

Observations on Consultation on Tre'r Gof offset additional land acquisition, Wylfa Newydd Project (Horizon Nuclear Power Wylfa Limited, January 2018)

1. Perpetuation of potential material flaw in the Public Notice published 15.01.2018

- 1.1.1 Horizon Nuclear Power and Hitachi Limited published a section 48 Public Notice (under the Planning Act 2008) in *The Guardian* newspaper on 15th January 2018, advertising the current Consultation on Additional Land for their Wylfa Newydd Project.
- 1.1.2 In section 4 of the Public Notice, Horizon-Hitachi have yet again indiscriminately lumped together a number of structures and installations as elements of a composite DCO for the proposed "Power Station". This is manifestly misleading for the general public. The Applicants have failed to clarify, explain and justify expressly the amalgamation in the accompanying current Consultation document. This type of failure manifestly gives rise to real and significant confusion in the public mind and, as such, is capable of rendering the Public Notice flawed.
- 1.1.3 This, and other potential flaws under sections 4, 8 and 11, respectively, are highlighted below under respective headings 1.2-1.5, below. Such flaws arguably have the effect of obscuring matters of significant public interest, which should otherwise be readily identifiable by the public.

1.2 Radioactive waste and spent fuel storage buildings

- 1.2.1 In the first instance, in section 4 of the Public Notice, the Applicant's have indiscriminately bundled "radioactive waste and spent fuel storage buildings" as a composite element of their proposed DCO for a "Power Station". Whereas, in a separate document on an Environmental Permits Application, the Applicants have identified at least six materially discrete structures and installations, each purposed with distinctly differing function. Of those, the primary purpose and life span of two installations in particular is so vastly different from the entirety of the "Power Station" itself as to properly constitute in principle primary stand alone developments in their own right, wholly independent of the "Power Station" DCO.
- 1.2.2 Of the six installations in question identifiable in the Layout of the Power Station Site in Figure 2.2, and in paragraphs 65 to 74, inclusive (the November 2017 Environmental Permits Application to Natural Resources Wales, referring), only the following four types of radioactive waste and spent fuel storage buildings and structures directly serve the operation of the nuclear reactors at the "Power Station". Furthermore, all four installations would be dismantled and removed at the same time as the nuclear reactors, following decommissioning of the "Power Station".
 - a. Two Spent Fuel Pools (SFPs): one SFP located inside each main reactor building, for receiving spent nuclear fuel elements immediately following their removal from reactor cores, at the end of the fuel's useful life, in addition to all the High Level Waste (HLW) generated by each reactor.
 - b. A single large primary Radioactive Waste Building structure 7 (RWB), apparently integrated into the superstructure of the two main parallel reactor buildings, containing equipment for the collection and processing of aqueous radioactive waste arisings, and the packaging of wet-solid waste.
 - c. A single Lower Activity Waste Management Facility structure 8 (LAWMF). Located away from the reactor buildings, it is situated approximately half way between the reactors and structure 4 (see para.1.2.3, below).
- 1.2.3 The remaining balance of two separate installations is shown grouped together as structure 4 in Figure 2.2. Structure 4 consists of an Intermediate Level Waste Storage Facility (ILWSF) and a Spent Fuel Storage Facility (SFSF). Both Facilities are situated next to one another, at the far south west corner of the Wylfa Newydd Development Area. Notably, neither Facility would be dismantled and removed when the nuclear reactors are removed, following decommissioning of

the “Power Station”. Their sole purpose is to bridge a time gap (of indeterminable length, at present) between the production of their respective contents and the availability of a Geological Disposal Facility (GDF), somewhere, ready to receive their entire contents and inventories for permanent disposal. Thus, their designation as Interim Storage Facilities which, as with the GDF, need not necessarily, or in principle, be located on the same site as the “Power Station”.

- a. The ILWSF will receive ILW packages transferred from the RWB structure 7, for very long duration storage.
- b. The SFSF will receive the entire lifetime output of spent fuel and all HLW casks, transferred from the two SFPs, for very long duration storage.

Both Facilities will have an initial design life of up to 140 years beyond permanent reactor shutdown. These Interim Storage Facilities would only be dismantled and removed if and when their entire contents and inventories have been removed completely to a GDF somewhere.

- 1.2.4 Notably, neither the ILWSF nor the SFSF have direct intimate routine day to day connection with the operation of the nuclear reactors, and do not in principle necessarily have to be located on the site of the “Power Station” itself. As a principle, the latter is adumbrated expressly in Annex B of the 2011 National Policy Statement on Nuclear Power Generation (EN-6 Volume 2). In other words, these two buildings are in essence and in principle primary stand alone planning developments, wholly independent of the “Power Station” DCO. The Public Notice fails to reflect this. It ill serves the public interest for a Public Notice to continue obscuring from the public gaze any underlying potential planning complication. Apparent failure to distinguish fairly between appropriate planning categories gives rise to manifest confusion in the public mind and, as such, is capable of rendering the Public Notice flawed.

1.3 **Marine works (cooling water system, marine off-loading facility and breakwater structures)**

- 1.3.1 Secondly, the latest Public Notice repeats in section 4 Horizon-Hitachi intention to seek consents for all marine works under a DCO, despite the structures in question being located in tidal waters. The Notice apparently contradicts express devolved jurisdiction exercised by Natural Resources Wales over such developments, as evident from the latter’s webpage on marine licensing.
- 1.3.2 A repeat amalgamation of all marine works in question as elements of a composite DCO for the “Power Station” plainly seeds confusion in the public mind. As such, the Public Notice is capable of being rendered flawed, in the absence of clear explanation and justification in the accompanying current Consultation document.

1.4 **Environmental Statement**

- 1.4.1 In section 8 of the Public Notice, the Applicants continue to prevaricate on disclosure of final environmental impact assessment reports. This state of affairs cannot be reasonable. It flouts the fairness principle for Horizon-Hitachi to continue to withhold disclosure of final environmental reports until the last minute (under the cover of a formal DCO Application). It affronts as well legitimate public interest expectation. These assessments ought to be fully available amply in advance of a DCO Application.
- 1.4.2 Failure to notify timeous availability of all requisite final environmental statements may be said capable of tainting the Notice as potentially flawed.

1.5 **Additional land for offsetting potential harm to Tre’r Gof, Site of Special Scientific Interest (SSSI)**

- 1.5.1 Horizon-Hitachi failed expressly in section 11 of the Public Notice to identify explicitly the primary and secondary reasons for need for additional land. In particular, the principal primary

reason. Namely, a need to offset risk of long term deterioration, and even complete loss, of the Tre'r Gof SSSI as a result of residual impact of the proposed DCO Application.

- 1.5.2 Such explicit failure to flag up primary need to offset potentially severe direct risk to the integrity and sustainability of a protected site may be capable of rendering the Public Notice materially flawed.

2. **Off-site offset compensation for potential adverse impacts on Tre'r Gof SSSI**

- 2.1 According to the Consultation Overview Document on page 4, the Applicants propose

“... to create or enhance wetland sites across Anglesey that, as well as compensating for any potential impact we may have on the Tre'r Gof Site of Special Scientific Interest (SSSI) within our site boundary, would also enhance and improve the wetland ecology across the island. We are currently looking at a number of sites between Cemaes and Amlwch and to the north of Llangefni.”

- 2.2 The principal land acquisition proposal comprises,

- a. enhancing the existing fenland at Tŷ Du (2.7 km east of the Wylfa Newydd Development Area), as direct offset for Tre'r Gof; and,
- b. creation of two new wetland fen sites at Cors Gwawr and Cae Canol-dydd, respectively, on either side of Llangefni (in the center of the island). These two sites are plainly too far inland to warrant portrayal as offset compensation for Tre'r Gof in any sense. Tre'r Gof is predominantly subject to direct maritime influence all year round.

- 2.3 The off-site offset proposal raises confounding issues.

- a. Tŷ Du is located approximately 760 meters inland from the coast, at its northern boundary. And, approximately 500 meters at its north eastern edge. This contrasts with Tre'r Gof, located approximately 160 meters from the coast. In other words, leaving aside complex interactions between dynamic and variable ecosystem factors and biodiversity, Tre'r Gof is patently exposed to direct maritime influence all year round. Whereas Tŷ Du is unlikely to be influenced likewise to similar degree and extent.
- b. The proposed off-site compensation at Tŷ Du is clearly not like for like offset.
 - (i) The ecology of Tre'r Gof has been mediated by site specific complex physico-chemical and biological factors in dynamic interaction and evolution. What realistic prospect is there of the proposed enhancements at Tŷ Du yielding an identical state?
 - (ii) It is difficult to see how the proposed enhancements at Tŷ Du could properly be said to attenuate net loss or even result in no net loss, in the event of damage to Tre'r Gof.
 - (iii) In essence, the proposal appears to turn on reconfiguring Tŷ Du as a renewable asset (under restoration management). As such, that bears scant relationship to the characteristics and designation criteria for Tre'r Gof SSSI.
- c. The offset proposal could not be said to be capable of contributing or facilitating meaningful additionality to the resilience of Tre'r Gof SSSI. Tŷ Du is evidently not of equal or greater value.
- d. It is puzzling why Natural Resources Wales (NRW) should at all countenance the Tre'r Gof SSSI as suitable candidate for offset. The basis of NRW assessment remains unknown. If Tŷ Du is not capable of replicating Tre'r Gof ecosystem conditions, on what sound basis is Tŷ Du being promoted as effective offset?

- e. There is insufficient ecological information on Tŷ Du, in the accompanying Technical Document. There is no proper biophysical reference data. There is a lack of appropriate information as well on short-medium term, and on the longer term, site management.
 - f. There exists real prospect that knowledge of development of off-site mitigation could result, inadvertently or otherwise, in lax vigilance and elevated risk of damage to Tre'r Gof during construction activity in the Wylfa Newydd Development Area. Risk of such counter productive outcome is unknowable and essentially unpredictable. That enhancements at Tŷ Du could perversely legitimise degradation of Tre'r Gof cannot be overlooked or taken lightly. A guarantee on off-site offset compensation could be interpreted by the Applicants or their agents as permission or licence for activity capable of seriously compromising the integrity of the SSSI site at Tre'r Gof.
- 2.4. The Tŷ Du compensation proposal is plainly not of equally high distinctiveness. If Tre'r Gof SSSI is considered unique and irreplaceable, no compensation proposal could be meaningfully acceptable.
- a. A logical solution in that case would be for the Applicants to desist altogether from undertaking any activity anywhere near the site capable of disturbing site ecology or hydrology.
 - b. In that regard, the Applicants might perhaps give serious consideration to an alternative option. Namely, contract suitably large commercial cruise liners to provide accommodation for the entire construction workforce for the proposed Wylfa Newydd Project. The vessels could be moored in near shore waters, with transfer access to/from the existing MOLF on the Magnox site, via shuttle ferry boats. The workers could be provided with accommodation meeting the desired standards of comfort and luxury, with suitable provision as well of all inclusive on-board services (such as, entertainment, leisure, health and welfare, training and education, etc)
- 3. Other issue**
- 3.1 Post-construction retention of an extensively large area of hardstanding on the coast, adjacent to the proposed new MOLF, and bordering the neighbouring Magnox site, seems unnecessary and unacceptable. It constitutes significant visual intrusion, as well as permanent destruction of the lie of natural coastal features. All concrete and other hardstanding emplacement and overburden ought to be removed altogether, right up to the edge of the proposed MOLF itself.

End.
15.02.2018

J Chanay

