby Generator Building	NS: 392864 EW: 234724	5m radius	51	42
S14	Auxiliary Boiler Building (North Stack)	NS: 393165 EW: 234746	5m radius	53	38
S15	Auxiliary Boiler Building (South Stack)	NS: 393135 EW: 234728	5m radius	53	38
S16	Fire Water Pumphouse (North Stack)	NS: 393171 EW: 234676	5m radius	26	21
S17	Fire Water Pumphouse (South Stack)	NS: 393158 EW: 234669	5m radius	26	21

WN7 Platform parameters

Any platform within the relevant parameter zone shown on the Power Station Site Parameter Plan (WN0902-HZDCO-MSP-DRG-00002) in Schedule 2 (Approved plans) of this Order, must be constructed in accordance with the minimum and maximum dimensions shown in Table WN7 for that zone—

Table WN5

Parameter Zone	Platform height	
	Minimum (m AOD)	Maximum (m AOD)
1A	+6	+22
1B	+6	+22
1C	+19	+22
1D	+19	+22
1G	+6	+20
1I	+30	+34
1K	+26	+30
1L	+19	+22
1M	+14	+20
1N	+14	+22

WN8 Grid Connection detailed design approval

- (1) No construction may commence in respect of the Grid Connection until plans and written details of the design (including size, external appearance, siting and materials) have been submitted to and approved by IACC.
- (2) The details submitted under paragraph (1) must be prepared in accordance with the parameters identified in Requirement WN9.
- (3) The construction of the Grid Connection must be carried out in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.

WN9 Grid connection parameters

The structures identified in Table WN9 may only be constructed in accordance with the minimum and maximum dimensions shown in that table for that structure—

Table WN9

Structure Name	Maximum Parameter		Minimum Parameter		
	<i>H</i>	<i>W</i>	<i>L</i>	<i>W</i>	<i>H</i>
	(m)	(m)	(m)	(m)	(m)
Conductor containment and support structures	15	7.5	-	-	-

WN10 Construction landscaping

Except for Work No. 12, any landscaping and habitat retained, created or enhanced during construction of the authorised development must be undertaken in accordance with Requirements PW3 and WN4, the Wylfa Newydd CoCP and Main Power Station Site sub-CoCP and the principles in Chapter 4 of the LHMS, unless otherwise approved by IACC.

WN11 Construction landscape and habitat management schemes

- (1) Prior to the anticipated date of completion of the landscape and habitat works under Requirement WN10, management schemes relating to management, protection, monitoring and maintenance of landscape and habitat works must be submitted to and approved by IACC in consultation with NRW.
- (2) The management schemes must be prepared and submitted under paragraph (1) for the following habitat and landscape works or features—
- (a) existing habitats associated with watercourse diversions;
 - (b) retained and newly created habitats, boundary treatments and landscaping;
 - (c) drainage channels and ponds;
 - (d) Tre'r Gof SSSI;
 - (e) Cae Gwyn SSSI/Great Crested Newt Receptor Site (relating to the small portion which will be owned by the undertaker when option land is purchased);
 - (f) that part of the Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site that is within the Order Limits;
 - (g) woodland designed by Dame Sylvia Crowe for the Existing Power Station;
 - (h) retained ancient woodland;
 - (i) development buffer zones (around watercourses and designated sites); and
 - (j) wildlife structures (e.g. bat barns) and associated planting/buffers.
- (3) Any management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS and must include details of the management, protection and maintenance measures relating to the specific habitat and landscape works and the monitoring of such measures.
- (4) The management of habitat and landscape works identified under paragraph (2) must be carried out in accordance with the relevant management scheme approved under paragraph (1), unless otherwise approved by IACC, and implemented following completion of works under Requirement WN10.

WN12 Final landscape and habitat scheme

- (1) Within 24 months of the First Nuclear Concrete for Unit 1, a final landscape and habitat scheme for the WNDA during the operational phase of the authorised

development must be submitted to IACC for approval.

(2) The final landscape and habitat scheme submitted under paragraph (1) must be prepared in accordance with the overarching and operational principles in Chapter 4 of the LHMS and the Wylfa Newydd Development Area Retention Plans and include details of—

- (a) the location, number, species, size, mix, local provenance and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed permanent ground levels;
- (d) areas of permanent mounding and associated landscape treatments;
- (e) proposed permanent public access and recreational facilities;
- (f) proposed watercourse diversions and permanent drainage designs;
- (g) details of any existing landscapes (wetland, woodland, grassland and trees) to be retained;
- (h) details of any habitat created or enhanced.
- (i) details of any hard landscaping, means of enclosure (including stone walls, cloddiau, fences and gates), lighting, street furniture and signage; and
- (j) implementation timetables and maintenance proposals for all landscaping works.

(3) Commencement of the final landscape and habitat works must not commence until the scheme submitted under paragraph (1) has been approved by IACC in consultation with NRW.

(4) The final landscape and habitat works must be carried out in accordance with the final landscape and habitat scheme approved under paragraph (3), unless otherwise approved by IACC, and completed within 24 months of operation of Unit 2.

(5) Any tree, hedgerow or shrub planted as part of an approved landscaping and habitat scheme under paragraph (3) that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and similar size of that being replaced, unless otherwise approved by IACC.

(6) Any vegetation sown as part of an approved landscaping and habitat scheme under paragraph (3) that, within a period of 5 years after sowing, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be reinstated in the first available sowing season with seeds of a species and provenance to be approved by IACC.

WN13 Wylfa Newydd CoOP and schemes

(1) The operation and maintenance of the Power Station Works must be carried out in accordance with the Wylfa Newydd CoOP, unless otherwise approved by IACC.

(2) Prior to the operation of the Power Station Works or the Off-Site Power Station Facilities, the following schemes must be submitted to IACC for approval—

- (a) WNDA Operational Lighting Scheme; and
- (b) Off-Site Power Station Facilities Operational Lighting Scheme.

(3) The schemes submitted under paragraph (2) must be in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes).

(4) Operation of the Power Station Works and the Off-Site Power Station Facilities must not commence until the scheme relating to that Work has been submitted under paragraph (2) has been approved by IACC in consultation with the relevant consultee identified for that scheme in Part 2 of Schedule 4 of this Order.

(5) Operation of the Power Station Works and the Off-Site Power Station Facilities must be in accordance with the scheme approved under paragraph (4), unless otherwise agreed by IACC in consultation with the consultee identified for that scheme in Part 2 of Schedule 4.

WN14 Operational landscape and habitat management schemes

(1) Six months prior to the completion of the habitat and landscape works in accordance with the details approved under Requirement WN12(3), management

schemes relating to management and maintenance of landscape and habitat works must be submitted to and approved by IACC in consultation with NRW.

(2) The management schemes must be prepared and submitted under paragraph (1) for the following landscape and habitat works or features—

- (a) existing habitats associated with watercourse diversions;
 - (b) retained and newly created habitats, boundary treatments and landscaping;
 - (c) drainage channels and ponds;
 - (d) Tre'r Gof SSSI;
 - (e) Cae Gwyn SSSI /Great Crested Newt Receptor Site (relating to the small portion which will be owned by the undertaker when option land is purchased);
 - (f) that part of the Arfordir Mynydd y Wylfa - Trwyn Penrhyn Wildlife Site that is within the Order Limits;
 - (g) woodland designed by Dame Sylvia Crowe for the Existing Power Station;
 - (h) retained ancient woodland;
 - (i) development buffer zones (around watercourses and designated sites); and
 - (j) wildlife structures (e.g. bat barns) and associated planting/buffers.
- (3) Any management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS and the relevant scheme approved under Requirement WN12 (for operation) and must include details of the management and maintenance measures relating to the specific landscape and habitat works and the monitoring of such measures.
- (4) The management of landscape and habitat works identified under paragraph (2) must be carried out in accordance with the relevant management scheme approved under paragraph (1), unless otherwise approved by IACC, and implemented following completion of works under Requirement WN12.

WN15 Notable Wildlife Enhancement Area

- (1) 12 months prior to the commencement of the authorised development, a management scheme for the management of the Notable Wildlife Enhancement Area must be submitted to IACC for approval.
- (2) The management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS and include details of the management and maintenance of the Notable Wildlife Enhancement Area and the monitoring of such measures.
- (3) No part of the authorised development may commence until the scheme submitted under paragraph (1) has been approved by IACC in consultation with NRW.
- (4) The management of the Notable Wildlife Enhancement Area must be carried out in accordance with the management scheme approved under paragraph (3) for the duration of the undertaker's interest in the Notable Wildlife Enhancement Area, unless otherwise approved by IACC.

WN16 Reptile Receptor Site

- (1) 12 months prior to the commencement of the authorised development, a management scheme for the management of the Reptile Receptor Site must be submitted to IACC for approval.
- (2) The management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS and include details of the management and maintenance of the Reptile Receptor Site and the monitoring of such measures.
- (3) No part of the authorised development may commence until the scheme submitted under paragraph (1) has been approved by IACC in consultation with NRW.
- (4) The management of the Reptile Receptor Site must be carried out in accordance with the management scheme approved under paragraph (3) for the duration of the undertaker's interest in the Reptile Receptor Site, unless otherwise approved by IACC.

WN17 Great Crested Newt Receptor Site

- (1) 12 months prior to the commencement of the authorised development, a management scheme for the management of the Great Crested Newt Receptor Site

must be submitted to IACC for approval.

(2) The management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS and include details of the management and maintenance of the Great Crested Newt Receptor Site and the monitoring of such measures.

(3) No part of the authorised development may commence until the scheme submitted under paragraph (1) has been approved by IACC in consultation with NRW.

(4) The management of the Great Crested Newt Receptor Site must be carried out in accordance with the management scheme approved under paragraph (3) for the duration of the undertaker's interest in the Great Crested Newt Receptor Site, unless otherwise approved by IACC.

WN18 Construction car parking

The number of car parking spaces to be provided and available within the WNDA for the duration of the construction of the authorised development must not exceed 1,900, excluding spaces allocated for disabled staff, unless otherwise agreed with IACC.

WN19 Operational car parking

(1) The number of car parking spaces to be provided and available for the duration of the operation of the Power Station Site must not exceed—

(a) 500 permanent parking spaces, including spaces allocated for disabled operational staff, and 200 temporary spaces in the southern car park (9-709a);

(b) 800 temporary parking spaces in the northern car park (9-709b); and

(c) 200 permanent spaces at the simulator and training car park (9-709c), unless otherwise approved by IACC.

Site Campus Works – Work No. 3 (WNDA)

5.—(1) Requirements WN20 to WN27 apply to the Site Campus Works within the WNDA—

(1) Ref (2) Requirement

WN20 Main Power Station Site sub-CoCP

The construction of the Site Campus Works must be carried out in accordance with the Wylfa Newydd CoCP and the Main Power Station Site sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and Main Power Station Site sub-CoCP, the Main Power Station Site sub-CoCP will prevail.

WN21 Site Campus medical centre

(1) Prior to the commencement of the construction of the Site Campus written details and designs for the provision of the Site Campus medical centre shall be submitted to and approved by IACC, in consultation with Betsi Cadwaladr University Health Board.

(2) The details and designs submitted under paragraph (1) must be developed in consultation with the nominated local health service provider and in accordance with applicable guidance and must include—

(a) provision for GP and pharmacy dispensing services, primary care for minor injuries and occupational healthcare and hygiene services and facilities;

(b) details of proposed hours of operation and access;

(c) details of proposed service levels and staffing requirements; and

(d) details of proposed access and transfer arrangements for emergency services and vehicles.

(3) The construction and operation of the Site Campus medical centre must be in accordance with the approved details and designs under paragraph (1), unless otherwise approved by IACC.

WN22 Site Campus detailed design approval

(1) No construction of the Site Campus may commence in respect of a building or other structure identified in Requirement WN23 until plans and written details of the design (including size, external appearance, facilities, floorplans, siting, noise insulation and

<i>(1) Ref</i>	<i>(2) Requirement</i>
	air quality measures) and external material and colour samples have been submitted to and approved by IACC in consultation with NRW.
	(2) The plans, details and samples submitted under paragraph (1) must be prepared in accordance with the parameters and parameter plan identified in Requirement WN23 and the design principles relating to the Site Campus in volume 3 of the DAS.
	(3) The construction of any building or other structure identified in Requirement WN23 must be in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
WN23	Site Campus finished site parameter plans and maximum finished dimensions of buildings and other structures
	The buildings and other structures identified in Table WN23 may only be constructed within the relevant parameter zone shown on the Site Campus Wylfa Newydd Development Area Parameter Plan (WN0902-HZDCO-SCA-DRG-00001) in Schedule 2 (Approved plans) of this Order, and no greater than the maximum dimensions shown in that table for that building or other structure—

Table WN23

<i>Description</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
		<i>L</i> <i>(m)</i>	<i>W</i> <i>(m)</i>	<i>H</i> <i>(m</i> <i>AOD</i> <i>)</i>	<i>L</i> <i>(m)</i>	<i>W</i> <i>(m)</i>	<i>H</i> <i>(m)</i>
Accommodation Block	3A-1	75	13	18	-	-	-
Accommodation Block	3A-2	75	13	18	-	-	-
Accommodation Block	3A-3	75	13	18	-	-	-
Substation and bin enclosure	3A-4	10	5	5	-	-	-
Substation and bin enclosure	3A-5	10	5	5	-	-	-
Accommodation Block	3A-6	75	13	32	-	-	-
Accommodation Block	3A-7	75	13	18	-	-	-
Accommodation Block	3A-8	75	13	18	-	-	-
Substation and bin enclosure	3A-9	10	5	5	-	-	-
Substation and bin enclosure	3A-10	10	5	5	-	-	-
Substation and bin enclosure	3A-11	10	5	5	-	-	-
Accommodation Block	3A-12	75	13	32	-	-	-
Substation and bin enclosure	3A-13	10	5	5	-	-	-
Accommodation Block	3A-14	75	13	32	-	-	-
Substation and bin enclosure	3A-15	10	5	5	-	-	-
Accommodation Block	3A-16	75	13	18	-	-	-
Accommodation Block	3A-17	75	13	18	-	-	-
Substation and bin enclosure	3A-18	10	5	5	-	-	-
Substation	3A-19	10	6	5	-	-	-
Amenity Building	3A-19	95	63	14	-	-	-
Sprinkler Pump House, Compactor and External Bin Store for Amenity Building	3A-19	12	6	5	-	-	-
Cycle Store	3A-20	8	5	4	-	-	-
Accommodation Block	3A-21	75	13	32	-	-	-
Substation and bin enclosure	3A-22	10	5	5	-	-	-
Accommodation Block	3A-23	75	13	18	-	-	-
Accommodation Block	3A-24	75	13	18	-	-	-
Accommodation Block	3A-25	75	13	18	-	-	-
Substation and bin enclosure	3A-26	10	5	5	-	-	-
Substation and bin enclosure	3A-27	10	5	5	-	-	-

Description	Parameter Zone	Maximum Parameter			Minimum Parameter		
		L (m)	W (m)	H (m AOD)	L (m)	W (m)	H (m)
Substation and bin enclosure	3A-28	10	5	5	-	-	-
MUGA	3A-29	Extent of Zone 3A-29			-	-	-
MUGA Equipment Store	3A-30	7	4	3	-	-	-
HV Switch Room	3A-31	11	4	5	-	-	-
Security Building	3A-32	7	5	4	-	-	-
Accommodation Block	3A-33	75	13	18	-	-	-
Accommodation Block	3A-34	75	13	23	-	-	-
Accommodation Block	3A-35	75	13	27	-	-	-
Accommodation Block-	3A-36	75	13	27	-	-	-
Substation and bin enclosure	3A-37	10	5	5	-	-	-
Substation and bin enclosure	3A-38	10	5	5	-	-	-
Substation and bin enclosure	3A-39	10	5	5	-	-	-
Substation and bin enclosure	3A-40	10	5	5	-	-	-
Accommodation Block	3A-41	75	13	23	-	-	-
Substation and bin enclosure	3A-42	10	5	5	-	-	-
Accommodation Block	3A-43	75	13	18	-	-	-
Accommodation Block	3A-44	75	13	27	-	-	-
Accommodation Block	3A-45	75	13	27	-	-	-
Accommodation Block	3A-46	75	13	23	-	-	-
Accommodation Block	3A-47	75	13	27	-	-	-
Substation and bin enclosure	3A-48	10	5	5	-	-	-
Substation and bin enclosure	3A-49	10	5	5	-	-	-
Substation and bin enclosure	3A-50	10	5	5	-	-	-
Substation and bin enclosure	3A-51	10	5	5	-	-	-
Substation and bin enclosure	3A-52	10	5	5	-	-	-
Accommodation Block	3A-53	75	13	18	-	-	-

WN24 Landscape detailed design

- (1) Occupation of the Site Campus must not commence until plans and written details of the landscape design have been submitted to and approved by IACC in consultation with NRW.
- (2) The details submitted under paragraph (1) must be prepared in accordance with the landscape principles relating to the Site Campus in volume 3 of the DAS and include details of—
 - (a) location, number, species, size, local provenance and planting density of any proposed planting;
 - (b) cultivation, importing of materials and other operations to ensure plant establishment;
 - (c) proposed finished ground levels;
 - (d) hard surfacing materials;
 - (e) hard landscape features and boundary treatments (including stone walls, cloddiau, fences and gates);
 - (f) details of any means of enclosure, external and street lighting, signage and street furniture;
 - (g) details of existing trees and hedges to be retained, with measures for their protection during the construction period; and
 - (h) implementation timetables and maintenance proposals for all landscaping works.
- (3) The landscaping of the Site Campus must be undertaken in accordance with the

details approved under paragraph (1) and maintained for the operational period of the Site Campus, unless otherwise approved by IACC.

(4) Any tree, hedgerow or shrub planted as part of an approved detailed design under paragraph (1) that, within the operational period of the Site Campus, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and similar size as that replaced, unless otherwise approved by IACC.

(5) Any vegetation sown as part of an approved landscaping and habitat scheme under paragraph (1) that, within the operational period of the Site Campus, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be reinstated in the first available sowing season with seeds of species and provenance to be approved by IACC.

WN25 Access to Site Campus

The Site Campus may not be occupied until the Site Campus Access Road has been established.

WN26 Occupation of the Site Campus following Unit 1 Commissioning Date

(1) Following the Unit 1 Commissioning Date, the number of bed spaces available for occupation at the Site Campus must not exceed 3,000.

(2) The Site Campus must not be occupied during the operational period of Unit 2.

WN27 Site Campus decommissioning scheme

(1) Decommissioning of the Site Campus must not commence until a decommissioning scheme has been submitted to and approved by IACC.

(2) A decommissioning scheme submitted under paragraph (1) must be submitted to IACC for approval no later than 6 months prior to the anticipated Unit 2 Commissioning Date, unless otherwise agreed with IACC, and must include details of—

(a) the timeframes and phasing of decommissioning, removal and restoration works; and

(b) proposals to restore the site in accordance with the principles in the LHMS including details of how the biodiversity of the site will be enhanced through the use of appropriate agricultural practices.

(3) Any decommissioning scheme submitted under paragraph (2) must be prepared in general accordance with the Wylfa Newydd CoCP and the Main Power Station Site sub-CoCP.

(4) Decommissioning of the Site Campus and restoration of the site must be undertaken in accordance with the decommissioning scheme approved under paragraph (1), unless otherwise approved by IACC.

Marine Works – Work No. 1E –H (Wylfa Newydd Development Area)

6.—(1) Requirements WN28 to WN32 apply to the Marine Work—

<i>(1) Ref</i>	<i>(2) Requirement</i>
WN28	Marine sub-CoCP (1) The construction and operation of the Marine Works must be carried out in accordance with the Wylfa Newydd CoCP and the Marine Works sub-CoCP, unless otherwise approved by NRW in consultation with IACC. (2) In the event of conflict between the Wylfa Newydd CoCP and Marine Works sub-CoCP, the Marine Works sub-CoCP will prevail.
WN29	Marine Works detailed design approval (1) No construction may commence in respect of a building, works or other structure identified in Requirement WN30 until plans and written details of the design (including size, external appearance, siting and materials) have been submitted to and approved by the discharging authority in consultation with relevant marine works consultee. (2) The details submitted under paragraph (1) must be prepared in accordance with the

parameters and parameter plans identified in Requirement WN30 and design principles relating to the Marine Works in volume 2 of the DAS.

(3) Construction of any building, works or other structure must be carried out in accordance with the details approved under paragraph (1), unless otherwise approved by the discharging authority in consultation with relevant marine works consultee.

WN30 Marine Works parameter plans and maximum finished dimension of buildings and other structures

(1) The buildings, works, or other structures identified in Tables WN30A to WN30D may only be constructed within the relevant parameter zone shown on the parameter plans and in accordance with the maximum and minimum dimensions shown for that building, works or other structure in those tables—

(a) Within the relevant parameter zone shown on Marine Works Parameter Plan – Permanent Works (WN0902-HZDCO-MRN-DRG-00001) in Schedule 2 (Approved plans) of this Order, and in accordance with the maximum and minimum dimensions shown for the structures or works in Table WN30A—

Table WN30A

<i>Breakwater</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
		<i>L (Crest) (m)</i>	<i>W (Base) (m)</i>	<i>Height (Crest) (m AOD)</i>	<i>L (Crest) (m)</i>	<i>W (Base) (m)</i>	<i>Height (Crest) (m AOD)</i>
West Breakwater	1F-4	402	130	14	398	-	10
East Breakwater and Shore Protection	1F-5	240	100	13	150	-	9

(b) Within the relevant parameter zone shown on Marine Works Parameter Plan - Dredging (WN0902-HZDCO-MRN-DRG-00003) in Schedule 2 of this Order, and in accordance with the maximum dimensions shown for the structures or works in Table WN30B—

Table WN30B

<i>Dredging</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>		
		<i>Dredge (m AOD)</i>	<i>Depth</i>	<i>Dredged volume (m3) in situ volume</i>
Intake channel	1F-1	-11	-	-
Berthing pockets	1F-6	-13	-	-
Superficial deposits	1E-1, 1E-2, 1E-3	-	-	220,000

(c) Within the relevant parameter zones shown on Marine Works Parameter Plan – Permanent Works (WN0902-HZDCO-MRN-DRG-00001) and Marine Works Parameter Plan – Temporary Works (WN0902-HZDCO-MRN-DRG-00002) in Schedule 2 of this Order, and in accordance with the maximum and minimum dimensions shown for the structures or works in Table WN30C—

Table WN30C

<i>Marine Facilities and Associated Structures</i>	<i>Off-Loading and</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
			<i>L (m)</i>	<i>W (m)</i>	<i>H (m AOD)</i>	<i>L (m)</i>	<i>W (m)</i>	<i>H (m AOD)</i>
Bulk MOLF		1F-7	To extent of		6	-	-	5

		Zone 1F-7					
Land Reclamation	1F-7	To extent of		6	-	-	5
		Zone 1F-7					
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
Mooring Dolphin	1F-7	6	6	6	2	2	5
RoRo MOLF Quay	1F-7	To extent of		6	-	-	5
		Zone 1F-7					
Lay-by Berth	1F-9	To extent of		6	-	-	5
		Zone 1F-9					
Temporary Pontoon	1F-8	To extent of		-	-	-	-
		Zone 1F-8					
Intake Skimmer Wall (0-428)	1G	210	10	10	-	-	-

(d) Within the relevant parameter zones shown on Marine Works Parameter Plan – Permanent Works (WN0902-HZDCO-MRN-DRG-00001) and Marine Works Parameter Plan – Temporary Works (WN0902-HZDCO-MRN-DRG-00002) in Schedule 2 of this Order, and in accordance with the maximum and minimum dimensions for the structures in Table WN30D—

Table WN30D

Temporary Structures	Parameter Zone	Maximum Parameter			Minimum Parameter		
		L	W	H	L	W	H
		(m)	(m)	(m AOD)	(m)	(m)	(m AOD)
Bund Cofferdam	1F-2	To extent of Zone 1F-2		10	-	-	-
Temporary Barge Berth	1F-3	To extent of Zone 1F-3		6	-	-	3
Intake Cofferdam	1G	260	30	10	-	-	-
Outfall Cofferdam	1H	240	85	10	-	-	-
Temporary Access Ramp	1E-4	200	20	-		-	-

WN31 Operation and use of the Marine Off-Loading Facility

- (1) The undertaker must ensure that during construction of the authorised development at least 60% of all materials required for the construction of the Power Station Works are delivered via the Marine Off-Loading Facility.
- (2) The undertaker must undertake monthly monitoring of material deliveries and report compliance with paragraph (1) to IACC on a quarterly basis.

WN32 Disposal of dredged material

Any surplus dredged material arising from the authorised development that cannot be re-used must be disposed of at Holyhead North, unless otherwise agreed with NRW.

WN33 Tern Compensation Strategy

(1) No Works shall commence on the WNDA unless ~~two~~ 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) 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) A minimum of 2 compensation sites must be delivered a full Tern breeding period prior to construction.~~

(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 Cefn as identified on [Drawing WN0903-JAC-OS-DRG-00034] (Appendix 1-1) during the tern breeding period, unless otherwise agreed with IACC).

Off-Site Power Station Facilities – Work No. 5

7.—(1) Requirements OSPF1 to OPSF6 apply to the Off-Site Power Station Facilities at Llanfaethlu (Work No. 5)—

<i>(1) Ref</i>	<i>(2) Requirement</i>
OPSF1	Off-Site Power Station Facilities Sub-CoCP and schemes (1) The construction of the Off-Site Power Station Facilities must be carried out in accordance with the Wylfa Newydd CoCP and the Off-Site Power Station Facilities sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and Off-Site Power Station Facilities sub-CoCP, the Off-Site Power Station Facilities sub-CoCP will prevail. (2) No construction of the Off-Site Power Station Facilities may commence until the following schemes have been submitted to and approved by IACC— (a) Off-Site Power Station Facilities Archaeological Mitigation Scheme, including a written scheme of investigation; and (b) Off-Site Power Station Facilities Construction Lighting Scheme. (3) All schemes submitted under paragraph (2) must be in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes). (4) Construction of the Off-Site Power Station Facilities must not commence until the schemes submitted under sub-paragraph (2) have been approved by IACC, in consultation with the relevant consultee identified for that scheme identified in Part 2 of Schedule 4. (5) Construction of the Off-Site Power Station Facilities must be undertaken in accordance with the schemes approved under paragraph (2), unless otherwise approved by IACC in consultation with the consultee identified for that scheme in Part 2 of Schedule 4.
OPSF2	Off-Site Power Station Facilities detailed design approval (1) No construction may commence in respect of any building or other structure

identified in Requirement OPSF3 until plans and written details of the design (including size, external appearance, siting and materials) and external material and colour samples have been submitted to and approved by IACC.

(2) The plans, details and samples submitted under paragraph (1) must be in accordance with the parameters and parameter plan identified in Requirement OPSF3 and the design and landscaping principles relating to the Off-Site Power Station Facilities in volume 3 of the DAS.

(3) Construction of the Off-Site Power Station Facilities must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.

OPSF3 Off-Site Power Station Facilities parameter plans and maximum dimensions of buildings and other structures

The buildings and other structures identified in the Table OPFS3 may only be constructed within the relevant parameter zone shown on Off-Site Power Station Facilities Llanfaethlu – Parameter Plan (WN0902-HZDCO-ADV-DRG-00001) in Schedule 2 (Approved plans) of this Order, and with maximum dimensions no greater than those shown in that table for that building or other structure—

Table OPSF3

<i>Building Name</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
		<i>L</i>	<i>W</i>	<i>H</i>	<i>L</i>	<i>W</i>	<i>H</i>
		<i>(m)</i>	<i>(m)</i>	<i>(m AOD)</i>	<i>(m)</i>	<i>(m)</i>	<i>(m)</i>
MEEG/AECC Building	5-1	55	25	14	-	-	-
ESL Building	5-2	30	19	8	-	-	-

OPSF4 Landscape detailed design

(1) 12 months prior to the operation of the Off-Site Power Station Facilities, plans and written details of the landscape design for the non-operational areas of the Off-Site Power Station Facilities must be submitted to and approved by IACC.

(2) The details submitted under paragraph (1) must be prepared in accordance with the landscape principles relating to the Off-Site Power Station Facilities in volume 3 of the DAS and include details of—

- (a) location, number, species, size, mix, local provenance and density of any proposed planting;
 - (b) cultivation, importing of materials and other operations to ensure plant establishment;
 - (c) proposed finished ground levels;
 - (d) hard surfacing materials;
 - (e) hard landscape features and boundary treatments (including stone walls, cloddiau, fences and gates);
 - (f) details of any means of enclosure, external and street lighting, signage and street furniture;
 - (g) details of existing trees and hedgerows to be retained; and
 - (h) implementation timetables and maintenance proposals for all landscaping works that will apply during the operational period of the Off-Site Power Station Facility.
- (3) No landscaping works may commence until the plans and written design submitted under paragraph (1) have been approved by IACC.
- (4) Landscaping of the Off-Site Power Station Facilities must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC, and maintained for the duration of the operational period of the Off-Site Power Station Facilities.
- (5) Any tree, hedgerow or shrub planted as part of an approved detailed design under paragraph (1) that, within the operational period of the Off-Site Power Station Facilities, is removed, dies or becomes, in the opinion of IACC, seriously damaged

or diseased, must be replaced in the first available planting season with a specimen of the same species and similar size as that replaced, unless otherwise approved by IACC.

(6) For the purposes of this requirement, “non-operational areas” means any area of the Off-Site Power Station Facilities associated with the operation of the MEEG/AECC Building and ESL Building.

OPSF5 Wylfa Newydd CoOP

The Off-Site Power Station Facilities must be operated in accordance with the Wylfa Newydd CoOP, unless otherwise agreed by IACC.

OPSF6 Operational car parking

(1) Except in an emergency, the number of car parking spaces to be provided and available during the operation of the Off-Site Power Station Facilities must not exceed 67 spaces, including spaces allocated for disabled operational staff, unless otherwise approved by IACC.

(2) For the purposes of this requirement, an “emergency” means an event where the Off-Site Power Station Facilities will be operational due to an emergency event occurring at the Power Station Site, which makes the primary emergency response facilities at the Power Station Site inoperable or in use to support the emergency response on the Power Station Site and/or prevents access to the Power Station Site.

Park and Ride facility - Work No. 6

8.—(1) Requirements PR1 and PR8 apply to the Park and Ride facility—

<i>(1) Ref</i>	<i>(2) Requirement</i>
PR1	Dalar Hir Park and Ride sub-CoCP and schemes (1) The construction and operation of the Park and Ride facility must be carried out in accordance with the Wylfa Newydd CoCP and the Dalar Hir Park and Ride sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and the Dalar Hir Park and Ride sub-CoCP, the Dalar Hir Park and Ride sub-CoCP will prevail. (2) No construction of any phase of the Park and Ride facility may commence until the following schemes have been submitted to and approved by IACC— (a) Park and Ride Archaeological Mitigation Scheme, including a written scheme of investigation; and (b) Park and Ride Lighting Scheme. (3) The scheme submitted under paragraph (2) must be in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes). (4) The Park and Ride Lighting Scheme submitted under sub-paragraph (2)(b) may be submitted on a phased basis. (5) Construction of any phase of the Park and Ride facility must not commence until the schemes submitted under paragraph (2) have been approved by IACC in consultation with the relevant consultee identified in Part 2 of Schedule 4. (6) Construction of any phase of the Park and Ride facility must be undertaken in accordance with the schemes approved under paragraph (2) unless otherwise approved by IACC in consultation with the consultee identified for that scheme in Part 2 of Schedule 4.
PR2	Detailed Design Drawings (1) Except for the site access arrangements or where Requirements PR3 and PR4 apply, the construction of the Park and Ride facility must be carried out in accordance with the Detailed Design Drawings relating to the Park and Ride facility in Schedule 2 (Approved plans) of this Order. (2) Prior to construction of the Park and Ride facility in accordance with the Detailed Design Drawings under paragraph (1), the undertaker will submit external material and colour samples of all buildings and structures within the Park and Ride facility to IACC for approval.

(3) The plans, details and samples submitted under paragraph (2) must be in accordance with the design and principles relating to the Park and Ride facility in volume 3 of the DAS.

(4) Where IACC receives samples under paragraph (2) for approval, IACC must notify the undertaker of its decision within 20 working days beginning the date on which the samples were submitted and, in the event no notification is received within this time period, IACC will be deemed to have given its approval.

(5) Construction of the Park and Ride facility must be undertaken in accordance with the plans and details approved under paragraph (2) unless otherwise approved by IACC.

PR3 Park and Ride facility detailed design approval

(1) In the event that the undertaker elects not to construct the Park and Ride facility in accordance with the approved Detailed Design Drawings relating to the Park and Ride facility in Schedule 2 (Approved plans) of this Order, no construction may commence in respect of a building or other structure identified within Requirement PR4 until plans and written details of the design of such building or other structure (including size, siting and external appearance) and external material and colour samples have been submitted to and approved by IACC.

(2) The plans, details and samples submitted under paragraph (1) must be prepared in accordance with the parameters and parameter plans identified in Requirement PR4 and the design and landscaping principles relating to the Park and Ride facility in volume 3 of the DAS.

(3) Construction of the Park and Ride facility must be undertaken in accordance with the details approved under paragraph (1).

PR4 Park and Ride facility parameter plans and maximum dimension of buildings and other structures

Where Requirement PR3 applies, the buildings and other structures identified in Table PR4 below may only be constructed within the parameter zone shown on the Park and Ride – Dalar Hir Parameter Plan (WN0902-HZDCO-ADV-DRG-00032) in Schedule 2 (Approved plans) of this Order, and in accordance with the maximum and minimum dimensions shown in that table for that building or other structure—

Table PR4

<i>Building Name</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
		<i>L</i> <i>(m)</i>	<i>W</i> <i>(m)</i>	<i>H</i> <i>(m AOD)</i>	<i>L</i> <i>(m)</i>	<i>W</i> <i>(m)</i>	<i>H</i> <i>(m)</i>
Car Park Area 2	6-1	Extent of Zone 6-1			-	-	-
Car Park Area 3	6-2	Extent of Zone 6-2			-	-	-
Car Park Area 4	6-3	Extent of Zone 6-3			-	-	-
Bus Shelter – long	6-4	70	5	5	-	-	-
Bus Shelter – short	6-4	54	5	5	-	-	-
Bus waiting/pick up/drop off zone	6-4	Extent of Zone 6-4			-	-	-
Bus Terminal Building	6-5	30	13	5	-	-	-
Cycle Shelter/Bin Store	6-6	11	7	5	-	-	-
Staff and Accessible Parking Area	6-7	Extent of Zone 6-7			-	-	-
Car Park Area 1	6-8	Extent of Zone 6-8			-	-	-
Car Park Area 5	6-9	Extent of Zone 6-9			-	-	-

- PR5 Site Access Design**
- (1) No construction of the Park and Ride facility may commence until plans and written details of the site access arrangements have been submitted to and approved by IACC, in consultation with the Welsh Ministers where the design impacts on a strategic highway.
 - (2) The details submitted under paragraph (1) must be prepared in accordance with the design principles in volume 3 of the DAS and Part 8 of Schedule 15 (Protective provisions) of this Order.
 - (3) The construction of the site access arrangements must be carried out in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
- PR6 Landscape Detailed Design**
- (1) 12 months prior to the operation of the Park and Ride facility, plans and written details of the landscape design must be submitted to and approved by IACC.
 - (2) The details submitted under paragraph (1) must be prepared in accordance with the landscape principles relating to the Park and Ride in volume 3 of the DAS and include details of—
 - (a) location, number, species, size, mix, local provenance and density of any proposed planting;
 - (b) cultivation, importing of materials and other operations to ensure plant establishment;
 - (c) proposed finished ground levels;
 - (d) hard surfacing materials;
 - (e) hard landscape features and boundary treatments (including stone walls, cloddiau, fences and gates);
 - (f) details of any means of enclosure, external and street lighting, signage and street furniture;
 - (g) details of existing trees and hedgerows to be retained; and
 - (h) implementation timetables and maintenance proposals for all landscaping works that will apply during the operational period of the Park and Ride Facility.
 - (3) No landscaping works may commence until the plans and written design submitted under paragraph (1) have been approved by IACC.
 - (4) Landscaping of the Park and Ride facility must be undertaken in accordance with the details approved under paragraph (1) and maintained for the duration of the operational period of the Park and Ride facility, unless otherwise approved by IACC.
 - (5) Any tree, hedgerow or shrub planted as part of an approved detailed design under paragraph (1) that, within the operational period of the Park and Ride facility, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and similar size as that replaced, unless otherwise approved by IACC.
- PR7 Operational car and cycle parking**
- (1) The number of parking spaces to be provided and available during the operation of the Park and Ride facility must not exceed 1,900, including spaces allocated for disabled operational staff but excluding spaces for minibuses and motorcycles, unless otherwise approved by IACC.
 - (2) A total of 25 cycle storage spaces will be provided and available during the operation of the Park and Ride facility, unless otherwise approved by IACC.
- PR8 Park and Ride facility Decommissioning Scheme**
- (1) No construction of the Park and Ride facility must commence unless an outline decommissioning scheme has been submitted to and approved by IACC, unless otherwise agreed with IACC.
 - (2) The outline decommissioning scheme submitted under paragraph (1) must outline the overarching principles for the decommissioning of the Park and Ride facility and restoration of the site to agricultural use.

- (3) At least 6 months prior to the anticipated Unit 2 Commissioning Date, unless otherwise agreed with IACC, a detailed decommissioning scheme must be submitted to IACC for approval.
- (4) The detailed decommissioning scheme submitted under paragraph (3) must include details of—
 - (a) the timeframes for decommissioning, removal, restoration and maintenance works;
 - (b) restoration and maintenance of structures to remain within watercourse;
 - (c) reinstatement of habitats affected by the Park and Ride facility;
 - (d) proposed works to return the land to agricultural use for grazing, including a 1:6 gradient for side slopes of attenuation areas; and
 - (e) the handover environmental management plan (which must include an aftercare plan for a period of 5 years) agreed with IACC.
- (5) Any detailed decommissioning scheme submitted under paragraph (3) must be in accordance with outline decommissioning scheme approved under paragraph (2) and the Wylfa Newydd CoCP and the Dalar Hir Park and Ride facility sub-CoCP.
- (6) Decommissioning of the Park and Ride facility must not commence until the detailed decommissioning scheme has been submitted to and approved by IACC under paragraph (3).
- (7) Decommissioning of the Park and Ride facility and restoration of the site must be undertaken in accordance with the detailed decommissioning scheme approved under paragraph (3), unless otherwise approved by IACC.
- (8) A detailed decommissioning scheme will not be required to be submitted under paragraph (3) where IACC has granted, or resolved to grant, planning permission for the ongoing use of the Park and Ride facility.

Logistics Centre – Work No. 7

9.-(1) Requirements LC1 and LC8 apply to the Logistics Centre (Work No. 7)—

<i>(1) Ref</i>	<i>(2) Requirement</i>
LC1	Parc Cybi Logistics Centre Sub-CoCP and schemes (1) The construction and operation of the Logistics Centre must be carried out in accordance with the Wylfa Newydd CoCP and the Parc Cybi Logistics Centre sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and the Parc Cybi Logistics Centre sub-CoCP, the Parc Cybi Logistics Centre sub-CoCP will prevail. (2) Prior to the construction of the Logistics Centre the following schemes must be submitted to and approved by IACC— (a) Logistics Centre Archaeological Mitigation Scheme, including a written scheme of investigation; and (b) Logistics Centre Lighting Scheme. (3) All schemes submitted under paragraph (2) must be in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes) of this Order. (4) No part of the Logistics Centre may commence until the schemes submitted under paragraph (2) have been approved by IACC, in consultation with the relevant consultee identified for that scheme in Part 2 of Schedule 4. (5) Construction of the Logistics Centre must be in accordance with the schemes approved under paragraph (4), unless otherwise agreed by IACC in consultation with the consultee identified for that scheme in Part 2 of Schedule 4.
LC2	Detailed Design Drawings (1) The construction of the Logistics Centre must be carried out in accordance with the approved Detailed Design Drawings relating to the Logistics Centre in Schedule 2 (Approved plans) of this Order, except where Requirements LC3 and LC4 apply. (2) Prior to construction of the Logistics Centre in accordance with the Detailed

<i>(1) Ref</i>	<i>(2) Requirement</i>
	Design Drawings under paragraph (1), the undertaker will submit external material and colour samples of all buildings and structures within the Logistics Centre to IACC for approval. (3) The plans, details and samples submitted under paragraph (2) must be in accordance with the design and principles relating to the Logistics Centre in volume 3 of the DAS. (4) Where IACC receives samples under paragraph (2) for approval, IACC must notify the undertaker of its decision within 20 working days beginning the date on which the samples were submitted and, in the event no notification is received within this time period, IACC will be deemed to have given its approval. (5) Construction of the Logistics Centre must be undertaken in accordance with the plans and details approved under paragraph (2) unless otherwise approved by IACC.
LC3	Logistics Centre detailed design approval (1) In the event that the undertaker elects not to construct the Logistics Centre in accordance with the Detailed Design Drawings for the Logistics Centre in Schedule 2 (Approved plans) of this Order, no construction may commence in respect of any building or other structure identified within Requirement LC4 until plans, written details of the design of such building or other structure (including size, siting, external appearance and materials) and external material and colour samples have been submitted to and approved by IACC in consultation with Cadw in relation to heritage matters. (2) The plans, details and samples submitted under paragraph (1) must be in accordance with the parameters and parameter plan identified in Requirement LC4 and the design principles relating to the Logistics Centre in volume 3 of the DAS. (3) Construction of the Logistics Centre must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
LC4	Logistics Centre parameter plans and maximum dimension of buildings and other structures Where Requirement LC3 applies, the buildings and other structures identified in Table LC4 may only be constructed within the parameter zone shown on the Logistics Centre Parc Cybi – Parameter Plan (WN0902-HZDCO-ADV-DRG-00014) in Schedule 2 (Approved plans) of this Order, and in accordance with the maximum and minimum dimensions shown in that table for that building or other structure—

Table LC4

<i>Building Name</i>	<i>Parameter Zone</i>	<i>Maximum Parameter</i>			<i>Minimum Parameter</i>		
		<i>L</i>	<i>W</i>	<i>H</i>	<i>L</i>	<i>W</i>	<i>H</i>
		<i>(m)</i>	<i>(m)</i>	<i>(m)</i>	<i>(m)</i>	<i>(m)</i>	<i>(m)</i>
				<i>AOD</i>			
Inspection Bay	7-1	23	13	6	-	-	-
Welfare/Security Building	7-2	29	16	4	-	-	-
Vehicle Scanner	7-3	10	10	7	-	-	-
HGV Information Kiosk	7-4	7	5	4	-	-	-
Site Entrance Kiosk	7-5	6	6	4	-	-	-

LC5 Landscape detailed design

- (1) 12 months prior to the operation of the Logistics Centre, plans and written details of the landscape design and maintenance of non-operational areas of the Logistics Centre must be submitted to and approved by IACC, in consultation with Cadw.
- (2) The details submitted under paragraph (1) must be prepared in accordance with the landscape principles relating to the Logistics Centre in volume 3 of the DAS and include details of—
- (a) location, number, species, local provenance, size and planting density of any proposed planting;

- (b) cultivation, importing of materials and other operations to ensure plant establishment;
 - (c) proposed finished ground levels;
 - (d) hard surfacing materials;
 - (e) hard landscape features (including stone walls, cloddiau, fences and gates);
 - (f) details of existing trees and hedgerows to be retained;
 - (g) details of any signage; and
 - (h) implementation timetables and maintenance proposals for all landscaping works that will apply during the operational period of the Logistics Centre.
- (3) No landscaping works may commence until the plans and written design submitted under paragraph (1) have been approved by IACC.
- (4) Landscaping of the Logistics Centre must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC, and maintained for the duration of the operational period of the Logistics Centre.
- (5) Any tree, hedgerow or shrub planted as part of an approved detailed design under paragraph (1) that, within the operational period of the Logistics Centre, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased during the operational period, must be replaced in the first available planting season with a specimen of the same species and similar size as that replaced, unless otherwise approved by IACC.
- (6) For the purposes of this requirement, “non-operational areas” means any area of the Logistics Centre that is not used or associated with the processing, movement and holding of HGVs at the Logistics Centre.

LC6 Operational car and cycle parking

The number of car parking spaces to be provided and available during the operation of the Logistics Centre must not exceed 12 spaces, including spaces allocated for disabled operational staff, unless otherwise approved by IACC.

LC7 Operational HGV parking

- (1) Except in an emergency, the number of parking spaces for HGVs provided and available during the operation of the Logistics Centre must not exceed 100 spaces, excluding spaces allocated for search and screening facilities, waiting and inspections.
- (2) For the purposes of this Requirement, an emergency would be an event that prevents or seriously impacts on HGV movements on the A5025 or A55 (Junction 2 to Junction 3) and results in HGVs remaining at the Logistics Centre or WNDA until deliveries or movements can be resumed.

LC8 Logistics decommissioning scheme

- (1) No construction of the Logistics Centre must commence unless an outline decommissioning scheme has been submitted to and approved by IACC, unless otherwise agreed with IACC.
- (2) The outline decommissioning scheme submitted under paragraph (1) must outline the overarching principles for the decommissioning of the Logistics Centre facility and restoration of the site to legacy use.
- (3) At least 6 months prior to the anticipated Unit 2 Commissioning Date, unless otherwise agreed with IACC, a detailed decommissioning scheme must be submitted to IACC for approval.
- (4) The detailed decommissioning scheme submitted under paragraph (3) must include details of—
 - (a) the timeframes and hours of decommissioning, removal and restoration works for legacy use;
 - (b) retainment of views between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments;
 - (c) the retention of any buildings or structures, where appropriate; and
 - (d) the retention of any existing landscaping works and features existing at the time of decommissioning.

- (5) The detailed decommissioning scheme submitted under paragraph (3) must be in accordance with the approved outline decommissioning scheme under paragraph (1) and the Wylfa Newydd CoCP and Parc Cybi Logistics Centre sub-CoCP.
- (6) Decommissioning of the Logistics Centre must not commence until a detailed decommissioning scheme has been submitted to and approved by IACC under paragraph (3), in consultation with Cadw.
- (7) Decommissioning of the Logistics Centre and restoration of the site must be undertaken in accordance with the detailed decommissioning scheme approved under paragraph (4), unless otherwise approved by IACC.
- (8) A detailed decommissioning scheme will not be required to be submitted under paragraph (3) where IACC has granted, or resolved to grant, a planning permission for the ongoing use or redevelopment of the Logistics Centre.

A5025 Off-Line Highway Improvements (Work No.s 8-11)

10.—(1) Requirements OH1 to OH10 apply to the A5025 Off-Line Highways Improvement Works. Where a Requirement applies only to a particular Work comprising the A5025 Off-Line Highway Improvements, that Work is expressly referred to in the Requirement—

<i>(1) Ref</i>	<i>(2) Requirement</i>
OH1	A5025 Off-Line Highway Improvements Sub-CoCP and Schemes (1) The construction of the A5025 Off-Line Highway Improvements and Work No. 1J must be carried out in accordance with the Wylfa Newydd CoCP and the A5025 Off-Line Highway Improvements sub-CoCP, unless otherwise approved by IACC. In the event of conflict between the Wylfa Newydd CoCP and the A5025 Off-Line Highway Improvements sub-CoCP, the A5025 Off-Line Highway Improvements sub-CoCP will prevail. (2) No construction of any part of the A5025 Off-Line Highway Improvements and Work No. 1J may commence until the following schemes have been submitted to and approved by IACC— (a) A5025 Off-Line Highway Improvements Archaeological Mitigation Scheme, including a written scheme of investigation; and (b) A5025 Off-Line Highway Improvements Construction Lighting Scheme. (3) All schemes submitted under paragraph (2) must be in accordance with the details identified in Part 2 of Schedule 4 (Control documents and schemes) of this Order. (4) Construction of any part of the A5025 Off-Line Highway Improvements and Work No. 1J must not commence until the construction lighting scheme for that part has been approved by the discharging authority in consultation with the identified consultee in Part 2 of Schedule 4. (5) Construction of any part of the A5025 Off-Line Highway Improvements and Work No. 1J must be undertaken in accordance with the scheme approved for that part under paragraph (4), unless otherwise approved by IACC. (6) Where any revisions are submitted to IACC under paragraph (5), the revised construction lighting plan for that part must be implemented for the remainder of construction.
OH2	Detailed Design Drawings – Work No.s 8, 9, 10 and 11 (1) The construction of Work No.s 8, 9, 10 and 11 must be carried out in accordance with the approved Detailed Design Drawings in Schedule 2 (Approved plans) of this Order, except where Requirement OH3 applies (2) Prior to construction of Work No.s 8, 9, 10 and 11 in accordance with the Detailed Design Drawings under paragraph (1), the undertaker will submit samples of external materials and colours to be used in the construction of that work to IACC for approval. (3) The samples submitted under paragraph (2) must be in accordance with the design principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS.

(1) Ref	(2) Requirement
	(4) Where IACC receives samples under paragraph (2) for approval, IACC must notify the undertaker of its decision within 20 working days beginning the date on which the samples were submitted and, in the event no notification is received within this time period, IACC will be deemed to have given its approval. (5) Construction of any of Work No.s 8, 9, 10 or 11 must be undertaken in accordance with the samples approved under paragraph (2) unless otherwise approved by IACC. (6) This requirement does not apply to the approval of detailed designs for any viaduct, overbridge and underpass comprised in Work No.s 9, 10 and 11.
OH3	Detailed design approval (1) In the event that the undertaker elects not to construct any of Work No.s 8, 9, 10 and 11 (excluding any viaduct, overbridge or underpass comprised in those Works) in accordance with the Detailed Design Drawings for those works in Schedule 2 (Approved plans) of this Order, construction of that work may not commence until plans and written details of the design (including size, external appearance, materials and siting) and external materials and samples have been submitted to and approved by IACC. (2) The plans, details and samples submitted under paragraph (1) must be in accordance with the limits of deviation for that work in article 4 (Limits of deviation) of the Order and the design and landscape principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS. (3) Construction of Work No.s 8, 9, 10 and 11 (excluding any viaduct, overbridge or underpass comprised in those Works) must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
OH4	Boundary treatment design (1) No construction of any boundary treatment along the boundaries of the A5025 Off-Line Highway Improvements may commence until plans and written details of the design (including size, siting and external appearance) have been submitted to and approved by IACC. (2) The details submitted under paragraph (1) must be prepared in accordance with the design principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS. (3) The construction of any boundary treatment comprised in the A5025 Off-Line Highway Improvements must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
OH5	Detailed design approval: viaduct, overbridges and underpasses (1) No construction may commence in respect of any viaduct, overbridge or underpass comprised in Work No.s 9, 10 or 11 until plans and written details of the design of that structure (including size, siting, and external appearance) have been submitted to and approved by IACC. (2) The details submitted under paragraph (1) must be prepared in accordance with— (a) the design principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS; (b) the limits of deviation for that work in article 4 (Limits of deviation) of the Order; and (c) the maximum dimensions identified in Requirement OH6. (3) The construction of any viaduct, overbridge or underpass comprised in Work No.s 9, 10 or 11 must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.
OH6	Maximum dimensions of structures: viaduct, overbridges and underpasses The viaducts, overbridges and underpasses identified in Table OH6 may only be constructed in accordance with the maximum and minimum dimensions shown in that table for those structures—

Table OH6

Work No.	Structure description	Maximum Parameter			Minimum Parameter		
		L (m)	W (m)	H (m above finished highway level)	L (m)	W (m)	H (m above finished highway level)
9A	Viaduct	135	14	10	100	13	9
9A	Underpass	40	6	3.5	35	5	3
9B	Overbridge	30	11	8.5	20	10	8
10B	Underpass	50	6	3.5	40	5	3
11	Underpass	35	6	3.5	30	5	3
11	Overbridge	25	6.5	9.5	11	5.5	8.5

OH7 Construction parking

The number of parking spaces to be provided and available within the construction compound of each part of the A5025 Off-Line Highway Improvement Works must not exceed 60 spaces, unless otherwise approved by IACC.

OH8 Landscape detailed design

(1) 12 months prior to the operation of any part of the A5025 Off-Line Highway Improvement Works, the plans and written details of the landscape design and maintenance for that part must be submitted to IACC for approval.

(2) The details submitted under paragraph (1) must be prepared in accordance with the landscape principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS and include details of—

- (a) location, number, species, size, local provenance and planting density of any proposed planting and seeded areas;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) hard landscaping features (including stone walls, cloddiau, fences and gates);
- (f) details of existing trees, hedgerows and other landscaping features to be retained;
- (g) details of any street lighting and signage; and
- (h) implementation timetables for all landscaping works.

(3) No landscaping of any part of the A5025 Off-Line Highway Improvement Works may commence until the plans and written details submitted for that part under paragraph (1) have been approved by IACC.

(4) The landscaping of any part of the A5025 Off-Line Highway Improvement Works must be undertaken in accordance with the details approved under paragraph (3), unless otherwise approved by IACC, and maintained for a period of 5 years.

(4) Any tree or shrub planted as part of the details approved under paragraph (3) that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of IACC, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and similar size as that being replaced, unless otherwise approved by IACC.

OH9 Water vole enhancement areas: Valley

(1) Prior to completion of construction of Work No. 8, plans and written details of the design of the Valley Water Vole Enhancement Area will be submitted to and approved by IACC in consultation with NRW.

(2) The details submitted under paragraph (1) must be prepared in accordance with the principles relating to the Valley Water Vole Enhancement Area in the A5025 Off-Line Highway Improvements in volume 3 of the DAS.

(3) The construction of the Valley Water Vole Enhancement Area must be

undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.

OH10 Water vole enhancement areas: Llanfachraeth

- (1) Prior to completion of construction of Work No. 9, plans and written details of the design for the Llanfachraeth Vole Enhancement Area will be submitted to and approved by IACC in consultation with NRW.
- (2) The details submitted under paragraph (1) must be prepared in accordance with the principles relating to the Llanfachraeth Vole Enhancement Area in the A5025 Off-Line Highway Improvements in volume 3 of the DAS.
- (3) The construction of the Llanfachraeth Vole Enhancement Area must be undertaken in accordance with the details approved under paragraph (1), unless otherwise approved by IACC.

Ecological Compensation Sites – Work No.s 13, 14 and 15

11.—(1) Requirements ECS1 and ECS4 apply to the Ecological Compensation Sites at Cors Gwawr, Cae Canol-dydd and Tŷ Du—

<i>(1) Ref</i>	<i>(2) Requirement</i>
ECS1	Wylfa Newydd CoCP The construction of the Ecological Compensation Sites must be carried out in accordance with the Wylfa Newydd CoCP, unless otherwise approved by IACC.
ECS2	Ecological Compensation Sites – detailed design approval (1) No construction may commence in respect of any of the Ecological Compensation Sites until plans and written details of the habitat design (including location, species, planting density, finished ground levels and materials) have been submitted to and approved by IACC in consultation with NRW. (2) The details submitted under sub-paragraph (1) must be prepared in accordance with the habitat and landscape principles relating to the Ecological Compensation Sites in Chapter 4 of the LHMS and include details of— (a) constructed wetlands; (b) public access infrastructure; (c) access and management infrastructure; (d) adaptive management approach; (e) topsoil stripping, storage and reuse; (f) drainage modifications; (g) vegetation establishment methods; (h) disposal of hedgerow material; (i) timing of works; and (j) hydrology data and baseline information. (3) Construction of the Ecological Compensation Sites must be undertaken in accordance with the details approved for each work under paragraph (1), unless otherwise approved by IACC.
ECS3	Landscape and habitat management schemes (1) Prior to completion of the each of the Ecological Compensation Sites, management schemes relating to management and maintenance of each Ecological Compensation Site must be submitted to and approved by IACC in consultation with NRW. (2) Any management scheme submitted under paragraph (1) must be prepared in accordance with the management principles in Chapter 7 of the LHMS. (3) The management of each Ecological Compensation Site must be carried out in accordance with the relevant management scheme approved under paragraph (1), unless otherwise approved by IACC.
ECS4	Pre-commencement monitoring (1) Prior the construction of the Ecological Compensation Sites at Cae Canol-dydd or

<i>(1) Ref</i>	<i>(2) Requirement</i>
	Cors Gwawr, hydrological and hydrogeological monitoring must be undertaken comprising— (a) ground investigations to identify soils and geology of the sites; (b) hydrological monitoring comprising installation of boreholes, piezometers, surface water monitoring and any other relevant installations; and (c) hydrochemical monitoring (including nutrient and base status). (2) No construction of the Ecological Compensation Sites at Cae Canol-dydd or Cors Gwawr may commence until— (a) plans and written details of the design of the drainage works; and (b) a hydrogeological/ecological conceptual model to inform habitat design, have been submitted to and approved by IACC in consultation with NRW. (3) The details submitted under paragraph (2) must be prepared in accordance with the data collected as part of the monitoring undertaken under sub-paragraphs 1(a) to (c). (4) Construction of drainage works at Cae Canol-dydd or Cors Gwawr must be undertaken in accordance with the details approved under paragraph (2), unless otherwise approved by IACC.

SCHEDULE 4

Article 85 and Schedule 3

CONTROL DOCUMENTS AND SCHEMES

PART 1

PROJECT-WIDE SCHEMES

<i>(1) Scheme</i>	<i>(2) Detail</i>	<i>(3) Consultee</i>
Community Safety Management Scheme	The scheme will be prepared in accordance with Section 3.4 of the Wylfa Newydd CoCP	North Wales Police, Betsi Cadwaladr University Health Board, North Wales Fire and Rescue Service and Welsh Ambulance Service NHS Trust
Traffic Incident Management Scheme	Section 5.9 of the Wylfa Newydd CoCP	North Wales Police, Gwynedd Council and the Welsh Ministers.
Parking Phasing Scheme	The scheme will indicate how car parking across the construction phases of the authorised development will be delivered. This will include details on a quarterly basis of— (a) the proposed phased delivery of parking spaces to be provided at both the WNDA and Dalar Hir Park and Ride Facility to align with worker number profiles; (b) car parking locations and layouts; (c) the nature of the provision (i.e. visitor, disability or worker use and whether fitted with an electric vehicle charging point); (d) temporary and permanent car parking spaces; (e) the minimum and maximum number of car parks to be provided; and (f) monitoring and reviewing mechanisms and timeframes. Parking provision within the scheme must not exceed the maximum parking provision in Requirements SPC2, WN18, WN19, OPSF6, PR7, LC6, LC7 and OH7 in Schedule 3 (Requirements) of this Order.	-

PART 2

SITE-SPECIFIC SCHEMES

<i>(1) Site</i>	<i>(2) Scheme</i>	<i>(3) Detail</i>	<i>(4) Consultee</i>
Wylfa Newydd Development Area	Abnormal Indivisible Loads Management Scheme	The scheme will be prepared in accordance with Section 5.4 of the Wylfa Newydd CoCP.	North Wales Police, Gwynedd Council and the Welsh Ministers
Wylfa Newydd Development Area	Protest Management Scheme	The scheme will be prepared in accordance with Section 4.7 of the Wylfa Newydd CoCP	North Wales Police
Wylfa Newydd Development Area	WNDA Archaeological Mitigation Scheme	The scheme will be prepared in accordance with Sections 12 of the Wylfa Newydd CoCP and the Main Power Station Site Sub-CoCP. A written scheme of investigation must be prepared in accordance with the Chartered Institute for Archaeologists' standards and guidance and provide the following details— (a) The type of investigation proposed for the affected asset or group of assets, proportionate to its significance and the significance of the effect under the Environmental Statement; (b) Aims and objectives of investigation based on published research frameworks and agenda, if available; (c) Method and programme for fieldwork previously undertaken and to be undertaken and post-fieldwork assessment, and reporting assessment and reporting, analysis, publication, dissemination and archiving; and (d) Proposals for public engagement and participation.	Cadw
Wylfa Newydd Development Area	Tre'r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme	The scheme will be prepared in accordance with the principles set out in Sections 10 and 11 of the Main Power Station Site sub-CoCP and will include details of— (a) A hydrogeological and hydrological conceptual model(s); (b) Continuous water level monitoring, locations and frequencies informed by the conceptual model in (a); (c) Triggers for identifying changes in groundwater levels which would be likely to affect (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI; (d) Mitigation measures implemented pursuant to (c), to minimise likelihood of	NRW

<i>(1) Site</i>	<i>(2) Scheme</i>	<i>(3) Detail</i>	<i>(4) Consultee</i>
Wylfa Newydd Development Area	Overarching Construction Drainage Scheme	damage to (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI. The scheme will be prepared in accordance with the drainage principles in Sections 10 of the Wylfa Newydd COCP and the Main Power Station Site sub-CoCP, as well as the drainage principles set out in section 4 of the LHMS. The scheme will also be in general accordance with construction landform drainage design drawings presented in Wylfa Newydd Development Area – Power Station Site Plans (Part 1 of 2) in Schedule 2 (Approved plans) of this Order, and Appendix D8-A of the Environmental Statement Addendum. The scheme will provide the following details— (a) Drainage plans incorporating buffer zones; (b) Commitment to working practices guided by Guidance for Pollution Prevention 5; Works and maintenance in or near water; (c) Protections for Tre'r Gof and Cae Gwyn SSSI; (d) The location and indicative design parameters of the sewage treatment plant; (e) The location of siltbuster units; (f) Tables of flow rates; and (g) Tables of storage/attenuation volumes. *The scheme submitted would not detail water quality standards as these will be secured through an environmental permit application.	NRW, Welsh Ministers in respect of the location of the sewage treatment plant in relation to heritage assets
Wylfa Newydd Development Area	Overarching Construction Lighting Scheme	The scheme will be prepared in accordance with the principles set out in Section 4.4 of the Wylfa Newydd CoCP, and the Main Power Station Site sub-CoCP, Section 4.3 of the Marine Works sub-CoCP, the design principles for the Site Campus in volume 3 of the DAS and the lighting parameters set out in Appendix D10-10 of the Environmental Statement. The scheme will comprise general exterior area lighting, security lighting, car park and haul road lighting, and temporary lighting not associated with wall and roof construction during construction of the Power Station Works and Site Campus, and the operation of the Site Campus, and provide the following details—	NRW

<i>(1) Site</i>	<i>(2) Scheme</i>	<i>(3) Detail</i>	<i>(4) Consultee</i>
		(a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (c) Illuminance levels by area (average and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting: (i) Light spill over construction boundaries; and (ii) Key sensitive receptors (such as the Tyn-y-Maes bat barn) with vertical grid lux plots at agreed locations; and (iii) Monitoring and review mechanisms to ensure compliance.	
Wylfa Newydd Development Area	WNDA Operational Lighting Scheme	The scheme will be prepared in accordance with Section 4.3 of the Wylfa Newydd CoCP, the design principles in volume 2 of the DAS, and the lighting parameters set out in Appendix D10-10 of the Environmental Statement. The scheme will comprise general exterior area lighting, security and car park lighting during the operation of the Power Station Works and will provide the following details— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (c) Illuminance levels by area (average and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting: (i) Light spill from operational boundaries; and (ii) Key sensitive receptors with vertical grid lux plots at agreed locations; and (e) Monitoring and review mechanism to ensure compliance.	NRW
Off-Site Power Station Facilities	Off-Site Power Station Facilities Construction Lighting Scheme	The scheme will be prepared in accordance with the principles set out in Section 4.4 of the Wylfa Newydd CoCP. The scheme will comprise general exterior area lighting, security and carpark lighting, and the provide following details— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (c) Illuminance levels by area (average	-

<i>(1) Site</i>	<i>(2) Scheme</i>	<i>(3) Detail</i> and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting: (i) Light spill over construction boundaries; and (ii) Key sensitive receptors with vertical grid lux plots at agreed locations; and (e) Monitoring mechanisms to ensure compliance.	<i>(4) Consultee</i>
Off-Site Power Station Facilities	Off-Site Power Station Facilities Archaeology Mitigation Scheme	The scheme will be prepared in accordance with the principles set out in Sections 12 of the Wylfa Newydd CoCP and the Off-Site Power Station Site sub-CoCP. A written scheme of investigation must be prepared in accordance with the Chartered Institute for Archaeologists' standards and guidance and provide the following details— (a) The type of investigation proposed for the affected asset or group of assets, proportionate to its significance and the significance of the effect under the Environmental Statement; (b) Aims and objectives of investigation based on published research frameworks and agenda, if available; (c) Method and programme for fieldwork to be undertaken and post-fieldwork assessment, and reporting, analysis, publication, dissemination and archiving; and (d) Proposals for public engagement and participation.	Cadw
Off-Site Power Station Facilities	Off-Site Power Station Facilities Operational Lighting Scheme	The scheme will be prepared in accordance with Section 4.3 of the Wylfa Newydd CoOP and the design principles in volume 3 of the DAS. The scheme will comprise general exterior area lighting, security and car park lighting during operation and will provide the following details— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (c) Illuminance levels by area (average and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting: (i) Light spill from operational boundaries; and (ii) Key sensitive receptors with vertical	NRW

<i>(1) Site</i>	<i>(2) Scheme</i>	<i>(3) Detail</i>	<i>(4) Consultee</i>
Parc Cybi Logistics Centre	Logistics Centre Lighting Scheme	grid lux plots at agreed locations; and (e) Monitoring and review mechanism to ensure compliance. The scheme will be prepared in accordance with the principles set out in section 4.4 of the Wylfa Newydd CoCP. The scheme will comprise general exterior area lighting, security and car park lighting during construction and operation, and provide the following details— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (i) Illuminance levels by area (average and uniformity); (ii) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting; (iii) Light spill over construction boundaries; and (iv) Key sensitive receptors with vertical grid lux plots at agreed locations; and (c) Monitoring mechanisms to ensure compliance.	Cadw NRW
Parc Cybi Logistics Centre	Logistics Centre Archaeology Mitigation Scheme	The scheme will be prepared in accordance with the principles set out in Sections 12 of the Wylfa Newydd CoCP and the Parc Cybi Logistics Centre sub-CoCP. A written scheme of investigation must be prepared in accordance with the Chartered Institute for Archaeologists' standards and guidance and provide the following details— (a) The type of investigation proposed for the affected asset or group of assets, proportionate to its significance and the significance of the effect under the Environmental Statement; (b) Aims and objectives of investigation based on published research frameworks and agenda, if available; (c) Method and programme for fieldwork to be undertaken and post-fieldwork assessment, and reporting, analysis, publication, dissemination and archiving; and (d) Proposals for public engagement and participation.	Cadw
Dalar Hir Park and Ride Facility	Park and Ride Facility Lighting Scheme	The scheme will be prepared in accordance with the principles set out in Section 4.4 of the Wylfa Newydd CoCP and Section 4.3 of the Dalar Hir Park and	-

(1) Site	(2) Scheme	(3) Detail	(4) Consultee
		Ride sub-CoCP. The scheme will comprise general exterior area lighting, security and car park lighting during construction and operation, and provide the following details— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls to enable parking areas to be closed and switched off when not required; (c) Illuminance levels by area (average and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting: (i) Light spill over construction boundaries; and (ii) Key sensitive receptors with vertical grid lux plots at agreed locations; and (e) Monitoring mechanisms to ensure compliance.	
Dalar Hir Park and Ride Facility	Park and Ride Archaeology Mitigation Scheme	The scheme will be prepared in accordance with the principles set out in Sections 12 of the Wylfa Newydd CoCP and the Dalar Hir Park and Ride sub-CoCP. A written scheme of investigation must be prepared in accordance with the Chartered Institute for Archaeologists' standards and guidance and provide the following details— (a) The type of investigation proposed for the affected asset or group of assets, proportionate to its significance and the significance of the effect under the Environmental Statement; (b) Aims and objectives of investigation based on published research frameworks and agenda, if available; (c) Method and programme for fieldwork to be undertaken and post-fieldwork assessment, and reporting, analysis, publication, dissemination and archiving; and (d) Proposals for public engagement and participation.	Cadw
A5025 Off-Line Highway Improvements	A5025 Off-Line Highway Improvements Construction Lighting Scheme	The scheme will be prepared in accordance with the principles set out in section 4.4 of the Wylfa Newydd CoCP and Section 4.4 of the A5025 Off-Line Highway Improvements sub-CoCP. The scheme will comprise general exterior area lighting, security and car park lighting during construction, and	-

(1) Site	(2) Scheme	(3) Detail include details such as— (a) Lighting design, including location, height and tilt of proposed lighting; (b) Lighting controls, to enable variable lighting; (c) Illuminance levels by area (average and uniformity); (d) Plans displaying spill light contour lines on Ordnance Survey mapping, highlighting; (i) Light spill over construction boundaries; and (i) Key sensitive receptors with vertical grid lux plots at agreed locations; (e) Monitoring mechanisms to ensure compliance.	(4) Consultee
A5025 Off-Line Highway Improvements	A5025 Off-Line Highway Improvements Archaeology Mitigation Scheme	The scheme will be prepared in accordance with the principles set out in Sections 12 of the Wylfa Newydd CoCP and the A5025 Off-Line Highway Improvements sub-CoCP A written scheme of investigation must be prepared in accordance with the Chartered Institute for Archaeologist's standards and guidance and provide the following details— (a) The type of investigation proposed for the affected asset or group of assets, proportionate to its significance and the significance of the effect under the Environmental Statement; (b) Aims and objectives of investigation based on published research frameworks and agenda, if available; (c) Method and programme for fieldwork to be undertaken and post-fieldwork assessment, and reporting, analysis, publication, dissemination and archiving; and (d) Proposals for public engagement and participation.	Cadw

SCHEDULE 5

Article 11

STREETS SUBJECT TO ALTERATION OF LAYOUT

PART 1

STREETS SUBJECT TO ALTERATION OF LAYOUT

<i>(1) Relevant Site</i>	<i>(2) Streets subject to alteration</i>	<i>(3) Description of alteration</i>	<i>(4) Reference</i>
Off-site Power Station facility	A5025 - R1 to R2	Realignment of entrance off A5025	WN903-HXDCO-ROW-DRG-00010
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	Construction of junction of realigned A5025 and A5 London Road and tie in of realigned A5025 to existing A5025	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	Construction of junction of realigned A5025 and A5 London Road	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	Construction of junction of realigned A5025 with the severed section of existing A5025 and tie in of realigned A5025 to existing A5025	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C116	Construction of side road crossing of the realigned A5025, and tie ins to existing highway	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Unclassified road known as ‘Parc Llynnon’	Realignment to tie into realigned C116	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	Construction of junction of realigned A5025 with the severed section of existing A5025 and tie in of realigned A5025 to existing A5025	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C213	Realignment of side road to tie in to the proposed junction of the realigned A5025 with the severed section of the A5025	WN0902-HZDCO-ROW-DRG-00009

<i>(1) Relevant Site</i>	<i>(2) Streets subject to alteration</i>	<i>(3) Description of alteration</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	U250	Realignment of side road to tie in to realigned A5025	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	A5025	Construction of junction of realigned A5025 with the severed sections of existing A5025 and tie in of realigned A5025 to existing A5025 Construction of turning head at end of severed section of A5025.	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Unclassified service road adjacent to A5025	Construction of turning head at end of severed section of A5025	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	C115	Construction of junction with realigned A5025	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	A5025	Construction of junctions of realigned A5025 with the severed sections of existing A5025 and tie in of realigned A5025 to existing A5025	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	C111	Construction of junction with realigned A5025	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	A5025	Tie in of realigned A5025 to existing A5025. Provision of service road to maintain access to adjacent land	WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Unclassified service road adjacent to A5025	Construction of junction with the realigned A5025	WN0902-HZDCO-ROW-DRG-00030

<i>(1) Relevant Site</i>	<i>(2) Streets subject to alteration</i>	<i>(3) Description of alteration</i>	<i>(4) Reference</i>
Dalar Hir Park and Ride Facility	A5 – N2/1	Construction of new junction off A5 Northern Roundabout	WN903-HXDCO-ROW-DRG-00012
Dalar Hir Park and Ride Facility	A5 – N2/2	Construction of new junction off A5 Northern Roundabout	WN903-HXDCO-ROW-DRG-00012
Dalar Hir Park and Ride Facility	A5 – N2/2	Construction of new junction off A5 Northern Roundabout	WN903-HXDCO-ROW-DRG-00012

PART 2

STREETS SUBJECT TO TEMPORARY ALTERATION

<i>(1) Relevant Site</i>	<i>(2) Streets subject to alteration</i>	<i>(3) Description of alteration</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	Temporary alterations as may be required during the execution of works to facilitate	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	the permanent highway works, including, but not limited to, temporary diversions, changes in cross-section, signal control, stopping up, creation of highway works access routes or	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	stopping up of adjacent footways	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C116		WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Unclassified road known as ‘Parc Llynnon’		WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025		WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C213		WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	U250		WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	A5025		WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Unclassified service road adjacent to A5025		WN0902-HZDCO-ROW-DRG-00011

<i>(1) Relevant Site</i>	<i>(2) Streets subject to alteration</i>	<i>(3) Description of alteration</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	C115		WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	A5025		WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	C111		WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	A5025		WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Unclassified service road adjacent to A5025		WN0902-HZDCO-ROW-DRG-00030

SCHEDULE 6

Article 12

STREETS SUBJECT TO STREET WORKS

<i>(1) Relevant site</i>	<i>(2) Streets subject to street works</i>	<i>(3) Reference</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C116	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Unclassified road known as ‘Parc Llynnon’	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	C213	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	U250	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	A5025	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Unclassified service road adjacent to A5025	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	C115	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	A5025	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	C111	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	A5025	WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Unclassified service road adjacent to A5025	WN0902-HZDCO-ROW-DRG-00030

SCHEDULE 7

Article 14

STREETS OR PRIVATE MEANS OF ACCESS TO BE PERMANENTLY STOPPED UP OR EXTINGUISHED

PART 1

BEING A STREET TO BE STOPPED UP OR PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1) Relevant site</i>	<i>(2) Street to be stopped up or private means of access to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) New street or private means of access to be substituted</i>	<i>(5) Reference</i>		
Streets						
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	229886, 379615 [S1/3]	230151, 379821 [S1/4]	229734, 379156 [N1/1]	230152, 379820 [N1/2]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	229611, 379177 [S1/1]	229825, 379055 [S1/2]	229732, 379155 [N1/3]	229732, 379155 [N1/4]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	229611, 379177 [S1/1]	229825, 379055 [S1/2]	229611, 379177 [N1/5]	229694, 379136 [N1/6]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5 London Road	229611, 379177 [S1/1]	229825, 379055 [S1/2]	229738, 379121 [N1/7]	229825, 379055 [N1/8]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	229886, 379615 [S1/3]	230151, 379821 [S1/4]	229886, 379615 [N1/9]	229906, 379630 [N1/10]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	A5025	229886, 379615 [S1/3]	230151, 379821 [S1/4]	229896, 379623 [N1/11]	229909, 379607 [N1/12]	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	A5025	231750, 381505 [S2/1]	231744, 381673 [S2/2]	231750, 381505 [N2/1]	231676, 382667 [N2/2]	WN0902-HZDCO-ROW-DRG-00008

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference	
			231744, 381673 [N2/3]	231790, 381628 [N2/4] WN0902- HZDCO- ROW-DRG- 00008	
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	C116	231579, 382472 [S2/3]	231827, 382627 [S2/4]	231579, 382472 [N2/5]	231827, 382627 [N2/6] WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Unclassified road known as ‘Parc Llynnon’	231616, 382493 [S2/5]	231613, 382498 [S2/6]	231616, 382493 [N2/7]	231613, 382498 [N2/8] WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	A5025	231557, 383396 [S3/1]	231652, 383569 [S3/2]	231676, 382667 [N3/1]	231652, 383569 [N3/2] WN0902- HZDCO- ROW-DRG- 00009
			231557, 383396 [N3/3]	231616, 383417 [N3/4]	WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	U250	231652, 383538 [S3/3]	231683, 383530 [S3/4]	231652, 383538 [N3/5]	231683, 383530 [N3/6] WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 3 - Llanfachraeth	C213	231563, 383412 [S3/5]	231551, 383418 [S3/6]	231563, 383412 [N3/7]	231551, 383418 [N3/8] WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 5 – Llanfaethlu	A5025	231912, 386170 [S4/1]	231527, 386852 [S4/2]	231910, 386169 [N4/1]	231640, 387243 [N4/2] WN0902- HZDCO- ROW-DRG- 00011
			231884, 386377 [N4/3]	231980, 386463 [N4/4]	WN0902- HZDCO- ROW-DRG- 00011
			231932, 386378 [N4/5]	231932, 386354 [N4/6]	WN0902- HZDCO- ROW-DRG- 00011
			231527, 386852 [N4/7]	231630, 386844 [N4/8]	WN0902- HZDCO- ROW-DRG- 00011

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference		
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	A5025	231509, 387055 [S4/3]	231640, 387243 [S4/4]	231509, 387055 [N4/9]	231551, 387115 [N4/10]	WN0902- HZDCO- ROW-DRG- 00011
				231519, 387069 [N4/11]	231532, 387059 [N4/12]	WN0902- HZDCO- ROW-DRG- 00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Unclassified service road adjacent to A5025	231525, 387057 [S4/5]	231607, 387184 [S4/6]	231509, 387055 [N4/9]	231551, 387115 [N4/10]	WN0902- HZDCO- ROW-DRG- 00011
				231519, 387069 [N4/11]	231532, 387059 [N4/12]	WN0902- HZDCO- ROW-DRG- 00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	C115	231964, 386432 [S4/7]	231980, 386463 [S4/8]	231884, 386377 [N4/3]	231980, 386463 [N4/4]	WN0902- HZDCO- ROW-DRG- 00011
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	A5025	233752, 389689 [S5/1]	233895, 389790 [S5/2]	233752, 389689 [N5/1]	234179, 390825 [N5/2]	WN0902- HZDCO- ROW-DRG- 00029
				233852, 389796 [N5/3]	233895, 389790 [N5/4]	WN0902- HZDCO- ROW-DRG- 00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	C111	234050, 390200 [S5/3]	234154, 390201 [S5/4]	234050, 390200 [N5/5]	234105, 390175 [N5/6]	WN0902- HZDCO- ROW-DRG- 00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	A5025	234229, 390543 [S5/5]	234179, 390825 [S5/6]	234171, 390659 [N5/7]	234229, 390543 [N5/8]	WN0902- HZDCO- ROW-DRG- 00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	A5025	235109, 391666 [S6/1]	235321, 392003 [S6/2]	235109, 391666 [N6/1]	235190, 391854 [N6/2]	WN0902- HZDCO- ROW-DRG- 00030

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up extinguishment	(4) New street or private means of access to be substituted	(5) Reference	
			235202, 391886 [N6/3]	235321, 392003 [N6/4] WN0902- HZDCO- ROW-DRG- 00030	
			235175, 391880 [N6/5]	235175, 391880 [N6/6] WN0902- HZDCO- ROW-DRG- 00030	
			235251, 391918 [N6/7]	235246, 391897 [N6/8] WN0902- HZDCO- ROW-DRG- 00030	
			235173, 391881 [N6/9]	235161, 391889 [N6/10] WN0902- HZDCO- ROW-DRG- 00030	
A5025 Off- Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Unclassified service road adjacent to A5025	235160, 391778 [S6/3]	235179, 391799 [S6/4]	235160, 391778 [N6/11]	235168, 391780 [N6/12] WN0902- HZDCO- ROW-DRG- 00030
A5025 Off- Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Unclassified service road adjacent to A5025	235168, 391785 [S6/5]	235178, 391778 [S6/6]	235160, 391778 [N6/11]	235168, 391780 [N6/12] WN0902- HZDCO- ROW-DRG- 00030
Footpaths					
Dalar Hir Park and Ride Facility	-	-	-	232465, 378436 [NF2/1]	232497, 378439 [NF2/2] WN0902- HZDCO- ROW-DRG- 00012
Dalar Hir Park and Ride Facility	-	-	-	232507, 378433 [NF2/3]	232511, 378432 [NF2/4] WN0902- HZDCO- ROW-DRG- 00012
Dalar Hir Park and Ride Facility	-	-	-	232518, 378432 [NF2/5]	232853, 378293 [NF2/6] WN0902- HZDCO- ROW-DRG- 00012
Dalar Hir Park and Ride Facility	-	-	-	232790, 378291 [NF2/7]	232813, 378286 [NF2/8] WN0902- HZDCO- ROW-DRG- 00012

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference		
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	49/014/2	231765, 381591 [X2/1]	231804, 381589 [X2/2]	231797, 381590 [NF2/1]	231804, 381589 [NF2/2]	WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	27/018/1	231738, 382230 [X2/3]	231787, 382276 [X2/4]	231738, 382230 [NF2/3]	231787, 382276 [NF2/4]	WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	27/020/1	231635, 382783 [X3/1]	231671, 382807 [X3/2]	231635, 382783 [NF3/1]	231644, 382774 [NF3/2]	WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	27/012/1	231580, 383413 [X3/3]	231647, 383416 [X3/4]	231767, 383421 [NF3/7] (Footway)	231651, 383533 [NF3/8] (Footway)	WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	27/012/1	231647, 383416 [X3/5]	231767, 383421 [X3/6]	231767, 383421 [NF3/7]	231651, 383533 [NF3/8]	WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 5 – Llanfaethlu	29/009/1	231600, 387150 [X4/3]	231698, 387107 [X4/4]	231600, 387150 [NF4/1]	231698, 387107 [NF4/2]	WN0902- HZDCO- ROW-DRG- 00011
A5025 Off- Line Highway Improvements – Section 7 – Cefn Coch	18/063/4	233739, 389707 [X5/1]	233756, 389702 [X5/2]	233739, 389707 [NF5/1]	233756, 389702 [NF5/2]	WN0902- HZDCO- ROW-DRG- 00029
A5025 Off- Line Highway Improvements – Section 7 – Cefn Coch	18/018/1	234063, 390007 [X5/3]	234086, 390172 [X5/4]	234095, 390183 [NF5/3]	234117, 390224 [NF5/4]	WN0902- HZDCO- ROW-DRG- 00029
				Replaced by footways NF5/5 to NF5/6, NF5/7 to NF5/8, and NF5/9 to NF5/10, as described below		WN0902- HZDCO- ROW-DRG- 00029
				234117, 390224 [NF5/5]	234142, 390260 [NF5/6]	WN0902- HZDCO- ROW-DRG- 00029

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference
			234150, 390258 [NF5/7]	234180, 390302 [NF5/8] WN0902- HZDCO- ROW-DRG- 00029
			234180, 390302 [NF5/9]	234065, 390006 [NF5/10] WN0902- HZDCO- ROW-DRG- 00029
Footways				
A5025 Off- Line Highway Improvements – Section 1 – Valley	Footway adjacent to northbound carriageway of the A5, between the access to the Freight Yard and Valley	229477, 379248 [X1/1]	229685, 379129 [X1/2] 229477, 379248 [NF1/1] (Footway/ Cycleway)	229696, 379118 [NF1/2] (Footway/ Cycleway) WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	Footway adjacent to northbound carriageway of the A5, between the access to the Freight Yard and A55 J3	229723, 379108 [X1/3]	230033, 378878 [X1/4] 229712, 379110 [NF1/3] (Footway/ Cycleway)	230033, 378878 [NF1/4] (Footway/ Cycleway) WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	-	-	-	231739, 381673 [NF2/5] 231771, 381618 [NF2/6] WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	-	-	-	231794, 381617 [NF2/7] 231797, 381590 [NF2/8] WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	-	-	-	231644, 382774 [NF3/3] 231653, 382775 [NF3/4] WN0902- HZDCO- ROW-DRG- 00009
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	-	-	-	231663, 382776 [NF3/5] 231671, 382807 [NF3/6] WN0902- HZDCO- ROW-DRG- 00009

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference		
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Footway adjacent to the southbound carriageway of the A5025 to the north of Llanfachraeth	231565, 383399 [X3/7]	231648, 383531 [X3/8]	231570, 383419 [NF3/9]	231639, 383535 [NF3/10]	WN0902- HZDCO- ROW-DRG- 00009
Footway/Cycleways						
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	229685, 379149 [NF1/5]	229732, 379168 [NF1/6]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	229746, 379157 [NF1/7]	229752, 379121 [NF1/8]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	229712, 379110 [NF1/9]	229741, 379106 [NF1/10]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	229905, 379632 [NF1/11]	230016, 379718 [NF1/12]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	230016, 379718 [NF1/13]	230033, 379724 [NF1/14]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	-	-	-	230042, 379718 [NF1/15]	230075, 379751 [NF1/16]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 5 – Llanfaethlu	-	-	-	231955, 386424 [NF4/3]	231890, 386409 [NF4/4]	WN0902- HZDCO- ROW-DRG- 00011
A5025 Off- Line Highway Improvements – Section 5 – Llanfaethlu	-	-	-	231878, 386407 [NF4/5]	231610, 386826 [NF4/6]	WN0902- HZDCO- ROW-DRG- 00011

<i>(1) Relevant site</i>	<i>(2) Street to be stopped up or private means of access to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) New street or private means of access to be substituted</i>	<i>(5) Reference</i>
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	-	-	231549, 387116 [NF4/7]	231570, 387141 [NF4/8] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	-	-	231580, 387136 [NF4/9]	231588, 387148 [NF4/10] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	-	-	231593, 387160 [NF4/11]	231614, 387198 [NF4/12] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	-	-	235105, 391669 [NF6/1]	235119, 391688 [NF6/2] WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	-	-	235130, 391703 [NF6/3]	235165, 391776 [NF6/4] WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	-	-	235170, 391789 [NF6/5]	235158, 391878 [NF6/6] WN0902-HZDCO-ROW-DRG-00030
Parc Cybi Logistics Centre	Footway / cycleway adjacent to Parc Cybi	225744, 380650 [S3/1]	225725, 380653 [S3/2]	235725, 380653 [NF 3/2] 225767, 380627 [NF 3/5] WN0902-HZDCO-ROW-DRG-00013
Parc Cybi Logistics Centre	Footway/ cycleway adjacent to Parc Cybi	225748, 380644 [S3/5]	225779, 380573 [S3/6]	235768, 380629 [NF 3/1] 225784, 380600 [NF 3/3] WN0902-HZDCO-ROW-DRG-00013
			235763, 380599 [NF 3/6]	235780, 380570 [NF 3/4]

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference		
Private means of access						
Parc Cybi Logistics Centre	Access to Logistics Centre with Parc Cybi	225733, 380637 [S3/3]	2225751, 380651 [S3/4]	225773, 380624 [N3/1]	225781, 380608 [N3/2]	WN0902- HZDCO- ROW-DRG- 00013
				225781, 380608 [N3/3]	225763, 380595 [N3/4]	
A5025 Off- Line Highway Improvements – Section 1 – Valley	Access to Freight Yard from A5 London Road	229704, 379116 [AX1/1]	229692, 379102 [AX1/1]	229704, 379116 [A1/1]	229692, 379102 [A1/1]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	Land to east of A5 London Road severed by realigned A5025	-	-	229571, 379220 [A1/2]	229574, 379225 [A1/2]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	Land to east of A5 London Road severed by realigned A5025	-	-	229936, 379554 [A1/3]	229942, 379550 [A1/3]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 1 – Valley	Land to east of A5 London Road severed by realigned A5025	-	-	229911, 379605 [A1/4]	229914, 379601 [A1/4]	WN0902- HZDCO- ROW-DRG- 00007
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Field access to land to the east of the A5025	231764, 381589 [AX2/1]	231767, 381589 [AX2/1]	231736, 381760 [A2/1]	231768, 381756 [A2/1]	WN0902- HZDCO- ROW-DRG- 00008
				231768, 381756 [A2/2]	231771, 381755 [A2/2]	WN0902- HZDCO- ROW-DRG- 00008
				231765, 381758 [A2/3]	231767, 381766 [A2/3]	WN0902- HZDCO- ROW-DRG- 00008
				231775, 382074 [A2/4]	231800, 381584 [A2/4]	WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Access track to Bedo from C116	231776, 382569 [AX2/2]	231792, 382550 [AX2/2]	231790, 382553 [A2/5]	231792, 382550 [A2/5]	WN0902- HZDCO- ROW-DRG- 00008

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference		
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Field access from the C116 to land to the north of the C116	231771, 382577 [AX2/3]	231771, 382582 [AX2/3]	231771, 382578 [A2/6]	231712, 382630 [A2/6]	WN0902- HZDCO- ROW-DRG- 00008
				231712, 382630 [A2/7]	231709, 382634 [A2/7]	WN0902- HZDCO- ROW-DRG- 00008
				231718, 382623 [A2/8]	231711, 382619 [A2/8]	WN0902- HZDCO- ROW-DRG- 00008
				231649, 382508 [A2/9]	231646, 382511 [A2/9]	WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	-	-	-	231640, 382480 [A2/10]	231641, 382477 [A2/10]	WN0902- HZDCO- ROW-DRG- 00008
A5025 Off- Line Highway Improvements – Section 3 – Llanfachraeth	Part of access track from the existing A5025 to land to the south and east of the existing A5025	231540, 383369 [AX3/1]	231646, 383105 [AX3/1]	231660, 382969 [A3/1]	231656, 382971 [A3/1]	WN0902- HZDCO- ROW-DRG- 00009
				231656, 382971 [A3/2]	231668, 383530 [A3/2]	WN0902- HZDCO- ROW-DRG- 00009
				231668, 383521 [A3/3]	231675, 383517 [A3/3]	WN0902- HZDCO- ROW-DRG- 00009
				231540, 383369 [A3/4]	231600, 383083 [A3/4]	WN0902- HZDCO- ROW-DRG- 00009
				231577, 383253 [A3/5]	231573, 383251 [A3/5]	WN0902- HZDCO- ROW-DRG- 00009
				231572, 383289 [A3/6]	231635, 383247 [A3/6]	WN0902- HZDCO- ROW-DRG- 00009

<i>(1) Relevant site</i>	<i>(2) Street to be stopped up or private means of access to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) New street or private means of access to be substituted</i>	<i>(5) Reference</i>
			231641, 383260 [A3/7]	231643, 383260 [A3/7] WN0902-HZDCO-ROW-DRG-00009
			231643, 383410 [A3/8]	231646, 383410 [A3/8] WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Field access to land to the west of the existing A5025	231900, 386199 [AX4/1]	231892, 386197 [AX4/1]	231917, 386654 [A4/1] 231885, 386209 [A4/1] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Field access to land to the west of the existing A5025	231889, 386526 [AX4/2]	231882, 386520 [AX4/2]	231887, 386514 [A4/2] 231895, 386507 [A4/2] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Field access to land to the west of the existing A5025	231836, 386582 [AX4/3]	231829, 386576 [AX4/3]	231854, 386482 [A4/3] 231849, 386502 [A4/3] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Field access to land to the west of the existing A5025	231830, 386593 [AX4/4]	231823, 386587 [AX4/4]	231809, 386611 [A4/4] 231699, 386567 [A4/4] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Field access to land to the east of the existing A5025	231725, 386745 [AX4/5]	231732, 386751 [AX4/5]	231632, 386880 [A4/5] 231646, 386879 [A4/5] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Access track to Tan-y-Bryn	231679, 386767 [AX4/6]	231674, 386760 [AX4/6]	231606, 386821 [A4/6] 231674, 386760 [A4/6] WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Access track to sewage works	231600, 387150 [AX4/7]	231698, 387107 [AX4/7]	231600, 387150 [A4/7] 231698, 387107 [A4/7] WN0902-HZDCO-ROW-DRG-00011
			231698, 387107 [A4/8]	231781, 387155 [A4/8] WN0902-HZDCO-ROW-DRG-00011

(1) Relevant site	(2) Street to be stopped up or private means of access to be extinguished	(3) Extent of stopping up or extinguishment	(4) New street or private means of access to be substituted	(5) Reference
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Access track to Bod-hedd	233739, 389707 [AX5/1]	233756, 389702 [A5/1]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Field access to land to the west of the existing A5025	234081, 390174 [AX5/2]	234079, 390170 [AX5/2]	WN0902-HZDCO-ROW-DRG-00029
			234080, 390180 [A5/3]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Field access to land to the west of the existing A5025	234186, 390329 [AX5/3]	234182, 390329 [AX5/3]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Field access to land to the west of the existing A5025	234222, 390566 [AX5/4]	234223, 390564 [A5/4]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Field access to land to the west of the existing A5025	234190, 390681 [AX5/5]	234186, 390679 [AX5/5]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	-	-	233844, 389747 [A5/7]	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	Field access to land to the east of the existing A5025	235202, 391813 [AX6/1]	235204, 391812 [AX6/1]	WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	-	-	235161, 391889 [A6/2]	WN0902-HZDCO-ROW-DRG-00030
			235134, 391909 [A6/2]	

PART 2

BEING A STREET TO BE STOPPED UP OR PRIVATE MEANS OF ACCESS TO BE EXTINGUISHED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1) Relevant site</i>	<i>(2) Street or public right of way to be stopped up or private means to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>	<i>(4) Reference</i>
Streets			
Wylfa Newydd Development Area	Cemlyn Road	234264, 393096 [S3/1]	235612, 393690 [S3/2] WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00017 WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	Road to Fisherman's Car Park	235593, 393809 [S3/3]	235756, 392948 [S3/4] WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00018
Footpaths			
Wylfa Newydd Development Area	20/057/2	235558, 394154 [X3/1]	235515, 394093 [X3/2] WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	20/057/1	235516, 394093 [X3/3]	235594, 393810 [X3/4] WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	20/002/1	236096, 393681 [X3/5]	235591, 393815 [X3/6] WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/004/5	236437, 393581 [X3/7]	236631, 393744 [X3/8] WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	20/006/1	236437, 393581 [X3/9]	236268, 393734 [X3/10] WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/004/4	236593, 393484 [X3/11]	236437, 393581 [X3/12] WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	20/004/2	236765, 393429 [X3/13]	236579, 393473 [X3/14] WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	20/004/3	236579, 393474 [X3/15]	236593, 393484 [X3/16] WN0902-HZDCO-ROW-DRG-00018

<i>(1) Relevant site</i>	<i>(2) Street or public right of way to be stopped up or private means to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>		<i>(4) Reference</i>
Wylfa Newydd Development Area	20/005/2	236579, 393474 [X3/17]	236292, 393240 [X3/18]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/003/2	236292, 393239 [X3/19]	236243, 393350 [X3/20]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/003/3	236243, 393350 [X3/21]	236096, 393682 [X3/22]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/003/1	236330, 393133 [X3/23]	236292, 393239 [X3/24]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/039/2	236243, 393350 [X3/25]	236073, 393299 [X3/26]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/039/1	236073, 393299 [X3/27]	236121, 393173 [X3/28]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/039A/1	236073, 393299 [X3/29]	235852, 393245 [X3/30]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/038/2	235878, 392980 [X3/31]	235852, 393245 [X3/32]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/038/1	235852, 393245 [X3/33]	235539, 393509 [X3/34]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/030/2	235564, 392975 [X3/35]	235698, 392852 [X3/36]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	20/029/1	235607, 393055 [X3/37]	235564, 392975 [X3/38]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	20/029/2	235561, 392977 [X3/39]	235458, 392836 [X3/40]	WN0902-HZDCO-ROW-DRG-00018, WN0902-HZDCO-ROW-DRG-00016

<i>(1) Relevant site</i>	<i>(2) Street or public right of way to be stopped up or private means to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>		<i>(4) Reference</i>
Wylfa Newydd Development Area	20/030/1	235515, 393124 [X3/41]	235564, 392975 [X3/42]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	20/031/1	235509, 393146 [X3/43]	235449, 393233 [X3/44]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015
Wylfa Newydd Development Area	38/034A/2	234884, 393352 [X3/45]	235449, 393233 [X3/46]	WN0902-HZDCO-ROW-DRG-00018 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00014
Wylfa Newydd Development Area	38/034/3	234755, 393333 [X3/47]	234867, 393137 [X3/48]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/034A/1	234884, 393352 [X3/49]	234753, 393334 [X3/50]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/034/2	234671, 393360 [X3/51]	234753, 393334 [X3/52]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/035A/1	234705, 393437 [X3/53]	234881, 393552 [X3/54]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/035/2	234791, 393629 [X3/55]	234705, 393437 [X3/56]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/035/1	234705, 393437 [X3/57]	234671, 393360 [X3/58]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/034/1	234511, 393397 [X3/59]	234671, 393360 [X3/60]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	38/036/1	234389, 393080 [X3/61]	234133, 392307 [X3/62]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00015 WN0902-HZDCO-ROW-DRG-00016
Wylfa Newydd Development Area	20/050/1	235456, 392609 [X3/63]	235577, 392596 [X3/64]	WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00017 WN0902-HZDCO-ROW-DRG-00018

<i>(1) Relevant site</i>	<i>(2) Street or public right of way to be stopped up or private means to be extinguished</i>	<i>(3) Extent of stopping up or extinguishment</i>		<i>(4) Reference</i>
Wylfa Newydd Development Area	38/038/1	235456, 392609 [X3/65]	235386, 292613 [X3/66]	WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00017 WN0902-HZDCO-ROW-DRG-00018
Wylfa Newydd Development Area	38/037/1	234909, 392527 [X3/67]	235360, 392855 [X3/68]	WN0902-HZDCO-ROW-DRG-00014 WN0902-HZDCO-ROW-DRG-00016 WN0902-HZDCO-ROW-DRG-00017 WN0902-HZDCO-ROW-DRG-00018
Dalar Hir Park and Ride Facility	Footway in layby on A5	232974, 378239 [S2/5]	233057, 378215 [S2/6]	WN0902-HZDCO-ROW-DRG-00012
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/017/1	231796, 382586 [X2/5]	231801, 382584 [X2/6]	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/012/1	231580, 383413 [X3/3]	231801, 382584 [X3/4]	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/012/1	231647, 383416 [X3/5]	231767, 383421 [X3/6]	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	29/014/2	231825, 386580 [X4/1]	231832, 386588 [X4/2]	WN0902-HZDCO-ROW-DRG-00011
Private Means of Access				
Dalar Hir Park and Ride Facility	Access to properties on the Dalar Hir site	232598, 378239 [AX2/1]	232555, 378405 [AX2/2]	WN0902-HZDCO-ROW-DRG-00012
Dalar Hir Park and Ride Facility	Access to properties on the Dalar Hir site	232564, 378471 [AX2/3]	232564, 378485 [AX2/4]	WN0902-HZDCO-ROW-DRG-00012
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	Field access to land to the east of the existing A5025	234199, 390684 [AX5/6]	234200, 390684 [AX5/6]	WN0902-HZDCO-ROW-DRG-00029

SCHEDULE 8

Article 15

STATUS OF FOOTPATHS CREATED OR IMPROVED

<i>(1) Relevant site</i>	<i>(2) Existing or new footpath</i>	<i>(3) New status</i>	<i>(4) Reference</i>
Wylfa Newydd Development Area	NF3/1 to NF3/2	Footpath	WN0902-HZDCO-ROW- DRG-00019
Wylfa Newydd Development Area	NF3/3 to NF3/4	Footpath	WN0902-HZDCO-ROW- DRG-00019 and WN0902-HZDCO-ROW- DRG-00020
Wylfa Newydd Development Area	NF3/5 to NF3/6	Dual use footpath/ cyclepath	WN0902-HZDCO-ROW- DRG-00020
Wylfa Newydd Development Area	NF3/7 to NF3/8	Dual use footpath/ cyclepath	WN0902-HZDCO-ROW- DRG-00022 and WN0902-HZDCO-ROW- DRG-00021
Wylfa Newydd Development Area	NF3/9 to NF3/10	Footpath	WN0902-HZDCO-ROW- DRG-00023
Wylfa Newydd Development Area	NF3/11 to NF3/12	Footpath	WN0902-HZDCO-ROW- DRG-00023
Park and Ride	NF 2/1 to NF2/2	Footpath	WN0902-HZDCO-ROW- DRG-00012
Dalar Hir Park and Ride Facility	NF 2/3 to NF2/4	Footpath	WN0902-HZDCO-ROW- DRG-00012
Dalar Hir Park and Ride Facility	NF 2/5 to NF2/6	Footpath	WN0902-HZDCO-ROW- DRG-00012
Dalar Hir Park and Ride Facility	NF 2/7 to NF2/8	Footpath	WN0902-HZDCO-ROW- DRG-00012
Parc Cybi Logistics Centre	NF3/2 to NF 3/5	Footpath	WN0902-HZDCO-ROW- DRG-00012
Parc Cybi Logistics Centre	NF3/1 to NF3/3	Footpath	WN0902-HZDCO-ROW- DRG-00012
Parc Cybi Logistics Centre	NF3/6 to NF3/4	Footpath	WN0902-HZDCO-ROW- DRG-00012
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/1 to NF1/2	Footway/cycleway	WN0902-HZDCO-ROW- DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/3 to NF1/4	Footway/cycleway	WN0902-HZDCO-ROW- DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/5 to NF1/6	Footway/cycleway	WN0902-HZDCO-ROW- DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/7 to NF1/8	Footway/cycleway	WN0902-HZDCO-ROW- DRG-00007

<i>(1) Relevant site</i>	<i>(2) Existing or new footpath</i>	<i>(3) New status</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/9 to NF1/10	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/11 to NF1/12	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/13 to NF1/14	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 1 – Valley	NF1/15 to NF1/16	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00007
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF2/1 to NF2/2	Footpath	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF2/3 to NF2/4	Footpath	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF2/5 to NF2/6	Footway	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF2/7 to NF2/8	Footway	WN0902-HZDCO-ROW-DRG-00008
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF3/1 to NF3/2	Footpath	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF3/3 to NF3/4	Footway	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF3/5 to NF3/6	Footway	WN0902-HZDCO-ROW-DRG-00009

<i>(1) Relevant site</i>	<i>(2) Existing or new footpath</i>	<i>(3) New status</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF3/7 to NF3/8	Footway	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	NF3/9 to NF/10	Footway	WN0902-HZDCO-ROW-DRG-00009
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/1 to NF4/2	Footpath	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/3 to NF4/4	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/5 to NF4/6	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/7 to NF4/8	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/9 to NF4/10	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	NF4/11 to NF4/12	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00011
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	NF5/1 to NF5/2	Footpath	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	NF5/3 to NF5/4	Footpath	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	NF5/5 to NF5/6	Footway	WN0902-HZDCO-ROW-DRG-00029

<i>(1) Relevant site</i>	<i>(2) Existing or new footpath</i>	<i>(3) New status</i>	<i>(4) Reference</i>
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	NF5/7 to NF5/8	Footway	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	NF5/9 to NF5/10	Footway	WN0902-HZDCO-ROW-DRG-00029
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	NF6/1 to NF6/2	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	NF6/3 to NF6/4	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00030
A5025 Off-Line Highway Improvements – Section 9 – Power Station Access Road Junction (Work No. 1J)	NF6/5 to NF6/6	Footway/cycleway	WN0902-HZDCO-ROW-DRG-00030

SCHEDULE 9

Article 16

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1) Relevant site</i>	<i>(2) Street to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) Reference</i>
Footpaths			
Ecological Compensation Site – Cors Gwawr	23/035/1	249526, 376959 [23/035/1 (North)]	249734, 376727 [23/035/1 (South)]
Ecological Compensation Site – Cors Gwawr	23/036/1	249734, 376727 [23/036/1 (East)]	249257, 376523 [23/036/1 (West)]
Ecological Compensation Site – Cae Canol-Dydd	23/016/1	247832, 378342 [23/016/1 (North)]	247380, 377472 [23/025/1 (South)]
Ecological Compensation Site – Tŷ Du	20/019/1	239392, 394147 [20/019/1 (North)]	239431, 393987 [20/019/1 (South)]
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/018/1	231643, 382202 [T2/1]	231738, 382230 [T2/2]
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/018/1	231787, 382276 [T2/3]	231905, 382357 [T2/4]
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	27/018/1	231905, 382357 [T2/5]	232144, 382404 [T2/6]
Highway			
Dalar Hir Park and Ride Facility	A5	232973, 378239 [S3/1]	233057, 378214 [S3/2]
Cyclepaths			
Parc Cybi Logistics Centre	Lôn Trefignath cycle path	225690, 380719 (North)	225690, 380719 (South)

SCHEDULE 10

Article 21

TRAFFIC REGULATION MEASURES

PART 1

TRAFFIC REGULATIONS MEASURES

<i>(1) Relevant site</i>	<i>(2) Street</i>	<i>(3) Extent</i>		<i>(4) Notes</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	Severed section of existing A5025	229883, 379613	229906, 379631	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Severed section of existing A5025	231775, 381634	231695, 381904	Permanent mandatory 40mph Speed Limit
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Classified Road C116	231576, 382471	231828, 382628	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Severed section of existing A5025 and realigned carriageway to form a junction with the realigned A5025	231556, 383396	231604, 383419	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Realigned A5025	231772, 386683	231653, 387262	Permanent mandatory 40mph Speed Limit
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Severed section of existing A5025 and realigned carriageway to form a junction with the realigned A5025	231619, 386836	231527, 386852	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Severed section of existing A5025	231509, 387055	231551, 387115	Permanent Mandatory 30mph Speed Limit

PART 2

STREETS SUBJECT TO TRAFFIC REGULATION MEASURES OUTSIDE THE ORDER LIMITS

<i>(1) Relevant site</i>	<i>(2) Street</i>	<i>(3) Extent</i>		<i>(4) Notes</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	Severed section of existing A5025	229565, 379365	229883, 379613	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Severed section of existing A5025	231695, 381904	231645, 382145	Permanent mandatory 40mph Speed Limit
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	Severed section of existing A5025	231432, 383253	231556, 383396	Permanent mandatory 30mph Speed Limit
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	Severed section of existing A5025	231527, 386852	231509, 387055	Permanent mandatory 30mph Speed Limit

SCHEDULE 11

Article 27

LAND IN WHICH ONLY RIGHTS ETC. MAY BE ACQUIRED

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which new rights may be acquired</i>	<i>(4) Total area (square metres)</i>
Wylfa Newydd Development Area	60	Drainage rights and access rights in relation to Work No. 2C	145
Wylfa Newydd Development Area	62	Drainage rights and access rights in relation to Work No. 2C	181
Wylfa Newydd Development Area	71	Access rights in relation to Work No. 4	2,063
Wylfa Newydd Development Area	72	Access rights in relation to Work No.s 1H and 4	25,139
Wylfa Newydd Development Area	73	Access rights in relation to Work No.s 1H, 4 and 12	1,841
Wylfa Newydd Development Area	74	Access rights in relation to Work No. 4	2257
Wylfa Newydd Development Area	76	Access rights in relation to Work No.s 1H and 4	6360
Wylfa Newydd Development Area	79	Access rights in relation to Work No. 4	1417
Wylfa Newydd Development Area	80	Access rights in relation to Work No. 4	3,434
Wylfa Newydd Development Area	81	Access rights in relation to Work No. 4	721
Wylfa Newydd Development Area	82	Access rights in relation to Work No. 4	3,428
Wylfa Newydd Development Area	83	Access rights in relation to Work No. 4	339
Wylfa Newydd Development Area	88	Access rights in relation to Work No.s 1H and 4	2316
Wylfa Newydd Development Area	119	Drainage rights and access rights in relation to Work No. 2A and Work No. 12	5982
Parc Cybi Logistics Centre	201	Drainage rights in relation to Work No. 7	1,217
Parc Cybi Logistics Centre	207	Drainage rights and access rights in relation to Work No. 7	137
Parc Cybi Logistics Centre	209	Drainage rights and access rights in relation to Work No. 7	270
Parc Cybi Logistics Centre	210	Drainage rights and access rights in relation to Work No. 7	485
Parc Cybi Logistics Centre	211	Drainage rights and access rights in relation to Work No. 7	257
Parc Cybi Logistics Centre	212	Drainage rights and access rights in relation to Work No. 7	35
Parc Cybi Logistics Centre	213	Drainage rights and access rights in relation to Work No. 7	247
Dalar Hir Park and Ride Facility	303	Access rights to carry out works in relation to Work No. 6	22

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which new rights may be acquired</i>	<i>(4) Total area (square metres)</i>
Dalar Hir Park and Ride Facility	304	Access rights in relation to Work No. 6	75
Dalar Hir Park and Ride Facility	327	Access rights in relation to Work No. 6	45
A5025 Off-Line Highway Improvements – Section 1 – Valley	419	Drainage rights in relation to Work No. 8	1,425
A5025 Off-Line Highway Improvements – Section 1 – Valley	421	Drainage rights and access to carry out flood mitigation works in relation to Work No. 8 Imposition of restrictive covenant in respect of such flood mitigation works	31,018
A5025 Off-Line Highway Improvements – Section 1 – Valley	422	Drainage rights in relation to Work No. 8	488
A5025 Off-Line Highway Improvements – Section 1 – Valley	429	Access rights to carry out flood mitigation works in relation to Work No. 8 Imposition of restrictive covenant in respect of such flood mitigation works	4,782
A5025 Off-Line Highway Improvements – Section 1 – Valley	444	Drainage rights and access to carry out flood mitigation works in relation to Work No. 8	466
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	509	Drainage and access rights in relation to Work No. 9	12,780
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	510	Access rights in relation to Work No. 9	840
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	511	Drainage rights in relation to Work No. 9	263
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	513	Drainage rights in relation to Work No. 9	1,312
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	514	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	2,244
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	515	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	123

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which new rights may be acquired</i>	<i>(4) Total area (square metres)</i>
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	516	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	125
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	517	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	4,851
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	518	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	3,581
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	529	Access rights for drainage in relation to Work No. 9	618
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	557	Access rights in relation to Work No. 9	3,406
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	559	Drainage rights in relation to Work No. 9	470
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	560	Access rights in relation to Work No. 9	1,046
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	576	Access rights to carry out flood mitigation works in relation to Work No. 9 Imposition of restrictive covenant in respect of such flood mitigation works	43
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	577	Access rights to carry out flood mitigation works in relation to Work No. 9	330
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	578	Access rights to carry out flood mitigation works in relation to Work No. 9	323
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	623	Access rights to maintain structure in relation to Work No. 10	223
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	624	Access rights to attenuation pond in relation to Work No. 10	690
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	625	Access rights to construct and maintain drainage in relation to Work No. 10	48

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which new rights may be acquired</i>	<i>(4) Total area (square metres)</i>
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	628	Access rights to construct and maintain drainage in relation to Work No. 10	5,495
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	640	Access rights to construct and maintain drainage and retain access to drainage asset in relation to Work No. 10	1,164
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	667	Access rights to construct and maintain drainage and retain access to drainage asset in relation to Work No. 10	11
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	668	Access rights to construct and maintain drainage and retain access to drainage asset in relation to Work No. 10	644
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	670	Access and drainage rights in relation to Work No. 10	88
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	671	Access and drainage rights in relation to Work No. 10	32
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	673	Drainage rights to construct and maintain outfall in relation to Work No. 10	224
Off-Site Power Station Facilities	673	Drainage rights in relation to Work No. 5	224
Off-Site Power Station Facilities	676	Access rights in relation to Work No. 5	39
Off-Site Power Station Facilities	681	Access rights in relation to Work No. 5	1
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	703	Access rights in relation to Work No. 11	293
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	706	Access rights in relation to Work No. 11	146
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	720	Access rights to construct and maintain drainage in relation to Work No. 11	34
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	721	Access rights to construct and maintain drainage in relation to Work No. 11	38
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	734	Access rights in relation to Work No. 11	286
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	743	Access and maintenance rights for ecological mitigation works	4,126

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND RESTRICTIVE COVENANTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply in respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limiting the scope of paragraph (1), the Land Compensation Act 1973^(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (Compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 5—

- (a) for “land is acquired or taken” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is or the restrictive covenant enforceable”.

3.—(1) Without limitation on the scope of paragraph (1), the Land Compensation Act 1961 has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) of the 1961 Act, after “if” substitute—

- “(a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 7 of Schedule 12 of the Wylfa Newydd (Nuclear Generating Station) Order 201[X]);
 - (b) the acquiring authority is subsequently required by a determination under Part 3 of Schedule 2A to the 1965 Act (as modified by paragraph 10 of Schedule 12 to the Wylfa Newydd (Nuclear Generating Station) Order 201[X]) to take the additional land; and
 - (c) the acquiring authority enters on and takes possession of that land,
- the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.”

Application of the 1965 Act

4.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land must be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(a) 1973 c.26.

(2) Without limitation on the scope of paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

5. For section 7 of the 1965 Act (measure of compensation) substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (Failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (Owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (Absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (Common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 11A (Powers of entry: further notices of entry), 11B (Counter-notice requiring possession to be taken on specified date), and sections 12 (Penalty for unauthorised entry) and 13 (Entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (Protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 (Interests omitted from purchase) of the 1965 Act is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

10. In Schedule 2A (Counter-notice requiring purchase of land not in notice to treat) of 1965 Act in Part 3 for “severance” or “severance on land” substitute “acquisition of a right by the creation of a new right or imposition of a restrictive covenant”.

Application of the 1981 Act

11.—(1) The 1981 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land must be

read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or paragraph 10(3) of Schedule 1 (owners under incapacity);
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable; or paragraphs 2(3) and 7(2) of Schedule 4 (common land),

(2) Without limiting the scope of paragraph (1), the 1981 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

(3) In Schedule A1 (Counter-notice requiring purchase of land not in general vesting declaration) of the 1981 Act in Part 3 for “severance” or “severance on land” substitute “acquisition of a right by the creation of a new right or imposition of a restrictive covenant”.

SCHEDULE 13

Article 32

LAND OF WHICH ONLY SUBSOIL MORE THAN 9 METRES BENEATH THE SURFACE MAY BE ACQUIRED

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Total area (square metres)</i>
Wylfa Newydd Development Area	88	2,316

SCHEDULE 14

Article 35 and 36

LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which temporary possession may be taken</i>
Wylfa Newydd Development Area	23, 24 and 25	Temporary access to ecological works
Wylfa Newydd Development Area	52, 53, 54, 55 and 56	Temporary possession for works in the public highway relating Work No. 1J
Wylfa Newydd Development Area	52, 53, 54, 55, 56 and 143	Temporary possession for works in the public highway relating Work No. 2B
Wylfa Newydd Development Area	75, 77, 84, 85, 87	Temporary access to carry out works in relation to Work No. 4
Wylfa Newydd Development Area	84	Temporary access to carry out works in relation to Work No. 4
Wylfa Newydd Development Area	75, 89	Temporary access to carry out works in relation to Work No. 1H
Wylfa Newydd Development Area	143, 148 and 173	Temporary possession for works in the public highway relating to Work No. 3B
Wylfa Newydd Development Area	168, 169, 171 and 172	Temporary possession for works in the public highway relating to other associated development
Wylfa Newydd Development Area	170, 173	Temporary possession for works in the public highway relating to Work No. 2A
Wylfa Newydd Development Area	143 and 170	Temporary possession for works in the public highway relating to Work No. 12
Parc Cybi Logistics Centre	202, 204, 206, 208 and 214	Temporary possession for works in the public highway for the provision of site access to Work No. 7
Parc Cybi Logistics Centre	203	Temporary lay down area and works to cycle path in relation to Work No. 7
Parc Cybi Logistics Centre	215	Temporary access to carry out works in respect of third party access in relation to Work No. 7
Dalar Hir Park and Ride Facility	300, 301, 302, 305, 306, 307, 308, 309, 311, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326 and 328	Temporary possession for works in the public highway for the provision of site access to Work No. 6
A5025 Off-Line Highway Improvements – Section 1 – Valley	400, 401, 402, 403, 404, 413, 414, 415, 416, 417, 418, 437, 438, 439, 440, 441, 442, 443 and 445	Temporary possession for works in the public highway in relation to Work No. 8 and other associated development

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which temporary possession may be taken</i>
A5025 Off-Line Highway Improvements – Section 1 – Valley	409	Temporary access to carry out works in relation to Work No. 8
A5025 Off-Line Highway Improvements – Section 1 – Valley	412, 424 and 425	Temporary working area in relation to Work No. 8
A5025 Off-Line Highway Improvements – Section 1 – Valley	426	Temporary construction compound and access to works in relation to Work No. 8
A5025 Off-Line Highway Improvements – Section 1 – Valley	431, 433 and 434	Temporary working and construction compound in relation to Work No. 8
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	501 and 502	Temporary possession for works in the public highway in relation to Work No. 9 and other associated development
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	501, 502, 507, 508, 533, 534, 535, 536, 537, 538, 544, 545, 546, 547, 548, 549, 563, 564, 565, 570, 571, 572 and 573	Temporary possession for works in the public highway to carry out and maintain works in relation to Work No. 9
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	503, 504, 505, 541, 542, 543, 556, 568 and 569	Temporary access to carry out works in relation to Work No. 9
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	512	Temporary construction compound and access to works in relation to Work No. 9
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	523, 524, 526, 528, 550, 552, 554, 561, 562 and 574	Temporary working area in relation to Work No. 9
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	553	Temporary construction compound in relation to Work No. 9
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	600	Temporary working area and laydown area in relation to Work No. 10
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	602, 618, 620, 639, 641, 643 and 644	Temporary working area in relation to Work No. 10
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 630, 631, 631, 632, 633, 635, 636, 637, 653, 656, 657, 660 661, 662, 663, 677, 678, 679, 680 and 682	Temporary possession for works in the public highway in relation to Work No. 10, the provision of access to Work No. 5 and other associated development
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	621 and 622	Temporary working area and construction of embankment in relation to Work No. 10

<i>(1) Relevant site</i>	<i>(2) Plot reference (as shown on the Land Plans)</i>	<i>(3) Purpose for which temporary possession may be taken</i>
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	620, 626, 634, 645, 646, 647, 648 and 654	Temporary access to carry out works in relation to Work No. 10
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	627 and 629	Temporary construction compound in relation to Work No. 10
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	700, 711, 712, 713, 725, 726, 728, 729, 740, 741 and 746	Temporary possession for works in the public highway in relation to Work No. 11 and other associated development
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	701	Temporary access to construction compound in relation to Work No. 11
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	702	Temporary construction compound in relation to Work No. 11
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	705, 707, 708 and 710	Temporary access to carry out works in relation to Work No. 11
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	714	Temporary working and laydown area in relation to Work No. 11
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	716, 733, 735 and 742	Temporary working area in relation to Work No. 11

PROTECTIVE PROVISIONS

PART 1

PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE
UNDERTAKERS**Application**

1. The provisions of this Part have effect for the protection of the statutory undertakers referred to in this Part, unless otherwise agreed in writing between the undertaker and the statutory undertaker concerned.

Interpretation

2. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of a statutory undertaker within paragraph (a) of the definition of that term, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by the statutory undertaker for the purposes of electricity supply;
- (b) in the case of a statutory undertaker within paragraph (b) of the definition of that term, any mains, pipes or other apparatus belonging to or maintained by the statutory undertaker for the purposes of gas supply;
- (c) in the case of a statutory undertaker within paragraph (c) of the definition of that term, mains, pipes or other water apparatus belonging to or maintained by the statutory undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“statutory undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;(b)

(a) 1989 c.29. The definition of “electrical plant” in section 64(1) was amended by paragraph 38(3) of Part II of Schedule 6 to the Utilities Act 2000 (c.27). There are other amendments to the Electricity Act 1989 which are not relevant to this Order.

(b) c.29.

- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986^(a);
- (g) a water undertaker within the meaning of the Water Industry Act 1991;
- (h) a sewerage undertaker; and
- (i) for the area of the authorised development, and in relation to any apparatus, means the statutory undertaker to whom it belongs or by whom it is maintained.

On-street apparatus

3. This Part does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by Part 3 of the 1991 Act.

Acquisition of apparatus

4. Despite any provision in this Order or anything shown on the Land Plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to maintain that apparatus in that land and to gain access to it will not be extinguished until, if so required by the statutory undertaker, alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the statutory undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the statutory undertaker in question 28 days' written notice of that requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a statutory undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph 5(3), afford to the statutory undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on land other than that of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in subparagraph 5(2), the statutory undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the statutory undertaker in question and the undertaker or, in default of agreement, settled by arbitration in accordance with article 77 (Arbitration).

(5) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 77, and after the grant to the statutory undertaker of any such facilities and rights as are referred to in subparagraphs 5(2) and (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under this Part of this Schedule.

(6) Despite anything in sub-paragraph 5(5), if the undertaker gives notice in writing to the statutory undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by

(a) 1986 c.44.

the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(7) Nothing in sub-paragraph 5(6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus without the prior approval of the statutory undertaker (such approval not to be unreasonably withheld or delayed).

Facilities and rights for alternative apparatus

6.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a statutory undertaker facilities and rights for the construction and maintenance in land of the undertaker for alternative apparatus in substitution for apparatus to be removed, those facilities and rights will be granted upon such terms and conditions as may be agreed between the undertaker and the statutory undertaker in question or in default of agreement settled by arbitration in accordance with article 77 (Arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the arbitrator will—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or the land for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the statutory undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator may make such provision for the payment of compensation by the undertaker to that statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

7.—(1) Not less than 28 days before starting the execution of any authorized works authorized by this Order that are near to, or will or may affect, or where construction access is to be taken over, any apparatus the removal of which has not been required by the undertaker under paragraph 6(2), the undertaker must submit to the statutory undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph 7(1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph 7(3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph 7(2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph 7(3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraph 6 applies as if the removal of the apparatus had been required by the undertaker under sub-paragraph (2) of that paragraph.

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph 7(2) in a case of emergency but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph 7(2) in so far as is reasonably practicable in the circumstances.

Compensation

8.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the works referred to in sub-paragraph 5(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertaker, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that statutory undertaker for any other expenses, loss, demands or proceedings, damages, claims, penalty or costs incurred by the statutory undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph 8(1) must impose any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the neglect or default of a statutory undertaker, its officers, servants, contractors or agents.

(3) A statutory undertaker must give the undertaker reasonable prior written notice of any claim or demand, and no settlement or compromise may be made without the consent of the undertaker.

Expenses

9.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to the statutory undertaker in question the reasonable expenses incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

(2) The value of any apparatus removed under this Part is to be deducted from any sum payable under sub-paragraph 9(1), that value being calculated after removal.

(3) If in accordance with this Part—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 77 (Arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph 9(1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph 9(3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph 9(1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker in question any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Co-operation

10.—(1) Where, under this Part, the statutory undertaker is required to give its consent or approval in respect of any matter, that consent or approval must not be unreasonably withheld or delayed.

(2) In respect of any specified work or the acquisition of rights under or over or use of the statutory undertaker's property, the statutory undertaker must co-operate with the undertaker with a view to avoiding undue delay.

Enactments and agreements

11. Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the Undertaker and a utility undertaker in respect of any apparatus laid or erected in land belonging to the Undertaker on the date on which this Order is made.

PART 2

PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS NETWORKS

Application

12. The provisions of this Part have effect for the protection of operators unless otherwise agreed in writing between the undertaker and the operator in question.

Interpretation

13. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“2003 Act” means the Communications Act 2003;(a)

“conduit system” has the same meaning as in the electronic communications code; and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act; and

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

Electronic communications apparatus installed on, under or over any land

14. The exercise of the powers in article 37 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984 (undertaker’s works)(b).

Compensation

15.—(1) Subject to sub-paragraphs 15(2) to (3), if, as the result of the authorised development or its construction, any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or the property of an operator, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that statutory undertaker for any other expenses, loss, demands or proceedings, damages, claims, penalty or costs incurred by the statutory undertaker,

(a) c.21
(b) 1984 c.12.

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph 15(1) imposes any liability on the undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) Any difference arising between the undertaker and the operator under this paragraph must, unless otherwise agreed in writing between the operator and the undertaker, be referred to and settled by arbitration under article 77 (Arbitration).

(4) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Application

16.—(1) This Part does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

Co-operation

17. In respect of any specified work or the acquisition of rights under or over or use of the statutory undertaker's property, the statutory undertaker must co-operate with the undertaker with a view to avoiding undue delay.

Enactments and agreements

18. Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

PART 3

PROTECTION FOR THE [REDACTED]

Application

19. The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and [REDACTED].

Interpretation

20. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“access road” means the access and approach roads to the [REDACTED] from the A5025 as referenced by the brown line on the Access Road Plan;

“alternative installations” means appropriate alternative installations to the satisfaction of [REDACTED] to enable [REDACTED] and the relevant holder of the NSL for the NSL Site to fulfil its obligations under the Designating Directions and NSL in a manner not less efficient than previously;

“days” means any day other than a Saturday, a Sunday or a day on which commercial banks in London are required or authorised to be closed;

“Designating Directions” mean the nuclear site directions in force in respect of any part of the [REDACTED] and made by the Secretary of State in exercise of the powers contained in sections 3, 4 and 16 of the Energy Act 2004;

“include” or “includes” is to be interpreted in accordance with article 2(10) (Interpretation) of this Order;

“in” in a context referring to apparatus in land includes a reference to apparatus across, under, over or upon land;

“installation(s)” means any buildings, structures, cooling water infrastructure, services and any other uses and apparatus belonging to or maintained by or used by [REDACTED] or [REDACTED] and includes the southern contractors’ car park;

“[REDACTED]” means the site over plots 16, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 44, 62, 63, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 114, 118, 119, 122, 128, 129, 130, 131, 132, 133, 134, 135, 137, 138, 140, 141, 146, 147, 150, 153, 154, 159, 161, 176, 179, 181, 182, 183, 184 and 185 in the Book of Reference and shown on the Land Plans and in which [REDACTED] has an interest;

“NSL” means a nuclear site licence granted by the Office for Nuclear Regulation in exercise of powers contained in sections 1(1), 3 and 4 of the Nuclear Installations Act 1965;

“NSL Site” means those parts of the [REDACTED] in respect of which an NSL is in force from time to time;

“plans” includes sections, designs, design data, software, drawings, specifications, descriptions (including descriptions of methods of construction), method statements, soil reports, programmes, staging proposals and other supporting information that are reasonably necessary to properly and sufficiently describe the works to be executed;

“southern contractors’ car park” means the car park located at plot 69 in the Book of Reference and shown on the Land Plans;

“specified works” means so much of any of the authorised development as is situated upon, across, under or over the [REDACTED] or that are near to, or will or may in any way adversely affect, the installations.

Acquisition of Land and Installations

21.—(1) Despite any provision of this Order or anything shown on the Land Plans or contained in the Book of Reference, the undertaker must not exercise any power to acquire any of the [REDACTED] Site, or any right, interest, or installations in the [REDACTED] Site, or override any easement or other interest in the [REDACTED] Site or extinguish any right or suspend any right of [REDACTED] in the [REDACTED] Site or impose any restrictions in the [REDACTED] Site otherwise than by agreement with [REDACTED], and—

- (a) only once the Designating Directions in respect the relevant part of the [REDACTED] Site have been modified or revoked to the satisfaction of [REDACTED] by the Secretary of State in accordance with section 5 of the Energy Act 2004; and
- (b) subject to paragraph 21(2), only once the NSL in respect of the relevant part of the NSL Site has been surrendered by the holder of the NSL or revoked by the Office for Nuclear Regulation,

exercise any power to temporarily use any Order Land located within the [REDACTED] Site otherwise than by agreement with [REDACTED].

(2) Where the undertaker and [REDACTED] agree under this paragraph that any land interest in the NSL Site, or installations in the NSL Site, may be acquired by agreement at a time when the NSL remains in force, such acquisition may only take place after the consent of the Office for Nuclear Regulation has first been obtained by the holder of the relevant NSL in accordance with the NSL.

Right of access

22.—(1) The undertaker must not stop up in whole or in part the access road or extinguish in whole or in part any right of [REDACTED] along the access road unless and until all necessary replacement access has been agreed by the undertaker and [REDACTED] and put in place to the satisfaction of [REDACTED] and in accordance with all safety and emergency response requirements and all necessary rights have been granted to [REDACTED].

(2) The undertaker must ensure that a full right of access for all emergency, operational and user purposes is maintained at all times by means of the access road or replacement access as set out in sub-paragraph 22(1).

Removal of Installations and Execution of Specified Works

23. If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any installation is located or placed, that installation must not be removed under this Part or under any other statutory power, and any right of [REDACTED] to use, access, maintain or renew installations on, in or over that land must not be extinguished until either alternative installations have been constructed and are in operation to the reasonable satisfaction of [REDACTED] or [REDACTED] provides its written consent to removal without alternative installations being required, constructed or in operation.

24.—(1) Not less than 56 days before the intended removal of installations and construction of alternative installations or execution of specified works, the undertaker must supply to [REDACTED] plans of the works to be executed for the reasonable approval of [REDACTED] and the removal of installations, construction of alternative installations and/or the execution of specified works must not be commenced except in accordance with plans approved in writing by [REDACTED] or settled by arbitration under article 77 (Arbitration) of this Order.

(2) The approval of [REDACTED] must not be unreasonably withheld and [REDACTED] must indicate its approval or disapproval of the plans submitted under sub-paragraph 24(1) within—

- (a) a period of 56 days beginning with the day immediately following that on which the plans are received by [REDACTED];
- (b) a period of 56 days beginning with the day immediately following that on which the further information has been supplied in full by the undertaker following a request from [REDACTED] under paragraph 25; or

(c) such longer period than 56 days in sub-paragraph (2)(a) or (b) as may be agreed in writing by the undertaker and [REDACTED] before the end of such 56 day period.

(3) Any approval of [REDACTED] under this paragraph may be provided subject to such requirements as [REDACTED] considers reasonable.

(4) The removal of installations, construction of alternative installations or the execution of specified works must be executed only in accordance with the plans submitted and approved by [REDACTED] under this paragraph and in accordance with such reasonable requirements of [REDACTED], and [REDACTED] is entitled to watch and inspect the execution of those works, and the undertaker must supply with any additional information concerning such works as [REDACTED] may reasonably require.

(5) Where [REDACTED] requires any protective works under sub-paragraph 24(3) to be carried out either by itself or by the undertaker (whether of a permanent or temporary nature), the protective works must be carried out to [REDACTED] reasonable satisfaction prior to the carrying out of the specified works.

(6) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, new plans instead of the plans previously submitted, and having done so the provisions of this paragraph apply again in respect of the new plans.

25.—(1) Following receipt of plans under paragraph 24 of this Part, [REDACTED] may request such reasonable further information from the undertaker as is necessary to enable it to consider the plans.

(2) Any request under sub-paragraph 25(1) must be made within a period of 28 days beginning with the day immediately following that on which the plans are received by [REDACTED].

Expenses

26. The undertaker must pay to [REDACTED] the proper and reasonable expenses reasonably incurred by NDA in, or in connection with, the inspection, alteration or protection of any installations and approvals.

Indemnity

27.—(1) Subject to sub-paragraph 27(3), if by reason, or in consequence, of the construction, use, existence, operation or failure of any specified works or in consequence of the construction, use, existence, operation, maintenance or failure of any of the authorised development by or on behalf of the undertaker or in any consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, any damage is caused to any installations or property of [REDACTED], or to operations, or there is any interruption in any service provided to [REDACTED] or by [REDACTED], or in the supply of any goods to [REDACTED] or by [REDACTED] or [REDACTED] becomes liable to pay any amount to any third party, the undertaker must—

(a) bear and pay on demand the proper and reasonable cost reasonably and properly incurred by [REDACTED] in making good such damage or restoring operations, services or supply; and

(b) indemnify [REDACTED] for any other expenses, loss (whether direct or indirect and including losses of an economic nature), demands, proceedings, damages, claims, penalty or costs incurred by or recovered from [REDACTED] by reason or in consequence of any such damage or interruption or [REDACTED] becoming so liable to any third party.

(2) The fact that any act or thing may have been done by [REDACTED] on behalf of the undertaker or in accordance with a plan approved by [REDACTED] or in accordance with any requirement of [REDACTED] or its supervision does not (subject to sub-paragraph 27(3)) excuse the undertaker from liability under sub-paragraph (1).

(3) Nothing in sub-paragraph 27(1) imposes any liability on the undertaker with respect to any loss, damage, injury or interruption to the extent that it is attributable to the neglect or default of [REDACTED], its officers, servants, contractors or agents.

(4) [REDACTED] must give the undertaker reasonable notice (being not less than 28 days) of any claim or demand and, subject to paragraph 23, [REDACTED] may decide whether or not to pass conduct of any proceedings necessary to rest the claim or demand to the undertaker.

(5) Where [REDACTED] decides—

- (a) to retain conduct of any proceedings necessary to rest the claim or demand, [REDACTED] must consult with the undertaker and have due regard to the undertakers' representations as to how the proceedings are to be conducted and no settlement or compromise may be made without the consent of the undertaker (not to be unreasonably withheld or delayed);
- (b) to pass conduct of any proceedings necessary to rest the claim or demand to the undertaker, the undertaker must consult with [REDACTED] and have due regard to [REDACTED] representations as to how the proceedings are to be conducted and no settlement or compromise may be made without the consent of [REDACTED] (not to be unreasonably withheld or delayed).

(6) Neither [REDACTED] nor the undertaker may make any public statement relating to any claim or demand or any settlement or compromise that may be made in respect of any claim or demand without the consent of [REDACTED] or the undertaker (as applicable).

28. Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and [REDACTED] in respect of any installations located at or providing access into the [REDACTED] Site on the date on which this Order is made.

Co-operation

29. The undertaker must not exercise any power under this Order on any part of the [REDACTED] Site, unless the undertaker has entered into a co-operation agreement with [REDACTED] and [REDACTED] to facilitate the decommissioning and delicensing of the NSL Site, the construction, operation and decommissioning of the authorised development and fulfilment of any statutory requirements by the parties.

PART 4

PROTECTION FOR [REDACTED]

Application

30. The provisions of this Part have effect unless otherwise agreed in writing between the undertaker and [REDACTED].

Interpretation

31. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“access road” means the access and approach roads to the [REDACTED] Site from the A5025 as referenced by the brown line on the Access Road Plan;

“alternative installations” means appropriate alternative installations to enable [REDACTED] to fulfil its obligations under the NSD and NSL in a manner not less efficient than previously;

“days” means any day other than a Saturday, a Sunday or a day on which commercial banks in London are required or authorised to be closed;

“in” in a context referring to apparatus in land includes a reference to apparatus across, under, over or upon land;

“include” or “includes” is to be interpreted in accordance with article 2(10) (Interpretation) of this Order;

“installations” means any buildings, structures, cooling water infrastructure, services and any other apparatus belonging to or maintained by or used by [REDACTED] or [REDACTED] and includes the southern contractors’ car park;

“NSD” means the nuclear site designation in respect of the Site made under sections 3, 4 and 16 of the Energy Act 2004;

“NSL” means the nuclear site licence (site licence no. 58), as amended from time to time, for the Site granted by the Secretary of State in exercise of powers under sections 1(1), 3 and 4 of the Nuclear Installations Act 1965 on 28th November 1997 to Magnox;

“plans” includes sections, designs, design data, software, drawings, specifications, descriptions (including descriptions of methods of construction), staging proposals and construction programmes and other documents that are reasonably necessary to properly and sufficiently describe and assess the works to be executed;

“NSL Site” means the site subject to the NSL for the purposes of installing and operating the nuclear installations listed at Part II of Schedule 1 of the NSL together with any land in which [REDACTED] has an interest in the vicinity of the NSL area; and

“specified works” means so much of any of the authorised development as is situated upon, across, under, or over parcels 64, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 91, 93, 94, 133, 134 and 137 in Volume 4.3.1 of the Book of Reference (being parcels in which [REDACTED] has an interest) or that are near to, or will or may in any way adversely affect the installations.

“southern contractor’s car park” means the car park located at Plot 69 in the Book of Reference and shown on the Land Plans.

Acquisition of land and installations

32.—(1) Despite any provision of this Order or anything shown on the Land Plans or contained in the Book of Reference, the undertaker must not—

- (a) exercise any power to acquire any land interest or installations or override any easement or other interest of [REDACTED] otherwise than by agreement; and

(b) exercise any power to temporarily use any Order Land located within the Site otherwise than by agreement.

(2) Where the undertaker and [REDACTED] agree that any land interest or installations may be acquired by agreement, [REDACTED] must seek the consent of the Office for Nuclear Regulation in accordance with the NSL.

(3) Subject to replacement access having been agreed by the undertaker and [REDACTED] pursuant to paragraph 33, the undertaker must ensure that [REDACTED] is able to enter and exit the Site at all times by means of the access road.

Right of access

33.—(1) The undertaker must not stop up in whole or in part the access road or extinguish in whole or in part any right of [REDACTED] along the access road unless and until all necessary replacement access have been agreed by the undertaker and [REDACTED] and put in place to the satisfaction of [REDACTED] and in accordance with all safety and emergency response requirements and all necessary rights have been granted to [REDACTED].

(2) The undertaker must ensure that a full right of access for all emergency, operational and user purposes is maintained at all times by means of the access road or replacement access as set out in sub-paragraph 33(1).

Removal of installations and execution of specified works

34. If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any installation is located or placed, that installation must not be removed under this Part or under any other statutory power, and any right of [REDACTED] to use, access, maintain, or renew installations, in or over that land must not be extinguished until either alternative installations have been constructed and are in operation to the reasonable satisfaction of [REDACTED] or [REDACTED] provides its written consent to removal without alternative installations being required, constructed or in operation.

35.—(1) Not less than 56 days before the intended removal of installations and construction of alternative installations or execution of specified works, the undertaker must supply to [REDACTED] plans of the works to be executed for the reasonable approval of [REDACTED] and the removal of installations and construction of alternative installations or the execution of specified works must not be commenced except in accordance with plans approved in writing by [REDACTED] or settled by arbitration under article 77 (Arbitration).

(2) The approval of [REDACTED] must not be unreasonably withheld and [REDACTED] must indicate its approval or disapproval of the plans submitted under sub-paragraph (1) within a period of 56 days beginning with the date on which [REDACTED] receive the plans or receipt of such further information being supplied in full by the undertaker following a request by [REDACTED] under paragraph 36, and if by the expiry of the 56 day period [REDACTED] has not intimated approval or disapproval, [REDACTED] is deemed to have approved the plans as submitted.

(3) The specified works must be executed only in accordance with the plans submitted under sub-paragraph 35(1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph 35(4) by [REDACTED] for the alteration or otherwise for the protection of any installations or for securing access to them (where appropriate), and [REDACTED] is entitled to watch and inspect the execution of those works, and the undertaker must supply [REDACTED] with any additional information concerning such works as [REDACTED] may reasonably require.

(4) Any requirements made by [REDACTED] under sub-paragraph 35(3) must be made within a period of 56 days beginning with the date on which the plans under sub-paragraph 35(1) are submitted to it.

(5) Where [REDACTED] requires any protective works under sub-paragraph 35(3) to be carried out either by itself or by the undertaker (whether of a permanent or temporary nature), the protective works must be carried out to [REDACTED] reasonable satisfaction prior to the carrying out of the specified works.

(6) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, new plans instead of the plans previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plans.

36.—(1) Following receipt of plans under paragraph 35 of this Part, [REDACTED] may request such reasonable further information from the undertaker as is necessary to enable it to consider the plans.

(2) Any request under sub-paragraph 35(1) must be made within a period of 28 days beginning with the day immediately following that on which the plans are received by [REDACTED].

Expenses

37. The undertaker must pay to [REDACTED] the proper and reasonable expenses reasonably incurred by [REDACTED] in, or in connection with, the inspection, alteration or protection of any installations and approvals.

Indemnity

38.—(1) Subject to sub-paragraph 38(3), if by reason, or in consequence, of the construction, use, existence, operation or failure of any specified works or in consequence of the construction, use, existence, operation, maintenance or failure of any of the authorised development by or on behalf of the undertaker or in any consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, any damage is caused to any installations or property of [REDACTED], or to operations, or there is any interruption in any service provided to [REDACTED] or by [REDACTED], or in the supply of any goods to [REDACTED] or by [REDACTED] or [REDACTED] becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand the proper and reasonable cost reasonably and properly incurred by [REDACTED] in making good such damage or restoring operations, services or supply; and
- (b) indemnify [REDACTED] for any other expenses, loss (whether direct or indirect and including losses of an economic nature), demands, proceedings, damages, claims, penalty or costs incurred by or recovered from [REDACTED] by reason or in consequence of any such damage or interruption or [REDACTED] becoming so liable to any third party.

(2) The fact that any act or thing may have been done by [REDACTED] on behalf of the undertaker or in accordance with a plan approved by [REDACTED] or in accordance with any requirement of [REDACTED] or its supervision does not (subject to sub-paragraph 38(3)) excuse the undertaker from liability under sub-paragraph 38(1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any loss, damage, injury or interruption to the extent that it is attributable to the neglect or default of [REDACTED], its officers, servants, contractors or agents.

(4) [REDACTED] must give the undertaker reasonable notice (being not less than 28 days) of any claim or demand, and no settlement or compromise may be made without the consent of the undertaker (not to be unreasonably withheld or delayed) which, if it reasonably withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to rest the claim or demand.

(5) Neither [REDACTED] nor the undertaker must make any public statement relating to any claim or demand or any settlement or compromise that may be made in respect of any claim or demand without the consent of [REDACTED] or the undertaker (as applicable).

Enactments and agreements

39. Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and [REDACTED] in respect of any installations located at or providing access into the Site on the date on which this Order is made.

Co-operation

40. The undertaker must not exercise any power under this Order on any part of the [REDACTED] Site, unless the undertaker has entered into a co-operation agreement with [REDACTED] and [REDACTED] to facilitate the decommissioning and delicensing of the NSL Site, the construction, operation and decommissioning of the authorised development and fulfilment of any statutory requirements by the parties.

PART 5

PROTECTIONS FOR [REDACTED]

Application

41. For the protection of the undertaker referred to in this Part of this Schedule the following provisions will, unless otherwise agreed in writing between the promoter and the undertaker, have effect.

Interpretation

42. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“acceptable credit provider” means a bank or financial institution with a credit rating that is not lower than: (i) “A-” if the rating is assigned by Standard & Poor’s Ratings Group or Fitch Ratings; and “A3” if the rating is assigned by Moody’s Investors Services Inc.;

“acceptable insurance” means a third party liability insurance effected and maintained by the promoter with a limit of indemnity of not less than £25,000,000.00 (twenty five million pounds) per occurrence or series of occurrences arising out of one event. Such insurance will be maintained for the construction period of the authorised works which constitute specified works and arranged with an internationally recognised insurer of repute operating in the London and worldwide insurance market underwriters whose security/credit rating meets the same requirements as an “acceptable credit provider”. Such policy will include (but without limitation):

- (a) [REDACTED] and [REDACTED] as a co-insured;
- (b) a cross-liabilities clause; and
- (c) contractors’ pollution liability for third party property damage and third party bodily damage arising from a pollution/contamination event with cover of £10,000,000.00 (ten million pounds) per event or £20,000,000.00 (twenty million pounds) in aggregate;

“acceptable security” means either:

- (d) a parent company guarantee from a parent company in favour of [REDACTED] and [REDACTED] to cover the promoter’s liability to [REDACTED] to a cap of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £25,000,000.00 (twenty five million pounds) (in a form reasonably satisfactory to the undertaker and where required by the undertaker, accompanied with a legal opinion confirming the due capacity and authorisation of the parent company to enter into and be bound by the terms of such guarantee); or
- (e) a bank bond or letter of credit from an acceptable credit provider in favour of [REDACTED] and [REDACTED] to cover the promoter’s liability to [REDACTED] and [REDACTED] for an amount of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £25,000,000.00 (twenty five million pounds) (in a form reasonably satisfactory to the undertaker);

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of the undertaker to enable the undertaker to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by the undertaker together with any replacement apparatus and such other apparatus constructed pursuant to the Order and/or otherwise in the undertaker’s ordinary course of business (including, for the avoidance of doubt, any order granted pursuant to an application for development consent submitted by the undertaker to the Planning

Inspectorate for the construction of an electricity connection from the undertaker's substation at Wylfa to the national network) that becomes operational apparatus of the undertaker for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

"authorised works" has the same meaning as is given to the term "authorised development" in article 2 (Interpretation) of this Order and includes any associated development authorised by the Order and, for the purposes of this Part of this Schedule, includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

"deed of consent" means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary and/or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by the undertaker (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

"ground monitoring scheme" means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, will require the promoter to submit for the undertaker's approval a ground mitigation scheme;

"ground subsidence event" means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

"maintain" and "maintenance" includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of the undertaker including construct, use, repair, alter, inspect, renew or remove the apparatus;

"plans" includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

"parent company" means a parent company of the promoter acceptable to and which will have been approved by the undertaker acting reasonably;

"promoter" means the undertaker as defined in article 2 (Interpretation) of this Order;

"undertaker" means [REDACTED], an electricity undertaker being a licence holder within the meaning of Part 1 of the Electricity Act 1989;

"specified works" means any of the authorised works or activities undertaken in association with the authorised works which:

- (f) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the promoter under paragraph 47 or otherwise; and/or
- (g) may in any way adversely affect any apparatus the removal of which has not been required by the promoter under sub-paragraph 46(2) or otherwise;

43. Except for paragraphs 44 (Apparatus of undertakers in stopped up streets), 49 (Retained apparatus: protection), 50 (Expenses) and 51 (Indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of the undertaker, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of undertakers in stopped-up streets

44.—(1) Without prejudice to the generality of any other protection afforded to the undertaker elsewhere in the Order, where any street is stopped up under article 14 (Permanent stopping up of streets and extinguishment of rights), if the undertaker has any apparatus in the street or accessed via that street, the undertaker will be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the promoter will grant to the undertaker, or will procure the granting to the undertaker of, legal easements reasonably satisfactory to the undertaker in respect of such apparatus and access to it prior to the stopping up of any such street or highway.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 16 (Temporary stopping up of streets), an undertaker will be at liberty at all times to take all necessary access across any such stopped up highway and/or to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

45.—(1) The promoter, in the case of the powers conferred by article 23 (Protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus without the written consent of the undertaker and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertaker or any interruption in the supply of electricity and/or gas, as the case may be, by the undertaker is caused, the promoter must bear and pay on demand the cost reasonably incurred by the undertaker in making good such damage or restoring the supply; and, subject to sub-paragraph 45(2), will—

- (a) pay compensation to the undertaker for any loss sustained by it; and
- (b) indemnify the undertaker against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by that undertaker, by reason of any such damage or interruption.

(2) Nothing in this paragraph imposes any liability on the promoter with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of an undertaker or its contractors or workmen; and the undertaker will give to the promoter reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof may be made by the undertaker, save in respect of any payment required under a statutory compensation scheme, without first consulting the promoter and giving the promoter an opportunity to make representations as to the claim or demand.

Acquisition of land

46.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the Book of Reference to the Order, the promoter may not acquire any land interest or apparatus or override any easement and/or other interest of the undertaker otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph 46(1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between the undertaker and the promoter) that are subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement and/or other legal or land interest of the undertaker and/or affects the provisions of any enactment or agreement regulating the relations between the undertaker and the promoter in respect of any apparatus laid or erected in land belonging to or secured by the promoter, the promoter must as the undertaker reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between the undertaker and the promoter acting reasonably and which must be no less favourable on the whole to the undertaker unless otherwise agreed by the undertaker, and it will be the responsibility of the promoter to procure and/or secure the consent and entering into of such deeds

and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The promoter and the undertaker agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by the undertaker and/or other enactments relied upon by the undertaker as of right or other use in relation to the apparatus, then the provisions in this Schedule will prevail.

(4) Any agreement or consent granted by the undertaker under paragraph 48 or any other paragraph of this Part of this Schedule, will not be taken to constitute agreement under sub-paragraph 46(1).

Removal of apparatus

47.—(1) If, in the exercise of the agreement reached in accordance with paragraph 46 or in any other authorised manner, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of an undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of the undertaker in question in accordance with sub-paragraphs 47(2) to (5) inclusive, unless the undertaker has confirmed in writing that no alternative apparatus is required.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the promoter requires, due to the construction of the authorised development, the removal of any apparatus placed in that land, it must give to the undertaker 56 days' advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order the undertaker reasonably needs to remove any of its apparatus) the promoter must, subject to sub-paragraph (3), afford to the undertaker to its satisfaction (taking into sub-account paragraph 48(1) below) the necessary facilities and rights:

- (a) for the construction of alternative apparatus in other land of or land secured by the promoter; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the promoter, or the promoter is unable to afford such facilities and rights as are mentioned in sub-paragraph 47(2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker must, on receipt of a written notice to that effect from the promoter, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation will not extend to the requirement for the undertaker to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the promoter under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the undertaker and the promoter.

(5) The undertaker must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph 47(2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the promoter to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

48.—(1) Where, in accordance with the provisions of this Part of this Schedule, the promoter affords to or secures for the undertaker facilities and rights in land for the construction, use,

maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the promoter and the undertaker and must be no less favourable on the whole to the undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by the undertaker.

(2) If the facilities and rights to be afforded by the promoter and agreed with the undertaker under sub-paragraph 48(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to the undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject in the matter will be referred to arbitration in accordance with article 77 (Arbitration) of this Part of this Order and the arbitrator will make such provision for the payment of compensation by the promoter to the undertaker as appears to the arbitrator to be reasonable, having regard to all the circumstances of the particular case.

Retained apparatus: protection

49.—(1) Not less than 56 days before the commencement of any authorised works that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under sub-paragraph 47(2) or otherwise, the promoter must submit to the undertaker a plan of the works to be executed and seek from the undertaker details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) involve embankment works within 15 metres of any apparatus, the plan to be submitted to the undertaker under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;
- (f) any intended maintenance regimes; and
- (g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph 49(2), include a method statement describing;—

- (a) details of any cable trench design including route, dimensions and clearance to pylon foundations;
- (b) a demonstration that pylon foundations will not be affected prior to, during and post construction;
- (c) details of load bearing capacities of trenches;
- (d) details of cable installation methodology including access arrangements, jointing bays and backfill methodology;
- (e) a written management plan for high voltage hazards during construction and ongoing maintenance of the cable route;
- (f) written details of the operations and maintenance regime for the cable, including frequency and method of access;
- (g) an assessment of earth rise potential if reasonably required by the undertaker's engineers;

- (h) evidence that trench bearing capacity is to be designed to 26 tonnes to take the weight of overhead line construction traffic
- (4) The promoter must not commence any works to which sub-paragraphs 49(2) or (3) apply until the undertaker has given written approval of the plan so submitted.
- (5) Any approval of the undertaker required under sub-paragraphs 49(2) or (3)—
 - (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs 49(6) or (8); and
 - (b) will be given within 56 days (or such longer period as the undertaker and the promoter may agree) and, in any event, must not be unreasonably withheld.
- (6) In relation to any work to which sub-paragraphs 49(2) or (3) apply, the undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.
- (7) Works to which this paragraph applies must only be executed in accordance with the plan, submitted under sub-paragraph 49(1) or as relevant sub-paragraph 49(5), as approved or as amended from time to time by agreement between the promoter and the undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph 49(6) or (8) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker will be entitled to watch and inspect the execution of those works.
- (8) Where the undertaker requires any protective works to be carried out by itself or by the promoter (whether of a temporary or permanent nature), such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to the undertakers' satisfaction prior to the commencement of any authorised works (or any relevant part thereof) for which protective works are required and the undertaker must give 56 days' notice of such works from the date of submission of a plan pursuant to this paragraph (except in an emergency).
- (9) If the undertaker in accordance with sub-paragraph 49(6) or (8) and in consequence of the works proposed by the promoter reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the promoter under sub-paragraph 44(2).
- (10) Nothing in this paragraph precludes the promoter from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.
- (11) The promoter will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to the undertaker notice as soon as is reasonably practicable and a plan of those works and must—
 - (a) comply with sub-paragraphs 49(6), (7) and (8) insofar as is reasonably practicable in the circumstances; and
 - (b) comply with sub-paragraph 49(12) at all times.
- (12) At all times when carrying out any works authorised under the Order, the promoter must comply with the undertaker's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

Expenses

50.—(1) Subject to the following provisions of this paragraph, the promoter must pay to the undertaker on demand all charges, costs and expenses reasonably anticipated or incurred by the undertaker in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works as are referred to in this Part of this Schedule including, without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by the undertaker in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by the undertaker as a consequence of the undertaker—
 - (i) using its own compulsory purchase powers to acquire any necessary rights under sub-paragraph 47(3); and/or
 - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting the undertaker;
 - (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
 - (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
 - (d) the approval of plans;
 - (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works; and
 - (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.
- (2) There will be deducted from any sum payable under sub-paragraph 50(1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.
- (3) If in accordance with the provisions of this Part of this Schedule—
- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
 - (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,
- and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or, in default of agreement, is not determined by arbitration in accordance with article 77 (Arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker by virtue of sub-paragraph (1) will be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the promoter.
- (4) For the purposes of sub-paragraph 50(3)—
- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
 - (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.
- (5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph 50(1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

51.—(1) Subject to sub-paragraphs 51(2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the promoter or in consequence of any act or default of the promoter (or any person employed or authorised by it) in the course of carrying out such works, including without limitation works carried out by the promoter under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of the undertaker, or there is any interruption in any service provided, or in the supply of any goods by the undertaker, or the undertaker becomes liable to pay any amount to any third party, the promoter will—

- (a) bear and pay on demand the cost reasonably incurred by the undertaker in making good such damage or restoring the supply; and
- (b) indemnify the undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the undertaker, by reason or in consequence of any such damage or interruption or the undertaker becoming liable to any third party as aforesaid other than arising from any default of the undertaker.

(2) The fact that any act or thing may have been done by the undertaker on behalf of the promoter or in accordance with a plan approved by the undertaker or in accordance with any requirement of the undertaker or under its supervision will not (unless sub-paragraph 51(3) applies), excuse the promoter from liability under the provisions of this sub-paragraph 51(2) unless the undertaker fails to carry out and execute the works properly with due care and attention and in a skilful and workmanlike manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph 51(1) imposes any liability on the promoter in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of the undertaker, its officers, servants, contractors or agents; and
- (b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by the undertaker as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 article 9 (Consent to transfer benefit of order) subject to the proviso that once such works become apparatus (“new apparatus”), any authorised works yet to be executed and not falling within this sub-paragraph 51(b) will be subject to the full terms of this Part of this Schedule including this paragraph 51.

(4) The undertaker must give the promoter reasonable notice of any such third party claim or demand and no settlement or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the promoter and considering its representations.

(5) The promoter is not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by the undertaker or in respect of which the undertaker has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of the undertaker’s apparatus until the following conditions are satisfied—

- (a) unless and until the undertaker is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the promoter has first provided the acceptable security (and provided evidence that it will maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and the undertaker has confirmed the same to the promoter in writing; and
- (b) unless and until the undertaker is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the promoter has procured acceptable insurance (and provided evidence to the undertaker that it will maintain such acceptable insurance for the

construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and undertaker has confirmed the same in writing to the promoter.

(6) In the event that the promoter fails to comply with sub-paragraph 51(5) of this Part of this Schedule, nothing in this Part of this Schedule prevents the undertaker from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

52. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between the undertaker and the promoter, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the promoter and the undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

Co-operation

53.—(1) Where in consequence of the proposed construction of any of the authorised works the promoter or an undertaker requires the removal of apparatus under sub-paragraph 4(2), or an undertaker makes requirements for the protection or alteration of apparatus under paragraph 49, the promoter must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the undertaker's undertaking, and each undertaker will use its best endeavours to co-operate with the promoter for that purpose.

(2) For the avoidance of doubt, whenever the undertaker's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by, it must not be unreasonably withheld or delayed.

Access

54. If in consequence of the agreement reached in accordance with sub-paragraph 46(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the promoter must provide such alternative means of access to such apparatus as will enable the undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

55. Save for differences or disputes arising under sub-paragraphs 47(2), 47(4) and 48(1), paragraph 49 and sub-paragraph 51(5), any difference or dispute arising between the promoter and the undertaker under this Part of this Schedule must, unless otherwise agreed in writing between the promoter and the undertaker, be determined by arbitration in accordance with article 77 (Arbitration).

Notices

56. The plans submitted to the undertaker by the promoter pursuant to sub-paragraph 49(1) must be sent to National Grid Plant Protection at plantprotection@nationalgrid.com or such other address as the undertaker may from time to time appoint instead for that purpose and notify to the promoter in writing.

Consent not to be unreasonably withheld

57. Where under any provision of this Part the consent or agreement of any person is required, such consent must not be unreasonably withheld or delayed, may be given subject to reasonable conditions and may be given by the duly authorised representative of that person.

PART 6

PROTECTIONS FOR [REDACTED]

Application

58. For the protection of the protected person referred to in this Part of this Schedule the following provisions will, unless otherwise agreed in writing between the undertaker and the protected person concerned, have effect.

Interpretation

59. In addition to article 2 (Interpretation), the terms in this Part have the following meanings—

“acceptable insurance” means a policy of public liability/third party liability insurance effected and maintained by the undertaker and available in the market on commercially reasonable terms having regard (inter alia) to premiums required and the policy terms obtainable, with a level of insurance cover to be agreed between the undertaker and [REDACTED], during the construction of the works pursuant to this Order with a reputable insurer and with [REDACTED] named as an insured party under the policy;

“accessories” has the same meaning as that set out in section 219 WIA 1991 but will also include any feature or aspect of a design that is intended to receive or facilitate the receipt of rainwater or surface and which is part of a sustainable drainage system;

“clearance area” means the area of land:

- (a) within 3 metres either side of the centre line of any public sewer or public water main that is less than 300mm in diameter;
- (b) within 6 metres either side of a public sewer or public water main where the public sewer or public water main is 300mm in diameter or more;
- (c) within 3 metres either side of a rising main; or
- (d) within 3 metres either side of the centre line of the outfall;

“[REDACTED]” means [REDACTED], a limited company registered in Wales under Company No. [REDACTED] and having its registered office at [REDACTED] or its properly authorised agents or sub-contractors;

“[REDACTED] apparatus” means all apparatus or accessories vested in or belonging to the protected person for the purpose of carrying on its statutory undertaking including an outfall, reservoirs, water treatment works and waste water treatment works;

“draft specification” means a detailed plan, cross-section and description of the works to be prepared by the undertaker (including, without limitation, a method statement and risk assessment setting out the intention in respect of the works, construction methods and programmes, position of the affected [REDACTED] apparatus and intended works and a statement that to the best of the undertaker’s knowledge, and having used all reasonable care and skill to plan the works, the works will not cause damage to the [REDACTED] apparatus);

“functions” has the same meaning as in section 219 WIA 1991 and includes powers and duties;

“in” in a context referring to [REDACTED] apparatus in land includes a reference to [REDACTED] apparatus under, over or upon land;

“outfall” means the existing outfall pipeline from Cemaes Bay Wastewater Treatment Works;

“outfall works” means Work No. 1H and such other works required for its provision under the powers of this Order;

“reasonable conditions” includes the imposition of conditions relating to any specification dealing with:

- (e) the commencement date and completion date of the specified works;
- (f) the reasonable removal, extension and alteration of apparatus necessitated by the works;
- (g) works for the protection of the apparatus necessitated as a result of the works;
- (h) provision for access to any apparatus; or
- (i) an advance warning system providing for liaison between the undertaker and [REDACTED] in respect of potential performance operational issues affecting, or damage to, apparatus arising from the works;

“sustainable drainage system” means any structure designed to receive rainwater and other surface water where such structure includes any feature or aspect of design that is intended to receive or facilitate the receipt of rainwater except a public sewer or a natural watercourse;

“WIA 1991” means the Water Industry Act 1991(a) as amended; and

“works” means any works forming part of the authorised development, including the outfall works, in, on, over or under any land purchased, held or used under this Order that are near to, or will or may in any way affect any [REDACTED] apparatus together with all ancillary actions relating hereto.

(2) Regardless of any provision in the Order or anything shown on the land plans or contained in the Book of Reference, the undertaker will not acquire any [REDACTED] apparatus or its accessories or override or extinguish any easement or other interest of [REDACTED] or acquire any land or other interest of [REDACTED] identified in the Book of Reference or create any new rights over the same otherwise than by agreement with [REDACTED] in accordance with this Schedule.

(3) Sub-paragraph 59(1) does not apply to the powers conferred on the undertaker by this Order to interfere temporarily with [REDACTED] rights to access [REDACTED] apparatus or accessories, but subject always to paragraphs 64 of this Part and to the undertaker giving [REDACTED] 28 days’ notice of such interference.

Consent not to be unreasonably withheld

60. Where under any provision of this Part the consent or agreement of any person is required, such consent not to be unreasonably withheld or delayed, may be given subject to reasonable conditions and may be given by the duly authorised representative of that person.

Precedence of the WIA 1991

61.—(1) Regardless of this Order and this Schedule the undertaker will comply fully with all provisions of the WIA 1991 in relation to any use of, any connection with or any actions or omissions which in any way affect the [REDACTED] apparatus and nothing in this Order releases the undertaker from the requirement to comply with the provisions of the WIA 1991 in relation to any use of, any connection with or any actions or omissions which in any way affect the [REDACTED] apparatus, including without limitation—

- (a) sections 41-44 of the WIA 1991 in respect of water main requisitions;
- (b) section 45 of the WIA 1991 in respect of any connections to a water main;
- (c) sections 98-101 of the WIA 1991 in respect of sewer requisitions;
- (d) section 102 of the WIA 1991 in respect of the adoption of sewers and sewage disposal works;
- (e) section 104 of the WIA 1991 in respect of the adoption of any sewers, drains or sewage disposal works as part of the development;
- (f) sections 106 to 109 of the WIA 1991 (inclusive) in respect of any connections to public sewers;
- (g) section 111 of the WIA 1991 in respect of the restrictions on use of public sewers;

(a) c.56

- (h) sections 158 and 159 of the WIA 1991 in respect of statutory rights of access to [REDACTED] apparatus;
- (i) section 174 of the WIA 1991 in respect of offences of interference with works etc.;
- (j) section 178 of the WIA 1991 in respect of obstruction of sewerage etc.; and
- (k) section 185 of the WIA 1991 in respect of the removal, diversion or alteration of [REDACTED] apparatus.

(2) The arbitration provisions at article 77 (Arbitration) of this Order will not apply where [REDACTED] uses a warrant of entry in accordance with the provisions of the WIA 1991.

Protection of [REDACTED] apparatus

62.—(1) Not less than 28 days before starting the execution of any specified works that are within the clearance area or will, or could reasonably foreseeably affect, any [REDACTED] apparatus the removal or alteration of which has not been required by the undertaker under paragraph 61(k), the undertaker must submit to [REDACTED] written notice together with a draft specification.

(2) [REDACTED] will examine the draft specification submitted under sub-paragraph 62(1) and give its written consent or propose amendments to the draft specification (including the proposed commencement date and anticipated completion date) within 28 days from the date of receipt (and in the event of amendments the process in this sub-paragraph 62(2) will be repeated where those amendments are not accepted). For the avoidance of doubt, [REDACTED] proposed amendments may include such reasonable conditions for the alteration (including but not limited to the extension) of [REDACTED] apparatus or otherwise for the protection of [REDACTED] apparatus, or for securing access to it.

(3) Once approved under sub-paragraph 62(2), the draft specification will become the specification and the works must be executed only in accordance with the specification and such reasonable requirements as may be made in accordance with sub paragraph 62(2) and [REDACTED] will be entitled to watch and inspect the execution of those works.

(4) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a replacement draft specification instead of the draft specification previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new draft specification.

(5) The undertaker will not be required to comply with sub-paragraph (1) in a case of emergency provided it has complied with paragraph 65 below save that the undertaker must comply with sub-paragraphs 62(1) and (3) above in so far as is reasonably practicable in the circumstances.

(6) [REDACTED] may, as a result of the authorised development, opt to carry out any necessary temporary and/or protective works specified under sub-paragraph 62(2) to [REDACTED] apparatus, and if [REDACTED] opts to do so it will:

- (a) agree the scope and timings of the works with the undertaker;
- (b) provide an invoice together with supporting evidence of the estimated costs of the works on the basis of which it will agree with undertaker the reasonable costs of the works to be met by the undertaker;
- (c) following agreement and payment of the costs, [REDACTED] must as soon as reasonably practicable carry out and complete the works; and
- (d) notify the undertaker immediately in writing upon completion of the temporary and/or protective works.

(7) Only those contractors that satisfy [REDACTED] reasonable health and safety requirements are permitted to make openings into and/or connections with and/or carry out any works on or within any public sewer or drain vested in [REDACTED] unless otherwise agreed with [REDACTED].

(8) Only [REDACTED] is permitted to make openings into and/or connections with and/or carry out any works on or within any public water main vested in [REDACTED] unless otherwise agreed with [REDACTED].

(9) Where [REDACTED] apparatus will be affected by the works, the undertaker must determine the exact location of DCC apparatus prior to any works being carried out by the undertaker and the undertaker should contact [REDACTED] where trial holes are required at the undertaker's expense.

(10) Any affected [REDACTED] apparatus which is no longer required by [REDACTED] but is not removed will be transferred to the undertaker by way of a deed of transfer from [REDACTED] at the undertaker's expense and on such terms as [REDACTED] reasonably requires.

Suspension of works

63.—(1) [REDACTED] will be entitled to instruct the undertaker to suspend the works if in [REDACTED] reasonable opinion the actions of the undertaker, or those of its contractor(s) or subcontractor(s) in carrying out the works, have caused damage to any [REDACTED] apparatus and/or are likely to cause or result in damage to any [REDACTED] apparatus and/or have caused or are likely to cause damage to the environment arising as a result of damage to [REDACTED] apparatus. In the event of such instruction being given by [REDACTED]:

- (a) the undertaker will procure that it and its contractor(s) and subcontractor(s) will forthwith suspend or cease the works having due regard to health and safety factors and will discuss and agree with [REDACTED] the remedial actions required prior to resuming the works;
- (b) the undertaker and [REDACTED] will act reasonably and without delay in discussing and agreeing any remedial actions required prior to resuming the works;
- (c) [REDACTED] will submit to the undertaker within 5 days following the suspension, a written notice specifying the reasons for suspending the works;
- (d) in the event that [REDACTED] fails to supply the written notice within 10 days of suspension, [REDACTED] instruction to suspend the works will be void and the undertaker will be entitled to recommence the works;
- (e) [REDACTED] will commence, carry out and complete any remedial works pursuant to sub-paragraph (1), as soon as reasonably practicable, and [REDACTED] must give the undertaker notice immediately upon completion of such remedial works and on receipt of such notice the undertaker will be entitled to resume the works; and
- (f) [REDACTED] will be entitled to reclaim all reasonable costs of all remedial works undertaken in accordance with this paragraph 63.

Emergency works

64.—(1) The undertaker is permitted to carry out emergency works provided that it first notifies [REDACTED] of the proposed emergency works. For the avoidance of doubt, in the event that [REDACTED] suffers any loss, cost or damage as a result of the emergency action taken by the undertaker without prior notification the indemnity in paragraph 66 will apply.

(2) [REDACTED] will at all times be permitted to carry out any emergency works in relation to its [REDACTED] apparatus within the Order Limits in accordance with Part II Schedule 6 WIA 1991.

(3) Emergency works required in order for [REDACTED] to fulfil its statutory functions under sub-paragraph (2) will take precedence over works to be carried out by the undertaker and, in such circumstances, the undertaker will reschedule its works accordingly.

(4) In respect of the references to 'work' and 'works' in this paragraph, to the extent that this is 'work' or 'works' to be undertaken by [REDACTED], the definition of works in paragraph 59 of this Part does not apply.

Insurance

65. The undertaker must not commence any works under paragraph 62(1) to this Part unless and until the undertaker has procured acceptable insurance

Damage to [REDACTED] apparatus

66.—(1) Subject to sub-paragraph 66(3), (4) (5) and (6), the undertaker will indemnify and hold harmless [REDACTED] against all claims, demands, costs, damages, expenses, penalties and losses which

■ may have or sustain or become liable for in consequence of works under paragraph 62(1) of this Part in respect of:

- (a) the commencement, carrying out, execution or retention of the works or any breach of this Part relating to the performance of the works and must pay compensation for loss, damage or injury caused by the actions or default of the undertaker, its contractors, subcontractors, licensees, agents and invitees relating to the performance of the works; and
- (b) damage to the environment caused by the undertaker during any works including but not limited to pollution and/or contamination;
- (c) any breach of any stipulation or otherwise of any deeds of grant (or any renewal of any of the deeds of grant made on substantially the same terms provided that ■ has supplied the undertaker with a copy of the new document) arising from the works; and

(2) subject to sub-paragraphs 66(3), (4), (5) and (6), the undertaker will bear and pay the costs reasonably incurred by ■ in making good damage to ■ apparatus or restoring an interruption in the supply provided by ■.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of ■, its officers, servants, contractors or agents.

(4) ■ will give the undertaker reasonable notice of any such claim or demand and no settlement or compromise may be made without the consent of the undertaker and ■ will use all reasonable endeavours to mitigate any claims, demands, costs, damages, expenses and losses for which the undertaker may be liable under this paragraph.

(5) Neither the undertaker nor any of its officers, employees or agents will in any circumstances whatsoever be liable to ■ for any indirect or consequential loss.

(6) Nothing in this Part affects the provisions of any enactment or agreement regulating the relations between the undertaker and ■ in respect of any ■ apparatus laid or erected in land belonging to the undertaker on the date on which the Order is made.

PART 7

PROTECTION FOR RAILWAY INTERESTS

67. The following provisions of this Part have effect, unless otherwise agreed in writing between the promoter and [REDACTED] and, in the case of paragraph [x] any other person on whom rights or obligations are conferred by that paragraph.

68.—(1) In this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by [REDACTED] for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to [REDACTED] by the Secretary of State in exercise of his or her powers under section 8 of the Railways Act 1993;(a)

“[REDACTED]” means [REDACTED] and any associated company of [REDACTED] which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006)(b) the holding company of [REDACTED], a subsidiary of [REDACTED] or another subsidiary of the holding company of [REDACTED];

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“promoter” means the undertaker as defined in article 2 (interpretation) of this Order;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to [REDACTED] and—

(a) any station, land, works, apparatus and equipment belonging to [REDACTED] or connected with any such railway; and

(b) any easement or other property interest held or used by [REDACTED] for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

69.—(1) Where under this Schedule [REDACTED] is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that [REDACTED] complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, [REDACTED] must—

(a) co-operate with the promoter with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and

(a) c.43
(b) c.46

- (b) use its reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

(3) The promoter must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of [REDACTED].

(4) The promoter must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, or article 37 (Statutory undertakers), in relation to any right of access of [REDACTED] to railway property, but such right of access may be diverted with the consent of [REDACTED].

(5) Where [REDACTED] is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions and the promoter recognizes that [REDACTED] may need to seek the consent of any lessee benefitting from such railway property or any regulator or stakeholder as necessary before it can grant consent pursuant to this paragraph.

70.—(1) The promoter must before commencing construction of any specified work supply to [REDACTED] proper and sufficient plans of that work for the reasonable approval of the engineer, and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph 70(1) must not be unreasonably withheld, and if, by the end of the period of 28 days beginning with the date on which such plans have been supplied to [REDACTED], the engineer has not intimated his or her disapproval of those plans and the grounds of such disapproval the promoter may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the promoter. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer will be deemed to have approved the plans as submitted.

(3) When signifying his or her approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of [REDACTED] or the services of operators using the same (including any relocation, de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by [REDACTED] or by the promoter, if [REDACTED] so desires, and such protective works must be carried out at the expense of the promoter in either case without unnecessary delay and the promoter must not commence the construction of the specified works until the engineer has notified the promoter that the protective works have been completed to his or her reasonable satisfaction.

71.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 70 must, when commenced, be constructed-

- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 70;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of [REDACTED] or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of or in consequence of the construction of a specified work, the promoter must, notwithstanding the approval under paragraph 79, make good such damage and must pay to [REDACTED] all reasonable expenses to which [REDACTED] may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part of this Schedule imposes any liability on the promoter with respect to any damage, costs, expenses or loss attributable to the negligence of [REDACTED] or its servants, contractors or agents or any liability on [REDACTED] with respect to any damage, costs, expenses or loss attributable to the negligence of the promoter or its servants, contractors or agents.

72.—(1) The promoter must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as he or she may reasonably require with regard to a specified work or the method of constructing it.

73.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction of a specified work, or during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of [REDACTED], such alterations and additions may be carried out by [REDACTED] and if [REDACTED] gives to the promoter reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the promoter must pay to [REDACTED] the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by [REDACTED] in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the promoter to [REDACTED] under this paragraph.

74.—(1) The promoter must repay to [REDACTED] all reasonable fees, costs, charges and expenses reasonably incurred by [REDACTED]—

- (a) in constructing any protective works under the provisions of paragraph 70 including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the promoter and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it may be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property;
- (d) in respect of railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (e) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (f) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

75. If at any time after the completion of a specified work, not being a work vested in [REDACTED], [REDACTED] gives notice to the promoter informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the promoter must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

76. The promoter must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to [REDACTED] unless

it has first consulted [REDACTED] and it must comply with [REDACTED] reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

77. Any additional expenses which [REDACTED] may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the promoter, be repaid by the promoter to [REDACTED].

78.—(1) The promoter must pay to [REDACTED] all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 40 (No double recovery)) which may be occasioned to or reasonably incurred by [REDACTED] 1-

- (a) by reason of the construction or maintenance of a specified work or the failure thereof; or
- (b) by reason of any act or omission of the promoter or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the promoter must indemnify and keep indemnified [REDACTED] from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission; and the fact that any act or thing may have been done by [REDACTED] on behalf of the promoter or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision will not (if it was done without negligence on the part of [REDACTED] or of any person in its employ or of its contractors or agents) excuse the promoter from any liability under the provisions of this sub-paragraph.

(2) [REDACTED] must give the promoter reasonable written notice of any such claim or demand and no settlement or compromise of such a claim or demand may be made without the prior consent of the promoter.

(3) The sums payable by the promoter under sub-paragraph 78(1) will if relevant include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between [REDACTED] and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, [REDACTED] must promptly pay to each train operator the amount of any sums which [REDACTED] receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay [REDACTED] the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction of the use of [REDACTED] railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph 78(1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

79. [REDACTED] must, on receipt of a request from the promoter, from time to time provide the promoter free of charge with written estimates of the costs, charges, expenses and other liabilities for which the promoter is or will become liable under this Schedule (including the amount of the relevant costs mentioned in paragraph 78 and with such information as may reasonably enable the promoter to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Schedule (including any claim relating to those relevant costs)).

80. In the assessment of any sums payable to [REDACTED] under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by [REDACTED] if that action or agreement was not

reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the promoter under this Schedule or increasing the sums so payable.

81.—(1) The promoter and [REDACTED] may, subject in the case of [REDACTED] to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the promoter of-

- (a) any railway property shown on the works and Land Plans and described in the Book of Reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of [REDACTED] relating to any railway property or any lands, works or other property referred to in this paragraph.

82. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

83.—(1) The promoter must give written notice to [REDACTED] if any application is proposed to be made by the promoter for the Secretary of State's consent under article 9 (Consent to transfer of benefit of Order) of this Order, and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

84. In relation to any dispute arising under this part of this Schedule the provisions of Article 77 (Arbitration) shall not apply and any such dispute, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institution of Civil Engineers.

85. The promoter must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 76 (Certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to [REDACTED] in a form specified by [REDACTED].

PART 8

PROTECTIONS FOR HIGHWAYS

CHAPTER 1

FOR THE PROTECTION OF HIGHWAYS AND TRAFFIC

86. The provisions of this Part of this Schedule have effect unless otherwise agreed in writing between the undertaker and the relevant highway authority.

87. In addition to article 2 (Interpretation), the terms in this Chapter have the following meanings—

“A5025 Off-Line Highway Tie-in” means any elements of the A5025 Off-Line Highway Improvements which are necessary to connect the new highway to be constructed to the existing public highway, in so far as those works take place within the boundary of the existing public highway only;

“Detailed Design and Construction Information” means to the extent relevant for the particular works to the public highway the following drawings, specifications and other information which must be in accordance with the relevant Detailed Design Drawings and the Design and Access Statement:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs and road markings;
- (i) road lighting (including columns and brackets);
- (j) electrical work for road lighting and traffic signs;
- (k) highway structures;
- (l) landscaping, planting and any boundary features that will form part of the highway;
- (m) utility diversions within the boundaries of the highway;
- (n) a schedule of timings for the works, including dates and durations for any closures of any part of the public highway;
- (o) traffic management proposals including any diversionary routes;
- (p) construction traffic management proposals including any provision for wheel washing; access and egress routes; and time restrictions, the scope of which will be agreed between the undertaker and the relevant highway authority prior to this information being submitted for approval;
- (q) a schedule of condition of any affected public highway;
- (r) a schedule of any departures from the standards set out in the relevant sections of the Design Manual for Roads and Bridges; and
- (s) where highway is occupied under this Order in connection with any works but is not itself subject to works, specification of the condition in which the occupied parts of that highway will be returned post occupation.

“Fisherman’s Access Road and Carpark” means the replacement Fisherman’s carpark and associated access road providing access to the carpark from the A5025 secured through the Landscape and Habitat Management Strategy;

“highway” has the same meaning as in the 1980 Act and for the avoidance of doubt includes the A5025 Off-line Highway Tie-in;

“relevant highway authority” in relation to a highway, means the highway authority for the area in which the highway is situated.

88.—(1) The undertaker will allow and facilitate an appropriately qualified officer of the relevant highway authority to participate in the design process for any work authorised by this Order which involves interference with a highway and will have reasonable regard to any views of that officer in finalising the Detailed Design and Construction Information prior to any element reaching design fix or freeze provided always that it will be the decision of the undertaker whether it implements such views and for the avoidance of doubt any such view shared by the officer will not be an instruction, requirement or authorisation under this Order.

(2) Any involvement by the relevant highway authority (or its appropriately qualified officer) will be at the cost of the relevant highway authority.

89.—(1) Before commencing the construction of, or the carrying out of any work authorised by this Order which involves interference with, a highway (including interference with the use by the public of a highway), the undertaker will submit to the relevant highway authority for its approval Detailed Design and Construction Information relating to the interference, and the works must not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) will be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19 (Procedure for approvals, consents and appeals).

(2) The relevant highway authority will consult the North Wales Police and may consult any other person on all applications for approval of Detailed Design and Construction Information submitted under sub-paragraph 89(1) before issuing any approval.

(3) If within 28 days after the Detailed Design and Construction Information and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it will be deemed to have approved the Detailed Design and Construction Information as submitted.

90.—(1) Before commencing the construction of the Fisherman’s Access Road and Carpark authorised by this Order, the undertaker will submit to the relevant highway authority for its approval Detailed Design and Construction Information for the works, and the works must not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) will be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19.

(2) The relevant highway authority may consult any person on any application for approval of Detailed Design and Construction Information submitted under sub-paragraph 90(1) before issuing any approval.

(3) If within 28 days after the Detailed Design and Construction Information and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it will be deemed to have approved Detailed Design and Construction Information as submitted.

91.—(1) Any officer of the relevant highway authority duly appointed for the purpose may at all reasonable times, on giving to the undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the authorised development which—

(a) is in, over or under any highway, or

(b) which may affect any highway or any property of the relevant highway authority,

during the carrying out of the work, and the undertaker will give to such officer all reasonable facilities for such inspection and, if he is of the opinion that the construction of the work poses

danger to any highway or to any property of the relevant highway authority on or under any highway, the undertaker will adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway.

(2) The testing of materials used in any works affecting public highways will be carried out to the requirements of the relevant highway authority and at the expense of the undertaker. The relevant highway authority will receive copies of all test certificates and results which have been requested by it in writing as soon as reasonably practicable. The relevant highway authority may in its reasonable discretion reject any materials plant or workmanship which is reasonably and properly found to be unsatisfactory or improper on the basis of test certificates, results or testing. The undertaker must as soon as practicable replace or repair any materials plant or works which have been found unsatisfactory with such as will reasonably satisfy the relevant highway authority.

92.—(1) The undertaker will not, except with the consent of the relevant highway authority, deposit any soil, subsoil or materials, or stand any plant, on or over any highway (except on so much of the highway as is for the time being temporarily stopped up or occupied under the powers conferred by this Order or within the street works approved under article 12(2) of the Order or for which consent to interference with that part under paragraph 89 of this Schedule has been granted) so as to obstruct the use of the highway by any person, or, except with the like consent, deposit any soil, subsoil or materials on any highway outside a hoarding, but if within 28 days after request for it any such consent is neither given nor refused it will be deemed to have been given.

(2) Provision will be made in accordance with the relevant highway authority's reasonable requirements at the site of the works to prevent mud and other materials from being carried on to the adjacent highway by vehicles and plant. The highway in the vicinity of the site of the works will be swept as reasonably required to ensure its proper and continued use as a public highway.

93. The undertaker will not, except with the consent of the relevant highway authority, erect or retain on or over a highway to which the public continues to have access any scaffolding or other structure which obstructs the highway.

94.—(1) The undertaker will not alter, disturb or in any way interfere with any property of the relevant highway authority on or under any highway, or the access thereto (except to the extent authorised under the powers conferred by this Order), without the consent of the relevant highway authority, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary will be made by the relevant highway authority or the undertaker as the relevant highway authority thinks fit, and the expense reasonably incurred by the relevant highway authority in so doing will be repaid to the highway authority by the undertaker.

(2) If within 28 days after a request for consent has been submitted the relevant highway authority has not given or refused such consent, it will be deemed to have consented to the request as submitted.

95.—(1) Except in an emergency or where necessary to secure the safety of the public no direction or instruction may be given by the relevant highway authority to the contractors, servants or agents of the undertaker regarding any highway operations without the prior consent in writing of the undertaker.

(2) Where, at any time it appears to the relevant highway authority that the works are being carried out in any manner which constitutes or is likely to constitute a danger to any person or class of persons or to affect the stability or integrity of any structure or apparatus including the highway it may give notice to the undertaker, requiring the immediate cessation of the execution of all or any part of the works pending agreement as to the appropriate method of proceeding. If such agreement is not reached within 4 hours of giving of such notice then the undertaker will make such arrangements as are necessary to restore the works to a safe and acceptable manner or for the expeditious completion of the works or for the affected structure or apparatus including the highway to be restored to a safe and acceptable condition.

96.—(1) In exercising the powers conferred by the Order in relation to any highway the undertaker will have regard to the potential disruption of traffic which may be caused, will seek to

minimise such disruption so far as is reasonably practicable and will at no time prevent or unreasonably impede access by emergency service vehicles to any property.

(2) The undertaker must, if reasonably so required by the relevant highway authority, provide and maintain during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the authorised development, temporary ramps for vehicular or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with chapter 8 of the Traffic Signs Manual as may be necessary to prevent undue interference with the flow of traffic in the highway.

97. The undertaker may not acquire compulsorily any relevant highway authority interest in any highway vested in the relevant highway authority under section 263(1) of the Highways Act 1980 which is to remain public highway maintainable at the public expense post completion of the works.

98.—(1) The undertaker will, if reasonably so requested by the relevant highway authority, execute and complete a transfer to the relevant highway authority any land and rights within the highway compulsorily acquired by the undertaker pursuant to articles 25, 27 and 31 of the Order for the construction, operation and maintenance of the highway or to facilitate it, or as is incidental to it, with full title guarantee and at nil consideration PROVIDED THAT the undertaker has completed all necessary works within the highway for which that land and rights were compulsorily acquired.

(2) Paragraph 98(1) above does not apply in relation to any land within the highway compulsorily acquired by the undertaker that has been or is proposed to be permanently stopped up and rights extinguished pursuant to article 14 of the Order.

99.—(1) Where the undertaker carries out any works to any highway it will make good any defects in those works notified to it by the relevant highway authority within the period of twelve (12) months after the date of its removal from occupation of that area of highway to the reasonable satisfaction of that relevant highway authority.

(2) The carrying out of any remedial works required under sub-paragraph 99(1) are works under this Order.

(3) The carrying out of any remedial works required under sub-paragraph 99(1) will require the submission for approval under paragraph 89(1) of such items of Detailed Design and Construction Information as the undertaker deems to be reasonable in the circumstances but always including a description of the works to be carried out, a schedule of timings for the works, including dates and durations for any closures of any part of the public highway and traffic management proposals.

(4) The undertaker may, at its sole discretion and in place of carrying out any works to remedy any defects under sub-paragraph 99(1), pay to the relevant highway authority a sum equal to the reasonable cost to the relevant highway authority of carrying out the required works (including time of its officers). The relevant highway authority must apply any funds received under this provision to remediation of the defects for which they were paid.

(5) The undertaker will notify the relevant highway authority of the date of its removal of occupation from any area of highway within 5 working days of such removal.

100. Subject to article 19(4) the undertaker will hold the relevant highway authority harmless and indemnified from and against any liability, loss, cost or claim arising out of or incidental to the carrying out of the works under this Chapter 1 (other than those arising out of or in consequence of any negligent act, default or omission of the relevant highway authority) provided that no claim may be settled or liability accepted by the highway authority without first obtaining the written approval of the undertaker, such approval not to be unreasonably withheld or delayed. Any difference arising between the undertaker and the relevant highway authority under this Chapter 1 of this Part of this Schedule (other than in difference as to the meaning or construction of this Part of this Schedule) will be resolved by arbitration under article 77 (arbitration).

101. Where any consent, permission, agreement or approval is required and is to be given by the relevant highway authority under this Chapter 1 of this Part of this Schedule in respect of any part or parts of the works and/or the Detailed Design and Construction Information and/or the

execution thereof such consent, permission, agreement or approval will not be unreasonably withheld or delayed.

CHAPTER 2

FOR THE PROTECTION OF [REDACTED] IN RESPECT OF THE A5025 OFF-LINE HIGHWAY IMPROVEMENTS

102. The following provisions will apply for the protection of the [REDACTED] as the relevant highway authority in respect of the A5025 Off-Line Highway Improvements, unless otherwise agreed in writing between the undertaker and [REDACTED].

103. In addition to article 2 (Interpretation), the terms set out in this Chapter 2 of this Part have the following meaning—

“A5025 Highway Land” means the land comprising the A5025 Off-Line Highway Improvements;

“A5025 Off-Line Highway Tie-in” means any elements of the A5025 Off-Line Highway Improvements which are necessary to connect the new highway to be constructed to the existing public highway, in so far as those works take place within the boundary of the existing public highway only.

“Detailed Design and Construction Information” means to the extent relevant for the A5025 Off-Line Highway Improvements the following drawings, specifications and other information which must be in accordance with the relevant Detailed Design Drawings and the Design and Access Statement:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs and road markings;
- (i) road lighting (including columns and brackets);
- (j) electrical work for road lighting and traffic signs;
- (k) highway structures;
- (l) a schedule of all assets which will transfer to the relevant highway authority including structures, drainage features, noise barriers and any boundary features that will form part of the highway;
- (m) a schedule of timings for the works;
- (n) a schedule of any departures from the standards set out in the relevant sections of the Design Manual for Roads and Bridges;
- (o) proposed speed limit and their extents; and
- (p) construction traffic management proposals including any provision for wheel washing; access and egress routes; and time restrictions, the scope of which is to be agreed between the undertaker and the relevant highway authority prior to this information being submitted for approval.

“Director” means the Head of Service (Highways, Waste and Property) or any successor post responsible for the highway authority function of the Isle of Anglesey County Council;

“Final Certificate” means the final certificate issued by the Director for each phase of the highway works in accordance with paragraph 111;

“Maintenance Period” means 12 months from the date of issue of the provisional certificate;

“Provisional Certificate” means the provisional certificate of completion issued by the Director for any section of the highway works in accordance with paragraph 106;

“highway” has the same meaning as in the 1980 Act;

“relevant highway authority” in relation to the A5025 Off-Line Highway Improvements means the [REDACTED] being the highway authority for the area in which the A5025 Off-line Highway Improvements are situated.

Finalisation of Detailed Design and Construction Information

104.—(1) The undertaker will consider all reasonable requests by the relevant highway authority to allow an appropriately qualified officer of the relevant highway authority to participate in the design process for the A5025 Off-Line Highway Improvements and if permitted will have reasonable regard to any views of that officer in finalising the Detailed Design and Construction Information prior to any element reaching design fix or freeze provided always that it will be the decision of the undertaker whether it implements such views and for the avoidance of doubt any such views shared by officer will not be an instruction, requirement or authorisation under this Order.

(2) Any involvement by the relevant highway authority (or its appropriately qualified officer) will be at the cost of the relevant highway authority and paragraph 122 of this Chapter 2 of this Part of this Schedule does not apply.

Approval of Detailed Design and Construction Information

105.—(1) Before commencing the construction of, or the carrying out of any A5025 Off-Line Highway Improvements authorised by this Order, the undertaker will submit to the relevant highway authority for its approval Detailed Design and Construction Information for the works, and the works must not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) will be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19.

(2) The relevant highway authority may consult any person on any application for approval of Detailed Design and Construction Information submitted under sub-paragraph 105(1) before issuing any approval.

(3) If within 28 days after the Detailed Design and Construction Information and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it will be deemed to have approved Detailed Design and Construction Information as submitted.

Provisional Certificate

106. The undertaker must apply to the Director in writing for a Provisional Certificate.

107. Within fifteen (15) working days following receipt of a written application from the undertaker for the issue of a Provisional Certificate, the Director or any officer of the relevant highway authority duly appointed for the purpose will inspect the works to which the application relates.

108. When and so soon as the A5025 Off-Line Highway Improvements have been completed including such road safety audits as required in accordance with paragraph 127 to the reasonable satisfaction of the Director, the Director must issue a Provisional Certificate, such certificate not to be unreasonably withheld or delayed.

109. The undertaker may apply to the Director for a Provisional Certificate for any part of the A5025 Off-Line Highway Improvements, and subject to paragraph 107 the Director may issue a separate Provisional Certificate for that part of the A5025 Off-Line Highway Improvements.

Maintenance period

110.—(1) The undertaker will for a period of twelve (12) months after the date of the issue of the Provisional Certificate make good any defects in the A5025 Off-Line Highway Improvements to the reasonable satisfaction of the Director.

(2) The carrying out of any remedial works required under sub-paragraph 110(1) are works under this Order.

(3) The carrying out of any remedial works required under sub-paragraph 110(1) will require the submission to and approval by [REDACTED] of a description of the works to be carried out, a schedule of timings for the works, including dates and durations for any closures of any part of the highway and traffic management proposals prior to any such works commencing.

(4) The undertaker may, at its sole discretion and in place of carrying out any works to remedy any defects under sub-paragraph 110(1), pay to the relevant highway authority a sum equal to the reasonable cost to the relevant highway authority of carrying out the required works (including time of its officers). The relevant highway authority must apply any funds received under this provision to remediation of the defects for which they were paid.

Final certificate

111.—(1) The Director will issue a Final Certificate at the expiration of the Maintenance Period referred to in paragraph 110 in respect of the A5025 Off-Line Highway Improvements or any part of the A5025 Off-Line Highway Improvements as the case may be provided that:

- (a) any defects arising during the Maintenance Period have been made good to the reasonable satisfaction of the Director;
- (b) any works identified by any road safety audit as being required in accordance with paragraph 125 have been completed;
- (c) a commuted sum towards the reasonable maintenance costs of any structures and assets that will form part of the highway but excluding the road surface in the amount agreed by the parties has been paid by the undertaker to the relevant highway authority; and
- (d) any grant of easements under paragraph 112 of this schedule has been completed.

(2) From the date of issue of any Final Certificate for the A5025 Off-Line Highway Improvements or for any part of the A5025 Off-Line Highway Improvements, the A5025 Off-Line Highway Improvements or that part of the A5025 Off-Line Highway Improvements as the case may be, becomes highway maintainable at the public expense.

Grant of easements

112.—(1) Before the Director issues a Final Certificate, the undertaker will, without cost to the highway authority, execute and complete or procure the execution and completion of:

- (a) any deeds of easement that are necessary to secure for the highway authority full drainage rights to such parts of the surface water drainage system of the A5025 Off-Line Highway Improvements within the Order Land;
- (b) access rights to all sections or sides of new highway structures built as part of the A5025 Off-Line Highway Improvements (including overbridges, underpasses and culverts) and to surface water attenuation ponds (including ancillary features), all with such vehicles or machinery as is required to maintain the same; and
- (c) any other deeds of easement required by the highway authority for the future maintenance by the highway authority of any street furniture relating to the A5025 Off-Line Highway Improvements within the Order Land.

Transfer of A5025 Highway Land

113. When and so soon as the Director issues a Final Certificate, the undertaker will without delay and at its own cost, execute and complete a transfer to the highway authority of any land and

rights within the A5025 Highway Land acquired by the undertaker pursuant to articles 25, 27 and 31 of the Order for the construction, operation and maintenance of the A5025 Off-Line Highway Improvements with full title guarantee and at nil consideration.

114. The undertaker will assist in any application to the Chief Land Registrar for the registration of the highway authority with title absolute with respect of any A5025 Highway Land transferred pursuant to paragraph 113.

Indemnity

115.—(1) The undertaker must indemnify the highway authority from and against all costs, loss or claim arising out of or incidental to any breach or non-observance of the undertaker's obligations in respect of the design, carrying out and maintenance of the A5025 Off-Line Highway Improvements provided that-

- (a) the foregoing indemnity must not extend to any costs, expenses, liabilities, damages, loss or claims caused by or arising out of the negligent act, default or omission of the highway authority or its officers, servants, agents or contractors or any person or body for whom the relevant highway authority is responsible;
- (b) the highway authority must notify the undertaker straight away upon receipt of any claim;
- (c) no claim may be settled, or liability accepted by the highway authority without first obtaining the written approval of the undertaker, such approval not to be unreasonably withheld or delayed;
- (d) upon acceptance of any claim in accordance with sub-paragraph 115(1)(c), the highway authority must notify the quantum of the claim to the undertaker in writing and the undertaker must within 14 days of the receipt of such notification pay to the highway authority the amount specified as the quantum of such claim.

Construction (Design and Management) Regulations 2015

116. The undertaker will ensure that the A5025 Off-Line Highway Improvements are carried out in accordance with the Construction (Design and Management) Regulations 2015 (S.I. 2015/51) and in particular to ensure that all obligations imposed on the client (as defined in those Regulations being "the person for whom the project is carried out") are satisfied and must indemnify the highway authority against any breach of the undertaker's obligations in respect of this.

Privately and publicly owned apparatus

117. For the avoidance of doubt it is expressly declared that the undertaker in carrying out the A5025 Off-Line Highway Improvements must at its own expense divert or protect all or any pipes, wires, cables or equipment belonging to any person having power or consent to undertake street works under the 1991 Act as may be necessary to enable such works to be properly carried out or may be reasonably directed by the Director and all alterations to existing services must be carried out to the reasonable satisfaction of the appropriate persons, authorities and statutory undertakers.

Traffic and safety control

118. In carrying out A5025 Off-Line Highway Improvements in or adjoining the public highway the undertaker must comply in all respects with chapter 8 of the Traffic Signs Manual.

Inspection

119. The undertaker must permit and must require any contractor or sub-contractor engaged on the A5025 Off-Line Highway Improvements to permit at all reasonable times persons authorised by the highway authority whose identity has been previously notified to the undertaker to gain

access to the site of the highway works for the purpose of inspection to verify compliance with the provisions of this Schedule in accordance with the highway authority's inspection policy.

120. While carrying out any inspection under paragraph 119, the highway authority officer will comply with any reasonable health and safety requirements notified to them by the undertaker.

121. During construction of the A5025 Off-Line Highway Improvements, a highway authority officer may in his reasonable discretion and to the extent reasonably necessary require the undertaker to open up or expose any of the works that have been covered up without previously being inspected by a highway authority officer. If the undertaker unreasonably fails to comply with any such request, the highway authority may take up or expose the relevant part of the works causing as little damage or inconvenience as possible to or in respect of any other part or parts of the works. The undertaker will meet the highway authority's reasonable and proper costs of such taking up, exposure and reinstatement.

Works fees reimbursement

122.—(1) The undertaker must reimburse the highway authority all proper and reasonable works fees incurred by it acting as a highway authority (including without limitation all reasonable and proper costs of the highway authority's professional advisors) in relation to the following:

- (a) the making of any necessary traffic regulation orders in relation to the A5025 Off-Line Highway Improvements; and
- (b) checking, inspecting and testing of the A5025 Off-Line Highway Improvements.

Power to execute works in default or emergency

123. Nothing in this Chapter 2 of this Part of this Schedule prevents the relevant highway authority from carrying out any work or taking such action as deemed appropriate forthwith without prior notice to the undertaker in the event of an emergency or danger to the public, the cost to the highway authority of such work or action being chargeable to and recoverable from the undertaker.

Insurance

124. The undertaker must, prior to commencement of the A5025 Off-Line Highway Improvements, ensure that there is in place public liability insurance with an insurer against any legal liability for damage, loss or injury to any property or any persons as a direct result of the execution and maintenance of the A5025 Off-Line Highway Improvements or any part of them by the undertaker or its contractors.

Road Safety Audits

125. The undertaker will have procured that an independent safety auditor has undertaken road safety audit stages 1, 2, 3 and 4 on the A5025 Off-Line Highway Improvements in accordance with DMRB Volume 5 Section 2 Part 2 (GG 119) or any replacement or modification of that standard.

Disputes

126. Any difference arising between the undertaker and the relevant highway authority under this Chapter 2 of this Part of this Schedule (other than in difference as to the meaning or construction of this Chapter 2 of this Part of this Schedule) will be resolved by arbitration under article 77 (Arbitration).

Consent

127. Where any consent, permission, agreement or approval is required and is to be given by the relevant highway authority under Part B of this Schedule in respect of any part or parts of the works and/or the Construction Drawings and/or the execution thereof such consent, permission, agreement or approval will not be unreasonably withheld or delayed.

CHAPTER 3

FOR THE PROTECTION OF LEAD LOCAL FLOOD AUTHORITY

128. The provisions of this Part of this Schedule have effect unless otherwise agreed in writing between the undertaker and the Idle of Anglesey County Council as Lead Local Flood Authority.

129. In addition to article 2 (Interpretation), the terms in this Part have the following meaning—

“A5025 Highway Land” means the land comprising the A5025 Off-Line Highway Improvements;

130.—(1) Where it is proposed to connect into an existing ordinary watercourse for any part of the drainage design for the A5025 Highway Land or the A5025 Off-Line Highway Improvements the undertaker must obtain the approval of the Lead Local Flood Authority before commencing the construction of, or the carrying out of any work which would drain to that existing ordinary watercourse.

(2) If within 28 days after an application for approval is made under sub-paragraph 130(1) the Lead Local Flood Authority has not approved or disapproved that application, it will be deemed to have approved it.

SCHEDULE 16

Article 48

LIMITS OF HARBOUR

The limits of the harbour within which the undertaker must exercise jurisdiction as the harbour authority and within which the powers of the harbour master are exercisable must be the area bounded by an imaginary line commencing at the Northerly point of Cerrig Brith at 53.413810N, -4.497950W (SHA001), then extending in a straight line to a point at 53.418460°N, -4.497900°W (SHA002), then extending in a straight line to a point at 53.424820°N, -4.491660°W (SHA003), then in a straight line to the Westerly point of Mynydd y Wylfa at 53.421670°N, -4.479720°W (SHA004), then following the level of high water to the point of commencement following construction of the authorised development.

SCHEDULE 17

Article 74

REMOVAL OF IMPORTANT HEDGEROWS

<i>(1) Relevant site</i>	<i>(2) Important hedgerow reference</i>	<i>(3) Reference</i>
Wylfa Newydd Development Area	IH01, IH02, IH03, IH04, IH05, IH06, IH07	WN0902-HZDCO-LFM-DRG-00037
Wylfa Newydd Development Area	IH10, IH51(a)	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH51 (b)	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZCO-LFM-DRG-00040 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH12, IH13, IH14, IH15, IH16, IH17	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH18	WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH19, IH20, IH21, IH22	WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH23, IH24, IH26	WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH27, IH28, IH29, IH30, IH31, IH32, IH33	WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH34	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH35, IH36	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH37, IH70	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH38	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH39, IH40	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH41, IH42, IH43	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH46	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH47(a)	WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041
Wylfa Newydd Development Area	IH47(b)	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH48(a)	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00041

<i>(1) Relevant site</i>	<i>(2) Important hedgerow reference</i>	<i>(3) Reference</i>
Wylfa Newydd Development Area	IH49	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH50(a)	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00038 WN0902-HZDCO-LFM-DRG-00039
Wylfa Newydd Development Area	IH50(b)	WN0902-HZDCO-LFM-DRG-00037 WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH52	WN0902-HZDCO-LFM-DRG-00039 WN0902-HZDCO-LFM-DRG-00040
Wylfa Newydd Development Area	IH53	WN0902-HZDCO-LFM-DRG-00040
Dalar Hir Park and Ride Facility	IH60, IH61, IH62, IH63, IH64, IH65, IH66, IH67, IH68, IH69	WN0902-HZDCO-LFM-DRG-00034
A5025 Off-Line Highway Improvements – Section 1 – Valley	IH101, IH102, IH103	WN0902-HZDCO-ADV-DRG-00004
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	IH301	WN0902-HZDCO-OHW-DRG-00017
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	IH302, IH303, IH304	WN0902-HZDCO-OHW-DRG-00018 WN0902-HZDCO-OHW-DRG-00019
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	IH305	WN0902-HZDCO-OHW-DRG-00019
A5025 Off-Line Highway Improvements – Section 3 – Llanfachraeth	IH306, IH307	WN0902-HZDCO-OHW-DRG-00020
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	IH501, IH502, IH503, IH504, IH505, IH506, IH507, IH508, IH509	WN0902-HZDCO-OHW-DRG-00039
A5025 Off-Line Highway Improvements – Section 5 – Llanfaethlu	IH510, IH511	WN0902-HZDCO-OHW-DRG-00040
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	IH701, IH702	WN0902-HZDCO-OHW-DRG-00052
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	IH703	WN0902-HZDCO-OHW-DRG-00052 WN0902-HZDCO-OHW-DRG-00053
A5025 Off-Line Highway Improvements – Section 7 – Cefn Coch	IH704, IH705	WN0902-HZDCO-OHW-DRG-00053

SCHEDULE 18

Article 76

CERTIFIED DOCUMENTS

(1) Document Name	Document	
	(2) Revision	(3) Reference
Order Limits Plans	1.0	2.1
Works Plans	3.0	2.3
Land Plans	5.0	2.2
Rights of Way Plans	4.0	2.4
Wylfa Newydd Development Area – Power Station Site Plans	4.0	2.6.1
Wylfa Newydd Development Area – Site Campus Plans	2.0	2.6.2
Wylfa Newydd Development Area – Marine Works Plans	1.0	2.6.3
Wylfa Newydd Development Area – Site Preparation and Clearance Plans	1.0	2.6.4
A5025 Offline Highways Section 1 – Valley Plans	1.0	2.7
A5025 Offline Highways Section 3 – Llanfachraeth Plans	1.0	2.8
A5025 Offline Highways Section 5 – Llanfaethlu Plans	1.0	2.9
A5025 Offline Highways Section 7 – Cefn Coch Plans	1.0	2.10
Park and Ride – Dalar Hir Plans	4.0	2.11
Logistics Centre – Parc Cybi Plans	2.0	2.12
Off-site Power Station Facilities – Llanfaethlu Plans	1.0	2.13
Site of Special Scientific Interest Compensation Site – Cors Gwawr – Plans	1.0	2.14
Site of Special Scientific Interest Compensation Site – Cae Canol-Dydd - Plans	1.0	2.15
Site of Special Scientific Interest Compensation Site – Ty Du – Plans	1.0	2.16
Book of Reference (Part 1 of 3)	5.0	4.3
Book of Reference (Part 2 of 3)	5.0	4.3
Book of Reference (Part 3 of 3)	5.0	4.3
Design and Access Statement (Volume 1) – Project-wide	4.0	8.2.3
Design and Access Statement (Volume 2) – Power Station Site	4.0	8.2.3
Design and Access Statement (Volume 3) – Associated Developments and Off-Site Power Station Facilities	4.0	8.2.3
Wylfa Newydd CoCP	6.0	8.6
Wylfa Newydd CoOP	6.0	8.13
Main Power Station Site sub-CoCP	6.0	8.7
Marine Works sub-CoCP	6.0	8.8
Off-Site Power Station Facilities sub-CoCP	6.0	8.9
Parc Cybi Logistics Centre sub-CoCP	6.0	8.11
Dalar Hir Park and Ride sub-CoCP	6.0	8.10
A5025 Off-Line Highway Improvements sub-CoCP	6.0	8.12
Environmental Statement (Volume A) – Introduction to the project and approach to the EIA	1.0	6.1.1 – 6.1.10
Environmental Statement (Volume B) – Introduction to the environmental assessments	1.0	6.2.1 – 6.2.22
Environmental Statement (Volume C) – Project-wide effects	1.0	6.3.1 – 6.3.31
Environmental Statement (Volume D) – WNDA Development	1.0	6.4.1 – 6.4.101
Environmental Statement (Volume E) – Off-Site Power Station Facilities	1.0	6.5.1 – 6.5.27
Environmental Statement (Volume F) – Park and Ride	1.0	6.6.1 – 6.6.38

<i>(1) Document Name</i>	<i>Document</i>	
	<i>(2) Revision</i>	<i>(3) Reference</i>
Environmental Statement (Volume G) – A5025 Off-line Highway Improvements	1.0	6.7.1 – 6.7.48
Environmental Statement (Volume H) – Logistics Centre	1.0	6.8.1 – 6.8.29
Environmental Statement (Volume I) – Cumulative effects	1.0	6.9.1 – 6.9.14
Environmental Statement (Volume J) – Environmental commitments and summary of residual effects	1.0	6.10.1 – 6.10.3
Environmental Statement Addendum	1.0	
Landscape and Habitat Management Strategy (Part 1 of 2)	4.0	6.11
Landscape and Habitat Management Strategy (Part 2 of 2)	4.0	8.16
Workforce Management Strategy	3.0	8.16
Phasing Strategy	6.0	8.29
Construction Method Statement	3.0	6.4.17
Access Road Plan	1.0	2.6.1

PROCEDURE FOR APPROVALS, CONSENTS AND APPEALS

Discharge programme

1.—(1) The undertaker must notify the discharging authority not less than 6 months prior to the anticipated date of the undertaker making its first application to that discharging authority for discharge of a Requirement (the “discharge notification date”).

(2) No later than the discharge notification date the undertaker must provide the discharging authority with a programme of discharge of Requirements which will set out—

- (a) the proposed programme for discharging the Requirements taking into account the time frames set out in paragraph 2 of this Schedule; and
- (b) the associated relevant key dates including commencement and the start of the operational period,

which will form the basis for identification of the schedule of and programme for the discharging authorities’ discharge of the Requirements including the programme for the agreement of activity orders with IACC in accordance with paragraph 1(3) and the programme may be updated from time to time.

(3) Following receipt of the programme of discharge of Requirements (pursuant to paragraph 1(2))-

- (a) IACC will provide the undertaker with a draft activity order or orders in respect of the major detailed requirements which will require the engagement of external consultants in order to discharge a major detailed requirement or otherwise require additional IACC resource above the resource specified in paragraph 1(4) in order to discharge a major detailed requirement within the timeframes set out in paragraph 2 of this Schedule;
- (b) any draft activity order will relate to one or more requirements and may be issued by the IACC in accordance with the programme, so that a draft activity order for each stage of the programme will be issued not less than 15 working days (or such other time frame agreed) before the application for discharge of the requirement to which it relates is due to be submitted in accordance with the programme of discharge of Requirements; and
- (c) the IACC and the undertaker will thereafter use reasonable endeavours to agree the activity order or orders within 15 working days (or the time frame agreed in sub-paragraph 1(3)(b)).

(4) The undertaker is obliged to pay the costs agreed by an activity order provided that the undertaker will not be liable for any costs associated with the appointment or instruction of an external consultant without an agreed activity order in place, unless otherwise agreed in writing in advance by the undertaker.

(5) Each activity order prepared and agreed in accordance with paragraph 1(3) must-

- (a) be in the form set out in paragraph 1(6), unless otherwise agreed in writing in advance by the undertaker;
- (b) contain the scope of work and the terms and conditions of procuring the work from the external consultant (including rates);
- (c) contain invoicing and payment arrangements;
- (d) enable variations to the activity order which will be in the form set out in sub-paragraph 1(7), unless otherwise agreed in writing in advance by the undertaker;
- (e) enable termination of the activity order by the undertaker and suspension of costs to the undertaker under such activity order within not less than of 20 working days;
- (f) ensure the method of procurement of any consultant input to IACC-

- (i) delivers best value in accordance with IACC's standing orders, section 3 of the Local Government Act 1999, and complies with relevant procurement law;
- (ii) ensures any appointment is capable of being varied, suspended terminated on reasonable notice and in accordance with sub-paragraph 1(5)(e).
- (6) The activity order agreed under paragraph 1(3) must be in the following form—

Form A

Activity Order Form

Activity Order Ref.		Title:	
Work Package Lead		Approved budget (cap)	£
Programmed application submission date		Programmed end of determination period	
Requirements to be discharged			
• •			
How activity will be delivered:			
• •			
Pricing Schedule			
• •			
Resources/Procurement			
Internal—			
External—			
Terms & Conditions: [General outline of key terms]			
•			
Notice Period for Termination:			
Assumptions:			
• •			
Comments:			
Approval, for and on behalf of:			Date:
The undertaker:			
Isle of Anglesey County Council:			

(7) The variation order agreed under paragraph 1(3) must be in the following form—

Form B

Variation Order Form

Variation Order Ref.		Title:	
Type of Variation Required:	[Budget / Start date / Completion Date / Scope] delete as applicable		
Work Package Lead		original approved budget (cap)	£
		variation required (if applicable)	£
		revised budget	£
Programmed application submission date		Programmed end of determination period	
Revised submission date (if applicable)		proposed scheduled completion date (if applicable) End of determination period(if applicable)	
Description & Justification of Variation(s): • •			
Revised Pricing Schedule (if applicable): • •			
Additional Resources Required (if applicable) Internal— External—			
Revised Assumptions (if applicable) • •			
Comments:			
Approval, for and on behalf of: The undertaker: Isle of Anglesey County Council:			Date:

Applications made under Requirement

2.—(1) Except where otherwise specified within Schedule 3 (Requirements) of this Order, where an application has been made to a discharging authority for any agreement or approval required by a Requirement included in this Order the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

(a) in the case of a major detailed Requirement—

- (i) where no further information is requested under paragraph 3 of this Schedule (Further information), 56 days from the day immediately following that on which the application is received by the authority;
- (ii) where further information is requested under paragraph 3 of this Schedule, 56 days from the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or
- (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph 2(2)(a)(i) or (ii); and

(b) in the case of a minor detailed Requirement—

- (i) where no further information is requested under paragraph 3 of this Schedule, 35 days from the day immediately following that on which the application is received by the authority;
- (ii) where further information is requested under paragraph 2 of this Schedule, 35 days from the day immediately following that on which further information has been supplied by the undertaker under paragraph 3; or
- (iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph 2(2)(b)(i) or (ii).

(3) Where an application is made to the discharging authority for any consent, agreement or approval required by an article or Requirement in this Order, the discharging authority may consult any statutory consultee in relation to that application that it considers relevant and the undertaker must as soon reasonably practicable comply with any direction from the discharging authority to provide a copy of the materials provided in support of the application to the relevant statutory consultee.

(4) Prior to the commencement of any Work which has more than one discharging authority, IACC and NRW will enter into a memorandum of understanding which will contain the following minimum requirements-

- (a) the co-operation and collaboration between the IACC and NRW in the approval of discharge applications for the intertidal area or works which extend over the MHWS and the achievement of their respective statutory duties;
- (b) the consultation process that will be followed between the discharging authority and the marine works consultee;
- (c) the mechanisms and timeframes for resolving any inconsistencies between approvals to be granted by IACC or NRW or any differences of opinion;
- (d) opportunities for IACC and NRW to collaborate, share information and conjoin reviews of information, inspections and approvals in respect of discharge applications where possible; and
- (e) the notification process to the undertaker in respect of approvals made by IACC and NRW.

(5) IACC and NRW will seek to agree the memorandum of understanding under paragraph 2(4) within 30 working days of the first notice being served under paragraph 1(1) and provide a copy of the agreed memorandum of understanding to the undertaker for information.

(6) Where an application is made in relation to a Work that has more than one discharging authority, the discharge of those applications will be managed in accordance with a memorandum of understanding agreed between IACC and NRW in accordance with paragraph 2(4).

(7) An indicative milestone schedule of all applications that the undertaker intends to submit under sub-paragraph 2(1) must be submitted to the discharging authority every 6 months following the commencement of the authorised development until the commencement of the operational period, unless otherwise agreed with the discharging authority.

Further information

3.—(1) In relation to any application to which this Schedule applies, the discharging authority must have the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary and the Requirement does not specify that consultation with a Requirement consultee is required or the discharging authority has determined it does not need to consult with any other statutory consultee in the discharge of the application submitted under paragraph 2 of this Schedule, the discharging authority must, within 3 working days of receipt of the application, notify the undertaker in writing specifying any further information required.

(3) Where the discharging authority has determined it will consult with a statutory consultee in the discharge of the application submitted under paragraph 2 or a statutory body is identified within the Requirement, the discharging authority must issue the consultation to the consultee within 5 working days of receipt of the application. Where the consultee requires further information they must notify the discharging authority in writing specifying the further information required within 5 working days of receipt of the consultation. The discharging authority must notify the undertaker in writing specifying any further information requested by the consultee within 3 working days of receipt of such a request. In the event the consultee does not require any further information, then they must respond to the consultation within 20 working days from receipt of the consultation notification from the relevant planning authority.

(4) If the discharging authority does not give notification as specified in sub-paragraph 3(2) or 3(3), it must be deemed to have sufficient information to consider the application and must not thereafter be entitled to request further information without the prior agreement of the undertaker.

Provision of information by Consultees

4.—(1) Subject to subparagraph (2), any consultee who receives a consultation under paragraph 2(3) must respond to that request within 28 days from receipt in order for their response to be considered.

(2) Where any consultee requests further information in accordance with the timescales set out in paragraph 3(3) then they must respond to the consultation within 20 days from the receipt of the further information requested for their response to be considered.

Fees

5.—(1) For all applications made to IACC for agreement or approval in respect of a Requirement, the undertaker will pay an annual review fee to IACC in the following instalments—

- (a) the first annual review fee of £120,000 must be paid prior to the date three months from the discharge notification date (being the “first approval date”);
- (b) the second and subsequent payments each of £120,000 must be paid annually on the anniversary of the first approval date thereafter until the undertaker has paid to IACC the first payment of the service level contribution due to be paid in accordance with paragraph 1 of schedule 16 of the Section 106 Agreement;
- (c) payments each of £60,000 must be paid annually from the first anniversary of date of the last payment at sub-paragraph 5(1)(b) until the start of the operational period, and the figures set out in paragraph 5(1)(a), (b) and (c) will be increased annually by an amount equivalent to the increase in the consumer price index from the date of this Order until the first day of January in each year.

(2) The annual review fee will be utilised by IACC for establishment and staffing of a discharging office whose roles will be-

- (a) the discharge of minor detailed requirements within the timeframes set out in the Order; and
- (b) the management of the activity orders (in accordance with paragraphs 1(3) and (4)) to enable the discharge of major detailed requirements within the timeframes set out in the Order;
- (c) working within the programme office when established by IACC under Schedule 16 of the Section 106 Agreement in relation to the Order to ensure integrated management of the authorised development.

(3) 12 months following the date of the last payment made pursuant to sub-paragraph 5(1)(c) the undertaker must pay a fee of £1250 in respect of any application made to amend an approved control document or any approved scheme, plans, or written details approved under paragraph 1(4) of Schedule 3 (Requirements) of this Order.

(4) The figure set out in paragraph 5(3) will be increased by an amount equivalent to the increase in the consumer price index from the date of this Order until the first day of January in each year.

6.—(1) Where an application is made to NRW as the discharging authority for agreement or approval in respect of a minor detailed requirement or a major detailed requirement, NRW may charge a fee to discharge such application only if the work required to discharge such application or part of such application precedes work required, or reasonably requires material additional work to that required to discharge any equivalent application under the Marine Licence.

(2) The fees charged pursuant to sub-paragraph 6(1) shall be charged at a rate established for monitoring and discharge of licence conditions under the Marine Licensing (Fees) (Wales) Regulations 2017 or any subsequent amendment for replacement of those Regulations under the relevant fee band for the marine licence application.

(3) Where NRW seeks to charge any fees under sub-paragraph 6(1) it must provide the undertaker with an itemised invoice which—

- (a) states the time spent on discharging such application or part of such application; and
- (b) where relevant, identifies any equivalent application under the Marine Licence and states the time spent on discharging such equivalent application; and
- (c) describes the work undertaken to discharge the application or, where sub-paragraph 6(3)(b) applies, describes the additional work required to discharge the application.

(4) Within 30 working days of receiving an invoice under sub-paragraph 6(3) (“Invoice”), the undertaker shall either—

- (a) pay the Invoice; or
- (b) in the event the Invoice is not agreed, notify NRW in writing that it disagrees with the Invoice, giving reasons (“notice of disagreement”).

(5) Where the undertaker has serviced a notice of disagreement the parties will meet within 30 working days and use reasonable endeavours to agree an amount to be paid to NRW.

(6) If agreement cannot be reached within the 30 working days specified in sub-paragraph 6(5), the amount to be paid to NRW will be determined in accordance with the arbitration process under article 77 (Arbitration) of this Order which will be binding on the parties.

Appeals

7.—(1) The undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any agreement or approval required by a Requirement included in this Order or grants it subject to conditions;
- (b) on receipt of a request for further information pursuant to paragraph 3 of this Schedule the undertaker considers that either the whole or part of the specified information

requested by the discharging authority is not necessary for consideration of the application;

- (c) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application; or
- (d) the discharging authority does not give notice to the undertaker of its decision on an application submitted under sub-paragraph 2(1) of this Schedule within the periods specified under sub-paragraph 2(2).

(2) The appeal process must be as follows—

- (a) the undertaker must submit to the Welsh Ministers a copy of the application submitted to the discharging authority and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”);
- (b) the undertaker must on the same day provide copies of the appeal documentation to the discharging authority and the Requirement consultee (if applicable);
- (c) as soon as is practicable after receiving the appeal documentation, the Welsh Ministers must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (d) the discharging authority and the Requirement consultee (if applicable) must submit written representations to the appointed person in respect of the appeal within 10 working days of the date on which the appeal parties are notified of the appointment of a person under sub-paragraph 7(2)(c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 10 working days of receipt of written representations pursuant to sub-paragraph 7(2)(d); and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) If the appointed person considers that further information is necessary to enable the appointed person to consider the appeal, he must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(4) Any further information required pursuant to sub-paragraph 7(3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.

(5) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

(6) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.

(7) The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(8) The decision of the appointed person on an appeal must be final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(9) If an approval is given by the appointed person pursuant to this Schedule, it must be deemed to be an approval for the purpose of Schedule 3 (Requirements) of this Order as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) must not be taken to affect or invalidate the effect of the appointed person's determination.

(10) Save where a direction is given pursuant to sub-paragraph 7(11) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person must be met by the undertaker.

(11) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it must be made, the appointed person must have regard to Welsh Government guidance on appeals or any guidance which may from time to time replace it.

Interpretation of this Schedule

8.—(1) In this paragraph—

“the appeal parties” means the discharging authority, the Requirement consultee and the undertaker;

“major detailed requirements” means Requirements PW7; PW10; WN1; WN5; WN8; WN11; WN12; WN13; WN14; WN22; WN27; WN29; OPSF1; OPSF2; OPSF4; PR1; PR3; PR6; LC1; LC3; LC5; OH1; OH3; OH5 and OH8;

“minor detailed requirements” means Requirements, other than major detailed requirements, which require any agreement or approval of a discharging authority or permit the discharging authority to agree or approve matters otherwise than provided for in the Requirement;

“Section 106 Agreement” means the section 106 agreement between the undertaker and IACC dated [X] April 2019; and

“Requirement consultee” means any statutory consultee consulted by the discharging authority in discharge of a Requirement which is the subject of an appeal.

SCHEDULE 20

MISCELLANEOUS CONTROLS

Articles 79 and 80

PART 1

PUBLIC GENERAL LEGISLATION

Introduction

1. This Part 1 of this Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

Highways Act 1980

2.—(1) Section 141 of the 1980 Act (Restriction on planting trees etc. in or near carriageway) must not apply to any tree or shrub planted in the course of the authorised development before completion of construction.

(2) Sections 169, 171A and 173 of the 1980 Act (Control of scaffolding on highways; works under section 169 or 171; and hoardings to be securely erected) must not apply to anything done in the course of the authorised development before completion of construction.

Community Infrastructure Levy Regulations 2010

3.—(1) Notwithstanding the provisions of section 208 of the 2008 Act for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010(a) any building comprised in the authorised development must be deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

New Roads and Street Works Act 1991

4.—(1) Sections 56(1), 56(1A), 56A, 61(1), 62(2), 62(4), 63(1), 64, 66, 71 to 74A, 77, 78, 82(1) to 84 and 86 to 106 of the 1991 Act will not apply in relation to the authorised development or the placement of apparatus in the course of the authorised development.

(2) Schedule 3A to the 1991 Act (Restriction on works following substantial street works) must not apply where a notice under section 54 (Advance notice of certain works) or 55 (Notice of starting date of works) of that Act has been given in respect of the authorised development.

(3) No notice under paragraph 2(1)(d) of that Schedule 3A (Power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) will have effect to require notice to be given of works proposed to be carried out as part of the authorised development.

(4) No directions under paragraph 3 of that Schedule (Completion of notified works) may be issued to the undertaker.

(5) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of other street works) will not apply in relation to the execution of works in the course of the authorised development.

(a) S.I. 2010/948. Regulation 6 was amended by S.I. 2011/987

(6) Paragraph 5(1) of that Schedule (effect of direction imposing restriction) will not apply in relation to the execution of works in the course of the authorised development.

Town and Country Planning Act 1990

5.—(1) Section 57(2) of the 1990 Act (Planning permission required for development) will apply to specific associated development works as if the development consent granted for those works under this Order were a planning permission granted for a limited period.

(2) For the purposes only of section 106(1) of the 1990 Act (Planning obligations), the undertaker must be deemed to be a person interested in the Order Land or any part of it and, for the avoidance of doubt, section 106(3)(a) of that Act must include any transferee under article 9 (Consent to transfer benefit of Order) of the Order.

(3) Section 239 of the 1990 Act (Burial grounds) will apply—

- (a) In relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit the construction, operation and maintenance by the undertaker in accordance with the provisions of this Order; and
- (b) In relation to a right over land so acquired for the purposes of the authorised development (whether or not by agreement), or the temporary use of land pursuant to articles 35 (Temporary use of land for carrying out the authorised development) and 36 (Temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised.

Control of Pollution Act 1974

6.—(1) Where a local planning authority is acting in accordance with section 60(4) (Control of noise on construction sites) and section 61(4) (Prior consent for work on construction sites) of the Control of Pollution Act 1974 in relation to the construction of the authorised development, then that local authority will also have regard to the noise levels referred to in the Wylfa Newydd CoCP and the relevant sub-CoCP for that site.

(2) Underground tunnelling works must be regulated by sections 60 and 61 of the Control of Pollution Act 1974.

Local Government (Miscellaneous Provisions) Act 1976

7.—(1) Section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided)(a) will not apply to the extent that it would make provisions of this Order authorising the construction, operation and maintenance of the authorised development subject to other provisions.

PART 2

LOCAL BYELAWS

Introduction

8. The following local byelaws must have no effect in relation to the authorised development—

<i>Reference</i>	<i>Title</i>
1952	Twrcelyn Rural District Council Foreshore Byelaw 1952

(a) 1976 c.57.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Horizon Nuclear Power Wylfa Limited (referred to in this Order as the undertaker) to construct, operate and maintain a nuclear powered generating station at Wylfa Head, Isle of Anglesey to be known as Wylfa Newydd and comprising two UK Advanced Boiling Water Reactors, as well as associated development. The Order imposes requirements in connection with the nuclear power station and the associated development, together the authorised development.

The Order permits the undertaker to acquire or create and acquire, compulsorily or by agreement, rights in land, and to use land for this purpose.

A copy of the plans and Book of Reference referred to in this Order and certified in accordance with article 76 (Certification of plans, etc.) of this Order may be inspected free of charge at [*].

1. APPENDIX E – FINANCIAL CONTRIBUTIONS AND OTHER MEASURES SECURED BY PLANNING OBLIGATION

- 1.1.1. This table provides an overview of the financial contributions and other measures that have been secured by the completed planning obligation (s106 agreement) submitted at Deadline 10 [REP10-009].
- 1.1.2. In some cases, payments may be index linked, stage or dependent on the outcome of delivery mechanisms which are specified in the obligation. In practice the actual amounts may therefore vary from those shown here. For full details of the contributions and measures please refer to the actual obligation which can be found in the Examination library [REP10-009].
- 1.1.3. Although the obligation is between the Applicant and the IACC there are a number of contributions for onward payment to other organisations.
- 1.1.4. Implementation is defined in the s106 as the date upon which a material operation as defined by s155 of the PA2008, other than any preparatory operations, is undertaken in respect of the DCO.
- 1.1.5. Commencement is defined in the s106 as the carrying out of a material operation as defined by s155 of the PA2008 comprised within the DCO.
- 1.1.6. Summary of s106 Agreement

Schedule 1 – Welsh Language and culture

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Community Translation Service Contribution	IACC	£250,000	Prior to implementation
Welsh Language Education Contribution	IACC	£2,565,000	£1,200,000 prior to implementation; £800,000 at Y3; and £565,00 at Y5
Welsh Language Education Contingency Fund	IACC	£1,500,000	To be used if pupil/teacher ratios exceed 8:1

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Welsh Language Officer Contribution	IACC	£55,000 per year	First payment prior to implementation and then throughout construction
Creation of Welsh Language and Culture Engagement Group	IACC, Applicant, WG, GCC, Menter Môn and Llias Ni plus independent chair	n/a	From implementation to the end of construction
Welsh Language Skills Training Fund	IACC	£600,000	£300,000 prior to implementation and £300,000 at Y2
Welsh Language Skills Competency Framework and Assessment Tool	Applicant	n/a	40 days prior to commencement to be submitted to WG and then used until the end of the operational period
Welsh Language Training Scheme	Applicant	n/a	Throughout construction
Welsh Language Awareness Training	Applicant	n/a	Throughout construction and operation
Welsh Language Management Group	Applicant	n/a	From commencement through to operation
Annual Welsh Language Report	Applicant	n/a	Throughout construction
Provision of a Polisi Iaith Gymraeg/Welsh Language Policy	Applicant	n/a	Prior to commencement
Student Sponsorship Scheme	Applicant	n/a	Throughout construction and operation
Welsh Language and Culture Strategy	IACC	£25,000	From commencement through to operation

Schedule 2 - Leisure

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Indoor Sports Hall Contribution	IACC	£2,100,000	Anniversary of first year of implementation
Outdoor Sports Contribution	IACC	£260,000	Anniversary of first year of implementation
Swimming Contribution	IACC	£1,500,000	Anniversary of first year of implementation
OR if IACC decide to redevelop Amlwch Leisure Centre then (subject to agreement with the Applicant) all contributions could be used to help fund such a redevelopment			

Schedule 3 – Tourism and Public Rights of Way (PrOW)

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Tourism Officer Contribution	IACC	£50,909 per year	First payment prior to implementation and annually from then until year 2 of operation
Tourism Contribution	IACC	£5,500,000	To fund delivery of Tourism Action Plan £2,475,000 prior to implementation; £2,200,000 at Y3; and £825,000 at Y5
Tourism WG Contribution	WG	£20,000 per year	First payment prior to implementation and then annually up to Y4 following commencement of operation of unit 2
Visitor Centre	Applicant	n/a	Application for planning permission for a visitor centre within three months
Visitor Centre Interim Payment	IACC	£50,000	If the Visitor centre has been opened within 24 months contribution to be paid to the IACC

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Visitor Centre Payment	IACC	£3,500,000	If no application for planning permission submitted within six and up to 48 months of implementation Applicant can elect to make payment to IACC to provide alternative Or where planning permission has been obtained but not implemented within 24 months of the granting of consent
Construction Site Information Boards	Applicant	n/a	From implementation until the opening of the visitor centre
Copper Trail (Signage) Contribution	IACC	£65,000	Prior to implementation
Copper Trail (Sustrans) Contribution	Sustrans	£10,000	Prior to implementation
PRoW Capital and Maintenance Contribution	IACC	£300,000	Prior to implementation
Wales Coast Path Capital and Maintenance Contribution	IACC	£300,000	Prior to implementation

Schedule 4 – Employment and Skills Services and Supply Chain

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Economic Development Officer Contribution	IACC	£80,000	Per year for the duration of construction
Jobs and Skills (Economic Inactivity) contribution	IACC	£3,000,000	£1,350,000 prior to implementation;

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
			£1,250,000 at Y3; and £450,000 at Y5
Jobs and Skills (Post-16) contribution	Specialist training partners which shall include Grŵp Llandrillo Menai	£7,000,000	£3,150,000 prior to implementation; £2,800,000 at Y3; and £1,050,000 at Y5
Jobs and Skills Workforce Planning contribution	BCUHB	£100,000	Prior to implementation: £50,000 to BCUHB and £500,000 to IACC
Jobs and Skills (Contingency) Fund	IACC	£2,000,000	Payable from Y3
Jobs and Skills Implementation Plan	IACC	n/a	12 months prior to implementation terms of reference to be submitted to IACC; to be established from implementation and run throughout construction period
Supply Chain Action Plan	WG	n/a	12 months prior to implementation to be submitted to WG and shall be in place for the duration of construction
Provision of a supply chain portal	The Applicant	n/a	During the construction period
Wylfa Newydd Employment and Skills Service	IACC	n/a	12 months prior to implementation terms of reference to be submitted to IACC; to be established from implementation and run throughout construction period
Jobs and Skills Engagement Group	IACC, The Applicant, WG, GCC, Department of Work and Pensions (Wales), North Wales	n/a	From implementation

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
	economic Ambition Board and Grŵp Llandrillo Menai		
Apprenticeships	Applicant	n/a	Provision of both construction and operational apprenticeships

Schedule 5– Worker Accommodation

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Accommodation Officer Contribution	IACC	£90,000 and £120,000 annually	£90,000 to be paid prior to implementation and then in Y1, 2, 3, 7, 8 and 9 and £120,000 to be paid in Y4, 5 and 6
Worker Accommodation (Annual) Contribution.	IACC	£100,000 annually	Prior to implementation and then for the following six years
Worker Accommodation (Capacity Enhancement) Contribution	IACC, GCC and CCBC	£13,750,000 split as follows: £10,800,000 IACC; £1,350,000 GCC; and £250,000 CCBC	IACC and GCC 10% prior to implementation. 45% Y1 and 45% Y2 CCBC prior to implementation £1,350,000 to IACC prior to implementation to create a 'reserved contribution' which the WAMS oversight board (within 18 months of implementation) will set out a programme of works which the reserved contribution shall pay for and shall direct the IACC or GCC to spend it in accordance with the programme
Accommodation (Contingency) Fund	IACC	£2,250,000	To be released as necessary

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Workforce Accommodation Management Service (WAMS)	Applicant	n/a	Prior to implementation
WAMS Oversight Board	IACC, the Applicant, WG and GCC	n/a	From implementation
Workforce Accommodation Portal	Applicant	n/a	Prior to implementation
Occupancy Targets	Applicant	n/a	100% target
Accommodation Monitoring Data	IACC	n/a	IACC from commencement until the end of construction and the Applicant from implementation until end of construction

Schedule 6 - Education

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Education Contribution	IACC	£5,380,000	10% prior to implementation; 45% at Y1 and 45% at Y2
Education (Contingency) Fund	IACC	£500,000	Released on formula basis if enrolment of workforce children exceeds 95% capacity
Education Strategy	Applicant	n/a	To be submitted to IACC prior to implementation
Monitoring of number of workforce children enrolling in local schools	IACC and Applicant	n/a	From implementation

Schedule 7 - Transport

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Transport Officer Contribution	IACC	£40,000 annually	Prior to implementation and then throughout construction period
Transport Contribution	IACC	£1,400,000	£700,000 prior to implementation and £700,000 at Y3
Transport (additional mitigation) Contribution	IACC to be paid on to WG and GCC	£800,000	£400,000 to the IACC over 9 annual instalments to be paid to GCC and £400,000 to IACC over 9 annual instalments to be paid to WG
Transport (Road Safety) Contribution	IACC	£50,000	Prior to implementation
Traffic Monitoring	Applicant	n/a	From implementation
Conditions Survey	Applicant and IACC	TBC – subject to conditions survey	Prior to implementation
Transport Engagement Group	IACC, Applicant, WG, GCC and NWP	n/a	From implementation and throughout construction period

Schedule 8 – Health and Well Being

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Health (First NHS Workforce Use) Contribution	BCUHB	£1,216,163	10% before implementation and 90% in Y1
Health (Second NHS Workforce Use) Contribution	BCUHB	£4,041,579	Once the site campus medical facility is on-line

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Health (NHS Workforce Dependents Use) Contribution	BCUHB	£722,770	10% before implementation and 90% in Y1
Health (Contingency) Fund	BCUHB	£3,392,373	To be paid out as necessary and subject to agreed formula
Health (Monitoring) Contribution	BCUHB	£270,000	Prior to implementation
Pharmacy Service Proposal	Applicant	n/a	Prior to implementation submission for approval and to be implemented throughout the construction period
Dental Services Proposal	Applicant	n/a	Prior to implementation submission for approval and to be implemented throughout the construction period
On-site Health services	Applicant	n/a	From implementation until the end of construction
Health and Wellbeing Engagement Group	IACC, Applicant, WG, BCUHB, NWASt and PHW	n/a	From implementation until the end of construction period

Schedule 9 – Emergency Services

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Ambulance Service Contribution	NWASt	£1,000,000	£581 prior to implementation; £1,631 in Y1; £12,458 in Y1; £12,458 in Y2; £37,755 in Y3; £91,494 in Y4; £155,387 in Y5; £226,695 in Y6; £232,329 in Y7; £157,342 in Y8; £16,523 in Y9; and £3,669 in Y10.

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Fire Service Contribution	NWFRS	£1,250,000	£50,000 prior to implementation; £150,000 in Y1; £200,000 in Y2; £200,000 in Y3; £250,000 in Y4; £150,000 in Y5; £100,000 in Y6; £100,000 in Y7; and £50,000 in Y8
Police Contribution	NWP	£10,330,218 and if construction over runs then additional payments can be made based on an agreed formula	£522,627 plus the police adjustment prior to implementation; £819,513 plus the police adjustment in Y1; £1,086,399 plus the police adjustment in Y2; £1,264,323 plus the police adjustment in Y3; £1,442,247 plus the police adjustment in Y4 and Y5; £1,353,285 plus the police adjustment in Y6; £1,086,399 plus the police adjustment in Y7; £730,551 plus the police adjustment in Y8; £552,627 plus the police adjustment in Y9
Emergency Services Engagement Group	NWP, NWFRS and NFAST (WG, Applicant and IACC by invitation)	n/a	From implementation
Provision of on-site fire and rescue and ambulance services	Applicant	n/a	From implementation in accordance with Annex 1

Schedule 10 – Construction and Noise Mitigation

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Construction Noise Cemaes Primary School Contribution – noise insulation measures in classrooms	IACC	£250,000	Prior to implementation

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Construction Noise Egwyls Sant Padrig Church Contribution – noise insulation measures	IACC	£250,000	Prior to implementation

Schedule 11 – Environment and Historic Heritage

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Cestyll Gardens Payment	IACC	£1,000,000	To be paid if the Applicant has not been able to obtain a relevant land interest or enter an agreement with the landowner to deliver the Valley Garden component of the Cestyll Garden Restoration and Management Plan
Cestyll Gardens Restoration and Management Plan	IACC	n/a	Submission not less than 60 working days prior to the commencement of works within ten meters of Cestyll Gardens
Valley Garden Landowner Payment	IACC	£750,000	To be paid if the Applicant does not own or have sufficient control over Valley Garden to enable it to undertake the Valley Garden component of the Cestyll Garden Restoration Plan
AONB and Heritage Coast Contribution	IACC	£750,000	Prior to the first anniversary of implementation
Environmental Mitigation Fund - £243,000 in Y1 for capital and maintenance projects to strengthen resilience of Cemlyn Lagoon	IACC	£1,150,000	£243,000 in Y1 for capital and maintenance projects to strengthen resilience of Cemlyn Lagoon £4000,000 for local enhancement works

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
£400,000			£505,000 to address visual impacts from construction/operation
Felin Gafnan Contribution and Conservation Management Plan	NT	£298,000	Prior to implementation
Heritage Interpretation Board Contribution	IACC	£6,000	Prior to implementation
Tern Warden Contribution	NWWT	£90,000	Prior to implementation
Environment Officer Contribution	IACC	£40,000 annually	Prior to implementation and then annually for the duration of construction
Environmental Engagement Group	IACC, Applicant, WG, NRW, NT, NWWT, RSPB	n/a	From implementation for the duration of construction and then on an ad hoc basis until the full amount of the Environmental Fund is allocated

Schedule 12 – Community Fund

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Community Fund	IACC	£4,000,000	£200,000 prior to implementation; £300,000 at Y1; £500,000 at Y2; £500,000 at Y3; £750,000 at Y4; £750,000 at Y5; £400,000 at Y6; £300,000 at Y7; £200,000 at Y8; and £100,000 at Y9

Schedule 13 – Community Involvement Officers

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Community Involvement Officer Contribution	IACC	£80,000 annually	Prior to implementation and then annually throughout construction
Employment of Community Involvement Officer (CIO)	Applicant	n/a	2+ FTE CIO from implementation and throughout construction and then 1 CIO FTE during operation

Schedule 14- Safeguarding

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Annual Safeguarding Officer contribution – to fund 1 FTE social worker (or other such safeguarding measures as appropriate)	IACC	£40,000 annually	Prior to implementation and then annually throughout construction

Schedule 15 – Site Preparation and Clearance (SPC) Obligations

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
SPC Community Resilience Contribution	IACC	£1,300,000	On commencement
SPC Economic Development Officer Contribution	IACC	£80,000	On commencement
SPC Environmental Contribution	IACC	£57,000	On commencement

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
SPC Heritage and Archaeology Contribution	IACC	£90,000	On commencement
SPC Local facilities and services contribution	IACC	£100,000	On commencement
SPC PRow Contribution	IACC	£40,000	On commencement
SPC Accommodation Contribution	IACC	£180,000	On commencement
SPC Tourism Contribution	IACC	£125,000	On commencement
Welsh Language Contribution	IACC	£66,000	On commencement
SPC (Monitoring) Contribution	IACC	£60,000	On commencement

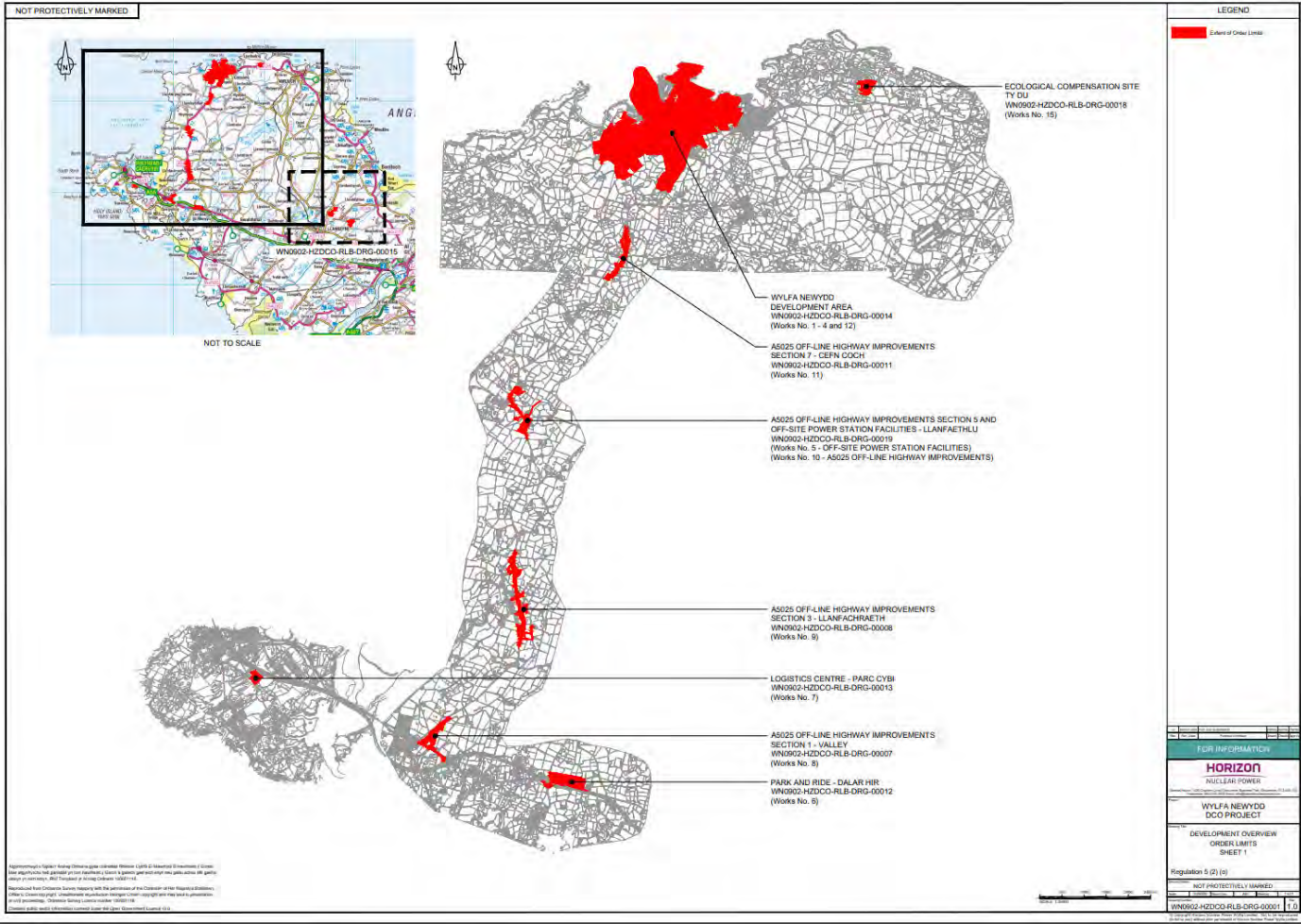
Schedule 16 – Service Level Contribution Monitoring and Reporting

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Schedule 16 – Service Level Contribution Monitoring and Reporting			
Annual Implementation and Monitoring (Construction) Contribution	IACC	£60,000 annually	Prior to implementation until the end of construction
Annual Implementation and Monitoring (Operational) Contribution	IACC	£50,000 (Y1-10) and £30,000 from Y11 onwards	On commencement of the operational period to the end of operation
Annual Service Level Contribution	IACC	£500,000 annually	Prior to implementation until the end of construction

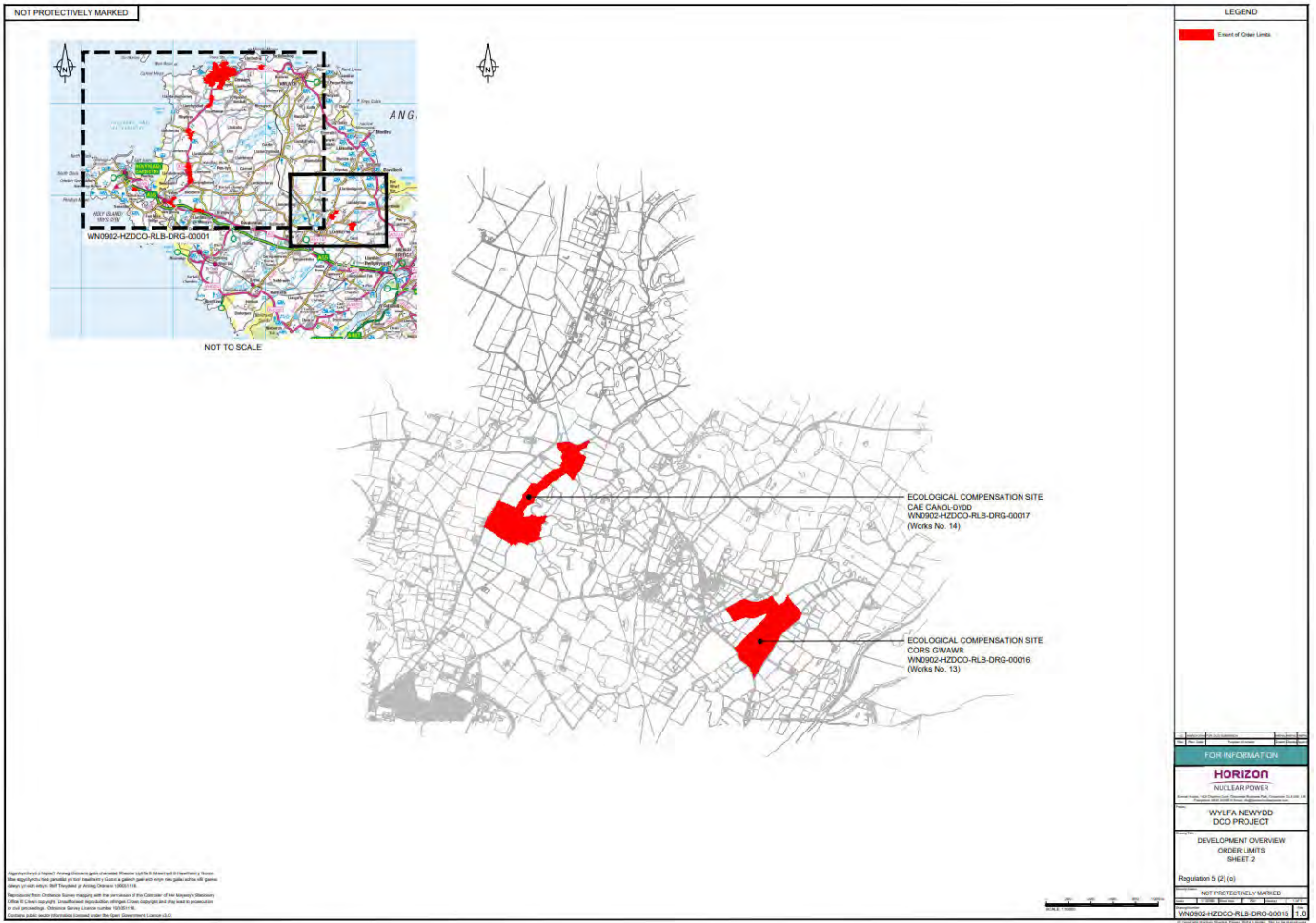
Annex E: S106 Agreement

Purpose of contribution / measure	Recipient Organisation	Amount in £	Timing of receipt
Annual Monitoring (Gwynedd) Contribution	GCC	£15,000	Implementation until the end of construction

Appendix F: Location Plan



Appendix F: Location Plan



1. APPENDIX G: CONSIDERATIONS FOR THE SoS

- 1.1.1. Following on from the recommendations contained within Chapter 21 below are considerations for the SoS.

1.2. CHAPTER 3 - LEGAL AND POLICY CONTEXT

- 1.2.1. The European Union (Withdrawal) Act provides that, subject to defined exceptions, European Union law which is extant up to the point of exit will remain in force and be incorporated into UK law. This report has been drafted on the basis that relevant European Union law (primarily environmental law) will be incorporated into UK law at the point when the SoS decides this application and that an equivalent safety regime will replicate the provisions of the Euratom Treaty.

- 1.2.2. Para 3.8.21 (of our report) the recommendations of this report have not taken account of the change from an 80% reduction in greenhouse gas emissions to 100% net zero target enacted by SI1056 (2019) which occurred after the close of the Examination and this will be a matter that the SoS may wish to consider in their final decision.

Welsh Government climate emergency declaration (2019)

- 1.2.3. On 29 April 2019 the Welsh Government (WG) made a climate emergency declaration. Although this declaration was made after the close of the Examination the SoS may wish to consider the matter in their final decision. The emergency declaration stated, amongst other things, that the WG has committed to help other areas of the economy to make a decisive shift away from fossil fuels and its reinforced support for the policies and proposals contained within Prosperity for all.

Prosperity for all: A Low Carbon Wales (2019)

- 1.2.4. This plan sets the foundation for Wales to transition to a low carbon nation. The plan sets out the actions that will be taken to cut emissions and support the growth of a low carbon economy in a way that maximises the wider benefits for Wales. It highlights that the Welsh Government has spent a significant amount of time and opportunity to ensure that the Wylfa Newydd nuclear power station would provide employment, training and a major legacy of benefits to Wales. Although it notes that the project is on hold, it states that if a decision is made to proceed the Welsh government would ensure Wales benefits to the greatest possible extent. Prosperity for all was adopted towards the end of the Examination and therefore the SoS may wish to consider the matter in their final decision.

1.3. CHAPTER 5 - NEED AND FUNDING

- 1.3.1. With regards to need, the ExA is satisfied that there is a need for low carbon [National Policy Statements (NPS) EN-1 and EN-6] energy infrastructure that the Application could help to address. Consequently,

the ExA consider that the need for low carbon energy is important and relevant to the SoS. However, the SoS may wish to consider the weight that they wish to give to this matter in the context of the WMS (referred to in paragraph 1.3.3 of the Applicant's Planning Statement [APP-406]), the emerging Energy White Paper and any relevant changes in circumstances that have occurred since the NPS's were adopted.

- 1.3.2. Whilst the ExA is satisfied that financial viability has been properly accounted for it is clear that there are financial matters, including the viability of the development proposed for this Applicant, that remain unresolved. As these matters would be fundamental to the deliverability of the Application and the timescale for implementation the SoS may wish to come to a view on whether it is likely that they can be satisfactorily resolved determining the application.

1.4. CHAPTER 6 - TERRESTRIAL ENVIRONMENT AND BIODIVERSITY

- 1.4.1. The SoS may wish to consult with the Applicant and North Wales Wildlife Trust (NWWT) to find a long term management solution as a contribution to the legacy of the development for the ecological mitigation sites – Pen Carreg, Mynydd Ithel, Cae Gwyn SSSI such as the suggestion by NWWT for the transfer of ownership of the ecological compensation sites [REP7-015] linked to a dowry or trust fund to manage on-gong liabilities or risks. A potential resolution would be for NWWT to take ownership linked to financial arrangement.
- 1.4.2. Similarly, the SoS may wish to consult with the Applicant and NWWT to find a long-term management solution as a contribution to the legacy of the development for the SSSI compensation sites.
- 1.4.3. The SoS may wish to amend the Wylfa Newydd Code of Construction Practice (WNCocP) to include a measure to require Ecological Compliance Audits to be undertaken.
- 1.4.4. If the Order was made, a reinforcement or alternative line to connect to the National Grid would be required for the full generating capacity of the new station to feed into the grid and at that point the cumulative effects of the two projects on red squirrel would need to be considered. The specific impacts would depend upon the nature and design of the connection route.

1.5. CHAPTER 7- FINDINGS AND CONCLUSIONS IN RELATION TO HABITATS REGULATIONS ASSESSMENT **(HRA)**

- 1.5.1. In response to Republic of Ireland (ROI) concerns about potential in-combination effects on cetaceans with the west Cumbria proposed coal mine, the ExA advise in-combination effects would be unlikely but suggest that the SoS may wish to confirm this with the relevant bodies. Potential resolution is for review of ROI's submission [AS-0153], discussion with relevant bodies and assessment of effects.

- 1.5.2. Natural Resources Wales (NRW) note that it was for the SoS to decide whether mitigation should be secured through the DCO as well as the marine licence.
- 1.5.3. The ExA recommends that the SoS amends the MWSCoCP to require the submission of a detailed marine mitigation management plan in line with JNCC guidance to be approved by discharging authority in consultation with NRW.
- 1.5.4. In relation to marine INNS NRW suggests that it is up to the SoS to decide whether a detailed bio-security risk assessment should also be secured as part of the DCO as well as the marine licence.
- 1.5.5. The ExA considers that it has insufficient evidence to determine the impacts of operational Air Quality (AQ) and advises the SoS that this issue should be considered with NRW to resolve through the permitting process.
- 1.5.6. The ExA recognises that it is for the SoS to consider the implications of need and alternative sites at a national level. The ExA is of the view that the Applicant has not satisfactorily demonstrated that there is no alternative to the project. The ExA suggests to the SoS that there is a balance between economic viability and the need to protect the tern features of the SPA. A potential resolution is for SoS to undertake Stage 3 Assessment of Alternative Solutions of HRA. and Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain of HRA.
- 1.5.7. The ExA recommends that if the SoS is minded to accept Imperative Reasons of Overriding Public Interest (IRoPI) then the ExA draft requirement is included within the DCO and that the SoS may wish to consult with the Applicant, NRW and the Environmental Non-Government Organisations (eNGOs) on revising the Tern Compensation Strategy.
- 1.5.8. The ExA recommends that the SoS can conclude no AEoI for Special Areas of Conservation (SACs) with marine mammal qualifying features subject to the DCO securing the relevant mitigation. No AEoI for Bae Cemlyn/Cemlyn Bay SAC is subject to the resolution of operational AQ as noted above. However, in relation to Anglesey Terns Special Protection Area (SPA) the ExA recommends that the SoS does not conclude that AEoI can be excluded.
- 1.5.9. The ExA advises the SoS that the applicant has not demonstrated that there are IRoPI that the development should go ahead. A potential resolution is for SoS to undertake Stage 3 Assessment of Alternative Solutions of HRA. and Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain of HRA.
- 1.6. **CHAPTER 8 - SOCIO ECONOMIC MATTERS**
- 1.6.1. In para 8.9.9 the ExA recommend that in order to ensure that the number of construction workers occupying accommodation in the tourist sector matches the levels assessed in the ES the SoS may wish to

consult with the Applicant and WG that a new requirement be included in the DCO to cap the level of workers that could occupy accommodation in the tourist sector to 1,100.

1.7. CHAPTER 9 - HISTORIC ENVIRONMENT

1.7.1. The SoS may wish to seek confirmation from WG, Isle of Anglesey County Council (IACC) and Gwynedd Archaeology and Planning Service (GAPS) that Wylfa Newydd Development Area (WNDA) post excavation archaeological investigation has been or will be completed to confirm mitigation against substantial harm and loss. If not confirmed, the SoS may wish to consider whether a case for wholly exceptional circumstances has been made.

1.7.2. The ExA suggests that the SoS may wish to consider substituting Requirement SPC8 for:

“(1) No development shall take place within the WNDA area until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by IACC in consultation with Cadw.

(2) No demolition or development shall take place other than in accordance with the written scheme of investigation approved under paragraph (1), unless approved by IACC.

(3) Commissioning of Unit 2 shall not take place until a site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved in paragraph (1) and provision made of analysis, publication and dissemination of results and archived deposition has been secured”.

1.7.3. The ExA notes that if the Connection Project is brought forward in the future, the SoS may wish to give careful consideration to any impact on the Designed Woodland’s heritage purpose that any new proposals might bring.

1.8. CHAPTER 10 - WATER RESOURCES

1.8.1. In respect of Ynys Môn secondary groundwater body, the Applicant and NRW agreed that the SoS, WG and NRW would need to decide whether detailed mitigation measures secured through the abstraction licence should also be controlled through a requirement of the DCO. The ExA suggest that as the mitigation measures to satisfy Article 4(7) are sufficiently secured in the DCO, it is not necessary for the SoS, WG or NRW to add any additional requirements which is a matter for SoS and WG decision.

1.8.2. The ExA advises the SoS that derogation under Article 4(7) would be consistent with the implementation of other community environmental legislation and guarantees the same level of protection as under existing EU legislation.

- 1.8.3. The SoS may require WN2 to include the requirement for IACC to approve the construction drainage plan, rather than have them for information only.

1.9. CHAPTER 12 - CLIMATE CHANGE

- 1.9.1. The ExA draws the SoS attention to the fact that more detailed data sets and modelling of the 2018 projections are anticipated in 2019 and they may need to be considered in determining this application by a review of the Applicant's modelling based on additional data.

1.10. CHAPTER 13 - LANDSCAPE AND VISUAL EFFECTS

- 1.10.1. The SoS may wish to consider amending the wording of Design Principle 50 of Design and Access Statement Volume 2: [REP8-044] by the addition of: *"The colour of the finishes to the MOLF will seek to match the colouration of the naturally occurring coastal outcrops. There will be a particular focus on design where the edges of the manmade structure meet the natural coastal landform so as to assist the development's assimilation and connection with the coastline"*.

1.11. CHAPTER 17 - TRAFFIC AND TRANSPORT

- 1.11.1. The ExA recommends that the SoS may wish to amend the Workforce Management Strategy setting out the action that the Applicant would take with confirmed instances of fly parking and seek an amendment to the WNCocP that the necessary disciplinary action will be identified, implemented and reported to the IACC within 5 days.
- 1.11.2. The ExA recommends that the SoS clarifies with the Applicant and the WG the figures used for modelling the Park and Ride junction and depending upon the outcome of this clarification amend requirement PR5 to address the WG concerns.
- 1.11.3. The ExA recommends that the SoS considers revising section 5.4 of the WNCocP to confirm that there would be no AIL associated with Work No 12.
- 1.11.4. The ExA recommends that Requirement WN1 be amended to require submission for approval the details for the alternative turning head required by IACC.

1.12. CHAPTER 18 – OTHER MATTERS

GRID CONNECTION

- 1.12.1. There is a lack of clarity regarding the design, cost and the timing of delivery due to the absence of a consent for the works to upgrade the grid connection. The SoS may therefore wish to consider the weight to be attributed to the absence of the grid connection works required to enable the proposed development to make its intended contribution to electricity supply.

1.13. CHAPTER 20 - COMPULSORY ACQUISITION AND RELATED MATTERS

- 1.13.1. The question as to whether the conditions within s122 of the PA2008, and the objectives of the DCLG guidance, have been met will depend on the conclusion of the SoS on the granting of the requested consent. If the Application is to be granted, the SoS may wish to consider the necessity for, and Human Rights implications of the powers proposed by the dDCO for compulsory acquisition and temporary possession; whether the protective provisions within Schedule 15 would meet matters set out in s127 of the PA2008; and whether the extinguishment or removal of the rights or apparatus of Statutory Undertakers would comply with s138 of the PA2008.
- 1.13.2. At the close of the Examination protective provisions have not been agreed between the Applicant and [REDACTED] and the [REDACTED].
- 1.13.3. The SoS may wish to decide whether the proposal meets the conditions and legal tests set out within the CA chapter, and that are concluded in section 7 of the CA chapter.
- 1.13.4. The SoS needs to come to a view on whether, as recommended by the ExA, the protective provisions for [REDACTED] and the [REDACTED] included within Schedule 15 of the dDCO [REP10-06] are appropriate if the SoS considers that consent for the proposed development is granted.

1.14. CHAPTER 21 – DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

- 1.14.1. The ExA recommends that SoS considers amending PW5(1) to delete reference to Work No 12 as the ExA consider that European Protected Species pre-commencement surveys would be required for these works.
- 1.14.2. Should the SoS consider that a height restriction is necessary at the Park and Ride location then the ExA recommends that Work No 6 should be deleted from the definition of commence in the DCO (para j) and insert in the Park and Ride Sub CoCP that no temporary buildings should exceed 1 storey.
- 1.14.3. IACC argued that Schedule 19 provided limited opportunity for it to consult on any proposed changes to approved documents, either with the public or with stakeholders. It proposed the Applicant should undertake consultation on the details of any proposed change and that a summary report of the consultation undertaken and the response to that consultation should be submitted to the discharging authority, and if consultation details did not reflect the consultation responses, reasons why this was so [REP2-218].
- 1.14.4. At Deadline 5 following discussions at the Second DCO ISH, the Applicant included drafting to make clear that IACC could consult any statutory consultee it considers relevant when considering an application for discharge sub paragraph 1(3) [REP5-006].