

Application Number: **38C310F/EIA/ECON**

Applicant

Horizon Nuclear Power Wylfa Limited

Site preparation and clearance works for development of the Wylfa Newydd power station comprising the following activities: 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 installation 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, construction 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 the Wylfa Newydd power station development does not proceed at

Wylfa Newydd, Cemaes

Planning Committee: 05/09/2018

Report of Head of Regulation and Economic Development Service (SWO)

Recommendation:

Permit

Reason for Reporting to Committee:

As the application is accompanied by an Environmental Impact Assessment it shall be referred to the Planning and Orders Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution

1. Proposal and Site

The proposal for Site Preparation and Clearance Works (SPC) is a full planning application which is submitted by Horizon Nuclear Power Wylfa Limited (HNP).

The SPC Works application site comprises approximately 299 hectares (ha) of land. The application entails a range of works and activities, including site establishment, soil remediation, erection of fencing, habitat clearance and demolition works, as well as the temporary closure of Cemlyn Road. The development comprises the following main elements;

- (i) Establishment of Main Site Compound.
- (ii) Formalisation of Road Crossings.
- (iii) Establishment of Remediation Processing Compound together with the erection of perimeter fencing and access tracks for the treatment of contaminated material.
- (iv) Remediation of contaminated soils and treatment of Invasive Non-Native Species (INNS).
- (v) Establishment of Satellite and Material Compounds and associated fencing.
- (vi) Erection of perimeter fencing.
- (vii) Clearance of buildings (35 in total) and other existing above-ground structures.
- (viii) Vegetation Clearance and species relocation.

Following a Regulation 22 letter (with associated appendix) which was issued by the Authority on the 9th February, 2018 requesting further additional information, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (EIA Regulations) amendments were carried out to the application comprising of;

- The removal of the diversion of a section of the Nant Porth-y-Pistyll (phase D Works) from the application. This was the only material amendment made which reduced the scope of the application.
- Additional precautionary mitigation where plant and machinery operations would be suspended on land to the West of Afon Cafnan (within the AONB) during the tern nesting season
- A minor reduction to the red line planning application boundary to remove an area of approximately 30m by 5m in the North Western part of the site on land adjacent to Cemlyn Road. This amendment has been made to the site location plan only (WN0903-JAC-OS-DRG-00001 Rev 1) as being representative of all other drawings.

The revised scope of works proposed in respect of the SPC planning application is such that the previously estimated schedule of 15 months to complete the required works has now been reduced to 13 months.

The development seeks to gain consent for preparatory activities and works to facilitate the construction of The Wylfa Newydd Power Station. HNP considers the SPC Proposals to be a

vital component required to facilitate the construction and ultimate operation of the Power Station as early as possible.

In order to maintain flexibility in the consenting process for the Wylfa Newydd Development Consent Order (DCO) Project, the SPC proposals have also been included in the application for development consent.

The Development Consent Order (DCO) decision making process prescribed by the Planning Act 2008, which includes a six month examination period, can take up to 18 months. Significant time benefits can be achieved by HNP by carrying out preliminary or preparatory works for the Power Station prior to when they would otherwise be able to start if they were granted through the DCO. Such preparatory works can be authorised by a grant of planning permission under the Town and Country Planning Act 1990 (TCPA) prior to the granting of DCO.

In the event that the SPC proposals are only granted through the DCO, this would have the effect of delaying the overall construction period by 12-18 months, given the extended timescales associated with the determination of DCO applications compared with that of planning applications under the TCPA.

In addition to the form of application, land ownership certificates, application plans and drawings, the following information has been submitted in support of the application;

- Planning Statement
- Environmental Statement (and Non-Technical Summary)
- Welsh Language Impact Assessment (WLIA)
- Rapid Health Impact Assessment (rHIA) Screening Statement
- Transport Statement
- Design and Access Statement
- Pre-application Consultation Report
- Community Impacts Report (CIR) Code of Construction Practice (CoCP)

In addition to the WLIA submitted in support of the planning application, HNP have produced a Welsh Language Pledge and a Welsh Language Policy and is currently developing a Welsh Language and Culture Mitigation and Enhancement Strategy.

The planning application is also accompanied by a Report to Inform Habitat Regulations Assessment Screening in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

The application also includes a S106 Agreement which is being advanced between the parties. The Heads of Terms of the draft S106 is as follows;

1. Local Facilities Contribution
2. Tourism
3. Heritage and Archaeology
4. Welsh Language
5. Employment, Education and Skills
6. Local Purchasing and Supply Chain Development
7. SPC Worker Accommodation
8. Environment, Heritage and Community Resilience Contribution
9. Landscape and Environment
10. Implementation and Monitoring
11. Landscape Restoration
12. Wylfa Head Management Plan
13. Noise Survey Scheme, Air Quality and Vibration
14. Public Rights of Way

In the event that planning permission is granted, the proposed works would take place over a period of approximately 13 months starting as soon as possible following grant of planning permission, subject to any constraints (whether seasonal or imposed as part of any approval

which may be forthcoming). If during that period the DCO is granted, the SPC works would be completed in accordance with the requirements of the DCO.

However, should the DCO not be granted or the Wylfa Newydd Project does not proceed, a scheme of restoration would be implemented to return the SPC Application site to an acceptable condition in line with the current baseline environment. The terms of the Agreement drafted between IACC and HNP include a requirement that the full costs of restoration will be borne by HNP. These costs would also extend to include the future management and maintenance of the land for a period of ten years.

The site is located adjacent to the existing Magnox Power Station at Wylfa Head, west of Cemaes on the North coast of Anglesey. The plant, which ceased generating in December 2015 is currently being de-commissioned.

The application site, which effectively envelopes the original Power Station, is considered by the UK Government to be suitable for the construction of a new Nuclear Power Station. HNP propose to construct and operate a new nuclear Power Station, known as 'Wylfa Newydd' on this land.

Access to the Main Site Compound which will serve the site is proposed via the existing access road serving the former Visitor Centre and the Magnox Power Station which is currently part way through de-fueling. For the purpose of the SPC proposals the existing compound will be occupied by the appointed contractor and extended from approximately 0.90ha to 1.16ha, and upgraded to allow the provision of fencing and site security facilities, an area for material handling and storage and a secure parking area for plant and machinery.

The Northern boundary of the SPC Application Site broadly follows the Anglesey coastline but excludes the existing Power Station as well as land at the Wylfa Head peninsula and Trwyn Pencarreg. To the east, it is separated from Cemaes by a narrow corridor of agricultural land. The A5025 road and residential properties define part of the south-eastern boundary. To the south, the SPC application Site abuts agricultural land. The Western boundary of the SPC application site also adjoins agricultural land as well as the coastal hinterland and Cestyll Garden, beyond which lies Cemlyn Bay. The SPC Application Site comprises the majority of the Wylfa Newydd Development Area.

Settlement patterns around the SPC application site are characterized by small clusters of residential dwellings and more isolated farmsteads. Larger settlements include the villages of Tregele to the south-east and Cemaes to the east.

Land within and surrounding the SPC site is predominantly in agricultural use and is grazed by sheep or cattle. It is defined by a variety of field boundaries including hedgerows, post and wire fencing, tree belts, cloddiau and dry stone walls; and is crossed by a network of roads, rural lanes, footpaths, watercourses and overhead electricity infrastructure.

Soils within the SPC application site are generally of low fertility, although the area contains small pockets of higher quality agricultural land. An Agricultural Land Classification survey undertaken for the SPC site has demonstrated that;

- Less than 9% of this land is classed as grade 2 and 3a (considered as 'Best and Most Versatile')
- With the majority, 72% of the land classed as Grade 3b (moderate quality).
- The remainder, 19% is classed as Grade 5 (very poor quality agricultural land).

The majority of the land is historically agricultural and therefore not subject to contamination from historical land uses. However, detailed ground investigations have demonstrated that contaminated soils are present in specific locations within the SPC Application Site. These are soils which lie in pockets to the west of the existing Power Station and which are contaminated with:

- asbestos fibres (approximately 6,250m³)

- trichloroethene and hydrocarbons (approximately 150m³)

In addition, investigations have identified the presence of Invasive Non Native Species (INNS) on site such as Japanese Knotweed. It has been estimated that some 3,250m³ of INNS contaminated soils will need to be processed in order to ensure complete eradication across the site. In order to treat and process the range of contaminated soils and INNS present in various locations across the SPC Application Site, a programme of remediation works forms a key element of the SPC Proposals.

In terms of its impact upon the landscape the SPC proposals will affect a number of designated features within and adjacent to the SPC Application site, including:

- Tre'r Gof Site of Significant Scientific Interest (SSSI), which is entirely within the SPC Application Site, located towards its northern extent;
- Cae Gwyn SSSI adjacent to the SPC Application Site
- Cemlyn Bay to the West, which forms part of the Ynys Feurig, Cemlyn Bay and the Skerries Special Protection Area (SPA) and the Cemlyn Bay Special Area of Conservation (SAC)
- Anglesey Area of Outstanding Natural Beauty (AONB) which covers a section of the SPC Application Site at its western extent
- The majority of the SPC Application Site is covered by Flood Zone A, but the western extent adjacent to the Afon Cefn watercourse is within Flood Zone C2; and
- Three pockets of Ancient Woodland, comprising a total of 1.14ha.

The applicant advises that the most fundamental benefit of the SPC proposals and the reason HNP has applied for these through the TCPA planning regime is due to the fact that it achieves a significant reduction in the overall construction programme by some 12 months. The accelerated construction, and by extension the accelerated generation of electricity, facilitated by the SPC proposals is considered to comply with the requirements of National Policy Statements on Energy Generation.

Additional benefits of the scheme which have been identified by the applicant include a less intensive Main Construction phase.

It is further stated that the economic benefits associated with the granting of planning permission for the proposed development would assist in facilitating the significant and long term contribution to economic prosperity in Anglesey and the wider north Wales region as a result of the operational phase being realised earlier. The SPC proposals are also predicted to safeguard 80 local jobs.

In terms of the environment and ecology the proposal entails the remediation of contaminated soils with the treatment of asbestos and INNS contaminated soil on site and the removal of all hydrocarbon contaminated material off-site to a licensed facility resulting in significant benefits which reduce potential risks to human health and environmental receptors such as the Tre'r Gof SSSI. In the NRW's response dated the 22/12/17 and the 28/06/18 it is stated that;

'There are Invasive Non-Native Species (INNS) within the Tre'r Gof catchment, including New Zealand pigmyweed (Crassula helmsii), Water fern (Azolla filiculoides) and Curly pondweed. These species represent a threat to the scientific interest of the site and if they get into the pools and watercourses within Tre'r Gof SSSI it will not be possible to remove them'

In addition, two receptor sites amounting to some 20 ha have been secured by Horizon to accommodate species translocated or displaced from the Wylfa Newydd Development area: a reptile receptor site and a receptor site for species listed in accordance with Section 7 of the Environment (Wales) Act 2016.

Furthermore, as a result of feedback from stakeholders, the proposed s.106 will also include a schedule referred to as the 'Wylfa Head Management Plan' to secure the effective ecological

management of an additional 25ha at Arfordir Mynydd Y Wylfa – Trwyn Penrhyn (Wylfa Head) Wildlife Site.

2. Key Issues

Whilst an application of this nature will inevitably raise a wide and diverse range of issues, the main points are considered to be as follows;

- (i) Does the proposal comply with Policy and has a robust 'needs case' been presented to support the proposal.
- (ii) What environmental safeguards are there in place should the DCO not be granted or the Wylfa Newydd Project does not proceed
- (iii) Does the development constitute 'sustainable development'
- (iv) What Impacts are there upon Welsh language and Culture
- (v) What Impacts are there upon Residential Amenity
- (vi) What benefits will be delivered as a result of the development
- (vii) Are there any site specific environmental or technical constraints that would prevent the development of the site
- (viii) Habitats Regulations Assessment (HRA)-What assessments have been carried out and conclusions drawn which allow the LPA to determine the application.
- (ix) Consideration of the The Well-being of Future Generations (Wales) Act 2015

The key issues above have been considered fully and addressed within the main body of this report.

3. Main Policies

This section sets out the main planning policy framework relevant to the consideration of the application for the SPC proposals.

Whilst this development itself is not for the development of a nuclear generating station, the applicant justifies the proposal on the grounds that it will enable the early delivery of a new nuclear power station at Wylfa Newydd.

Section 38(6) of the Planning and Compulsory Act (2004) states that the statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land. As such local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

Emerging policies, in the form of draft policy statements and guidance, can be regarded as material planning considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review might have to be taken into account.

Local planning authorities may decide to grant planning permission for development which departs from a Development Plan if other material considerations indicate that it should proceed.

In the case of this application, the following policies are considered to be of most relevance;

National Policy Statements for Energy Infrastructure

Overarching Energy National Policy Statement (EN-1)

Nuclear Energy National Policy Statement (EN-6)

Main Policies from the Anglesey and Gwynedd Joint Local Development Plan (2011-2026)

Policy PS 9 Wylfa Newydd and Related Development

Policy PS 19 Protecting and where Relevant Enhancing the Natural Environment

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

Policy AMG 4 Coastal Protection

Policy AMG 5: Local Biodiversity Conservation

Policy AMG 6: Protecting Sites of Regional or Local Significance

Policy PS 20: Preserving and where Appropriate Preserving Heritage Assets

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Policy AT 3: Locally or Regionally Significant Non-Designated Heritage Assets

Policy PS 5: Sustainable Development

Policy PS 1: Welsh Language and Culture

Policy ISA 2: Community Facilities

Policy PS 6: Mitigating and Adapting to Climate Change Impacts

Policy TRA 4: Managing Transport Impacts

Policy ISA 1 Infrastructure Provision

Policy PCYFF 4: Design and Landscaping

Planning Policy Wales: Edition 9 (2016)

Technical Advice Note 5: Nature Conservation & Planning (2009)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2014)

Technical Advice Note 13; Tourism (1997)

Technical Advice Note 15: Development & Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation & Open Space (2009)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: Planning & The Welsh Language (2017)

Technical Advice Note 21: Waste (2014)

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

Supplementary Planning Guidance- Design Guide for the Urban and Rural Environment

Supplementary Planning Guidance-Parking Standards (2008)

Supplementary Planning Guidance- Planning and the Welsh Language (2007)

Supplementary Planning Guidance- Cemaes Conservation Area Character Appraisal (2010)

The Isle of Anglesey Area of Outstanding Natural Beauty (AONB) Management Plan Review 2015-2020

Anglesey Destination Management Plan (2012-2016)

New Nuclear Build at Wylfa: Supplementary Planning Guidance (2018) - The latest version of the New Nuclear Build at Wylfa SPG was adopted on May 15th, 2018.

Draft Planning Policy Wales: Edition 10 – This document was out to public consultation until the 18th of May, 2018. This completely revised version of PPW re-affirms the key role which the planning system plays in delivering clean growth and decarbonisation and also building resilience to the impacts of climate change. Planning Policy Wales has historically placed sustainable development at the heart of the planning system. The latest edition of this document has been revised to align and take full cognisance of the important legislative provisions set out in the Well-being of Future Generations (Wales) Act (WFG ACT) which defines Sustainable Development in Wales as: *“The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well being goals”*

In addition to the above planning policy framework there are additional legal instruments and legislation relevant to matters which have also been taken into account as part of the Authority's consideration of this application which are listed below.

The Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2016

The Environment (Wales) Act 2016

Planning (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015

The Conservation of Habitats and Species Regulations 2017

4. Response to Consultation and Publicity

The original consultation period for professional/statutory consultees commenced on the 17th November, 2017 and allowed consultees 21 days to respond up to the 2nd January 2018. A

number of consultation responses were received including responses outside the minimum statutory consultation period which have been taken into account.

Publicity measures were undertaken which included 888 individual letters of notification being distributed to all properties within a 1km radius surrounding the site. Adverts were also published in the press and 18 notices posted on land within the locality which extended beyond the 1km radius surrounding the site.

Following an analysis of the initial consultation responses and the application material itself the Council requested, under Regulation 22 of the Town and Country Planning EIA Regulations, further information from the applicant in February 2018 in order that the Environmental Statement be made complete. In addition to this further Regulation 22 material, the Council also requested that the applicant clarify a number of matters within the application material.

The applicant responded to the Regulation 22 request on the 31st May, 2018. This material was then re-consulted upon from 1st of June to the 22nd June, 2018. The public consultation period took place from the 6th June to the 6th July, 2018.

To date 94 letters of objection have been received as a result of the publicity afforded the proposal with 1 letter in support. An analysis of these representations has been provided within the conclusions which are provided at the end of Section 4.

This report takes account of the original and additional material, as well as the clarification, which HNP has provided. It also takes account of the consultation responses and representations that have been received from November 2017 onwards.

Overall, the application as it stands is considered to accord with the requirements of the Town and Country Planning EIA Regulations.

Councillor Aled Morris Jones – No response at time of writing

Councillor John Griffiths- No response at time of writing

Councillor Kenneth P Hughes- No response at time of writing

Councillor Llinos Medi- No response at time of writing

Councillor Richard Owen Jones- No response at time of writing

Councillor Richard Griffiths- No response at time of writing

Following the receipt of additional information from the applicant as a result of the Authority's Regulation 22 request a second consultation exercise was undertaken. As a result of this re-consultation a response was received which confirmed;

Happy to support this vital piece of work of Site Preparation at Wylfa Newydd.

North Anglesey Partnership- (Amlwch, Llaneilian, Llanbadrig, Rhosybol, Mechell and Cylch y Garn) object to the above planning application on the basis of timing and the lack of information.

The members felt that it wasn't possible to consider the application in its entirety with unanswered questions, and there was also strong feeling with respect to the timing of the work and that it shouldn't receive consent before full building works had been consented through the DCO process.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon considers the SPC Proposals to be a vital component required to facilitate the construction and ultimate operation of the Power Station as early as possible. In the event that

the SPC Proposals are only granted through the DCO, this would have the effect of delaying construction given the extended timescales of determining DCO applications.

(ii) There is precedence for bringing forward early and/or preparatory works associated with NSIP's under the TCPA process ahead of DCO. The approach of securing the SPC Proposals by means of a planning application in advance of the DCO Project is acknowledged by the IACC within the New Nuclear Build at Wylfa SPG's (2014 and 2018). The SPG also recognises the approach of the consideration of the application in advance of the determination of the DCO and the role that IACC has to play in that determination.

(iii) Horizon maintain that the SPC proposal is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

No response had been received as a result of the re-consultation process at the time of writing this report.

Cylch Y Garn Community Council- No Observations

As a result of the re-consultation process a second response was received from the Community Council dated the 26th June, 2018 which confirmed that they had No Objection to the proposal.

Llaneilian Community Council- Llaneilian Community Council fully support Llanbadrig Community Council in objecting strongly to the application for Site Preparation and Clearance on the Wylfa Newydd site before the consent to build the Power Station has been approved.

No response had been received as a result of the re-consultation process at the time of writing this report

Llanbadrig Community Council- Object to the proposal although they state that Horizon's application for Site Preparation and Clearance (SPC) is supported by extensive documentation that is impressive in its professional standards and technical proficiency. It goes on to state the fact that Llanbadrig has consistently supported the intention to construct a nuclear Power Station at the Wylfa site since the Government's decision to return to nuclear generation in 2007. However, this is caveated by the following;

-Notwithstanding all the disruption and inconvenience over the years which has resulted in the loss of homes initially falling into disrepair and then demolition, thousands of boreholes being drilled and trenches excavated on site coupled with the disruption caused by activities on the A5025; the Community Council continue to support Horizon in its endeavor to build the new Power Station. However, the community council do not support Horizon's planning application for site preparation and clearance at this time because it is premature.

-The response goes on to state that there is still much doubt about whether this project will proceed, particularly in the prevailing environment of uncertainty exacerbated by the era of Trump and Brexit. Horizon seem to recognize this uncertainty in their reluctance to proceed with the by-passes ahead of DCO approval. Site clearance should only proceed in parallel with the construction of by-passes when there is certainty that both are necessary. There is credible risk that allowing the SPC to proceed before planning for the new Power Station is approved will subject the communities of North Anglesey to unnecessary disruption and damage to their environment over many years.

-The community council close their response by stating that it would be far better for their communities if HNP were to spend the next two years revising its plans to accomplish site clearance as an integral part of the whole project; so that if the DCO is approved, the already delayed end date is achieved without requiring further sacrifice by the people of North Anglesey and their economically important visitors and tourist industry.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon considers the SPC Proposals to be a vital component required to facilitate the construction and ultimate operation of the Power Station as early as possible. In the event that the SPC Proposals are only granted through the DCO, this would have the effect of delaying construction given the extended timescales of determining DCO applications.

(ii) There is precedence for bringing forward early and/or preparatory works associated with NSIP's under the TCPA process ahead of DCO. The approach of securing the SPC Proposals by means of a planning application in advance of the DCO Project was acknowledged by the IACC within the New Nuclear Build at Wylfa SPG's (2014 and 2018). The SPG also recognizes the approach of the consideration of the application in advance of the determination of the DCO and the role that IACC has to play in that determination.

(iii) Horizon maintain that the SPC proposals is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

(iv) Horizon through the EIA has established the relevant effects of the SPC Works on local communities and have identified appropriate mitigation measures to ensure that these effects are not significant. Horizon will continue to work with local communities and the IACC to minimize the effects of the SPC Works as far as is reasonably practicable.

(v) In response to the concern expressed that workers will use alternative routes to the A55 and Valley adding to congestion and speeding, exacerbated by the long working hours, Horizon confirm that there are a number of settlements on the A5025 to the east of the SPC Application site; therefore a minority of workers may use that section of the A5025 to access the site. However, the number anticipated to use this route is anticipated to be low and as such did not require specific consideration in the submitted Transport Statement and was therefore scoped out of the assessment.

(vi) Responding to concerns over the unnecessary disruption if the DCO is not granted and the irreparable damage to the landscape, Horizon anticipate that an interim Management Plan would be secured through an appropriate planning condition, along with the restoration of the SPC site should the DCO not proceed. It can be confirmed that such provision captured by way of suggested planning conditions coupled with a suitably framed legal agreement which would be attached to any permission which might be granted.

As a result of the re-consultation process a second response was received from Llanbadrig Community Council on the 22nd June, 2018 which raised a number of concerns which included;

(i) The insufficient time afforded to prepare a response.

(ii) The benefits of allowing Horizon to proceed before Development Consent Order approval do not outweigh the disadvantages of delay.

(iii) The potential impact upon wildlife is addressed and most recently additional mitigation is proposed to prohibit the operation of plant West of Afon Cafnan so as not to affect the tern breeding season. This contrasts with the lack of concern for the people who live adjacent or close to the Development site where impact upon Tregele and Cemaes occupies less than 7 pages.

(iv) Horizon continues to be coy about the working hours of its 80 workers. There is considerable evidence that working excessive hours has major draw backs resulting in

- Poor productivity and poor quality
- Higher incidence of accidents
- Ill health manifested as stress and heart disease
- Breakdown of family life

Whilst concern is expressed about workers engaged in Site Preparation and Clearance it will be equally important that good practice here acts as a precedent for the main project.

(v) The Code of Construction Practice is authored by Horizon and is specifically for the SPC project. It is disappointing to note that there is very little reference in the Code to the people who will be engaged on the SPC such as working hours referred to above.

(vi) It is noted that Horizon propose to establish a Community Liaison Group and that it will be made up of invited representatives from the local community etc. We wish it understood that we as a Community Council will decide who represents us at this body.

(vii) Given that Llanbadrig Community Council is the public body closest to the people most affected by any change in working hours then it would seem reasonable that the Community Council should be included in any consideration to amend working hours.

(viii) The Community Council would have greater confidence in Horizon's measures aimed at incentivizing vehicle sharing, cycling and walking to work if Horizon shared the reasonable measures and gave sight of the induction materials in advance.

(ix) Planning for tool box talks is commendable but questions are raised with respect to how, when and for how long will the training be delivered and who will be responsible for auditing these measures.

(x) It is considered that the SPC application should not be approved until Horizon commits to more realistic Neighbourhood Support Scheme arrangements like Heathrow and HS 2 where the support is in line with the actual costs of moving to a new house.

(xi) Stress and Mental Health Well Being issues surrounding a project of this nature has been with the community since 2007. The whole process has caused great disruption to residents and road users repeatedly. The DCO process will allow individuals and their representatives to share their concerns and feeling before independent inspectors who may guide Horizon to be more accommodating. It would be far better if Site Preparation and Clearance formed part of the Inspectors deliberations.

In correspondence received at the Planning Department on the 6th August, 2018 the applicants confirmed that a response to these matters was under preparation. At the time of writing however, a response had not been received at the department and an update will be provided verbally at committee.

Mechell Community Council- States that;

-Horizon's application for Site Preparation and Clearance is supported by extensive documentation that is impressive in its professional standards and technical proficiency.

-This is a planning application of such magnitude and potential impact that it should not be treated as a 'normal' application, and Town / Community Councils and interested parties should have been given more time to consider the application

-The work which has already been undertaken is an indicator of the scale of the activity that this application relates to, and is a source of huge concern

-The declared purpose of this application is to carry out enabling works for Wylfa Newydd

The response goes on to list its reasons for objecting to the proposal which can be summarized as follows;

-Application is premature

-The community council have areas of concern in the planning application which will impact on their agreement being finalized on the SOCG. They therefore request that the application is delayed until the SOCG has been delivered and approved by all parties in March 2018

-There is much doubt about whether the project will proceed as stated by HNP's Chief Executive Mr Duncan Hawthorn in a recent article published in *The Times* dated 8th December, 2017. Given that HNP have now effectively set their own deadline for the financing decision to be made it would not be unreasonable to at least await the outcome of this decision before granting planning permission.

-With the largest solar farm in Wales now having been granted approval in the same area and relying on the same infrastructure as HNP's application, the two now need to be considered together.

-Without the bypass and further improvements made to the A5025, the road network and local area will come under huge pressure if both projects are allowed to run concurrently

-As far as the community council is aware, there is no environmental impact assessment that considers the impacts of both projects running together, and the effects on around 1000 acres of countryside in this part of the island.

-Have the Planning Department made any consideration as to the effect of the two projects running concurrently

-There is a credible risk that allowing the SPC to proceed before planning for the new Power Station is approved will subject communities of North Anglesey to unnecessary disruption and damage to their environment over many years

-740 acres of the attractive coast line of north Anglesey will be reduced to a wasteland

-Six houses and other structures will be lost permanently, in addition to those already demolished.

-There will be air, light and noise pollution over a period of two years and, if the project does not proceed a third year whilst limited restoration is attempted, which realistically will not return the landscape to its former state.

-Replacing mature trees and hedges will take many more years

-Walkers on the footpaths will enjoy a much inferior experience to that which they enjoy today

-It would be far better for our communities if Horizon were to spend the next two years revising its plans to accomplish site clearance as an integral part of the whole project; so that if the DCO is approved the already delayed end date is achieved without requiring further sacrifice by the people of North Anglesey and our economically important visitors and tourist industry.

Following the receipt of additional information from the applicant in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Whilst the statutory consultation period was limited to 30 days this does not prevent consultees from reviewing the application documents and providing comments to the IACC up to the date of determination.

(ii) Horizon considers the SPC Proposals to be a vital component required to facilitate the construction and ultimate operation of the Power Station as early as possible. In the event that the SPC Proposals are only granted through the DCO, this would have the effect of delaying construction given the extended timescales of determining DCO applications.

(iii) There is precedence for bringing forward early and/or preparatory works associated with NSIP's under the TCPA process ahead of DCO. The approach of securing the SPC Proposals

by means of a planning application in advance of the DCO Project was acknowledged by the IACC within the New Nuclear Build at Wylfa SPG's (2014 and 2018). The SPG also recognizes the approach of the consideration of the application in advance of the determination of the DCO and the role that IACC has to play in that determination.

(iv) Horizon maintain that the SPC proposal is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

(v) There are a number of settlements on the A5025 to the east of the SPC Application Site; therefore, a minority of workers may use that section of the A5025 to access the site. However, the number using this route is anticipated to be low and as such did not require specific consideration in the submitted Transport Statement.

(vi) The concern regarding financial backing is noted, however this is not a material planning consideration of this application. It should be noted that the approved solar farm at Llanbadrig was included as a reasonable foreseeable project in the submitted Environmental Statement.

(vii) As with all SPC Works the application is seeking planning permission for preparatory works in advance of the DCO. Should the DCO not be granted or the development not proceed the entire site would be subject to a restoration strategy to be agreed with the IACC.

As a result of the re-consultation process a second response was received from the Community Council dated the 29th June, 2018 which confirmed that their original objections remained. They also confirmed that they supported and agreed with Llanbadrig Community Council's representations (listed above) dated 22nd June, 2018.

In correspondence received by the Planning Department on the 6th August, 2018 the applicants confirmed that a response to these matters was under preparation. At the time of writing however, a response had not been received and an update will be provided at committee.

Hydrology- Comments on Hydrological issues were submitted on behalf of the Council by its Technical Consultants 'Wood Group'. The response states that there is insufficient detail provided to link the assessment undertaken to the result presented. More discussion/evidence is required in particular with regards to impacts on hydrological function

Should consent be forthcoming it will be important to include a planning condition to ensure the delivery of mitigation of the Sites of Special Scientific Interest (SSSI) at Cae Gwyn and Tre'r Gof. Conditions should also be imposed to require monitoring of the SSSI during the process of construction/preparation to ensure that any changes to its condition can be identified early, and an agreed protocol initiated to prevent any further deterioration and indeed to reinstate the SSSI to the quality recorded before development commenced. Reinstatement measures for the site should be agreed in the event that the NNB does not proceed.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) The Cae Gwyn SSSI is located outside of the Wylfa Newydd development Area and is at the headwaters of the Nant Caerdegog Isaf. There are no streams that flow into Cae Gwyn. Furthermore there are no compounds proposed adjacent to the SSSI and the only activities would be the removal of trees and hedges within the Wylfa Newydd Development Area. There is no potential for any significant effects on the hydrology of Cae Gwyn SSSI, and there would be change to the rate or timing of re-charge to the Cae Gwyn SSSI.

(ii) The hydrological functioning of Tre'r Gof and Cae Gwyn SSSI's has been assessed following monitoring and investigation at and around the features. The details of this have been compiled and draft reports provided to NRW and IACC. The conclusions of the assessments support the evaluation of no significant effects from the SPC activities.

As a result of the re-consultation process a second response was received from IACC's Hydrological Consultants on the 9th August, 2018 which requested that a condition be attached to any formal approval issued. It can be confirmed that the suggested condition has been attached to the list of draft conditions at the rear of this report.

Natural Resources Wales- The opening paragraph considers that for the purpose of compliance with the EIA Directive and Habitats Directive, the project should be interpreted as the entirety of the consents for Wylfa Newydd. It confirms that it would not be an advisable approach to disaggregate the project as they consider that there is sufficient functional connection between the SPC Works and the wider Wylfa Newydd development so that they all need to be considered together. However they also acknowledge the fact that IACC as the decision maker will need to make a judgement on what they might consider to be the correct approach.

The response continues by stating that if, notwithstanding NRW's advice, IACC determines that the approach adopted by HNP for the SPC works is appropriate, then based on the information submitted NRW would have significant concerns with the development and would advise the local planning authority that they should only grant permission if the scheme can meet their listed requirements in respect of the following;

- (i) **Air Quality:** Information on predicted emissions for other relevant developments(including DCO proposals) to be provided to demonstrate whether the emissions from the SPC works have the potential to have significant effects, cumulatively or in-combination, on protected sites
- (ii) **Flood Risk:** Modelled outputs to be provided which show predicted pre- and post-development scenarios for the watercourse re-alignment works-shown as changes (increases/decreases) in flood depth.
- (iii) **Protected Sites (HRA):** The local authority to carry out a test of likely significant effects under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.
- (iv) **Protected Sites (HRA):** Additional mitigation measures to be specified to reduce the impacts on the tern species of the SPA

In addition to the above a summary of conditions were put forward which they would wish to see included on any consent which may be issued on the site. The local planning authority will ensure that these conditions will be incorporated within any approval which may be issued.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) It has always been Horizons intention that the SPC Works would precede those of the project proposed within the DCO submission. Notwithstanding this approach, the SPC EIA considers a worst-case scenario where any effects with potential temporal and spatial overlap were considered fully. This accords with best practice in respect of the EIA Regulations.

(ii) Following design changes to the SPC Works application the parameters under which the cumulative assessment was originally undertaken have changed. Given the shorter SPC programme and the best case DCO programme it is suggested that the SPC Works now achieve a temporal separation with works proposed in the DCO. It is therefore reasonable to conclude that a temporal link between substantive SPC Works and the Wylfa Newydd Project would not exist.

(iii) Notwithstanding Horizon's position that there would be no intra-projects effects with the DCO Project, additional information has been provided in respect of air quality, flood risk, terns, choughs, black headed gulls and predator displacement to support Horizon's conclusion and to further assist the IACC.

As a result of the re-consultation process a second response was received from NRW on the 28th June, 2018 which stated the following;

In considering NRW's advice, you should also consider whether Regulation 67(2) of the Conservation of Habitats and Species Regulations 2017 may enable you to rationally conclude that some implications of the wider project may appropriately left to be assessed when other consents and authorisations for the project are sought. We re-iterate that IACC will need to make a judgement on the correct approach in respect of the HRA and EIA and should take legal advice as it considers appropriate.

We note the additional information provided by the applicant are to address Requirements 1 and 4 as set out in NRW's response dated 22/12/17. We also note the confirmation by the applicant that the water course re-alignment works are no longer part of the SPC application and therefore Requirement 2 as set out in the NRW's response dated 22/12/17 is no longer applicable. NRW can confirm that that Requirements 1, 2 and 4 have been addressed.

We can confirm that Requirement 3 is outstanding and that the local authority will need to undertake a Habitats Regulations Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

NRW provide a summary list of the Requirements (i.e. matter that needs to be addressed prior to the determination of this planning application), and Conditions that should be attached to any planning permission.

Summary of Requirement- The local authority to undertake a Habitats Regulations Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species regulations 2017 prior to the determination of the planning application.

A summary of 12 conditions in total were requested in their consultation response. Following further dialogue with IACC these were later reduced to 10 conditions on the 6th of August, 2018. The requested conditions would be incorporated within any formal notice of approval which would be issued in the matter.

Cultural Heritage- Commentary on Cultural Heritage Issues, submitted on behalf of the Council by its Technical Consultants 'Wood Group' provide information on the effects of the development on three identified aspects of the historic environment.

- Archaeology
- Historic Buildings; and
- Historic Landscape

It is considered that additional information is required on the mitigation measures to be used, and residual effects on Cestyll Garden Grade 2 Registered Historic Park and Garden. This asset was specifically noted by CADW as requiring assessment for this application. From a review of the scoping report and the Cadw response, the scope of the required assessment for this asset was to cover potential effects arising from;

- Visual Change (setting effect)
- Noise Change (setting effect)
- Vibration Change (setting effect)
- Dust and Air Pollutant emissions (effect on garden planting)
- Water Quality/Flows (effect on stream running through garden)

No mitigation has been identified with respect to this asset and there is no discussion as to the effects upon the asset. The only information is that presented in tabular form. Further information is required in order to confirm the validity of this assessment taking each of the aspects identified above in turn.

In addition to the above the applicant needs to demonstrate that the SPC works will not interfere with the ongoing programme of archaeological work being undertaken on site.

In respect of the buildings which will be removed as part of the site clearance works, the building recording proposals appear to be satisfactory.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) In respect of below ground archaeology Horizon have confirmed that they will continue to work with the IACC to integrate the mitigation works proposed in respect of the SPC Works with the ongoing archaeological investigation.

(ii) Horizon will continue to work with IACC to integrate the SPC works with the ongoing archaeological investigations to avoid conflict

(iii) With respect to Cestyll Garden the following response was provided in respect of;

Visual Change- As the significant views look outwards towards the sea, there would be no views of the SPC Proposal as the site is screened by mature trees. Due to this and the lack of public access, visual receptors using these gardens were therefore scoped out of the assessment of visual effects.

Noise- Whilst the eastern part of the essential setting would experience temporary noise levels of up to 65dB LAeq, the noise levels experienced by the majority of the Essential Setting and the valley garden would generally be below 60dB LAeq. The magnitude of effects has been assessed to be small and the significance of effect minor adverse. This is supported by paragraph 43 of MPG 11 which states that a noise level of 65dB (A) represents an appropriate limit for "open spaces which the public uses for relaxation".

Vibration- As it is primarily rural, the Essential Setting of Cestyll Garden was not assessed to contain any buildings or structures susceptible to vibration and therefore scoped out from further assessment of vibration effects. At its closest point the Kitchen Garden and Cestyll House are located approximately 315m from the nearest location where a vibratory roller would be used and were therefore scoped out from any further assessment of vibration effects.

Dust and Air pollutant emissions- Due to the small increase in deposition predicted, the short duration of works and the acidic nature of the soil at Cestyll Garden, it is therefore considered highly unlikely that such small changes in nitrogen deposition would affect the vegetation within the managed garden of Cestyll. With regard to dust emission this was addressed in paragraph 4.1.15 of appendix 9-02 of the Environmental statement which stated:

"...Cestyll Garden is adjacent to the SPC Application Boundary and has been identified as having vegetation that may be sensitive to dust deposition. Although not assessed specifically in this dust assessment, as its designation relates to its cultural heritage value rather than its ecological value, the application of mitigation measures applied to reduce the risks of dust effects at the assessed ecological receptors within or adjacent to the SPC Application site (Tre'r Gof and Cae Gwyn SSSI) would also reduce the risk of dust effects at Cestyll Garden."

The mitigation measures referred to above are set out within the Code of Construction Practice.

Water Quality/Flows- With respect to surface water and ground water no effect is predicted on Cestyll Garden as a result of changes to water quality which have been assessed to be of negligible magnitude and negligible or minor significance. Similarly, no effects are predicted from changes in flows.

As a result of the re-consultation process a second response was received from IACC's Technical Consultants on the 9th August, 2018 which stated the following;

The Addendum has now provided information on the mitigation measures to be applied which are relevant to Cestyll Garden, which include measures in relation to dust and surface water. This information has largely been provided through cross-referencing to other sections of the

Environmental Statement which is an appropriate and helpful approach and there is now sufficient information

The proposed mitigation appears to be appropriate and based on the available information, the assessment conclusions in relation to Cestyll Gardens appears to be appropriate.

The Addendum also states that Horizon will continue to work with IACC to ensure that SPC mitigation works are integrated with the ongoing archaeological investigations. If this continues to be the case, then this will be appropriate.

Following receipt of the additional information in the addendum, the Environmental Statement provides sufficient information to understand the effects on the historic environment. It is agreed that due to the nature of the proposed development, effects on the historic environment as a result of the SPC works will not be significant, though it is important that Horizon continue to work with IACC to ensure that SPC mitigation works are integrated with the ongoing archaeological investigations.

Housing Services- No assessment/ information has been presented with regards to the impact on housing. It is stated that 'approximately 80 workers will be employed at peak, most of whom are expected to already reside within the Daily Construction Commuting Zone (DCCZ)'. If this is not achieved workers would be expected to travel from outside the DCCZ and would require accommodation during the construction stage within the immediate area. No mitigation measures are proposed to deal with this risk.

The application should therefore make reference to Housing within its Environmental Statement and include measures for securing mitigation should local residents become displaced due to workers moving into the Private Rented Sector as a result of SPC Works.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) When considering the workforce used by Horizon's preferred contractor on the SPC Works it is evident that 71% of workers are from 'LL' postcode with a total of 86% of workers being from the north Wales area. It is anticipated that the workforce to undertake the SPC Works will have a similar make up in terms of workers from the local area.

(ii) Should Horizon's preferred contractor not be appointed it is anticipated that the applicants proposed Housing Contribution to be secured through the s.106 Agreement could be utilised to provide assistance in line with the IACC's Empty Homes Strategy (or other any other Housing Strategy which IACC might consider appropriate) in order to provide accommodation for workers who may not be able to commute from the home address to the SPC site.

(iii) It should be noted that the Site Campus does not form part of the SPC Application and as such, discussion of its justification and site selection would be inappropriate in this instance.

In a response dated 26th June, 2018 from Housing Services it was confirmed that the additional information provided by the applicant under the Regulation 22 request sufficiently addressed the points raised in their initial consultation response.

Council's Economic Service- The IACC's Regeneration Function welcome Horizon's Site Preparation and Clearance proposals concerning the benefits that the project will have in securing new investment, safeguarding of jobs and the use of locally based contractors and labour leading to supply chain benefits for the local economy.

The SPC Works has long been recognised as the start of the overall project and the key areas where mitigation is required are identified as follows;

Supply Chain- The SPC proposals must create contract opportunities for local companies in order to realise the works potential to contribute to the development of the Anglesey and North Wales economies. In accordance with the policies set out in the Wylfa Newydd SPG and

reference within the application documentation, the IACC require Horizon to develop, agree and secure delivery of an approach which encourages the use of locally based suppliers to deliver the SPC proposals.

Employment - It is acknowledged that the SPC works will safeguard employment of up to 80 jobs. The IACC require Horizon and its Supply Chain partners to take the same approach to maximizing the use of local labour in all aspects and phases of the Wylfa Newydd project as set out in existing policies.

Tourism- In line with policy and recognising the direct impacts on tourism and businesses and the lead in time to put in place appropriate mitigation, IACC propose the establishment and financial commitment towards a dedicated Tourism Fund.

Skills and Training- The SPC proposals should include provisions to offer relevant training utilising the Employment and Skills Service to identify and deliver training opportunities associated with the SPC proposals.

Community Resilience Fund- A community mitigation fund should form part of the mitigation proposals to protect residents and businesses from impacts which cannot be accurately predicted and appropriately mitigated in advance.

Community Liaison Group- A Community Liaison Group should be established to ensure that residents and business owners will be adequately represented in an official forum which will have approved mechanisms in place to address concerns raised for the duration of the project.

Land Restoration – The inclusion of the commitment to and delivery of land restoration works is welcomed.

Accommodation/Housing- There is a need to act early prior to the main construction phase and to begin mitigation to address these issues. Such mitigation should include a housing fund.

Re-provision of recreational and leisure facility and open space- IACC should require a contribution to re-providing WSSC facilities (recreational, leisure and open space) in locations that are accessible to the local community.

Mitigation to protect Community and Visitor resources- There will be combined impacts on both Cestyll Gardens and Cemaes Primary School as a result of noise, air quality and visual impacts alongside disruption to the users and visitors to both facilities/resources which need to be effectively mitigated. Whilst CoCP measures go some way towards addressing these issues there remains a need to put in place further financial resource to allow for impacts that cannot be fully predicted at this stage.

Following the receipt of additional information from the applicant in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon welcome the support and acknowledgement from the IACC's Regeneration Function for the proposed SPC Works and the economic benefits it will bring to the economy of Anglesey and North Wales.

(ii) Effects on Tourism as a result of the SPC Proposals (In isolation) are found to be negligible and therefore not significant overall, resulting in no requirement for mitigation. It has however been recognised that the SPC Proposals constitute the start of the wider Wylfa Newydd Project and as such a commitment has been made by Horizon to put in place a Tourism Development Contribution which will serve to support the sector and prepare for the arrival of the wider Wylfa Newydd Project.

(iii) Residual socio-economic effects are considered to be negligible or otherwise beneficial (minor) in nature.

(iv) Horizon confirm their agreement with the approach suggested in terms of Supply Chain, Employment and Skills and Training.

(v) Horizon acknowledges the demand for services from the local authorities in respect of the needs and requirements of SPC and the wider DCO project. Horizon will seek to work collaboratively and productively with officers of the local authority to fulfil project obligations and requirements as both projects progress.

(vi) A community resilience contribution is proposed under the terms of a s106 Agreement between Horizon and IACC.

(vii) A Community Liaison Group is proposed as part of the SPC CoCP which is anticipated to be secured through an appropriate planning condition

(viii) Horizon is in agreement with the suggested approach in terms of Land restoration.

(ix) Whilst it has been established that the appointment of the preferred contractor would result in 86% of the Workforce being from the "LL" postcode area a Construction Worker Accommodation Management service is proposed under the terms of the s.106 Agreement. This would maintain a database of suitable properties and the provision of a means for the Workforce to search for accommodation. A financial contribution secured by way of the legal agreement under negotiation is also proposed in order to facilitate the purchase and renovation of empty homes as useable accommodation or any other strategy which IACC might consider appropriate

(x) A Local facilities Contribution to provide a meeting space for local communities will be secured under the terms of the s106 Agreement, to be in place during the SPC Works.

(xi) As no significant adverse socio-economic impacts were identified within the SPC Environmental Statement no mitigation measures have been considered necessary.

(xii) Residual socio-economic effects are considered to be negligible or otherwise beneficial in (minor) in nature.

As a result of the re-consultation process a second response from IACC's Regeneration Function was received on the 19th July, 2018 we stated the following;

-Whilst we disagree that there will be no effects on tourism, we nonetheless welcome the Tourism Contributor fund and look forward to ensuring this will be fit for purpose

-We agree the SPC has the potential to be a net contributor of jobs and employment. The critical aspect here is that those opportunities are captured locally and through the Wylfa Newydd Employment and Skills Service (WNESS) there is a provision to enable this. We look forward to working with Horizon and stakeholders to deliver this successfully.

-The individual aspects listed are also welcomed and again IACC look forward to working with Horizon in their delivery for the benefit of the community.

Conwy County Borough Council- Does not intend to make any comments upon this application

No representations were submitted following the second round of consultations

Gwynedd County Council- Have no comments to offer on the current proposal

No representations were submitted following the second round of consultations

Jones Peckover (agents for Crown Estate)- Have no comments to offer on the application

No representations were submitted following the second round of consultations

Welsh Water- On the basis that no foul and/or surface water connections are being sought into the public sewerage system, Welsh Water have no comments to make on the proposed foul and surface water drainage arrangements.

Advisory Notes have been included however in the event that permission may be forthcoming for the proposal to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that Dwr Cymru / Welsh Water's comments were noted.

As a result of the re-consultation process a second response was received on the 8th June, 2018.

The response stated that Dwr Cymru's comments (ref: PLA 0031203) dated 1/12/2017 were still valid and had no further comments to make on the application.

IACC Welsh Language and Culture (Policy and Strategy Officer)- State that it is necessary for the Site Preparation and Clearance Code of Construction Practice (CoCP) to reflect the principles within the Welsh Language and Culture Mitigation and Enhancement Strategy (WLCMS) in relation to the Welsh language to ensure a consistent approach. The IACC wishes to point out that the wording in many instances has moved from commitment to consideration.

A statement is required outlining that Horizon and associated contractors will adhere to the IACC's Welsh language Policy in all aspects of the project and communication with the public.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Both Horizon and its preferred contractor have adopted Welsh language policies that adhere to the IACC's Welsh language Policy. Horizon remains committed to ensuring that it and its appointed contractors adhere to the requirements of their respective Welsh language policies throughout all aspects of the SPC Works, in conjunction with the IACC. It is considered that this will maintain and enhance the golden thread of Welsh language through all activities.

In a response received from the Policy and Strategy Officer (Welsh language) dated 19th July, 2018 there was continued concern that Welsh language/culture could be undermined if the preferred contractor was not instructed. The response also included a number of measures that were considered to be pertinent to the SPC Application.

In a formal response to the Authority dated 6th August, 2018 it was confirmed that Horizon has set out its position on the Welsh language in the application and in its draft of the planning obligation document. Horizon believe that many of the measures set out in the latest response are not relevant to the SPC Application, but continues to work with IACC to establish a relevant and proportionate planning obligation.

At the time of writing it can be confirmed that discussions are progressing between IACC and Horizon with respect to the above and in relation to the s.106. A verbal update will be provided at committee.

Wales & West Utilities- According to Wales & West mains records there are no apparatus in the area of the enquiry. However gas pipes owned by other Gas Transporter's and also privately owned may be present in the area. Information with regard to such pipes should be obtained from the owners.

This response was acknowledged by Horizon. No further representations were presented by Wales and West Utilities following the second round of consultations

RSPB- Confirm there is little new/additional information contained in the final versions of the Environmental Statement (ES) and Habitats Regulations Assessment (HRA). Although some

sections of the supporting documents have been revised, overall the majority of the RSPB's concerns remain unresolved.

In summary, the RSPB has raised concerns in relation to (inter alia)

- Inadequate Impact Assessment concerning tern disturbance
- Insufficient data concerning foraging black headed gulls
- No assessment of effect of predator displacement
- Inadequate impact assessment concerning chough
- Deficient mitigation/enhancement measures to reduce impacts on chough
- Horizon's disappointing approach to the Wylfa Head local nature conservation designations.

The response goes on to state that most of the above matters remain unresolved and expands further upon each of these issues in turn within the main body of their response.

Following the receipt of additional information from the applicant in response to the Authority's request it was confirmed within the applicant's submission that;

(i) The survey information provided is based on recognized good practice methodologies. It is concluded that the baseline data is sufficient for a robust assessment of the effects of the SPC Works on black headed gulls.

(ii) The Notable Wildlife Enhancement Site is an off-site enhancement area that has been secured by Horizon for the next 15 years. Although it is principally designed to mitigate the effects associated with the Wylfa Newydd development, its presence would further reduce any possible reliance that mammalian predators displaced by the proposed SPC Works might have on Cemlyn Bay as a foraging resource. Likely significant effects to the Anglesey Terns SPA as a result of increased predation by displaced mammalian predators are not expected.

(iii) EIA Assessment methodology for ecological receptors was informed by the latest CIEEM guidelines (2016) as well as the current best practice guidance documents for the survey and assessment of specific species and habitats. Based on the results of the numerous surveys carried out, the SPC ES concluded that impacts on chough would be negligible. Due to the nature of the SPC Works, even with a far less robust baseline and extreme application of the precautionary principle, the conclusion would remain that the effects would be negligible.

(iv) Horizon are currently preparing a Wylfa Head Management Plan for Wylfa Head and the adjacent coastal strip to the east and is undertaking management works at Wylfa Head to enhance habitats for chough during 2018. However, these works are not linked to the SPC TCPA Application or the associated EIA.

(v) As shown in the SPC ES, clearance works would not involve removal of features associated with the Arfordir Mynydd Y Wylfa – Trwyn Penrhyn Wildlife Site, and the nature conservation status of the Wildlife Site would not be affected by the proposed SPC works.

(vi) The omission of the previous RSPB comments on the pre-application consultation was an oversight on the part of Horizon. Given that these comments have been raised again by the RSPB they have been addressed as part of the current response. As such it is considered that this response along with the Pre-Application Consultation report represent a full and complete response to the RSPB's concerns.

As a result of the re-consultation process a second response was received from the RSPB on the 4th July, 2018.

In summary the response supported the additional mitigation measures proposed with respect to Terns. However, concern remained with respect to black headed gull data. To fully address their concerns, the RSPB stated that they would prefer to have sight of the full results and analysis, to ensure the assessment is robust.

In terms of predator displacement concern remains with respect to the fact that the risk is underestimated.

The statement that “*chough foraging habitat within the SPC Application Site would not be lost*” overlooks the fact that habitat modification would be created. This loss should be addressed through a suitable agreed mowing regime within the SPC Application site boundary.

The Wylfa Head nature conservation status is acknowledged but RSPB believe that a more positive approach should be adopted.

Finally, RSPB believe that a more holistic approach should be taken to ensure that the cumulative and in-combination effects of the Wylfa Newydd proposals are properly considered.

In a response to the above points from the applicant which was received on the 6th August, 2018 it can be confirmed that;

(i) On the matter of prematurity, Horizon has prepared and submitted a case for the positive determination of this application prior to the determination of the DCO based on established policy and precedent. The position remains unchanged.

(ii) It is proposed that in the event that planning permission is granted an appropriately worded condition is imposed that requires an Interim Management Scheme. It is proposed that the Scheme should be submitted for approval by IACC prior to the completion of works.

(iii) IACC has confirmed its intention to undertake an Appropriate Assessment.

(iv) In terms of predator displacement Horizon's position has been set out in the supplementary information provided. It is also understood that an electric fence has been provided around the tern islands, and therefore no additional mitigation is proposed.

(v) The black headed gull survey raw data survey has been sent to the RSPB in accordance with their request.

(vi) The chough habitat maintenance will be secured by means of the Interim Management Scheme and also the Wylfa Head Management scheme proposed via the obligation.

IACC Public Rights of Way- Confirm that they are in agreement with conclusions of assessed impact with exception to the arrangements for the temporary closure of Cemlyn Road. All PRow will be left open during SPC and will be marshalled as necessary. A number of PRow connect with Cemlyn Road and, if it's to be closed to all users, these PRow's cannot be accessed. It is requested that Cemlyn Road is not closed to pedestrian use.

This response was acknowledged by Horizon and further confirmation was given that all PRow's will remain open for the duration of the SPC Works.

No further comments had been presented by the Public Rights of Way Officer following re-consultation at the time of writing this report.

IACC Coastal Footpaths-In a response dated the 16th February, 2018 it was confirmed that the Section were in agreement with the conclusion of the assessed impacts and requests that all sections of the Coastal Path were to be kept open, usable and marshalled as necessary. It was also confirmed that they were in agreement with the proposed mitigation and stated that before any SPC Works are started HNP must have plans for restoring and enhancing public rights of way approved by IACC. If any sections would need closing on site at any stage, HNP would need to discuss with IACC, and be required to provide alternative access before closure; to keep them open and in good repair.

This response was noted by Horizon. In addition, a suitably framed condition has been drafted to comply with the above requirements.

No further comments had been presented by the Coastal Footpaths Officer following re-consultation at the time of writing the report.

Office for Nuclear Regulation- The ONR does not advise against this development

No response had been received from the ONR following re-consultation at the time of writing this report.

IACC Education- In a response received on the 16th February, 2018 it was confirmed that concern remained with respect to;

- Dust, noise and traffic on the Rhyd y Llan school
- School start and end times should be avoided by construction traffic as it would severely hamper school transport routes for the whole area; and in particular
- Increase dangers for pupils on foot who must cross the main road to the school or to reach their bus stop;
- The effect of dust, noise and vibration on the pupils at Ysgol Cemaes

Appropriate mitigation could not be identified in terms of the impact on vulnerable young children both within the school building and particularly during breaks and lunchtimes at Ysgol Cemaes.

No additional information was presented by the applicant in response to the above at the time of writing.

No further comments had been presented by the Education Department following re-consultation at the time of writing this report.

A response is currently awaited from the applicant, and a verbal update will be provided at committee.

North Wales Wildlife Trust (NWWT)- A number of concerns are expressed within their response which follow on from the Wildlife Trusts S.61z response to the SPC Proposals.

Of most concern in the current application is consistency with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 and NWWT strongly recommend that IACC seek an independent view on the application of these Regulations as they relate to;

-The consideration of alternative solutions and inclusion within the SPC's to clear and prepare the location for the associated development Site campus

-Analysis of cumulative Impacts of the SPC with the main DCO and other permitted/licensed elements of the Power Station scheme, with which it is integrally linked. This relates to impacts to the SPA tern breeding colony, though as an Annex 1 species and qualifying feature of the Holy Island Coast SPA

-The issues relating to the cumulated impacts also have a bearing on the application of the HRA process (Habitats Regulations 2010) and in-combination impacts.

-NWWT would strongly recommend that given the uncertainty of the results, lack of relevant robust scientific literature in relation to tern impacts that IACC should consider whether the precautionary approach has been applied and additional mitigation be required to be initiated during the SPC approach.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) In terms of the comments presented in respect of fungi it can be confirmed that the extent to which Area 5 would be affected by SPC Works is dependent on the scale of contaminated land remediation. The total loss of all fungi grassland within this area is not likely but is assessed as the worst case scenario. The loss of area 5 (2.5ha) would represent 10.7% of the total area of

nationally and regionally important areas in the study area. This is predicted to be a small magnitude of change. A minor adverse effect is therefore predicted which would not be significant and would not require mitigation.

(ii)) ***The Herpetofauna Groups of Britain and Ireland (HGBI) publication; Evaluating local mitigation/translocation: best practice and lawful standards***, indicates that a medium density population of common lizard would be 40 individuals per hectare. Extrapolation of these figures suggests that, even on a precautionary assumption that the enhanced habitats would only be able to support medium populations, the 5ha reptile receptor site would have capacity for 200 common lizards and 20 adders. The proposed reptile receptor site is therefore considered to be more than sufficient for the low numbers of common lizard and adder assessed as being present within the SPC Application site. In the unlikely event that the larger number of reptiles (ie more than 200 common lizard and 20 adder) are found during the SPC Works, reptiles could be translocated to the Notable Wildlife Enhancement Site. Whilst it is recognised that the residual effects of the SPC proposals would still be felt, it is considered that within the short term (three to five years), the SPC Application Site would see no significant residual effects from the SPC Proposals, and that in the medium to longer term, there would be positive effects on ecological receptors as higher quality, more diverse habitats become established.

(iii) There are no proposals for lighting around the SPC site other than in compound areas to comply with health and safety requirements

(iv) The SPC Environmental Statement concluded that impacts on choughs would be negligible based on the following

- Nesting site and core foraging habitat at Wylfa Head is outside the SPC Application site;

- Chough foraging habitats within the SPC Application site would not be lost; and

- SPC activities are assessed as having no greater potential to disturb chough than typical agricultural activities (and even then, only within the SPC Application Site-not at Wylfa Head)

Horizon's position is that because chough will be negligibly affected by the SPC works, effects resulting from construction and operation of the site campus will therefore be assessed in isolation as part of the application for development consent for the Wylfa Newydd project. The chough baseline report considers functional linkages with the SPA network and the three tests, as advised by NRW.

(v) Horizon maintain that the SPC Proposal is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented. Notwithstanding the above further information has been provided with respect to Air Quality cumulative effects on a precautionary basis and additional noise modelling which are assessed in the Addendum to the Report to Inform Habitats Regulations Assessment Screening for SPC (RIHRA Addendum).

(vi)) It has always been Horizon's intention that the SPC Works would precede those of the project proposed within the DCO submission. Notwithstanding this approach, the SPC EIA considers a worst-case scenario where any effects with potential temporal and spatial overlap were considered fully. This accords with best practice in respect of the EIA Regulations.

(vii) Notwithstanding Horizon's position that there would be no intra-project effects with the DCO Project, additional information has been provided in respect of air quality, flood risk, terns, choughs, black headed gulls and predator displacement to support Horizon's conclusion and to further assist the IACC.

As a result of the re-consultation process a second response was received from the NWWT on the 4th July, 2018. The response acknowledges that there are some very positive adjustments to the proposals which NWWT acknowledge if appropriately secured via conditions/106 will address some of the impacts of the SPC proposal. These changes are welcomed.

However there are a number of critical matters that remain to be addressed. In summary these include

- Analysis of predator displacement within the HRA process

- The maintenance of Horizon's view that the SPC can stop at the Stage 1 HRA assessment without progression to other stages and without an in-combination assessment with the DCO

- The understanding of the carrying capacity and suitability of Mynydd Ithel for reptile translocation of all animals captured

- In NWWT's view there are matters of HRA process as well as the HRA test of conclusions being drawn 'beyond reasonable scientific doubt', which needs to be considered in full by Anglesey County Council as the competent authority. It is most strongly recommended that IACC receive the necessary scientific & procedural advice from relevant and independent sources.

- Some areas of NWWT concern have disappointingly remained unresolved and these are reiterated to IACC in order that they can be encompassed in the planning balance associated with the application's determination.

- As a result of the additional submission and/or close reading of the documents a number of additional comments have been identified. All the conditions that were highlighted in our original response are still valid and relevant.

- Whilst some progress has been made to deliver a more compliant and the least damaging but effective scheme it is NWWT's view that there are still critical areas that need to be addressed. We would advise the Council that it is still premature to determine the application.

In a response to the above points from the applicant which was received on the 6th August, 2018 it can be confirmed that;

(i) It is proposed that in the event that planning permission is granted an appropriately worded condition is imposed that requires an Interim Management Scheme. It is proposed that the Scheme should be submitted for approval by IACC prior to the completion of works.

(ii) IACC has confirmed its intention to undertake an Appropriate Assessment

(iii) Horizon's position is set out in the supplementary information that has been provided. It is understood that an electric fence has been provided around the tern islands, and therefore no additional mitigation is proposed.

(iv) Based on best practice and lawful standards the proposed reptile receptor site is considered to be more than sufficient for the low numbers of common lizard and adder assessed as being present within the SPC Application site. In the unlikely event that the larger number of reptiles (ie more than 200 common lizard and 20 adder) are found during the SPC Works, reptiles could be translocated to the Notable Wildlife Enhancement Site.

(v) If the proposed restoration (or similar) is implemented, then the receptor sites will be re-integrated into the overall restoration scheme.

(vi) The area subject to the Site Campus has always been an integral part of the project, whether for campus or for other uses. Horizon maintain that the SPC proposals is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

North Wales Police- Acknowledge the points raised by HNP, however it is not considered that they address their concerns particularly in relation to the exclusion of damage only data.

Damage only and injury collisions could have an impact on the flow of traffic to and from the project site, as well as upon NWP police resources.

In Wales, damage only data is now a consideration by Welsh Government for Capital Road safety bid applications alongside injury.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) The Transport Statement was produced in accordance with the Welsh Transport Planning and Appraisal Guidance 2008 which is the industry standard approach and which specifies the use of personal injury accident data only. The reporting of damage only accidents is not mandatory; as a consequence, reporting is unreliable and conclusions using the data could not be considered wholly robust.

As a result of the re-consultation process a second response was received on the 13th June, 2018.

The response stated that North Wales Police had no further comments to offer.

National Trust- Many of the major issues raised by the National Trust in its response to the SPC Section 61z remain as unresolved issues. In summary, the Trust considers the SPC application remains premature, and could be rolled into the DCO application to enable an appropriate balance and wider considerations to be made.

National Trust identifies the key issues for the SPC application as

- SPC cannot be justified as a standalone project
- There remains a risk of a flush of nutrients to Cemlyn Bay
- Unacceptable impacts on Chough
- Concerned with the conclusions of the HRA documentation in relation to the impact on terns
- Concerned about the premature clearance of the site campus.
- Remains concerned about the inclusion of the AONB
- The lack of clarity on the longer term restoration proposals. The cut off point for the initiation of restoration remains an unresolved issue. Uncertainty could place a large scale planning blight into a landscape of national and international importance.
- Insufficient ecological information
- Concern about the low priority given to existing tourism
- Concern about the disruption the Westerly materials processing site given the close proximity to a National Trust tenanted property
- Concern about the residential amenity implications for tenanted properties
- National Trust wishes to consider and review the response from NRW in relation to the HRA conclusions for the application, and may make further representations upon this issue.

Following the receipt of additional information from the applicant in response to the Authority's request it was confirmed within the applicant's submission that;

(i) On the matter of prematurity Horizon maintain that the proposal is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

(ii) Amendments to the application have resulted in the removal of the watercourse realignment, hence, there is now no longer concern regarding the issue of significant nutrient release.

(iii) The SPC Environmental Statement concluded that impacts on choughs would be negligible based on the following;

-Nesting site and core foraging habitat at Wylfa Head is outside the SPC Application site;

-Chough foraging habitats within the SPC Application site would not be lost; and

- SPC activities are assessed as having no greater potential to disturb chough than typical agricultural activities (and even then, only within the SPC Application Site-not at Wylfa Head)

Horizon's position is that because chough will be negligibly affected by the SPC works, effects resulting from construction and operation of the site campus will therefore be assessed in isolation as part of the application for development consent for the Wylfa Newydd project.

(iv) Horizon has committed to additional mitigation regarding disturbance to terns in that between 7 March and 15 August there will be no operation of plant or machinery associated with the SPC Works on land to the West of the Afon Cefn. Horizon maintain that sufficient evidence has been provided to conclude, beyond reasonable doubt, that terns would not be significantly disturbed as a result of the SPC proposal.

(v) It is anticipated that the restoration of the SPC Application Site is to be secured through an appropriate planning condition and through the s.106 Agreement.

(vi) The site campus does not form part of the SPC Application and as such discussion of its justification and site selection would be inappropriate. Clearance works would not involve the removal of features associated with the Arfordir Mynydd y Wylfa – Trwyn Penrhyn Wildlife Site, and the nature conservation status of the Wildlife Site would not be affected by the proposed SPC Works.

(vii) The assessment of the effects on landscape components is incorporated in the assessment of effects on landscape character in chapter 16 of the Environmental Statement and no further mitigation measures are considered necessary. The landscape impact assessment in chapter 16 concludes that the overall effect of the SPC Works on the landscape character of the AONB would be negligible and no specific mitigation measures, over and above those already proposed for the directly affected part of the AONB at the local level, are considered necessary.

(viii) ***The Herpetofauna Groups of Britain and Ireland (HGBI) publication; Evaluating local mitigation/translocation: best practice and lawful standards***, indicates that a medium density population of common lizard would be 40 individuals per hectare. Extrapolation of these figures suggests that, even on a precautionary assumption that the enhanced habitats would only be able to support medium populations, the 5ha reptile receptor site would have capacity for 200 common lizards and 20 adders. The propose reptile receptor site is therefore considered to be more than sufficient for the low numbers of common lizard and adder assessed as being present within the SPC Application site. In the unlikely event that the larger number of reptiles (ie more than 200 common lizard and 20 adder) are found during the SPC Works, reptiles could be translocated to the Notable Wildlife Enhancement Site. Whilst it is recognised that the residual effects of the SPC proposals would still be felt, it is considered that within the short term (three to five years), the SPC Application Site would see no significant residual effects from the SPC Proposals, and that in the medium to longer term, there would be positive effects on ecological receptors as higher quality, more diverse habitats become established.

(ix) Horizon recognizes that the SPC Works represent the initial development element of the Wylfa Newydd project, however, Horizon maintain that the SPC Proposal is an application that should be determined on its own merits by the IACC and that determination should not be unduly prejudiced by development proposals that are neither submitted nor consented.

(x) In respect of Tourism, cumulative effects cannot occur without a spatial and temporal link with the SPC Proposal. Therefore, projects without a spatial or temporal link are scoped out of the cumulative effects assessment. The worst case cannot include projects that would not contribute to a cumulative effect. In addition, the Visitor Behaviour Survey is a valid, proportionate and representative piece of evidence that supports the assessment of potential effects on tourism (i.e. the changes in visitor numbers to Anglesey)

(xi) The potential effects on the Trust's tenanted properties have been assessed across a number of differing disciplines within the Environmental Statement. Suitable and proportionate mitigation has been identified which will ensure that no significant effects will occur. No significant noise effects are predicted at Felin Gafnan or Tyddyn Sidney as a result of the SPC Proposal. In addition, noise and vibration monitoring and control measures are set out in the noise and vibration management strategy of the CoCP, and are in line with good practice.

As a result of the re-consultation process a second response was received on the 5th July, 2018.

The Trust welcomed the removal of Nant Porth-y-Pistyll from the proposal together with the temporary suspension of plant and machinery on land to the West of Afon Cafnan during the tern nesting season (March 7 – August 15). However the Trust remain of the opinion that the application remains premature. The response goes on to state that the SPC planning application does not demonstrate an overriding public need, or exceptional circumstances. In addition the response also states that the submitted assessments underestimate the impacts of the scheme on the AONB.

In addition to the above the Trust also object on the following grounds;

- There remains uncertainty in terms of how the application has assessed impact on listed buildings. The Trust owns three listed buildings which are impacted by the scheme. A positive approach to visual mitigation is needed in this area, currently not part of the scheme, and thus the wrong conclusions are made in relation to the residual harm to Cestyll Garden
- The Trust considers the wrong conclusions are made in relation to Tourism
- The Trust objects to the inclusion of material processing and compound 1 on visual and amenity grounds.
- The Trust considers that the wrong conclusions have been made with regard to HRA
- Remaining concerns that predator displacement into Cemlyn Bay has been underestimated
- Remaining concerns with the submitted flood modelling and surface water drainage issues
- The Trust remains concerned about the impact of dust from the proposed scheme on adjoining land. The adequacy of the proposed dust and air quality monitoring procedures needs detailed scrutiny.
- The only conclusion that can be drawn is that the application does not demonstrate that the benefits of preparatory work outweigh the adverse impacts and uncertainty that a positive determination would bring forward.

In a response to the above points from the applicant which was received on the 6th August, 2018 it can be confirmed that;

(i) On the matter of prematurity with particular reference to the Site Campus, Horizon has prepared and submitted a case for the positive determination of this application prior to the determination of the DCO based on established policy and precedent. The Site campus does not form part of the SPC Application and as such discussion of its justification and site selection would be inappropriate at this stage. The position remains unchanged.

(ii) It is proposed that in the event that planning permission is granted an appropriately worded condition is imposed that requires an Interim Management Scheme. It is proposed that the Scheme should be submitted for approval by IACC prior to the completion of works.

(iii) The LVIA concludes that there would be some adverse effects on the landscape character and natural beauty of the AONB as a whole would be negligible and therefore not significant.

(iv) The conclusion has been reached that there would be no significant effects on any Listed Buildings. This position remains unchanged.

(v) IACC has confirmed its intention to undertake an Appropriate Assessment

(vi) In terms of predator displacement Horizon's position has been set out in the supplementary information provided. It is also understood that an electric fence has been provided around the tern islands, and therefore no additional mitigation is proposed.

(vii) The structure and function of the Reptile Receptor site and, if required, the Notable Wildlife Enhancement site and Wylfa Head, provide high quality habitat and provide movement of animals within the landscape, avoiding isolating populations and the risk of local extinction. This approach is considered robust in maintaining a viable local population of reptiles which will be able to recolonise the SPC site following either restoration or DCO landscaping establishment.

(viii) The EIA concludes that surface run-off will not increase as a result of the proposed development. Horizon's position remains unchanged.

North Wales Waste and Minerals Service-

Whilst a number of points are raised within the Service's response, the main thrust of their concern revolves around the following issue.

From commenting on other submissions associated with other elements of the WN scheme and the joint meetings that have been had with the National Grid proposal, it appears that the applicant does have the majority of the necessary information and data associated with the overall scheme/development. The requirement for the "overall picture"/"worst case scenario" to be submitted as part of each application and DCO submissions (Wylfa Newydd and National Grid) is something that is expected of EIA development and the Service considers that this should be relayed to the applicant.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) The Assessment has been carried out within the context and general principles of TAN 21 and this has been made clear within chapter 12 of the Environmental Statement. The assessment methodology adopted has been based on the known mineral and waste tonnages established from a variety of sources. As such there is no need to assume a worst-case in instances where there is sufficient empirical detail to allow a robust assessment to be undertaken.

(ii) The SPC proposals included an assessment within the Chapter which considered the use of waste management sites in north Wales and north west England and their capacities. The assessment looked at all waste management facilities capacities within north Wales and northwest England including landfill. Waste would be managed in accordance with TAN 21 and the nearest appropriate facility principle.

(iii) No significant amount of aggregate is required for the SPC Works. Information on the 'overall project' will be contained within the DCO application documents.

No further comments had been presented by the North Wales Waste and Minerals Service following re-consultation at the time of writing this report

Magnox- Raise a number of issues within their response which request assurance that there should be no conflict between HNP's SPC activities and Magnox's continued operations and compliance with the Nuclear Site Security Plan.

The response also makes particular reference to the shipment of nuclear fuel. Stating that there would be a requirement not to close out the approach road completely when a flask transporter fuel dispatch is planned for reasons of security.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) HNP has continued to engage with Magnox and the NDA on all relevant matters. It is concluded that the proposed arrangements to be implemented on site between Magnox, the NDA, HNP and the contractors will be effectively implemented and managed to ensure that Magnox operations continue to be run effectively. It should be noted that these arrangements are not a material planning consideration and as such remain a private matter between the interested parties.

As a result of the re-consultation process a second response was received from Magnox on the 6th July, 2018. The response provided comments in relation to the following;

- (i) Proposed crossing on the existing site access road
- (ii) Vulnerability of the site's buried services
- (iii) Demolition of the Alternative Emergency Control Centre (AECC)
- (iv) Magnox access to the construction site to undertake essential activities.

The response concludes by stating that;

Magnox and NDA recognise the strategic importance of undertaking the Site Preparations and Clearance project at this point in the programme and will continue to work collaboratively with Horizon to help meet the project time scales.

IACC Highways- Raise no fundamental objection to the proposal but have requested additional information with respect to the following;

- Further detail required as to the proposed haul roads to/from satellite compounds 9 and 10 from the A5025. Horizon to demonstrate that sufficient visibility at the A5025/haul road junction to confirm suitability to accommodate additional HGV/traffic movements
- Developer to confirm the exact numbers of parking spaces that will be provided for the estimated 65 vehicles arriving and departing per weekday
- Developer to confirm if improvements to the Nanner Road/A/5025 junction will be carried out prior to any closure of Cemlyn road
- Developer to confirm that visibility plays can be achieved at the improved accesses on Cemlyn road, as well as the proposed vehicular crossing point on the existing Power Station Access Road.
- Further details required as to the proposed temporary measure to deter vehicles from turning off the existing Power Station access road. This temporary measure may pose a hazard to existing road users.

In addition, a number of suggested conditions (9 in total) have also been put forward for consideration as part of their response.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon acknowledge the requirements in terms of the Highways Department's advisory notes.

(ii) It is anticipated that the preparation and submission of a Construction Traffic Management Plan prior to commencing works on site can be secured through condition

(iii) It is anticipated that the restrictions to be placed on HGV movements along the A5025 during peak periods can be secured through planning condition.

(iv) It is stated that the nature of the site and the proposed development will mean that existing greenfield runoff will continue, however, measures will be put in place to ensure that surface water from any impermeable hard surfaces proposed as part of the SPC works will not discharge onto highways. This is anticipated to be secured through planning condition.

(v) It is anticipated that cross-sectional /construction drawings for each access point, coupled with the requirement to hard surface the first 8 meters of the access points from the nearside edge of the County Highway can be secured through planning condition.

(vi) The haul roads serving satellite compounds 9 and 10 utilise existing access tracks. Given that Horizon will ensure that Marshalls will be in place for any vehicle crossings at the A/5025 junction, and that the existing visibility splays will be maintained as a minimum, it is considered that sufficient visibility splays will be achieved.

(vii) The Transport Statement predicts a worst case position of 55 cars arriving and departing the SPC Application site daily. In accordance with the submitted drawings 48 parking spaces, plus two disabled parking spaces will be provided.

(viii) Horizon can confirm that the improvements to Nanner Road/A5025 junction have been completed. A Completion Certificate was issued by the IACC on 28th March, 2017.

(ix) The temporary traffic measures will consist of water filled traffic barriers to deter vehicles turning off the existing power station access road.

An updated response from the Highways Department was awaited at the time of writing however it is anticipated that the Highways requirements can be satisfied through attaching planning conditions and through planning obligations in the s.106 Agreement which will include provision for a Highways, Monitoring and Surveying contribution. A position update will be reported verbally at committee.

IACC Environmental Health (Health & Wellbeing) - Overall it is considered that there are no major emissions as a result of the works. The documents are a comprehensive assessment of the likely impacts. IACC had previously requested a more detailed assessment of the impacts on Cemaes Bay Bathing Water but the extent of the soil strip as now proposed is considerably less than previously intended. Nevertheless, more extensive soil stripping will be required as part of the DCO and we would expect this to be covered in greater detail at that stage.

The response also discusses the loss of the Wylfa Sports and Social Club and considers that there is sufficient justification for a community hub in Cemaes. 12 conditions in total are proposed for inclusion within any permission which might be forthcoming for the development. The response also advises that the Local Authority would not have the required resources to ensure that monitoring and checking takes place without continued funding.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon are aware of local concerns regarding the bathing water quality at Cemaes. The SPC Proposals will not impact watercourse outfalls and no discharge permits are required or being sought for any activities on site. As such it is considered that the SPC Works will make no difference to bathing water quality in the area. It is noted that concerns relate primarily to the DCO Stages of the Wylfa Newydd Development

(ii) Whilst the request for a Wellbeing Monitoring Group is noted it is considered that the Community Liaison Group is sufficient and appropriate for the scale of works being proposed.

(iii) Similarly it is anticipated that a contaminated land verification report could be secured through condition

(iv) The nature of the proposed development is such that Baseline Personnel Security Checks for all relevant workforce personnel is not required

(v) The s.106 Heads of Terms will make provision for a community hub.

(vi) Details associated with air quality and dust monitoring scheme for the SPC works including the setting of alert/trigger levels are anticipated to be secured through an appropriate planning condition. There is also detail on Monitoring and the need for additional officer capacity in the s106. Given the negligible increases in air pollutant concentrations as shown in Chapter 9 of the ES, this would not contribute to a combined topic effect.

(vii) All suggested conditions are noted and it is anticipated that all reasonable measures are to be secured through an appropriate planning condition.

In response to the above it can be confirmed that the Authority and the applicant are currently engaged in discussions to ensure that sufficient provision is contained within the legal agreement with respect to the provision of community facilities and community support workers which will be discussed verbally at committee. In addition, it can be confirmed that the Authority will also ensure that appropriately framed planning condition(s) will be included in any approval granted for the development to ensure that details are presented for consideration prior to the commencement of works on site.

Joint Planning Policy Unit- The Policy Units response is based upon a review of the content of HNP's Planning Statement. The Environmental Statement has only been reviewed when clarity was required on the contents of sections of the Planning Statement.

The Policy Unit refers to Policy PS 9 of the Local Development Plan which states that a proposal for early or preparatory work for the development of the station should show;

- That this type of development would benefit the Project as it would ensure that the main construction work can be completed in a timely fashion, or
- Is designed to provide mitigation for the impacts of the construction or operation of the Project, and
- That there is a strategy to enable the restoration of the site to an acceptable standard

The assessment of the proposal has shown impacts on the individual receptors to varying degrees. Mitigation measures have been incorporated in the proposal and reference is made to additional measures.

The response closes by stating that a decision will need to be made as to whether or not the advantages of completing the construction of the Power Station in a timely manner outweigh any adverse impacts identified by the applicant.

No further comments had been received from the JPPU as a result of the re-consultation process at the time of writing this report

IACC Technical Service (Drainage) - Whilst no fundamental objections have been raised to the proposal, discrepancies have been noted, greater detail requested and a number of issues identified which require further clarification prior to providing a final response

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Cesspools and holding tanks, on mobile welfare units, will be utilized to manage the foul sewage associated with the proposed welfare facilities. It is anticipated that the final layout for both the Main Site Compound and the Remediation Compound will be secured through an appropriate planning condition.

(ii) The layout of the SPC Application Site and the proposed flood risk management measures are presented for those areas within the site that are noted as having a risk of flooding, even where it is classified as low. Management measures include the proposed drainage system to

manage run off from within the site, and adoption of a flood risk management plan, including receipt of flood warnings and operational measures to avoid areas at risk.

(iii) Although clearance of stone walls and hedges can locally alter the direction of surface water movement, this is only the case at a local level. With regard to the Tre'r Gof catchment, which covers an area of about 1km², such changes are not considered sufficient to alter the extent of the catchment. The conclusions of the reports submitted in response to the hydrological functioning of the SSSI's at Tre'r Gof and Cae Gwyn (HNP appendix 13-06 and 13-07 respectively) support the evaluation of no significant effects from the SPC works.

As a result of the re-consultation process a second response was received from Technical Services on the 17th July, 2018. The response provided comments in relation to the following;

Whilst it is accepted that hydraulic modelling has been undertaken to identify any changes in potential flood risk resulting from the scheme and that the outputs suggest that overall the impact will be low, no site specific details have been provided to demonstrate the effects of localised adjustments to the topography and the removal of informal flood management structures, on pluvial flood paths.

It would therefore be advisable for any subsequent approval to include an appropriate planning condition, requiring the provision of a management and maintenance plan for monitoring the operation of any ordinary watercourses; along with the submission of method statements and land drainage assessments for each particular element of the works, located within the area of interest.

It has been noted that the drainage systems intended to serve both the Main Site Compound and the Remediation Compound are to be secured through an appropriate planning condition. There would be no objection to this proposal in principle, provided that the relevant details are submitted for approval prior to the work being commenced.

It is noted that the watercourse re-alignment no longer forms a part of the application at Nant Porth-y-Pistyll. The previous observations relating to a land drainage system are no longer relevant.

In response to the Technical Service's comments it can be confirmed that the Authority will ensure that appropriately framed planning condition(s) will be included in any approval granted for the development to ensure that these details are presented for consideration prior to the commencement of works on site.

IACC Ecology- Further information has been requested in order to be able to evaluate the impacts on ecology which includes;

- An acknowledgement of the existence, and due consideration of local Wildlife Sites G13 Arfordir Mynydd y Wylfa – Trwyn Penrhyn and G12 Trwyn Pencarreg

- Follow up from the Ecological Surveys with respect to Phase 1 Habitats Survey and results and reports to inform the case with respect to the Great Crested Newts baseline Surveys of 2014

- Results of grassland fungi surveys are required

- Set-up specifications for species receptor sites are required

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

- (i) Horizon has produced an update based on the adopted JLDP with the inclusion of an assessment of potential effects on the G13 Arfordir Mynydd y Wylfa-Trwyn Penrhyn Wildlife Site. This is contained within the SPC ES Addendum (Chapter 14). It is not considered necessary to alter the assessment of effects on the G12 Trwyn Pencarreg Wildlife Site, as its adoption from a Candidate Wildlife Site does not alter its important features.

(ii) In response to the matter of ecological surveys it can be confirmed that the surveys described in appendix 14-02 were completed in areas determined following the Phase 1 habitat surveys, including in all areas supporting the habitat types listed in the consultation response. The conclusions from these surveys informed the valuation of these habitats, assessments of effects and mitigation in the normal course of using the ES methodology. The 2017 Great Crested Newts survey results were not available at the time of publishing the SPC ES. They are now available and are provided in Appendix 14-27 to the SPC Environmental statement Addendum. In summary the results do not alter the assessment in the ES.

(iii) The Workers Accommodation Campus does not form part of the SPC proposals.

(iv) Further fungi work was undertaken in autumn 2017 and the data were assessed alongside previous survey data from 2012, 2013 and 2016. This is now available in Appendix 14-26 to the Environmental Statement Addendum document.

(v) Prior to enhancement works taking place at the Notable Wildlife Receptor Site the area was predominantly improved grassland. The proposals illustrated on ES figure 14-12 is designed to provide refuge and foraging opportunities for a wide range of species that will inevitably be displaced from the SPC Application Site. Following the completion of works 15ha of high quality habitat will establish and will continue to be managed for the remainder of the 15 year lease ending in 2032.

As a result of the re-consultation process a second response was received on the 19th June, 2018. The response provided further comments as follows;

-Until Horizon provides details of present reptile habitat at the proposal site, ability to assess the potential impact on reptiles is limited. Therefore, assessment of fitness of purpose of mitigation proposals (particularly the translocation site) is also less clear than need be.

-Provision should be made for further reptile-suitable receptor areas.

-Clarification of what the authoritative overall habitat figures are is required

-Horizon should provide the above material and clearly set out their revised case for fitness of purpose of proposals for reptiles, with the necessary figures presented to back the position.

Following a review of IACC's Ecological response, Horizon submitted additional comments on the 6th August, 2018 which they believe address all outstanding ecological issues associated with the application;

(i) On the matter of predator displacement Horizon's position is set out in the supplementary information that has been provided. It is understood that an electric fence has been provided around the tern islands, and therefore no additional mitigation is proposed.

(ii) The ES provides figures for reptile habitat loss of 7.1ha scrub/rank grassland and 4.7 coastal grass and tall ruderals. No figure was given for field boundaries, cloddiau, hedgerows, dry stone walls etc. The work undertaken in 2016 to inform a potential reptile mitigation strategy measures those linear features at 21,600m of varying suitability to support reptiles. The 2016 habitat survey was designed to inform a draft reptile mitigation strategy for areas across the site, with approximately 27ha proposed as being suitable for trapping and translocation, and 7ha for destructive search; the strategy designed to mitigate potential contravention of the provisions of the Wildlife and Countryside Act 1981 relevant to reptiles. It should be noted that these figures present a view of the site at the time and the construction mitigation strategy will need to be revised should consent be granted for the SPC Proposal.

(iii) The conclusions of the technical summary report for reptiles is that a low population of common lizard and adder were recorded across the high quality habitats on site. Given the habitats within the SPC boundary have not changed in type or structure since the baseline data were collected it is not anticipated that this conclusion will have changed. It is considered that

the 5ha mitigation site, offering high quality habitat of rank grassland and scrub managed to maximise edge habitat, plus constructed hibernacula, would be adequate to support the number of animals predicted to be caught as part of the mitigation strategy, although it is acknowledged that habitat loss across the site during construction may lead to a minor adverse effect on reptiles. The provision and management of the receptor site would maintain a viable reptile population which could then repopulate the SPC Area following the establishment of landscaping and habitats as part of either the Wylfa Newydd Project or the SPC restoration proposal.

(iv) The updated table provides reviewed and revised figures for habitats within the SPC boundary. We believe the discrepancy between this table and the previous version occurred when converting a CAD drawing into a GIS format from which the area calculations were made.

(v) The data gathered during survey work of the most suitable habitats for reptiles within the SPC site indicates low populations of common lizard and adder are present. The assessment within the ES concludes that there could be a minor adverse effect on these populations as a result of habitat loss during the proposed works. A mitigation strategy has been developed to minimise the risk of killing and injuring animals during clearance through a process of trapping and translocation, and destructive searches of suitable habitats, with all animals captured being released into the receptor site identified which is under management to provide high quality reptile habitat. The location of the receptor site also links with the SPC site boundary and the wider countryside providing a strong corridor for animals to move through.

From the baseline data, it is considered this 5ha receptor site will be of sufficient size to accommodate the number of animals predicted to be moved from the site. However, there are contingencies available in terms of alternative receptor sites in the notable wildlife enhancement site and at Wylfa Head, both being managed to enhance their habitats which will provide suitable foraging and shelter for reptiles. Both alternative sites again link with the SPC site and the wider countryside, providing strong corridors for the movement of animals.

Habitats across the site have not changed significantly since the baseline reptile surveys were undertaken so it is not anticipated the baseline conclusions would change if surveys were undertaken this year. However, if additional survey effort had resulted in a higher population estimate, the mitigation strategy of trapping and translocation, and destructive searches of suitable habitats would not change, nor would the provision of receptor sites in the form they are now.

The structure and function of the reptile receptor site and, if required, the notable wildlife enhancement site and Wylfa Head, provide high quality habitat and allow movement of animals within the landscape, avoiding isolating populations and the risk of local extinction. This approach is considered robust in maintaining a viable local population of reptiles which will be able to recolonise the SPC site following either restoration or DCO landscaping establishment.

IACC Environmental Health- Confirm that there has been an ongoing dialogue with the developer and as a consequence it is not considered that any information has been omitted with regards to the Environmental Statement and supporting documentation. IACC has reviewed all of the submitted documentation and is in agreement with the conclusions of the assessed impact.

IACC will expect HNP to fully capture and mitigate against numerous issues such as noise, vibration, air quality, lighting, soil contamination, odour and water issues.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Horizon are agreeable to establishing and securing suitable noise and vibration monitoring locations through appropriate planning conditions.

(ii) An air quality monitoring system comprising of continuous monitoring of total suspended particulates, PM₁₀ and PM_{2.5}, at a number of locations is proposed as set out in the CoCP. Monitoring of NO_x is not proposed for the SPC Works based on the negligible changes in

predicted nitrogen dioxide (NO₂) concentrations due to emissions from construction plant and machinery and road traffic. It is anticipated that details relating to monitoring locations, thresholds and other details associated with air quality and dust monitoring scheme are to be secured through an appropriate planning condition.

(iii) Horizon also anticipate that the timings of all traffic associated with the development would be secured by condition to ensure that there would be no conflict with school arrival and departure times.

(iv) Horizon acknowledge the need to be both reactive as well as proactive during SPC Works should complaints be received with respect to noise and vibration and anticipate that the details of a noise monitoring scheme will be secured through condition. In addition, further measures will be undertaken by Horizon as outlined in the CoCP. These will consist of a free telephone line for complaints, maintaining a complaints register as well as the establishment of a Community Liaison Group.

As a result of the re-consultation process a second response was received from Environmental Services on the 15th June, 2018 which stated the following;

Following receipt of original (November, 2017) and additional information (May, 2018) for this TCPA, the Public Protection Department remain satisfied that the application should be permitted.

The provision and maintenance of a web based environmental monitoring system that will facilitate real-time noise and vibration monitoring; including dust and air quality levels at boundary and/or perimeter areas during the revised scheduled 13-month period of works should be secured through an appropriately worded planning condition. Similarly, the adoption/implementation of the Code of Construction Practice to be adopted by HNP and all sub-contractors may be secured through an appropriately worded planning condition.

It can be confirmed that suggested conditions have been drafted in response to the above coupled with a requirement to monitoring which will be secured through the s.106 agreement.

Landscape and Visual Amenity- The response provides an assessment of the proposal against the relevant Landscape policies and guidance at a national and local level which points to a significant number of gaps and omissions.

With respect to the Environmental Statement which accompanied the submission, clarification has been sought on the following matters;

-Fencing details. In particular material calculations relating to their construction which includes the removal of excavated material and the transport of concrete required in their installation

-Inaccuracies relating to figures and illustrations which refer to the 'Wylfa Head Candidate Wildlife Site' as opposed to the 'Trwyn Penrhyn Wildlife Site'

-Difficulties in distinguishing environmental assets on the Arboricultural Surveys

-Cestyll Gardens referred to as a Registered Park and Garden rather than a 'Registered Park and Garden of Special Historic Interest'

Photography and Visualisations for the representative and illustrative viewpoints in Appendices 16-03 to 16-05 are reproduced at a very small scale and should be presented at a more realistic viewing distance as recommended in Guidance (LI Advice Note 01/11)

Additional information and assessments are also required in respect of;

-Detailed survey of the existing landscape components of the site with the losses of these assets quantified and assessed in the LVIA

-Assessment of the effects on landscape components/elements taking into account the environmental baseline condition and the ability of these features to re-generate or be restored if the DCO scheme does not go ahead.

-Assessment of the effects on the statutory purpose of the Isle of Anglesey AONB

-The need for and likelihood of any night time working and associated site lighting requirements to determine whether any assessment and/or mitigation measures should be requested

Eleven conditions in total are proposed for inclusion within any permission which might be forthcoming for the proposal. These are considered necessary to inform the planning decision (prior to the commencement of any SPC Works) and secure appropriate mitigation for the development;

- Detailed Site Survey (prior to commencement of any SPC Works)
- A detailed Landscape Scheme for the SPC Works
- An Interim Management/Maintenance Plan to maintain the site in the event that there is a period between the end of the SPC Works and the beginning of works permitted under the DCO
- The Landscape Restoration Scheme and 10 year Management Plan (in the event that the DCO works do not go ahead)
- To define when the Landscape Restoration scheme should be triggered. Should it be within 12 months of the DCO being refused and 5 years following the DCO permission if the works do not go ahead?
- The embedded, good practice and additional mitigation identified in the LVIA (Chapter 16, paragraphs 16.4.59 and 16.4.60 and Table 16-21).

Additional comments have also been presented with respect to requirements which would be included within any legal obligation attached to any permission which might be granted.

Following the request for additional information as part of the Local Planning Authorities Regulation 22 request, Horizon offered the following additional information in response to Landscape and Visual Amenity comments:

- (i) Fencing details - HNP updated the planning application drawings to include foundation detailing including the fencing foundation detail. The response outlines that any material remaining from any excavations will be redistributed around posts to create more neutral ground profile.
- (ii) Arfordir Mynydd Y Wylfa - HNP confirmed that they had amended their figure to read "Arfordir Mynydd Y Wylfa – Trwyn Penrhyn Wildlife Site".
- (iii) Arboricultural Survey - HNP confirmed the location of the "arboricultural survey" which was titled "Tree Survey" within their submission. Attention is drawn to amended planning application drawings which make distinctions clearer.
- (iv) Title of Cestyll Gardens - HNP has amended the figure to read "Cestyll Registered Park and Garden of Special Historic Interest" as explicitly requested by IACC.
- (v) Visualisations and illustrative viewpoints - HNP provided clarification on the appendix which provides the illustrative visualisations showing how the SPC application site is likely to look on completion of the SPC works. These were provided at A1 scale as requested.
- (vi) Detailed survey of the existing landscape components - HNP supplied additional information together with quantities while also noting that the Ecology chapter of the ES provides details of habitat loss, including length of hedgerows and areas of woodland.
- (vii) Assessment of the effects on landscape components taking into account baseline condition, the natural heritage, landscape character and visual amenity value - HNP outlined that the assessment has been incorporated into the assessment of effects on landscape character in the submission and provided further detail on soft and hard landscape features, such as dry-stone walls, to be reinstated included in ES Restoration chapter.

Following the review of the additional information as part of the second consultation, on July 24th 2018 IACC was of the opinion that all requests for clarifications and amendments with respect to Landscape and Visual Amenity concerns have been addressed with the exception of the following key issues:

- (i) Plans showing the locations of landscape components (other than trees and hedgerows), specifically in relation to locations of stone walling and cloddiau. A condition is proposed to require an 'as removed drawing' which records the removal of such features. Detail of footpath surfaces, gates and styles, together with quantification of loss of habitat, hedgerows and areas of woodland.
- (ii) An assessment of effects on landscape fabric (trees, woodland and hedgerows, stone walls, cloddiau, etc) taking into account the baseline condition, natural heritage, landscape character and visual amenity value, including the amount to be lost and how these will be re-generated or restored should the DCO not proceed.
- (iii) Further clarification is sought with regards to new Appendix 16-12 and plans should be provided showing where these items are located.
- (iv) It was also noted that all mitigation and conditions requested in the previous consultation response are still relevant.
- (v) A more comprehensive assessment on effects of light pollution and on the statutory designation of the Anglesey AONB.

On 6th August 2018 following review of IACC's Landscape and Visual issues, Horizon were able to confirm that they believe their responses address all outstanding issues associated with landscape matters in respect of the SPC application. In addition, Horizon provided the following explanation with respect to the four areas of concern:

Survey of landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

Horizon confirmed its acceptance of an appropriate planning condition relating to the removal of landscape components.

Horizon also confirmed that Appendix 16-12, as submitted, details existing landscape components that are to be removed as part of the SPC Works.

In relation to PRoW, Horizon confirmed that all PRoWs will be retained in situ, and as such provision of details on surfacing is not considered to be required. Horizon refer to a proposed planning obligation to provide funding towards a PRoW Officer to monitor the SPC area.

Effects on landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

Horizon outlined their understanding of EN-1 Paragraph 5.9.6 against the wording in their ES. Horizon interprets EN-1 being non-explicit in stating that both landscape character and landscape components should be assessed separately but that they should be assessed. It is considered that both elements have been assessed as part of the submission which is compliant with the requirements of NPS EN-1 paragraph 5.9.6.

Effects of light pollution

Horizon considers that an appropriate planning condition requiring the submission of a lighting strategy to be agreed with the IACC would be sufficient to resolve this issue.

Effects on the statutory purpose of the Isle of Anglesey AONB

Horizon provided confirmation that this issue has been addressed in detail within Appendix 05-04 of the submitted Environmental Statement Addendum.

Further to Horizon's response seeking to address the IACC Landscape comments, on 7th August 2018 IACC was able to provide the following response on the four issues identified:

Survey of landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

IACC is satisfied with the provision of two conditions and the clarification on the removal of the landscape component listed within Appendix 16-12.

In terms of PRoW, IACC accept that no PRoW are proposed for removal, however highlight the possible damage to surface of the PRoW from vehicles associated with the SPC. IACC would be satisfied with a suitably worded condition for reinstatement if necessary.

Effects on landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

IACC outlined the requirements of EN-1 para 5.9.6 to undertake an assessment of effects on landscape components. Horizon has described the physical changes to landscape components

and provided an assessment of effects on landscape character. IACC concludes that an assessment of effects on landscape components is fundamental in taking into account the individual components and conditions of the WND which is critical to the Landscape Restoration, Management and Aftercare Scheme.

IACC suggests that the Landscape Restoration, Management and Aftercare Scheme for the SPC (to be secured by way of a condition) takes into account local conditions and incorporates the necessary measures to ensure successful re-establishment of vegetation on the site.

Effects of light pollution

IACC agrees with inclusion of an appropriate worded planning condition requiring the submission of a lighting strategy to be agreed with IACC. Furthermore, IACC would require Horizon to investigate and incorporate remedial measures in the event lighting complaints are received by the Council.

Effects on the statutory purpose of the Isle of Anglesey AONB

The IACC resolved that this issue is no longer outstanding following the additional information which included an assessment of effects on the special qualities and features of the AONB plus a conclusion regarding effects on the statutory purpose.

IACC Trading Standards- Note that there is reference to a local petrol filling station although a fuel store will be provided on site which is presumed to be diesel. Confirmation of this fact is awaited.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) A proposed fuel store is being provided within the main site compound. This will further reduce traffic impacts on the surrounding road network.

As a result of the re-consultation process no further comments were presented.

Cadw (Welsh Government Historic Environment Service) - It is acknowledged within their response that works immediately outside the mapped essential setting of the Registered Historic Park and Garden involve above ground clearance of the site, which would markedly change the rural landscape in which the registered site now sits. Further clarification with respect to the protection of these historic features would be welcomed.

The embedded mitigation detailed within Chapter 17 of the ES which limits the extent of the works to avoid physical effects on the registered Cestyll Garden is welcomed. It is agreed that the impact of the SPC works are not significant.

The response also states that it is in agreement with the assessment in terms of the cumulative effects including intra-project cumulative effects of the SPC works which is classed as major adverse.

The response is also caveated with a statement which confirms that the views are provided without prejudice to the Welsh Governments consideration of the matter, should it come before it formally for determination.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) Cestyll Garden is located outside the SPC Application site. There would therefore be no physical effect on this heritage asset. It is through this heritage asset being located outside the SPC Application Site and the temporary fence that this heritage asset would be protected.

(ii) To reduce the potential for accidental damage, toolbox talks would be provided with construction workers erecting the fencing to provide them with an understanding of the sensitivity

of Cestyll Garden. It can also be confirmed that the proposed fence line will not interfere with the essential setting or boundary features.

(iii) In terms of visual change, the applicant states that the presence of the shelter belt around the valley garden coupled with the orientation of the garden with significant views towards the north-northwest (away from the site) the effects on Cestyll Garden are considered to be of Minor significance.

(iv) Whilst the eastern extent of the essential setting would experience temporary noise levels of up to 65 dB LAeq, the noise levels experienced by the majority of the Essential Setting and the valley garden, the kitchen garden and the site of Cestyll house would be generally below 60dB LAeq. The magnitude of effect has therefore been assessed to be small and the significance of effect minor adverse. This is supported by paragraph 43 of MPG11 which states that a noise level of 65dB(A) represents an appropriate limit for "*open spaces which the public uses for relaxation*"

(v) As it is primarily rural, the essential setting of Cestyll Garden was not assessed to contain any buildings or structures susceptible to vibration and therefore scoped out from any further assessment of vibration effects. At its closest point, the Valley garden is located 190m from the nearest location where a vibratory roller would be used. Based on the method presented in Chapter 10 (Noise) of the Environmental Statement, the magnitude of impact has been assessed to be negligible and the significance of effect negligible.

(vi) The predicted maximum oxides of nitrogen (NO_x) and Sulphur dioxide (SO₂) concentrations at Cestyll Garden are well below the relevant critical levels (illustrated in table 9-14, Chapter 9 of the ES). The predicted concentrations are also below the criteria for identifying where further consideration would be required by ecology. There are no relevant nitrogen or acid critical loads available for vegetation within managed gardens such as Cestyll Garden. Due to the small increase in deposition predicted, the short duration of works and the acidic nature of the soil at Cestyll Garden, it is therefore considered highly unlikely that such small changes in nitrogen or acid deposition would affect the vegetation within the managed garden of Cestyll Garden.

(vii) With regard to dust emissions from the SPC Works, the mitigation measures to prevent and control the emissions of dust with regard to the protection of vegetation at human and ecological receptors are set out in the Code of Construction Practice.

(viii) The effects of changes in water quality on surface water receptors, including Afon Cafnan which runs through Cestyll Garden have been assessed to be of negligible significance. Based on this no effect on Cestyll Garden is predicted as a result of changes in water quality.

As a result of the re-consultation process a second response was received from CADW dated the 22nd of June, 2018 which confirmed that the additional information addressed their previous comments which raised concerns on the impact of the SPC proposals on historic features associated with registered park and garden at Cestyll and its essential setting, including those relating to the walled garden, valley garden, house site, historic entrance drive, boundary walls and entrance gateway.

It is also noted that Horizon acknowledge CADW's proposed revision of the registered area at Cestyll registered historic park and garden to include areas currently mapped as essential setting. (ES Addendum Vol.3 – Appendix 05-04 Consultation response Table)

Sustrans- Requested that all new highway improvements take into account the requirements of the Active Travel (Wales) Act and its associated guidance. Following discussions with the Highways department it can be confirmed that the proposal has been considered in line with the requirements of this Act.

Following re-consultation no further comments were presented by Sustrans.

National Grid Plant Protection Team-No response was received as a result of the original consultation exercise. However, following a second round of consultation which followed IACC's

Regulation 22 request a response was received which outlined the statutory requirements with respect to overhead power lines.

A subsequent response was later received on the 20th July which placed a holding objection to the proposal until such time as further detail had been forwarded to the Team for further consideration.

At the time of writing it was confirmed that Horizon were aware of NG apparatus in the area and were engaged in further discussion.

Emergency Planning- No response was received as a result of the original consultation exercise. However, following a second round of consultation which followed IACC's Regulation 22 request a response was received which confirmed that the North Wales Councils Regional Emergency Planning Service had no specific comments to make on the application.

Horizon have confirmed that they have no further comments in response to the above.

North Wales Fire and Rescue- The Service have previously made comment on the proposals. These were related in the main to the removal of the buildings and infrastructure, particularly fire hydrants. In addition to this, the Service identified potential involvement in relation to mitigating against environmental impacts in the event of the release of chemicals or other hazardous materials on site.

It was noted within the Code of Construction Practice that HNP would engage with the Service with regards to fire prevention and safety and that, where relevant, outcomes would be incorporated within the Construction Environmental Management Plan (CEMP)

It was also recommended within the response that given the scale and duration of the works, there should be ongoing engagement between HNP and the NWFR to ensure as the site changes that appropriate plans are in place should there be the need to respond to an incident.

Following the receipt of additional information in response to the Authority's request it was confirmed within the applicant's submission that;

(i) The North Wales Fire and Rescue Service's comments are noted. Horizon and its contractors will liaise to ensure that appropriate measures are contained within the Code of Construction Practice (CoCP).

As a result of the re-consultation process a second response was received from NWFRS on the 12th June, 2018. It was noted that Horizon would engage with the Service with regards to fire prevention and safety and that, where relevant, outcomes would be incorporated within the Construction Environmental Management Plan (CEMP).

The applicant's response to matters raised, in NWFRS initial consultation response, are noted and would address the points raised.

Scottish Power Energy Networks- Suggested that the applicant familiarize itself with their current guidelines in terms of Electrical safety, Manweb equipment in the Wylfa Newydd Area and also the relevant contact information.

This response has been forwarded onto the applicants for information. Following the re-consultation process no further comments were made.

Public Consultation- As a result of statutory publicity carried out in the form of a press advert, the display of 18 site notices in and around the site and 888 individual letters of notification to those properties most directly impacted, 91 letters objecting to the proposal had been received at the time of drafting the report with 1 letter of support.

The main points raised within the objection letters can be summarised as follows;

1. Significant issue raised with lack of data for impact on the Anglesey Terns Special Protection Area.

Officer response: The applicant has amended the submission following IACC's Regulation 22 letter to provide additional precautionary measures where plant and machinery would be suspended on land to the west of the Afon Cafnan (within the AONB) during the tern breeding season (7th March-August 15th)

2. Impact upon the Welsh language and Culture

Officer response: Following consultation feedback, Horizon elected to assess issues relating to Welsh language and Culture voluntarily through the preparation of a Welsh language Impact Assessment. The conclusions of the WLIA confirmed that the SPC Proposals were considered to have a limited effect on the Welsh language. Effects identified in the WLIA were identified as localised and limited to the sub-area of Anglesey North and, more specifically the Local Area of Influence. Notwithstanding this, the s.106 will also include provision towards a Welsh language immersion centre and translation facilities.

3. Impact upon the health of the local population

Officer response: No adverse representations have been received from any of the professional consultees which would justify refusing the application on the basis of unacceptable health impacts upon the local population

4. Premature nature of the application

Officer response: The local planning authority are obliged to consider and determine the application on the basis of the information which has been presented before it. It can also be confirmed that there is precedence for bringing forward early and/or preparatory works with NSIP's under the TCPA process ahead of DCO such as Hinckley 'C' in West Somerset

5. Impact on emergency services

Officer response: The emergency services were consulted as part of the application and their comments have been considered as part of the determination process. No adverse representations were received as a result of this consultation process.

6. Areas of concern within the Environmental Statement.

Officer response: As a result of IACC's Regulation 22 letter which was issued on the 9th February, 2018 an Environmental Statement Addendum was produced to supplement the submitted Environmental Statement (November, 2017) which addressed the points raised by IACC.

7. In the event that the DCO is not granted or the project fails for other reasons, the site will have to be restored. However, replacing on a like for like basis will not be possible. Demolished buildings and houses will not be rebuilt, mature trees and hedges cannot be replaced, bio-diversity and ecology will take years to regenerate.

Officer response: IACC are currently engaged in detailed legal discussions with the applicant in respect of the Restoration and Aftercare of the Site. All costs associated with any restoration works, which will include 'Aftercare and Management' would be underwritten by the applicants and secured by way of an appropriate legal mechanism which is acceptable to IACC

8. Negative Impact on Business and Tourism.

Officer response: The s.106 includes a specific schedule to address issues relating to Tourism.

9. The complexity and magnitude of the proposal should dictate that the proposal is not treated as 'a normal planning application'.

Officer response: Unless directed otherwise by the Welsh Government, IACC are statutorily obliged to determine the application.

10. The scale of the SPC proposals, impacts and planning issues are such as to reasonably warrant full and proper examination and investigation at an independent public local planning inquiry

Officer response: Unless directed otherwise by the Welsh Government, IACC are statutorily obliged to determine the application.

11. Adequacy of the Applicant's assessment of socio economic impacts on businesses within 5km only of the SPC site

Officer response: IACC's overall assessment of the application in terms of socio-economic impacts is island wide with specific emphasis placed on North Anglesey. From a socio-economic perspective the proposal is considered to be a significant positive contributor to the economy overall.

12. Location and limited capacity of local conventional waste management facilities for green waste arising's from SPC Works

Officer response: Following consultation with the North Wales Minerals and Waste Service, comments have been received which have been given due consideration as part of the determination process and included as a condition attached to the permission. As part of its Regulation 22 response the applicant has also confirmed that conventional waste would be managed in accordance with TAN 21 and the nearest appropriate facility principle.

13. Detraction of landscape quality and the loss of traditional grazing land and characteristics, sites of historic interest and areas of landscape importance

Officer response: It is acknowledged that the nature and scale of the application will inevitably have an impact upon the landscape and heritage assets. These impact are assessed in greater detail later in the report.

14. The timing of the application (just before Christmas) means that many people will not have had the time nor focus to properly consider and respond to the application.

Officer response: The timing of the application is a matter which is beyond the control of IACC. Notwithstanding the above, the submission of additional information in response to the Authority's Regulation 22 Response provided individuals with further opportunity to consider and respond to the application.

15. The application is supported by extensive and complicated documentation that the layperson or community council members cannot reasonably be expected to wade through or fully understand within the timescales granted.

Officer response: At the time of writing the application has been before the Authority for some 8 months. This is not considered to be an unreasonable time scale for members of the public to familiarise themselves with the application.

16. The site impinges or directly borders some of the most highly treasured and ecologically sensitive environmental designated areas

Officer response: The site's location in terms of bordering sensitive and protected landscapes is acknowledged and given detailed consideration as part of its assessment of matters later in the report.

17. Impacts upon Groundwater and Surface water

Officer response: IACC has consulted with the relevant technical consultees whose comments have been taken into account as part of the Authority's detailed assessment of matters. No representations have been received which would warrant the refusal of the application

18. Questioning the need for nuclear energy; and suggesting that efforts should be directed towards wind, wave and tidal power.

Officer response: The application presently before IACC is restricted to Site Preparation and Clearance only. It does not extend to consider the merits or otherwise of constructing a nuclear power station although it will enable the early delivery of a new nuclear Power Station.

19. Anglesey Council's Planning Committee might be mindful that the Council arguably appears explicitly tainted with bias on determining this application as the record demonstrates that the Council has, at least since 2008, clearly been actively and consistently canvassing for the applicants main development on the SPC site

Officer response: This is not a material planning consideration. Furthermore, unless otherwise directed by the Welsh Government IACC is statutorily obliged to consider and determine the application which is before it.

Conclusions on Consultation and Publicity Responses: Following a second round of consultation and publicity, objections to the proposal can be summarised as follows;

1) Pre-maturity of the SPC application ahead of approval/commitment to the Wylfa Newydd construction period

Officer response: The local planning authority are obliged to consider and determine the application on the basis of the information which has been presented before it. It can also be confirmed that there is precedence for bringing forward early and/or preparatory works with NSIP's under the TCPA process ahead of DCO such as Hinckley 'C' in West Somerset.

2) Impact on the environment and natural beauty of North Anglesey including the scale of the proposed works being by comparison larger than most settlements

Officer response: It is acknowledged that the nature and scale of the application will inevitably have an impact upon the landscape and heritage assets. These impacts are assessed in greater detail within the report.

3) Disturbance to some of the most ecologically sensitive areas including the AONB, Heritage Coast, Cemlyn Bay SAC, SPA, SSSI, Cestyll Gardens SSSI, and North Anglesey SPA

Officer response: The applicant has amended the submission following IACC's Regulation 22 letter to provide additional precautionary measures where plant and machinery would be suspended on land to the west of the Afon Cafnan (within the AONB) during the tern breeding season (7th March-August 15th). In addition, it can also be confirmed that IACC as competent authority will carry out an Appropriate Assessment as part of its requirements with respect to the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

4) Damage to the Welsh Language and Welsh speaking communities

Officer response: Following consultation feedback, Horizon elected to assess issues relating to Welsh language and Culture voluntarily through the preparation of a Welsh language Impact Assessment. The conclusions of the WLIA confirmed that the SPC Proposals were considered to have a limited effect on the Welsh language. Effects identified in the WLIA were identified as localised and limited to the sub-area of Anglesey North and, more specifically the Local Area of

Influence. Notwithstanding this, the s.106 will also include provision towards a Welsh language immersion centre and translation facilities.

5) Noise, dust and vibration concerns, and the subsequent impact on residents health and wellbeing, particularly to residents living in Tregle

Officer response: The proposal has been subject to extensive consultation procedures with professional consultees. No adverse representations have been received with respect to residential impacts which could justify refusing the application. The proposed development has been designed to prevent as far as possible any adverse impacts on surrounding residential amenity and means to ensure an acceptable standard are proposed to be secured through a planning condition.

6) Inadequate mitigation proposals for reptiles

Officer response: Matters relating to Mitigation proposals for reptiles are considered further in the report.

7) Impact on visitor economy and appeal of the area and the island

Officer response: The s.106 includes provision to address issues relating to Tourism as well as the Environment, Heritage and Community Resilience.

The letter of support which has been received stated the following.

'As a young Welsh speaker brought up in Llangefni I would like to express my support for the Wylfa Newydd development which includes the early works of the site. I also believe it will support the growth of Welsh Speaking communities on the island by securing a future in employment for the current generation...'

While a number of people have raised objections based on their opposition to Nuclear Power in general, this application will not permit the construction of a Power Station and interim waste storage facility – this is a matter for the Secretary of State to consider when they examine any application made to them in due course for a generating station and any such storage facility.

Notwithstanding that these issues are discussed within the main body of the report it is considered that any outstanding issues can be dealt with by way of suitably framed planning conditions and/or Section 106 Obligations.

5. Relevant Planning History

20C265 - Proposed ground investigation works together with the construction of a temporary compound on land adj Wylfa Power Station, Cemaes. **Granted Conditionally 01/12/2010**

20C265A -Full application for the conversion of one outbuilding into a barn owl roost together with the erection of a barn owl tower, and the erection of three bat roosts\barns on land at Wylfa Power Station, Cemaes **Granted Conditionally 27/02/2013**

20C265B- Proposed ground investigation works for a period of 12 months on land at Wylfa Power Station, Cemaes **Granted Conditionally 13/02/2014**

20C265C/DIS- Application to discharge conditions (04) and (05) (protected species) from planning permission 20C265B at Wylfa Power Station, **Cemaes Granted 05/03/2014**

20C265D/DIS- Application to discharge condition (03) (re-instatement of temporary works) from planning permission 20C265B at Wylfa Power Station, Cemaes **Granted 15/01/2015**

20C265E/SCR-Screening opinion for the erection of an Alternative Emergency Control Centre (AECC) and District Survey Laboratory (DSL), the siting of an electricity sub-station and associated works on land at Wylfa Power Satation, Tregle – **EIA Not Required 07/04/2015**

20C265F -Full application for the sinking of boreholes for the purpose of ground investigation works together with proposed temporary ancillary buildings and infrastructure at Wylfa Power Station, Cemaes - **Granted Conditionally 08/09/2015**

20C265G/DET - Application to determine whether prior approval is required for the sinking of boreholes at Wylfa Power Station, Cemaes – **Withdrawn 01/07/2015**

20C265H/DIS- Application to discharge conditions (02) strict conformity with details, (03) re-instatement works and (04) method statements from planning permission 20C265F at Wylfa Power Station, Cemaes – **Conditions Discharged 14/12/2015**

20C265J/SCR - Screening opinion for the erection of an Alternative Emergency Control Centre (AECC) and District Survey Laboratory (DSL) on land at Wylfa Newydd, Cemaes – **EIA Not Required 24/03/2016**

20C265K - Full application for the erection of a replacement Alternative Emergency Control Centre and District Survey Laboratory facilities to support the Magnox Power Station, together with associated vehicle parking, cycle parking, refuse storage, security fencing, external lighting, CCTV cameras, soft and hard landscaping works, new vehicular access from adjacent unclassified road and road widening at the junction with the A5025 on land at Wylfa Newydd, Cemaes – **Granted Conditionally 28/06/2016**

38C310/CONS - Stage One Consultation for Wylfa Newydd, Cemaes – **Responded 05/12/14**

38C310A/SCO - Scoping opinion for site preparation and clearance proposals for Wylfa Newydd Project, Cemaes – **Opinion Given 27/04/2016**

38C310B/SCO/CONS - Consultation from the Secretary of State regarding their Scoping Opinion for the Wylfa Newydd Project - **No Response Date in System**

38C310C/CONS - Public consultation for site preparation and clearance proposals for Wylfa Newydd Project - **Responded 26/05/2016**

38C310D/CONS - Minerals and waste consultation in respect of the off-site associated developments in respect of Wylfa Newydd, Cemaes – **Responded 26/05/2016**

38C310E - Full application for the retention of the change of use of land and an increase in the site area for use as a temporary workers compound, with storage and welfare facilities for a period of 36 months on land at Wylfa, Cemaes **Granted 17/07/2018**

6. Main Planning Considerations

(i) Compliance with Policy.

At the National Policy level the UK Government has, for some time, been developing policy support for the delivery of energy infrastructure and new nuclear Power Stations and this led to the publication of the suite of draft National Policy Statements in late 2009. This included EN-1 relating generally to energy and EN-6 relating to Nuclear Power Generation.

NPS EN-6 identifies eight potentially suitable sites for new nuclear development, one of which is located on the Wylfa Peninsula adjacent to the former Magnox Power Station, which ceased generating on the 30 December, 2015.

It is UK Government Policy that nuclear power should be able to contribute significantly to the national need for new supply capacity as part of an energy mix that includes renewables and fossil fuels with carbon capture and storage. Furthermore, the UK Government considers it important for new nuclear development to be operational as soon as possible.

It is recognised that this application is not for a Nationally Significant Infrastructure Project itself, but the policy context of EN-1 and EN-6 is a significant material consideration given the purpose of the application.

In considering these responses on the principle of development, key considerations for this application include what weight can be placed on the National Policy Statements EN-1 and EN-6 and whether or not the weight of National Policy Statements EN-1 and EN-6 and other material considerations are sufficient to outweigh any conflict with the Development Plan or other material planning considerations.

The weight of the NPSs needs to be considered in the context of an application submitted in advance of an application for a Development Consent Order being made and other development plan policies which seek to minimise unacceptable impacts. The commitment to reinstate the site in the event that development consent for the Nationally Significant Infrastructure Project (NSIP) is not granted also requires consideration in relation to the weight to be given to such commitment as a material planning consideration.

In addition, the Department for Energy and Climate Change (DECC) and the Department for Communities and Local Government (DCLG) issued a joint letter to all local authorities dated 16 July 2009 which addressed the issue of planning applications for "preliminary works on new nuclear sites" (as the case in relation to this application) and confirmed:

"Subject to the legal framework, local authorities should have confidence in considering such applications on their merits, including consideration of the need for an environmental impact assessment for the works in question and whether to grant consent. Local authorities may decide that such consent should potentially be granted on the basis that any preliminary works carried out will be removed if the subsequent application to the IPC is turned down or if, within a specified time, no application is made"

In analysing the national planning policy position in relation to this application it is considered that the weight of the National Policy Statements should carry weight and be regarded as a significant material consideration.

The UK Government support for the early delivery of a new nuclear Power Station adds significant in principle support to this application.

At a Welsh Government level, the 9th edition of Planning Policy Wales published in 2016 together with the Draft 10th edition which was recently out to consultation provides the Land Use planning policies of the Welsh Government, translating the commitment to sustainable development into the planning system so the Welsh Government can play an appropriate role in moving towards sustainability.

The policies cover all matters which can be material in the consideration and determination of planning applications and are supported by the various Technical Advice Notes. The document can be afforded significant weight as a representation of Welsh Government Policy which will be expanded upon further in the proceeding section of the report which analyses the proposed development's 'Sustainable Development' credentials.

Planning Policy Wales acknowledges the key role which the planning system plays in delivering clean growth and decarbonisation and also building resilience to the impacts of climate change. Planning Policy Wales has historically placed sustainable development at the heart of the planning system. The latest edition which was out to consultation until the 28th May, 2018 has also been revised to take full account of the important legislative requirements recently set out in the Well-being of Future Generations (Wales) Act (WFG ACT) which sets out to improve the social, economic, environmental and cultural well-being of Wales. In essence the Welsh Government, through its low carbon transition strategy, recognises the important contribution new nuclear power can make to the UK's energy mix and security of electricity supply and supports the principle of development of a new nuclear Power Station at Wylfa Newydd.

At the local level, the statutory development plan for Anglesey comprises the recently adopted 'Anglesey and Gwynedd Joint Local Development Plan (JLDP) (2011-2026)'. Policy PS9 of the JLDP recognizes the possibility that early works may need to be undertaken to develop the Power Station. Criterion 4 of the Policy states that the need for early nuclear work must be justified in order to:

- ensure the timely delivery of the project or
- that it is designed to provide mitigation measures to address the impacts of the construction or operation of the Project, and
- that there is a strategy for site restoration if the Project is not approved or constructed. It is expected that the costs of restoration work can be secured, including through bonding.

Other criteria in Policy PS9 apply to the various elements of the planning application as well as national planning policies and guidelines.

The principal justification given by HNP for supporting the application (in addition to the positive economic benefits, removal of contaminated material and less intensive main construction phase) is the timely delivery of the Power Station in the national interest which complies with the above policy criteria.

Furthermore, the matter of site restoration and security / bonding to cover the costs of any potential remediation in the event that the construction of the Power Station does not go ahead have also been agreed in principle by way of a S.106 agreement together with the drafting of planning conditions which comply with the requirements of Policy PS 9.

In addition, the treatment of contaminated soil on site also ensures that the proposal complies with criterion 7 of Policy Strategic Policy PS5: Sustainable Development which requires that;

7. Reduce the effect on local resources, avoiding pollution and incorporating sustainable building principles in order to contribute to energy conservation and efficiency; using renewable energy; reducing/recycling waste; using materials from sustainable sources; and protecting soil quality.

In accordance with the requirements of Policy TRA 4 – Managing Transport Impacts, the applicant acknowledges the fact that proposals should be designed in a manner that promotes sustainable modes of transport. To this end, Horizon have confirmed their intention within the CoCP to introduce reasonable measures to promote and incentivise vehicle sharing cycling and walking to work. A planning condition requiring details of these measures has been incorporated as part of the Construction Traffic Management Plan.

A number of Supplementary Planning Guidance documents have been published by the IACC to further inform development plan policies, the most relevant of which for the project is the Wylfa Newydd New Nuclear Build SPG (2018).

The Wylfa Newydd SPG recognises the important contribution new nuclear power can make to the UK's energy mix and security of supply and supports the principle of development of a new nuclear Power Station at Wylfa. The latest revisions to the SPG re-affirm the policies of the original SPG and ensure alignment with the policies of the recently adopted Anglesey and Gwynedd Joint Local Development Plan (2017)

The SPG contains a number of guiding principles which are relevant to socio-economic matters. These include:

- GP1: IACC will require the Wylfa Newydd NNB project promoter to support the delivery of the Energy Island Programme and Anglesey Enterprise Zone maximising the economic opportunities available to the island local communities.
- GP2: *Local job creation and skills development* which should include the maximisation of local labour provision. Criteria (x). of GP2 states "Maximise local labour provision through local employment contracts and labour agreements, employment initiatives, provision of

business and services that employ local people and advertisement of positions". The SPC proposal is anticipated to safeguard 80 positions of local employment.

- GP5: *Supporting the visitor economy* and ensuring the construction and operation of the NNB and any associated developments do not adversely affect the value and importance of tourism to the island.
- GP6: *Maintaining and enhancing community facilities and services*. It is a requirement that the applicant must ensure community services and facilities are in place to accommodate the construction, operation and associated development. Furthermore, new services and facilities should be provided to service the project or to mitigate impacts.
- GP14: *Maintaining and Strengthening Welsh Language and Culture*. The SPG confirms that the Council considers it essential that the Wylfa Newydd Project maintains and, where possible, strengthens Welsh language and culture as an important part of the Island's social fabric and community identity. The WLIA submitted as part of the SPC proposal sets out the measures for achieving this requirement.
- GP20: *Adapting to Climate Change*. The Wylfa Newydd SPG requires the Wylfa Newydd Project to not have significant adverse impacts on Special Landscape Areas or Landscape Character Areas. Policy GP20 suggests development associated with Wylfa Newydd should not have significant adverse impacts on important landscapes, including the AONB. National policy EN-6 (which recognises the regard for such landscapes and designations) states that local designations however should not unduly restrict acceptable development. It is acknowledged that the SPC works will have a direct impact on the AONB, however the application outlines that the works within the AONB will be kept to a minimum in an effort to minimise those impacts.
- GP24: *Planning Obligations*. This policy seeks to ensure the Wylfa Newydd project avoids adverse impacts. As part of this policy requirement the Local Planning Authority has sought to secure a comprehensive set of measures and benefits which will be delivered through planning conditions, and the s.106 which will address the SPG policy requirements listed above.

It is acknowledged that there are certain environmental impacts associated with the proposal however these must be weighed in the balance and considered against NPS EN-6 which identifies Wylfa Newydd as a potentially suitable site for new nuclear development. In analysing the national policy position in relation to this application it is considered that the weight of the National Policy Statements should carry weight and be regarded as a significant material consideration.

In addition to allowing the earliest possible start to the project in line with UK Government Policies, the proposal provides an opportunity to establish working groups and pilot services for the management of effects in advance of the DCO in line with that advocated within the JLDP and Wylfa Newydd SPG. The commitment to re-instate the site in the event that the project does not go ahead or the DCO for the Nationally Significant Infrastructure Project is not granted also requires consideration in relation to the weight to be given to such commitment as a material planning consideration.

Horizon confirms they will cover all restoration and aftercare costs (aftercare being 10 years from the end of the SPC development) which will be circa £6-7m. This will be secured through the s.106 agreement and should be given weight in determining this application.

Overall it is considered that development plan policies and guidance notes, which includes the guidance contained within the latest Wylfa Newydd New Nuclear Build SPG as well as the advice contained in National Policy Statements, provide a robust and well established framework that can be used to assess the proposal.

On balance, it is considered that the proposal complies with the general thrust of the aforementioned policies and guidance notes contained within these documents.

(ii) Compliance with Sustainable Development Principles

One of the key aspects of national policy is the emphasis on sustainability. In Wales this is defined to mean;

'enhancing the economic, social and environmental well-being of people and communities, achieving a better quality of life for our own generations in ways which;

- *Promote social justice and equality of opportunity; and*
- *Enhance the natural and cultural environment and respect its limits-using only our fair share of the earth's resources and sustaining our cultural legacy*

Sustainable development is the process by which we reach the goal of sustainability.'

Critical to achieving the above is the creation of a resilient low carbon economy and the creation of communities where people can live and work.

The economic benefits associated with the granting of planning permission for the proposed development would assist in facilitating the significant and long term contribution to economic prosperity in Anglesey and the wider north Wales region as a result of the operational phase being realised earlier. The SPC proposals are also predicted to safeguard 80 local jobs.

In terms of the environment and ecology the proposal entails the remediation of contaminated soils with the treatment of asbestos and INNS contaminated soil on site and the removal of all hydrocarbon contaminated material off-site to a licensed facility resulting in significant benefits which reduce potential risks to human health and environmental receptors.

The location of the SPC application site has been influenced by that of the Wylfa Newydd Development Area, itself informed by the land area proposed for the Power Station as defined within NPS EN-6. As a result the SPC proposals cannot reasonably be accommodated away from this section of coast. The SPC proposals represent the first substantive phase of the Wylfa Newydd project which will assist in the early delivery and generation of low carbon energy in accordance with national policy.

It is acknowledged that the proposal presents environmental impacts which conflict with the general thrust of the policies which aim to protect and enhance the environment.

However, given the overriding economic and social benefits arising from the SPC proposals coupled with the measures which have been secured to mitigate those environmental effects it is considered that the proposal can be supported in planning policy terms.

The sum total of benefits associated with the proposal, coupled with the presumption in favour of delivering the energy objectives of the UK Government in the national interest are clearly sufficient to outweigh the likely impacts.

Any residual effects are outweighed by the benefits which the SPC proposal facilitate. It is considered that a persuasive case has been presented to demonstrate that the economic and social benefits that will accrue from the development together with the environmental safeguards proposed are sufficient to support this proposal.

(iii) Principle Environmental and Technical considerations

Key issues which were identified are as follows;

Drainage

As part of the development submission the applicant produced a Flood Consequences Assessment (FCA) which describes the requirements of the drainage design and how these have been assessed. The assessment of fluvial and pluvial flood risk presented in the FCA is

based on information from the NRW. Appendices to the FCA present all model outputs as well as the assessment methodology, which describes the criteria used to define the risk of flooding, which is a combination of the hazard (depth, velocity, duration etc), the vulnerability of the land use and the probability of occurrence (return period).

Wherever a risk is described in the document, reference is made to each of these elements and how they are classified, so that it is clear how the conclusion of a low risk has been reached.

The layout of the SPC Application Site and the proposed flood risk management measures are presented for those areas within the site that are noted as having a risk of flooding, even where it is classified as low. Management measures include the proposed drainage system to manage run off from within the site, and adoption of a flood risk management plan, including receipt of flood warnings and operational measures to avoid areas at risk.

Although clearance of stone walls and hedges can locally alter the direction of surface water movement, this is only the case at a local level. With regard to the Tre'r Gof catchment, which covers an area of about 1km², such changes are not considered sufficient to alter the extent of the catchment. The conclusions of the reports submitted in response to the hydrological functioning of the SSSI's at Tre'r Gof and Cae Gwyn (HNP appendix 13-06 and 13-07 respectively) support the evaluation of no significant effects from the SPC works.

In terms of the foul drainage facilities required to manage the mobile welfare units within the main site and remediation compounds, the Applicants have confirmed that cesspools and holding tanks will be utilised.

Having reviewed the additional information submitted it has been confirmed that there would be no objection to the high level proposals in principle, provided that the relevant details are submitted for approval prior to the works being commenced. The Authority will ensure that appropriately framed planning conditions will be included in any approval granted for the development to ensure that these details are presented for consideration prior to the commencement of works on site.

Highways

The Transport Statement which accompanied the SPC application has considered the traffic, transport and road safety implications for the SPC Proposals. It is concluded that the SPC Proposals would not materially affect highway capacity given the projected increase in traffic generated over a 13 month construction period which amounts to 130 movements in and out of the site daily.

Whilst the Highways Authority raise no objection in principle to the proposal, it is acknowledged that there are additional queries outstanding which have been raised by the Authority's own Highways Department in respect of the following;

- Visibility at the A5025 / haul road junction to confirm suitability to accommodate additional HGV / traffic movements
- Proposed measures implemented to promote vehicle sharing and sustainable travel prior to commencement of works
- Confirmation that the improvements to Nanner Road / A5025 improvements will be completed prior to any closure of Cemlyn Road
- Confirmation that sufficient visibility, in accordance with TAN 18 (Transport) requirements can be achieved at each of the formal crossing points
- Greater detail in relation to size, type, specification of the temporary traffic measures to be deployed to deter vehicles from turning off the existing Power Station Access Road.

In the event that these details are not presented to the Authority for consideration prior to the determination of the application, it is considered that suitably framed condition(s) would be appropriate to deal with these matters.

Landscape

The SPC proposals have been designed to ensure that the measures proposed are kept to a minimum at this stage of the project. The extent of the site is determined by the area of the proposed Power Station and its ancillary elements.

The design has sought to ensure that ecological features of significance such as the Tre'r Gof Site of Special Scientific Interest and the ancient woodlands are not compromised as a result of the SPC Proposals. A similar approach is adopted with respect to Cestyll Gardens which is a Grade 2 Registered Historic Park and Garden.

In the event that the DCO project does not proceed, the key features of the historic landscape will be retained and will form an integral part of the proposed restoration scheme which will be secured by way of conditions and s.106 which is funded entirely by the applicant. In addition, it should be noted that the applicant will also be required to remediate all historic contamination on the site and eradicate all invasive non-native species (such as Japanese knotweed) irrespective of the grant of DCO.

A number of international, national and local designations together with species are affected as a result of the proposals and thus require detailed consideration. It is considered that the assessment of the proposal recognises that the proposed development would result in the loss of important features in the local landscape (thereby changing the character of Local Character Areas) and that it is unlikely that it will be possible to recreate them all if DCO consent is not granted or if there is no decision to deliver the project.

Policy AMG 1 in the JLDP states that proposals within the AONB must have regard for the AONB Management Plan.

Policy AMG 3 aims to protect and enhance features and qualities that are distinctive to the local landscape character.

Policy AMG 4 refers to coastal protection and confirms that proposals on the coast will need to demonstrate that the development proposed due to its nature, must be located on the coast, and that there is an overriding economic and social benefit of the development.

Policy AMG 5 and 6 place particular emphasis on local biodiversity conservation and protecting sites of regional and local significance.

Strategic Policy PS 19 in the JLDP clarifies that proposals which have a significant adverse effect on the plan areas distinctive natural environment, countryside and coastline 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 area.

The proposal in this respect conflicts in part with the above policies which seek to protect the natural environment, however given the overriding national interest for the SPC works as part of the wider Power Station project, it is considered that the elements of the SPC application constitute 'exceptional circumstances' as stated within para 5.6.6 of PPW and PS19 of the JLDP. The proposal will:

- Facilitate Local Carbon Energy Generation sooner than would otherwise be possible
- Facilitate Economic benefit in the area and wider region
- Ensure a less intensive Main Construction Phase thus reducing the impacts on local amenities of local residents.
- Result in the removal of all contaminated material which presently exists on site (approximately 6,000 cubic metres)

The proposed development is therefore consistent in the context of PPW and JLDP.

Further to Horizon's response seeking to address the IACC Landscape comments, on 7th August 2018, IACC provided the following concluding comments with respect to the four issues which remained unresolved following re-consultation:

1. Survey of landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

IACC is satisfied with the provision of two conditions which should be attached to the permission and the clarification on the removal of the landscape component listed within Appendix 16-12.

In terms of PRow, IACC accept that no PRows are proposed for removal, however highlight the possible damage to surface of the PRow from vehicles associated with the SPC. IACC would be satisfied with a suitably worded condition for reinstatement if necessary.

2. Effects on landscape components (trees, woodland and hedgerows, stone walls, cloddiau, etc)

IACC outlined the requirements of EN-1 para 5.9.6 to undertake an assessment of effects on landscape components. Horizon has described the physical changes to landscape components and provided an assessment of effects on landscape character. IACC concludes that an assessment of effects on landscape components is fundamental in taking into account the individual components and conditions of the WNDA which is critical to the Landscape Restoration, Management and Aftercare Scheme.

IACC suggests that the Landscape Restoration, Management and Aftercare Scheme for the SPC (to be secured by way of a condition) takes into account local conditions and incorporates the necessary measures to ensure successful re-establishment of vegetation on the site.

3. Effects of light pollution

IACC agrees with inclusion of an appropriate worded planning condition requiring the submission of a lighting strategy to be agreed with IACC. Furthermore, IACC would require Horizon to investigate and incorporate remedial measures in the event lighting complaints are received by the Council.

4. Effects on the statutory purpose of the Isle of Anglesey AONB

The IACC resolved that this issue is no longer outstanding following the additional information which included an assessment of effects on the special qualities and features of the AONB plus a conclusion regarding effects on the statutory purpose.

It is acknowledged that elements of the work will extend to include the AONB towards the West of the site. However, following IACC's Regulation 22 request (dated 9th February, 2018) additional precautionary measures have now been proposed where plant and machinery operations would be suspended on land to the West of Afon Cafnan (within the AONB) during the tern nesting season (March 7th – August 15th). This will be reinforced by an appropriately worded planning condition.

Notwithstanding the above, para 5.5.6 of Planning Policy Wales also advises;

5.5.6 In National Parks or AONB's, special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Park's or AONB's except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards.

Whilst It is recognised that this application is not for a Nationally Significant Infrastructure Project in itself, the policy context of EN-1 and EN-6 is a significant material consideration given the purpose of the application. In light of the additional precautionary measures proposed which include relevant planning conditions attached to the permission coupled with the measures which will be secured by way of the legal agreement., it is considered that the proposal accords with the main thrust of policy in terms of major developments within the AONB.

In the event that the DCO is not granted or the Wylfa Newydd Project does not proceed, the proposed scheme of restoration works would take approximately 12 months to be implemented, followed by an agreed aftercare period of 10 years to ensure suitable landscape maintenance

and the provision of ongoing mitigation. All costs associated with these restoration works including aftercare would be underwritten by the applicant and secured by way of a legal agreement.

Ecology

There are two substantive changes to the SPC proposals since submission that have been designed to further mitigate potential environmental impacts as well as addressing the concerns of consultees. These are

- The proposed temporary cessation of all heavy plant and machinery work associated with the SPC works within the AONB to the West of the Afon Cefn during the tern nesting season (7th March – August 15th)
- The removal from the proposals of the diversion of a stretch of the Nant Porth-y-Pistyll

The revised scope of works proposed in respect of the SPC planning application is such that the previously estimated schedule of 15 months to complete the required works has now been reduced to 13 months.

Two receptor sites have been secured by Horizon to accommodate species translocated or displaced from the Wylfa Newydd Development area: a reptile receptor site and a receptor site for species listed in accordance with Section 7 of the Environment (Wales) Act 2016. The Section 7 species receptor site comprises approximately 15 ha of land and is located to the north-west of the Wylfa Newydd Development Area.

In addition to the above, and as result of stakeholder comments, the applicant has committed to providing an additional 28 hectares of land at Wylfa Head as compensatory habitat at which will be secured through the legal agreement..

The reptile receptor site comprises approximately 5ha of land located at Mynydd-lthel Farm, to the south-west of the Wylfa Newydd Development Area. It is separated into two parcels of land by the track to Mynydd lthel farmhouse.

The receptor sites (which are currently subject to on-going management) are located outside the SPC Application Site and would be secured and managed through a planning condition to provide optimum habitats for the species affected. They would act as a receptor site for displaced species as well as a habitat corridor through which animals could move off-site into the surrounding wider landscape. The land has been secured by Horizon through a lease agreement for a period of 15 years (which places it under Horizon's control) to allow sufficient time for the establishment of landscaping on the completed landform surrounding the proposed Power Station. The lease commenced mid-2017 and will terminate mid-2032, seven years after the current completion programme date for completion of the Power Station.

Taking into account seasonal working requirements, clearance works would take place across the SPC site in a manner that accommodates constraints such as the bird nesting season, mitigation requirements and operational practicalities. The site clearance works would also be under taken in a generally south westerly direction, initially commencing in the most north easterly area of the SPC application site before progressing in a south westerly direction. This would be to ensure that wildlife is not driven towards the coast and the A5025.

As a result of ecological concerns raised over the adequacy of fungal surveys across the site, further fungi survey work was undertaken by Horizon during autumn 2017 and the data was assessed alongside previous survey data from 2012, 2013 and 2016. The updated survey report identified three areas considered to be nationally important and three areas considered to be regionally important with regard to their waxcap conservation value.

Of the six important areas, the applicant has confirmed that Area 5 is the only one that would be affected by the SPC Proposals, as it is the only area that overlaps with the proposed contaminated land remediation works area. However, it is considered that the loss which is presented as a 'worst case scenario' would represent 10.7% of the total study area which is

predicted to be a small magnitude of change. A minor adverse effect is therefore predicted by the Applicant which would not be significant.

As acknowledged in Section 4 of this report relating to *Consultation and Publicity*, concerns have also been raised with respect to the impact on choughs as a result of this application. The SPC Environmental Statement however concludes that impacts on chough would be negligible. Appendix 5-04 of the Environmental Statement Addendum- Volume 3A states that...p123;

Due to the nature of the SPC Proposal, even with a far less robust baseline and extreme application of the precautionary principle, it would be difficult to justify any conclusion other than 'negligible-effects'.

The conclusion has been reached in the Environmental Statement and the subsequent Addendum that the measures of design, mitigation and operational control associated with the SPC Proposals are such that sensitive ecological sites within the application area will not be adversely compromised. Furthermore, the proposed ecological management plan for Mynydd y Wylfa – Trwyn Penrhyn, referred to as the 'Wylfa Head Management Plan' which has been included within the s.106, principally as a result of feedback from stakeholders, includes within its objectives, the maintenance of habitat suitable for choughs.

On balance, it is therefore considered that the sum total of benefits associated with the proposal coupled with the principle of (and urgent need for) low carbon energy as established in UK Government Policy are sufficient to outweigh any identified impacts from this proposal. Furthermore, the weight of evidence provided to support the assertion of negative ecological impact is not so compelling in itself so as to justify a recommendation of refusal.

It is considered that the application can be appropriately regulated through the imposition of suitably framed planning conditions together with the measures contained within the s.106. In addition it should be emphasised that the granting of planning permission does not remove the need to comply with statutory provisions which lie beyond the remit of the planning regime

(iv) Restoration safeguards

In the event that the DCO is not granted or the Wylfa Newydd Project does not proceed, a scheme of restoration would be implemented to return the site to an acceptable condition. For the purposes of this assessment a maximum restoration scenario has been assumed. This would mean that the worst case level of SPC works had been implemented and would need to be appropriately restored. In reality this may not be the case as not all of the SPC Works may have been undertaken at the time a decision not to proceed with the Wylfa Newydd project is taken.

The restoration works are intended to take approximately 12 months, followed by a 10 year aftercare period to ensure suitable landscape maintenance. All compounds would be re-instated and returned to their original condition, access to all Public Rights of Way would be maintained and marshalled where necessary, the three road crossings would be retained as agricultural accesses and all perimeter fencing together with temporary buildings and associated plant would be extracted and removed at the end of the 12 month period following the completion of the restoration works.

The landscaping scheme delivered under a restoration scheme will include the restoration of many field boundaries, landscape planting, the re-building of stone walls and cloddiau using existing stone saved for re-use and other works designed to re-instate the site to a state resembling its former condition (although demolished buildings would not be re-instated). It is anticipated that most of the pre-existing hedgerows would be re-instated by management of re-growth from retained root stock, as it is only proposed to cut hedgerows down to ground level and not to grub out roots.

The restoration works would be undertaken in a phased manner, the details of which are to be secured by way of condition and legal agreement. All costs associated with these restoration works which include the agreed management and aftercare of the site are also to be

underwritten by the applicants and secured by way of the legal agreement attached to the permission.

(v) Welsh Language and Culture considerations.

The application is accompanied by a Welsh Language Impact Assessment. It presents an assessment of the effects of the SPC works on the Welsh language and local community, including the restoration of the site in the event that the Wylfa Newydd Project does not proceed.

In relation to Welsh language considerations, IACC's Scoping Opinion (April, 2016) referred to the Planning Wales Act 2015 which gives greater status to the Welsh language as a material consideration when determining planning applications. The Scoping Opinion advised that Horizon should demonstrate that consideration has been given towards the impact upon Welsh-speaking local communities from construction workers involved in the SPC Proposals.

In light of these comments, Horizon elected to assess issues voluntarily through its Welsh language Impact Assessment which details the consideration of effects in relation to the five key aspects of community life with a view to establishing both the effects of the SPC Proposals on the community in general and on the Welsh language more specifically. The five key matters considered are identified as follows;

- *Population characteristics*-effect of employment creation of SPC works on population characteristics
- *Quality of life*-effect of the SPC works on the quality of life
- *Economic factors*-effect on local businesses, employment creation, tourism businesses and synergistic effects
- *Infrastructure Supply*-additional pressures on public and local services and infrastructure
- *Social and Cultural Aspects*-effect on social cohesion and a change in the sense of community

The methodology used in the WLIA follows adopted national and local planning policy guidance which includes the Authority's own Supplementary Planning Guidance: Planning and the Welsh Language (2007).

Potential intra-project cumulative effects in terms of the Welsh language and culture as identified by HNP are expected to mainly arise from the project wide effects of the Wylfa Newydd Project developments, as opposed to the SPC Proposals. However, the main potential effects on the Welsh language as a result of the SPC works are identified by the applicants as being from the workforce. The workforce at peak would amount to 80 safeguarded positions in total, the majority of which are expected to originate from the Daily Construction Commuting Zone (DCCZ), which includes Anglesey and therefore no effects are expected in terms of changes to the population of Anglesey and, subsequently, the proportion of Welsh speakers.

Both Horizon and its preferred contractor have adopted Welsh language policies that adhere to the IACC's Welsh language Policy. Horizon remains committed to ensuring that it and its appointed contractors adhere to the requirements of their respective Welsh language policies throughout all aspects of the SPC Works, in conjunction with the IACC. It is considered that this will maintain and enhance the golden thread of Welsh language through all activities.

No effects are expected on infrastructure supply including schools and health care facilities or on the social and cultural aspects. Due to the nature of the works, no change is expected to occur to local Welsh traditions and culture across Anglesey or Anglesey North as a whole, however the WLIA does acknowledge that the SPC proposals could have an adverse impact on the understanding of the Welsh culture of Anglesey through the demolition of 35 buildings (which include 8 residential dwellings) across the SPC site which contribute towards the cultural identity of the rural area and the removal of historic Welsh place names.

IACC's response upon Welsh Language and Cultural issues however remain concerned with the content of the further revised version of the WLCMS (revision 0.2) since some mitigation

proposals have been amended/diluted and omitted. The wording in many instances has moved from that of commitment to consideration.

The response goes on to state that a statement is required outlining that Horizon and associated contractors will adhere to the IACC's Welsh language Policy in all aspects of the project and communication with the public.

In response to these concerns HNP have re-affirmed their commitment to Welsh Language and Culture. In their Statement in Response to the Authority's Regulation 22 Information Request it was confirmed that Horizon and its preferred contractor have adopted Welsh language policies that adhere to the IACC's Welsh language Policy.

Their response went on to state...*Horizon remains committed to ensuring that it and its appointed contractors [adhere] to the requirements of their respective Welsh language policies throughout all aspects of the SPC Works, in conjunction with the IACC. It is considered that this will maintain and enhance the golden thread of Welsh Language through all activities.*

(vi) Residential Amenity considerations.

Whilst a development of this scale and nature will inevitably cause some disruption to the amenity of some local residents, the applicant has incorporated measures to ensure that such impacts are avoided, minimised and where necessary mitigated.

The proposal has included a series of measures which incorporates existing elements of the site and utilises available resources in an effort to minimise impacts on residential amenity:

1. Site Compound (which is in existing use and consented under a separate planning permission) is sited approximately 400m away from the nearest residential property.
2. Remediation Processing Compound is sited approximately 450m from the nearest residential property. It will be screened from public vista by existing buildings (WSSC) and established vegetation to be retained for the duration of the SPC works.
3. The proposal entails the use of the existing main access route into the site which minimises disruption.
4. There will be no deliveries and movements of construction site traffic during peak traffic periods 08:00 - 09:00, 15:00 - 16:00.
5. Artificial lighting will be restricted to compound areas only and controlled/regulated by condition.
6. A Construction Traffic Management Plan (CTMP) secured by condition will regulate and control HGV movements, parking, loading and storage.
7. The applicant has confirmed that they will encourage construction workers on site to adopt sustainable modes of travel to reduce unnecessary vehicular movements. The Local Planning Authority have put forward draft conditions to monitor and manage these arrangements.
8. The applicant has confirmed a series of 'good practice' measures such as water suppression systems to dampen stock piles and internal site haul roads during construction. In addition to the above, suitably framed planning conditions are proposed requiring dust and air quality monitoring equipment to be installed prior to the commencement of the SPC works which will continue until all works are complete.
9. The creation of satellite material processing and storage compounds which will allow the safe storage of equipment and materials close to where it is required, thus reducing the disruption caused by HGV movements across the site.

The Code of Construction Practice (CoCP) accompanying the application also sets out the high level strategies to be undertaken on site to ensure necessary mitigation is incorporated into the works. The strategies and commitments in the CoCP will be secured through the planning permission and will inform detailed Construction Environmental Management Plans (CEMP's) to be prepared by the appointed Contractor's and approved by the Authority in advance of works being undertaken on site.

The CEMP is a delivery document that details how the practical execution of the SPC Works will be planned, managed and controlled to comply with the requirements of the CoCP, as well as the planning permission, other necessary consents, legislation and relevant good practices.

To ensure that concerns and queries of the resident communities living in close proximity to the development works are addressed, the applicant states that in line with the CoCP, there will also be a dedicated Community Liaison Group established as part of the development through a S.106.

In conjunction with the usual regulatory regime, the CLG will operate bilingually and ensure that appropriate action is taken in response to any non-compliance with approved plans or construction arrangements, or in the event of physical damage, in accordance with an enforcement protocol.

A complaints register will be maintained by Horizon and made available to the Authority upon request. All calls will be logged and mapped, together with a record of the responses and action taken. Mapping will be used to record the locations where key concerns are raised by individuals and local communities or other stakeholders.

The extensive work in the Environmental Statement demonstrates that the application will not result in significant adverse effects on residential receptors. This is further confirmed by the Rapid Health Impact Assessment Screening Statement, which also forms part of the application.

On balance, subject to the imposition of appropriate planning conditions and securing suitable planning obligations through the s.106, the effects of the proposed development are considered to be appropriately mitigated such that any residual effects are outweighed by the benefits which the SPC proposals facilitate. Furthermore it should be noted that the granting of planning permission does not remove the need to comply with additional statutory powers beyond the planning regime which will also be applicable to the development such as;

- Noise Act 1996,
- Noise and Statutory Nuisance Act 1993
- Environmental Protection Act 1990, and;
- Control of Pollution Act 1974

(vii) Advantages of the proposal

The basis for and benefits of carrying out the a works sought under the SPC application ahead of the DCO application include

- Allowing the earliest possible start to the project, which is in line with government energy policies; whilst
- Recognising and securing the first phase of economic opportunities related to the wider Project for Anglesey which include

(i) Enabling the development to be brought forward by some 12 months which results in a less intensive Main Construction phase of the DCO development.

(ii) Remediation of significant areas of land that have been historically contaminated by asbestos, hydrocarbons and trichloroethene. As part of the SPC proposals Horizon would remediate all historic contamination on the site and eradicate all invasive non-native species (such as Japanese knotweed) irrespective of the grant of DCO.

(iii) Providing an opportunity to establish working groups and pilot services for the management of effects in advance of the DCO which will enable those working groups and schemes to continue to work efficiently from the start of the DCO period.

This approach is endorsed in the Wylfa Newydd SPG. These schemes will be delivered by way of a s.106 which will be a legally binding obligation entered into between the applicant and the local authority.

The draft Heads of Terms propose 'pilot' services and initiatives that can be implemented and delivered from the outset, thus ensuring that the benefits of the project can be optimised sooner and managed effectively by IACC to mitigate the impacts upon the communities in the North of Anglesey.

IACC is continuing to advance the content of the s.106 with Horizon and other parties in the event that planning permission is granted.

The terms of the agreement are still to be finalised, but are anticipated to include (but are not necessarily limited to) the following matters;

1. Local Facilities Contribution
2. Tourism
3. Heritage and Archaeology
4. Welsh Language
5. Employment, Education and Skills
6. Local Purchasing and Supply Chain Development
7. SPC Worker Accommodation
8. Environment, Heritage and Community Resilience Contribution
9. Landscape and Environment
10. Implementation and Monitoring
11. Landscape Restoration
12. Wylfa Head Management Plan
13. Noise Survey Scheme, Air Quality and Vibration
14. Public Rights of Way

IACC has considered what is necessary to make the development acceptable in planning terms in the context of the overall project which forms the context for the application.

The Council has considered the effects of development applied for, taking into account the context and basis of the application and consultation responses. The mitigation sought is directly related to the development; and fairly and reasonably related in scale and kind to the development in this context.

The extent of the planning obligations requires planning judgements to be exercised. In this case the considerations include not only the statutory purpose and existing government policy, but also the national imperative of the timely delivery of new nuclear Power Stations and the need to mitigate local impacts acceptably.

Any update in relation to these areas will be provided at or prior to the Committee meeting.

(viii) Conclusions of Habitats Regulations Assessment (HRA)

The Habitats Regime in the UK is derived from the Habitats Directive and the Wild Birds Directive. Article 6(3) of the Habitats Directive provides: *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives."* This requirement has been implemented in England and Wales by the **Conservation of Habitats and Species Regulations 2017**.

The habitats regime in the UK applies to special areas of conservation (SACs) candidate special areas of conservation (cSAC's) and special protection areas (SPAs). As a matter of government policy, the regime also applies to potential special protection areas (pSPAs) and Ramsar sites. All of these are collectively referred to as European sites or Natura 2000 sites.

Works on the Wylfa Newydd site will be in proximity to a number of designated sites including the Anglesey Terns SPA, Glannau Ynys Gybi SPA and the Cemlyn Bay SAC. Impacts on species based in other designated areas may also be experienced as a consequence of the project.

Habitats decisions can be determinative of whether permission can be granted at all. Where the habitats process determines that there is a likely significant effect on designated sites which adversely affect the site's integrity in the light of its formal conservation objectives, permission cannot be granted regardless of the planning merits.

The assessment of significance will depend on the facts and circumstances of the conservation objectives in the Natura 2000 sites affected, but generally will include factors such as the percentage of habitat loss, the duration and permanence of impacts, the level of any relative change (such as changes in water or air quality) and the timescale for the replacement of any loss of population. It is however acceptable in the screening stage to have regard to the effect of mitigation measures designed to prevent or reduce effects. That mitigation must however be effective enough such that IACC as the competent authority, has no doubts as to the adequacy of those measures. As competent authority for the purposes of the 2017 Regulations, IACC must not normally agree to any plan or project unless it is sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a European site.

HNP submitted as part of its application, a Report to Inform Habitats Assessment Screening (also referred to as a "Shadow HRA"). In the Shadow HRA it concluded that there would be no likely significant effects on designated sites and therefore that an assessment was not required. Accordingly it did not initially provide further information to allow the IACC to undertake that assessment.

The consultation response received from NRW however advised that, in its view, the application did not contain enough information for IACC to be certain to the required standard that there would be no likely significant effects on designated sites. Legal advice has since been obtained on this matter and has confirmed that the advice provided by NRW is considered to be reasonable. Under the Regulations, the Authority is obliged to 'have regard' to the NRW advice.

Given the views of NRW and having regard to the views of other interested bodies, the Authority requested further information from HNP by way of a formal Regulation 22 request, to carry out a Test of Likely Significant Effect. There is a duty on Horizon under the regulations to provide the competent authority with the information it requires to determine whether an assessment is required and if one is, to provide such information as is reasonably required for the competent authority to undertake this assessment.

In response to this formal request, additional information was presented to the Authority for consideration on the 31/05/2018. A second round of public notification and re-consultation was subsequently carried out which terminated on the 06/07/2018. As a result of these measures further representations were received which have been captured and are discussed further within the relevant sections of this report. However, in terms of the requirements with respect to the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), and the Habitats and Regulation Assessment Process, it can be confirmed that HNP submitted a Report to Inform Habitats Regulations Assessment Screening for SPC Addendum (RIHRA Addendum) which included a re-assessment of the SPC proposals, taking account of a recent European Court of Justice (ECJ) ruling referred to as '*People over Wind*'. The RIHRA Addendum included a re-assessment of the SPC proposals, taking account of the '*People over Wind*' case and excluding those measures that HNP considers to be mitigation or avoidance measures in the context of this judgement. As part of its Habitats Regulations Assessment, Horizon maintained that there was no requirement for in-combination assessment. This was predicated on the fact that project changes had been made to strengthen this argument (restriction of the operation of plant and machinery on land to the west of the Afon Cefn during the tern nesting season) together with additional information provided in the ES Addendum.

The IACC however were not in agreement with HNP's opinion that the 'screening' conclusion provided in the RIHRA Addendum was robust when considered in reference to the '*People over Wind*' judgement and has proceeded to complete an Appropriate Assessment of the SPC proposals prior to the determination of the planning application. This assessment has concluded that, with the application of appropriate mitigation which are well-established and reliable, the SPC will not have an adverse effect on the integrity of protected sites, alone or in combination.

The local planning authority can therefore proceed to consider the application on its planning merits. A copy of this assessment which has been prepared by this Authority in accordance with Regulation 63 Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') has been attached as an Appendix marked **Appendix 1** at the back of this report.

(ix) Consideration against The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities across Wales to ensure the 'sustainable development principle' (meeting the needs of the present without compromising the ability of future generations to meet their own needs) is met. Section 4 of the Act puts in place a number of well-being goals which authorities are to seek to achieve in order to meet this principle. These goals include achieving 'a Wales of cohesive communities', containing attractive, viable, safe and well-connected communities, and 'a Wales of vibrant culture and thriving Welsh language', containing a society that promotes and protects culture, heritage and the Welsh language.

In assessing the proposed development, it has been found that it meets and does not conflict with the aims of the seven well-being goals as follows:

A prosperous Wales. The proposed development is not considered to conflict with this aim, which seeks an innovative, productive and low carbon society which recognises the limits of a global environment and therefore uses resources efficiently and proportionately.

A resilient Wales. The proposed development has incorporated measures which will enable the environment to be regenerated in terms of the landscape and environment, in the event that the project does not proceed. It is considered that the impacts of this proposal can be satisfactorily reversed without causing unacceptable harm to the environment in the long term.

A healthier Wales. The proposed development is neither in support or conflict of this aim, which seeks to promote a society where people's physical and mental well-being is maximised.

A more equal Wales. The proposed development supports this aim, which seeks to promote a society that enables people to fulfil their potential no matter of their background or circumstances.

A Wales of cohesive communities. The proposed development offers the opportunity to create a safe and secure environment for the communities which surround the site. Planning Conditions and contributions under negotiation will further assist in achieving this aim.

A Wales of vibrant culture and thriving Welsh language. The proposed development is neither in support or conflict of this aim, which seeks a society that promotes and protects culture, heritage and the Welsh language. Planning Conditions and s.106 contributions will support the achievement of this aim.

A globally responsible Wales. The proposed development will contribute positively on a wider societal level in particular, which supports the aim of this goal. This proposal indirectly supports the UK Governments legally binding target to cut greenhouse gas emissions.

7. Conclusion

The application falls to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; that is, it is to be determined in accordance with development plan policies unless material considerations indicate otherwise.

In this respect it is considered that National Policy Statements and other more up to date development plan policies and local guidance notes are on balance, supportive of the development.

In combination with the need for the development as stated by the applicant and taking into account the representations made in relation to prematurity and/or there being no need for the

development, it is considered, on balance, that there is an in principle need for the development at this time. The urgency - which is of identified national importance - is considered to sufficiently outweigh concerns including that the site preparation application is 'premature' vis a vis the DCO process, that it is not certain at this stage that the nuclear Power Station will be consented in other regulatory processes, and the fact that there will be some significant impacts as a result of the development, to mean that the development is considered acceptable "in principle" provided that assessment does not identify significant adverse impacts that are not capable of being adequately mitigated or dealt with.

In this respect it can be confirmed that there are no technical or environmental reasons that would prevent the development of the site and it is considered that the development does constitute 'sustainable development'.

On balance it is considered that the development, subject to suitable mitigation measures, will make a positive contribution in helping to develop the economy without causing unacceptable impacts to the environment or the local community. The proposal will;

- Facilitate Low Carbon Energy Generation sooner than would otherwise be possible
- Facilitate Economic Benefits in the area and wider region
- Ensure a less intensive Main Construction Phase thus reducing the impacts on the amenities of local residents
- Result in the removal of all Contaminated Material which presently exists on site

It is believed that the information provided with the application, the views and comments received from consultees (and interested parties) together with the other material considerations discussed above provides a persuasive and compelling argument that on the facts of this particular case the application ought to be approved. With the mitigation proposed and to be secured by the recommended planning conditions and obligations, the Council considers that the adverse environmental impacts of the development are sufficiently outweighed by the need for the development and other material considerations to lead to a recommendation to grant planning permission as set out below.

As stated within Section 4 of this Report – 'Public Consultation', while a number of people have raised objections based on their opposition to Nuclear Power in general, this application will not permit the construction of a Power Station and interim waste storage facility – this is a matter for the Secretary of State to consider when they examine any application made to them in due course for a generating station and any such storage facility. The application will however facilitate the early delivery of a new nuclear Power Station at Wylfa Newydd.

8. Recommendation

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

To **permit** the development subject to the imposition of conditions in general accordance with those recommended by officers and the execution of an Agreement under s.106 of the Town and Country Planning Act 1990 (as amended) addressing and/or requiring;

1. Local Facilities Contribution
2. Tourism
3. Heritage and Archaeology
4. Welsh Language
5. Employment, Education and Skills
6. Local Purchasing and Supply Chain Development

7. SPC Worker Accommodation
8. Environment, Heritage and Community Resilience Contribution
9. Landscape and Environment
10. Implementation and Monitoring
11. Landscape Restoration
12. Wylfa Head Management Plan
13. Noise Survey Scheme, Air Quality and Vibration
14. Public Rights of Way

General Conditions

1. Time Limit – Commencement of Development

The Development and works hereby permitted shall be commenced before the expiration of two years from the date of this permission.

Reason: in accordance with Section 91 of the Town and Country Planning Act 1990, as the works are only justified under the development plan where they facilitate the earlier delivery of works on the site this permission requires to be implemented within two years.

2. Approved Drawings / Documents

The Development and works hereby permitted shall be carried out in accordance with the approved drawings and documents set out within Appendix 1:

Reason: To ensure that all works are properly implemented and retained.

3. Code of Construction Practice

3.1 No development shall commence until a Code of Construction Practice (CoCP) has been submitted to and approved in writing by the Local Planning Authority in consultation with NRW. The CoCP shall include all of the following:

(a) Construction Method Statement

(b) Construction Traffic Management Plan (CTMP)

The CTMP within the CoCP shall include details of:

- (i) The parking of vehicles for site operatives and visitors;
- (ii) The loading and unloading of plant and materials;
- (iii) Storage of plant and materials used for the works;
- (iv) Wheel washing facilities;
- (v) Hours and days of operation and the management and operation of construction and delivery vehicles;
- (vi) The timings of construction traffic movements along the A5025;
- (vii) Details of measures relating to access, egress and parking provision to all residential and business premises affected as a result of the works during construction; and
- (viii) Traffic Management for both the construction and operational phase of the temporary construction compound. The plan(s) shall identify suitable safety measures required to mitigate the increased volume of HGV traffic.

and shall also incorporate the following restrictions:

- (ix) No deliveries shall arrive, be received or dispatched from the site outside the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 on Saturdays and there shall be no deliveries outside these times or at all on Sundays or Bank Holidays unless otherwise agreed in writing in with the Local Planning Authority or unless the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are exceptional circumstances (i.e. emergency works); and
- (x) No traffic movements associated with the development are to be undertaken on school arrival and departure routes, to include workers arriving or departing from sites, construction traffic routes and deliveries, during the hours of 08:00 to 09:00 and 15:00 to 16:00 on weekdays, unless otherwise agreed with the Local Planning

Authority or unless the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are exceptional circumstances (i.e. emergency works).

- (xi) Details of measures to be implemented to promote and incentivise sustainable modes of transport for construction workers.

(c) Public Access Management Strategy

The CoCP shall include details of:

- (i) the management of Public Rights of Way (PRoW), Private Means of Access (PMAs) and cycle routes, including their access during the construction period. any necessary closures and/or diversions of PRoWs, to be obtained by means of Temporary Traffic Regulation Orders under the Road Traffic Regulations Act 1984;
- (ii) the marshalling arrangements and how these will be communicate to the public; and
- (iii) the bilingual public signage and information to be provided on the PRoWs.

(d) Site Construction and Waste Management Plan (SCWMP)

The SWMP within the CoCP shall provide details of:

- (i) The location of all related waste and material stocking areas associated with the development
- (ii) The description and frequencies of all activities to be undertaken within areas noted in (i) e.g. crushing, screening, storing, blending
- (iii) Typical working days and hours of operations carried out in (ii)
- (iv) Stockpile management plan within areas noted in (i)
- (v) How topsoil is to be stored and handled within the site.
- (vi) The access and egress route with appropriate traffic monitoring in order to control traffic movements;
- (vii) The timings of deliveries and main construction traffic arrivals and departures to avoid periods such as school arrival/leaving times;
- (viii) Measures to avoid depositing mud, or other debris onto the public highway by traffic movement;
- (ix) Method statement relating to loading and unloading of plant and materials; with details of any wide or unusual loads which may be required to deliver construction materials.
- (x) The amount of waste that is to be generated by the development and how all wastes associated with the site are to be managed and the timescales involved. A methodology will be required specifying the amount of site won material and wastes that is to be reused within the development and in what capacity together with the amount of wastes to be exported off site. There will also be a requirement to clearly state which facilities will be utilised for offsite treatment and/or disposal of wastes and materials cross referencing valid planning permissions and available capacities within such facilities.
- (xi) Contact names and numbers of personnel responsible for adherence to the management plan;

(e) Welsh Language and Culture

The CoCP provide details of how the developer will incorporate the use of Welsh Language into the development, including bilingual communications with the public and use of bilingual public signage.

(f) Temporary Lighting scheme

Where temporary construction lighting is proposed, the CoCP shall include details of any temporary construction lighting to be installed at the Site (including measures to prevent light spillage) to ensure safe working practices are adhered to.

(g) Pollution prevention and control scheme

The CoCP shall include details of the pollution prevention and control measures set out in the environmental statement, including:

- (i) Air quality measures including management of emptying of sumps to prevent releases to the air;
- (ii) Noise and vibration control measures;
- (iii) How warnings to the local community of noise or vibration events will be communicated; and
- (iv) A contamination watching brief

(h) Dust Monitoring Plan

The Dust Monitoring Plan shall detail the monitoring locations, system and appropriate alert thresholds.

(i) Noise and Vibration Monitoring Plan

The Noise and Vibration Monitoring Plan shall detail the monitoring locations, system and appropriate alert thresholds.

(j) Biosecurity Risk Assessment and Method Statement

A biosecurity risk and method statement including measures to identify and remove Non-native invasive species which shall include a Japanese knotweed method statement.

(k) Water Treatment Scheme

The scheme for water treatment will provide details of:

- (i) the cess pool and holding tanks associated with welfare facilities at the main site compound and the Remediation Processing Compound;
- (ii) how discharge of foul water to watercourses will be prevented; and
- (iii) the retention on-site, storage and removal of polluted and contaminated water.

(l) Drainage

The CoCP shall include:

- (i) A surface water drainage scheme and any flood risk management measures required with respect to fluvial and surface water flood risk to enable the SPC works, detailing how surface water will be managed and drained; and
- (ii) An Ordinary Watercourse Management and Maintenance Plan which details the monitoring of the operation of ordinary watercourses. Where any works are required within 15m of the banks of an ordinary watercourse, the Ordinary Watercourse Management and Maintenance Plan will include a detailed risk assessment of those works and an additional protection measures plan to address any risks identified.

(m) Fencing

Construction details of all of the fencing to be erected on the Site, including the designs (foundations, materials, colour or colours, heights, etc) and locations of the perimeter fencing.

(n) Notable Wildlife Management Area

A scheme for the establishment and management of the Notable Wildlife Management Area

(o) Site of Special Scientific Interest (SSSI)

- i. The CoCP shall set out how Tre'r Gof SSSI and the Cae Gwyn SSSI will be protected during works and shall include a Habitat Protection and Monitoring Plan for SSSI buffers.
- ii. The CoCP will be updated by the developer as required to ensure the methods used reflect the changing needs of the works during construction and, for example, any relevant updates to industry guidance or legislation. Any amendments to the CoCP shall be submitted to and approved in writing by the Local Planning Authority (in consultation with NRW where the Local Planning Authority considers such consultation to be appropriate) before they take effect.
- iii. The development hereby permitted (including any restoration works) shall be undertaken in accordance with the CoCP or any revision or amendment thereof all as approved by the Local Planning Authority in consultation with NRW.

Reasons:

To prevent pollution to the land and/or water environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings.

To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings.

To ensure the appropriate management of Invasive Non Native Species (of plant).

In the interests of road safety and amenity of transport and to minimise the impacts of the Development on the highway network.

For the avoidance of doubt and to ensure development is carried out in accordance with the permitted application details, to ensure that the development is carried out with the minimum harm to the local environment and is restored appropriately.

To minimise flood risk and the impacts of the Development on sensitive ecological and environmental receptors.

(p) Ecology and landscape management strategy

No works shall commence until an Ecology and landscape management strategy which includes:

- a) a programme of managing and monitoring the ecological receptor sites;
- b) a programme of phasing of works to ensure that wildlife is directed toward receptor areas;
- c) mitigation measures for species affected by habitat clearing including proposals for the trapping and translocation of species under the supervision of Ecological Clerk of Works to receptor areas; and
- d) a scheme to minimise or prevent the incidental capture or killing of protected species has been approved in writing by the Local Planning Authority in consultation with NRW. The development hereby permitted shall be undertaken in accordance with the Ecology and landscape management strategy approved by the Local Planning Authority under this condition.

Reason: To safeguard protected species.

Pre-commencement conditions – ecology and landscape

4. Great Crested Newts Mitigation Details

Prior to the commencement of works on site, no works in areas identified as sensitive habitat for great crested newt (GCN) shall commence until detailed mitigation measures relating to GCN have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the GCN mitigation measures approved by the Local Planning Authority under this condition.

Reason: To safeguard and mitigate the impacts on a protected species.

5. Otter Mitigation Details

Prior to the commencement of works on site, detailed mitigation measures relating to otter, including reasonable avoidance measures, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the otter mitigation measures approved by the Local Planning Authority under this condition.

Reason: To safeguard and mitigate the impacts on a protected species.

6. Landscape Survey

No development shall take place until the scope of a detailed survey of the landscape components of the site has been submitted to and agreed in writing with the Local Planning Authority and this survey has been undertaken, submitted to and agreed in writing with the Local Planning Authority. This survey should include survey plans, notes, cross-sections and photographs to fully document the locations, sizes, materials and species composition, condition, natural heritage and amenity value of:

- All trees, groups of trees and areas of woodland.
- All ancient and semi-natural woodlands.
- All field and roadside boundaries, including hedgerows, stone walls, cloddiau, etc.
- All footpath routes, surfacing and means of access, including gates, styles, etc.

Reason: To inform the Interim Management/Maintenance Plan, the Detailed Landscape Restoration Scheme and 10 year Management Plan, the Scheme for the retention, protection and enhancement of the existing ancient and other woodland, site boundary trees, hedgerows, stone walls, cloddiau, etc, and all new landscape schemes proposed.

7. Landscape Scheme

No development shall take place until a Landscape scheme for the site has been submitted to and agreed in writing with the. This scheme should set out all works to landscape elements on the site including (but not limited to):

- a) The removal or works to be undertaken to trees, groups of trees, areas of woodland, hedgerows, stone walls, cloddiau and other field and road boundaries.
- b) The works to footpath routes, surfacing and means of access, including gates, styles, etc.
- c) On-site or off-site landscaping and planting to assist with screening the SPC and DCO works from sensitive receptor locations (eg Tregele).

Reason: to minimise the effects on landscape and visual amenity.

8. Interim Management/Maintenance Plan

No development shall take place until an Interim Management/Maintenance Plan for the site has been submitted to and agreed in writing with the Local Planning Authority. This Plan should include a description of the maintenance operations to be undertaken, a programme of the maintenance works and plans showing the locations of the maintenance operations. It is to be implemented for the duration of the period between the completion of the SPC works permitted under this permission and the commencement of works permitted under the DCO or the commencement of restoration works.

Reason: to ensure that the site is maintained to prevent surface water run-off, the return of protected species and the potential for colonisation by invasive species.

9. Outline Landscape Restoration Scheme and 10 year Management Plan

13.1 No development shall take place until an Outline Landscape Restoration Scheme and 10 year Management Plan for the site has been submitted to and agreed in writing with the Local Planning Authority. The Outline Landscape Restoration Scheme and 10 year Management Plan should include a description of the principles and key design standards for the restoration and maintenance operations to be undertaken should the DCO not be granted or it is otherwise decided not to proceed with the development of a new nuclear power station on the Site, the scenarios and triggers for implementing the detailed Scheme, an outline programme of the works and plans showing the locations of the operations and should include:

- a) Principles for the reinstatement of trees, groups of trees, areas of woodland, field boundaries and ground vegetation;
- b) Principles for the reinstatement of footpath routes, surfacing and means of access, including gates, styles, etc; and
- c) Principles for a 10 year Maintenance Plan – to include regular maintenance checks, watering, mulching, replacement and removal of stakes and grazing protection, replacement of plant material that fails to establish, control of invasive species, grazing and cultivation regimes and the maintenance of stone walls, cloddiau, fencing, etc.

Reason: to give certainty of the restoration principles and standards should the DCO not be granted or the future development of the site otherwise not proceed.

10. Retention Scheme

No development shall take place until a Scheme for the retention, protection and enhancement of the existing ancient and other woodland, site boundary trees, hedgerows, stone walls, cloddiau, etc, and all other vegetation and structures to be retained on the site for the duration of the SPC works (and/or beyond) has been submitted to and agreed in writing with the Local Planning Authority. This Scheme should include a description of the

planting, structures and operations to be undertaken, a programme of the works and plans showing the locations of the planting, structures and operations and should include:

- a) Proposed planting plans and specifications – to include plant species, provenance, sizes, numbers and locations.
- b) Construction details for temporary grazing protection around all new planting – to include materials, heights, locations and timescales for its installation and removal.
- c) Construction details for the temporary fencing required to protect the root zones of all trees, hedgerows and areas of scrub to be retained for the duration of the SPC works – to include the designs (foundations, materials, colour or colours, heights, etc), locations and timescales for the installation and removal of this fencing.
- d) Construction details for all stone walls, cloddiau, fencing to be reinstated, repaired or enhanced – to include the designs (materials, heights, etc), locations and construction methods.
- e) 10 year Maintenance Plan – to include regular maintenance checks, watering, mulching, replacement and removal of stakes and grazing protection, replacement of plant material that fails to establish, control of invasive species and maintenance of stone walls, cloddiau, fencing, etc.

Reason: to ensure that these landscape components are retained and enhanced for the duration of the SPC and construction phases of the development.

11. Ecological Clerk of Works

No works shall commence until an Ecological Clerk of Works (ECoW) has been appointed to manage the supervision of site clearance and construction activities during the development to ensure that these are carried out in accordance with the Construction Environmental Management Plan and any other plan approved under this permission.

Reason: To prevent disturbance and damage to designated sites and to prevent offences under protected and controlled species legislation and nature conservation policy and guidance.

Pre-Commencement Conditions - Archaeology

12. Written Scheme of Investigation

No works shall be carried out until a detailed Written Scheme of Investigation (WSI), comprising of archaeological recording on site, recording of historic buildings, surveys, archaeological excavation and watching briefs, post-excavation, analysis, reporting, publication, dissemination and archiving of any archaeological interventions, is prepared by the developer and approved in writing by the Local Planning Authority.

Reason: To ensure archaeological and other heritage assets of national importance are recorded prior to destruction and in accordance with the requirements of NPS EN-1 (paras 5.8.19 – 20).

13. Area 05 South

No works shall be carried out until a WSI for Archaeological Area 05 South (O5S) is submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development hereby permitted adequately addresses the sensitive constraints of this nationally significant archaeological site.

Hours of Working

14. Working Hours

- 15.1 No development, works or construction activity, (including Maintenance and Security) other than emergency works: shall take place outside the hours set out below without prior approval from the Local Planning Authority:

Time week	Construction staff		Office staff (Temporary Construction Compound)
	Summer shift	Winter shift	
Weekday	07:00-19:00	08:00-16:00	09:00-17:00
/ Saturday	07:00-13:00	08:00-13:00	Not applicable

15.2 Other than emergency works, there shall be no working outside of these hours, or on Sundays and public holidays.

15.3 For the purposes of this permission, emergency works are those immediately necessary to prevent or remove risks to the life, safety or health of persons, livestock or ecology or which if not carried out would or would be likely to result in pollution, flooding or damage to property.

15.4 The Local Planning Authority shall be notified as soon as practical of the undertaking or proposed undertaking of emergency works outside of the permitted working hours, the nature of the emergency and the required works, and the duration or anticipated duration of the emergency works.

Reason: To safeguard the amenity of local residents and occupiers.

Nature Conservation

1. No development shall take place within the boundaries of the Tre'r Gof SSSI or the Cae Gwyn SSSI.

2. There will be no use of heavy plant or machinery within 10metres of any bat barns.

3. Any habitat which is assessed by the Ecological Clerk of Works appointed under condition 11 as likely to be supporting hibernating species, may not be removed between November and March.

15. Schedule 1 Birds Mitigation Details

No works in areas identified as sensitive habitat for Schedule 1 Birds shall commence during the breeding period until detailed mitigation measures, including Reasonable Avoidance Measures, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the Schedule 1 birds mitigation measures approved by the Local Planning Authority under this condition.

Reason: To safeguard and mitigate the impacts on a protected species.

16. Terns

No development shall be undertaken on land to the west of Afon Cafnan as identified on Drawing WN0903-JAC-OS-DRG-00034 during the Tern breeding period 7th March – 15th August.

Reason: To safeguard and mitigate the impacts on a protected species.

17. Bat Mitigation Compliance

The development shall be undertaken in accordance with the bat mitigation and compensation measures as specified in Appendix 14-23 of the Environmental Statement - 'EPS Mitigation Licence Method Statement Delivery Information'.

Reason: To safeguard and mitigate the impacts on a protected species.

18. Water Voles Compliance

Works shall be undertaken in accordance with the water vole mitigation and compensation measures as specified in Appendix 14-21 of the Environmental Statement - 'Water Vole Licence Method Statement'.

Reason: To safeguard and mitigate the impacts on a protected species.

19. Red Squirrel Mitigation Details

No works in areas identified as sensitive habitat for red squirrel shall commence until detailed mitigation measures relating to red squirrel, including Reasonable Avoidance Measures, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the red squirrel mitigation measures approved by the Local Planning Authority under this condition.

Reason: To safeguard and mitigate the impacts on a protected species.

Magnox Facility

20. Demolition of Alternative Emergency Control Centre (AECC) / District Survey Lab (DSL) Demolition of the existing Magnox AECC and DSL shall not commence until an operational, replacement AECC and DSL have been provided.

Reason: To ensure continued compliance with Office for Nuclear Regulation requirements.

Bilingual Highway Signage

21. Bilingual Highway Signage

All temporary construction signage and permanent highway signage installed as part of the development shall be provided in Welsh and English.

Reason: For the avoidance of doubt.

Cultural Heritage

22. Archaeological Compliance

All works carried out as part of the SPC proposals granted under this permission shall be carried out in strict accordance with the approved WSI as set out in condition 12. A detailed report on the archaeological work, as required by condition 12, shall be submitted to and approved in writing to the Local Planning Authority within six months of the completion of the archaeological works.

Reason: To ensure archaeological features are recorded correctly prior to destruction and to ensure compliance of the archaeological work carried out is within a reasonable timeframe and in strict accordance with the approved details required by condition 12.

Drainage

23. No Surface Water discharge to Highway

No surface water from hard surfaces approved as part of the SPC works shall discharge onto any highway.

Reason: In the interests of highway safety

24. Foul water discharge to watercourses

There shall be no discharge of foul water to watercourses.

Reason: To ensure effective site drainage and prevent contamination of watercourses

Access

25. Surfacing of accesses to public highways

The first 8 metres from the nearside edge of the public highway of each new vehicular access shall be completed with a bitumen/concrete surface, with its gradient not exceeding 1 in 20 for the first 8 metres. Gates shall be set back a distance of 8 metres from the nearside edge of the adjoining carriageway with the gates opening inwards.

Reason: In the interests of highway safety.

Contaminated Land Verification Report

26. Contaminated Land Verification Report

Following completion of the SPC works a Contaminated Land Verification Report shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of Public Protection and to ensure protection of identified sensitive environmental receptors.

Re-use of Material

27. Re-use of Material

All stone from dismantled buildings, stone walls and cloddiau shall be retained on-site for re-use on the site in accordance with the landscape schemes and management/maintenance plans agreed with the Local Planning Authority.

Reason: to ensure sufficient suitable materials for the repair, maintenance and re-construction of stone walls, cloddiau and any other stone structures proposed on the site.

Soil storage

28. Soil storage

- i. Topsoil and subsoil shall be graded and stored separately.
- ii. All temporary soil storage mounds shall not exceed 3m in height.
- iii. All temporary soil storage mounds which will be in place (in whole or in part) for more than six months shall be seeded with an appropriate low maintenance seed mix.

Reason: to limit effects on landscape character and visual amenity.

Landscape Character

29. Landscape Character

The existing trees and woodland around the proposed treatment area (as shown on plan []) shall not be felled until the treatment area is no longer in use.
Approval of external colours of portable cabins and other structures prior to installation on site.

Reason: to limit effects on landscape character and visual amenity.

Restoration and Aftercare

30. Detailed Landscape Restoration Scheme

No later than 6 months following the earliest of: a) date of refusal of the application for a development consent order made under Planning Inspectorate reference EN10007 or b) the taking of any decision by Horizon Nuclear Power or any successor as prospective developer of a new nuclear power station on the Site not to proceed to proceed with the development of that new nuclear power station; or c) the expiry of 4 years from the date of implementation of this permission, a Detailed Landscape Restoration Scheme which is in accordance with the Outline Landscape Restoration Scheme approved under

condition 9 and the Landscape Survey agreed under condition 9 shall be submitted to the Local Planning Authority for approval.

The Detailed Landscape Restoration Scheme shall include:

- (i) a detailed programme of the works including any phasing
- (ii) plans showing the locations of the operations
- (iii) details of reinstatement of trees, groups of trees, areas of woodland, field boundaries and ground vegetation;
- (iv) details of reinstatement of footpath routes, surfacing and means of access, including gates, styles, etc; and
- (v) a 10 year Maintenance Plan – to include regular maintenance checks, watering, mulching, replacement and removal of stakes and grazing protection, replacement of plant material that fails to establish, control of invasive species, grazing and cultivation regimes and the maintenance of stone walls, cloddiau, fencing;

The works required by the Detailed Landscape Restoration Scheme as approved shall commence within 6 months of approval of the scheme under this condition.

The Detailed Landscape Restoration Scheme shall be carried out in accordance with the CoCP. The developer will submit any proposed amendments or revisions the CoCP required for the carrying out of the Detailed Landscape Restoration Scheme to the Local Planning Authority for approval at the same time as the Detailed Landscape Restoration Scheme is submitted under this condition.

Reason: to limit effects on landscape

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) and carrying out any minor amendments or additions to such obligations as set out in the Heads of Terms presented in this report before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

Informatives:

1. This decision notice must be read with the terms of the legal agreement entered into pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (insert date). You are advised to satisfy yourself that you have all relevant documentation.
2. All tree works required in connection with this planning permission shall be undertaken in accordance with “BS 3998:2010 Tree Work – Recommendations” (2010) and “BS 5837:2012 Tree Survey” (2012). The planning permission is subject to an agreement under section 106 of the Town and Country Planning Act 1990. All works undertaken shall where required have a licence issued by the relevant licensing body pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) (or any Regulations revoking or re-enacting these Regulations) authorising the specified activity/development to go ahead.
3. Any culvert piping of any land drainage ditch or watercourse will require the approval of the Environment Agency under section 23 of the Land Drainage Act 1981.
4. Any surface water discharges from developed areas of the site should be managed to the equivalent greenfield run-off, with sufficient storage being provided to accommodate a 1 in 100 year return period storm event, including an allowance for climate change.
5. Surface water soakaways should be designed and constructed to comply with B.R.E. Digest 365, or a similar approved method.
6. The cesspool should be designed in accordance with the requirements of BS 6297.
7. Any intended diversion or culverting of an ordinary watercourse, will require the express approval of this Authority under Section 23 of the Land Drainage Act 1991. It is advisable that the developer discusses proposals with the Local Lead Flood Authority, at the earliest opportunity.
8. A separate consent from the Highway Authority will be required for the approval of access construction details, including surface water drainage, before any work is carried out to the public highway.
9. There are public footpaths and cycle paths on the application site. Any diversion, stopping up or amendment would require permission under separate legislation or other provisions and is not granted by this planning permission.

10. This decision notice relates solely to the Town and Country Planning Act 1990 (as amended) and does not purport to grant any approval, which may be required under separate European or UK legislation in relation to protected species. Under the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 all nesting birds are protected and the act prohibits disturbance to the birds while they are nesting during the breeding season 1 March – 30 September.
11. This decision notice relates solely to the Town and Country Planning Act 1990 (as amended) and does not purport to grant any approval, which may be required under separate European or UK legislation in relation to protected species. Under the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994, it is an offence to disturb a bat in its place of shelter, to kill or injure a bat or to damage, destroy or prevent access to its roosting site, whether or not the roost is occupied at the time. If evidence of use by bats is found a licence may be required from the relevant regulatory authority.
12. Wales & West Utilities has no apparatus in the area, however, gas pipes owned by GTs and privately owned may be present. Information regarding such pipes shall be obtained from the owners;
13. Safe digging practices, in accordance with HS(G)47 must be used to verify and establish the presence of mains, pipes, services and other apparatus on site before a mechanical plant is used.
14. The proposed development site is crossed by 150mm and 200mm foul gravity sewers together with a 150mm rising main with their approximate position being marked on the attached Statutory Public Sewer Record. Under Section 159 of the Water Industry Act 1991, Dwr Cymru Welsh Water has rights of access to its apparatus at all times, and as such would require an easement of 3m either side of the centreline of these pipes. Should the proposed development be located within the protection zones of the sewer crossings, there would be a requirement to divert the public sewers, which can be applied for under Section 185 of the Water Industry Act 1991.
15. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
16. The proposed development is crossed by 3 and 4 inch distribution watermain(s) together with a 15 inch trunk water main, their approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access their apparatus at all times. Dwr Cymru Welsh Water have enclosed Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
17. National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.
18. Statutory electrical safety clearances must be maintained at all times. National Grid recommends that no permanent structures are built directly beneath National Grid overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)". The statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. Further detailed information can be obtained from the Energy Networks Association's (www.energynetworks.org.uk) Technical Specification E-43-8 for "Overhead Line Clearances", Issue 3 (2004). Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions. Overhead Line profile drawings should be obtained using the above contact details.
19. If a landscaping scheme is proposed as part of the proposal, National Grid request that only slow and low growing species of trees and shrubs are planted beneath and adjacent

to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

20. Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of National Grid’s towers. These foundations extend beyond the base of the tower. Pillar of Support drawings should be obtained using the contact details above.
21. Due to the scale, bulk and cost of the transmission equipment required to operate at 275kV or 400kV National Grid only support proposals for the relocation of existing high voltage overhead lines where such proposals directly facilitate a major development or infrastructure project of national importance which has been identified as such by government.
22. To promote the successful development of sites crossed by existing overhead lines, and the creation of well-designed places, National Grid has produced ‘A Sense of Place’ guidelines, which look at how to create high quality development near overhead lines and offer practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines. Further information regarding National Grid’s undergrounding policy and development near transmission overhead lines is available at <http://www.nationalgrid.com/uk/LandandDevelopment>.

Appendix 1: Site Preparation & Clearance Works: Schedule of Planning Application Documents and Drawings submitted

Table 1 - Planning Application Documents

Document Title	Date Submitted
Planning Application Covering Letter (in Welsh and English)	November 2017
Planning Application Form, Certificates and Notices (in Welsh and English)	November 2017
Landowner/Agricultural Tenant Notices	November 2017
Planning application drawings	November 2017
Planning Statement	November 2017
Pre-application Consultation Report (in Welsh and English)	November 2017
Design & Access Statement (in Welsh and English)	November 2017
Environmental Statement Non-Technical Summary (in Welsh and English)	November 2017
Environmental Statement Volume 1	November 2017
Environmental Statement Volume 2 (Figures)	November 2017
Environmental Statement Volume 3 (Appendices)	November 2017
Rapid Health Impact Assessment Screening Statement	November 2017
Transport Statement	November 2017
Welsh Language Impact Assessment (in Welsh and English)	November 2017
Water Framework Directive Compliance Assessment	November 2017
Report to Inform Habitat Regulations Assessment Screening	November 2017
Code of Construction Practice	November 2017
Glossary and Abbreviations	November 2017
Additional Information Covering Letter (in Welsh and English) including amended Description of Development	May 2018
Response to Regulation 22 Request	May 2018
Planning application drawings	May 2018
Environmental Statement Addendum	May 2018
Environmental Statement Addendum Volume 2: Replacement Figures	May 2018
Environmental Statement Addendum Volume 3: Additional Appendices	May 2018
Addendum Report to Inform Habitat Regulation Assessment Screening for SPC	May 2018
Revised Community Impact Report (in Welsh and English)	May 2018
Air Quality Cumulative Effects Technical Note	June 2018

Schedule of Submitted Drawings

Drawing No.	Title	Date	Scale	Paper
WN0903-JAC-OS-DRG-00001 Rev1	Site Location Plan	May 2018	1:5000	A0
WN0903-JAC-OS-DRG-00002	Existing Site Plan	Nov 2017	1:5000	A0

WN0903-JAC-OS-DRG-00003	Existing Public Rights of Way	Nov 2017	1:5000	A0
WN0903-JAC-OS-DRG-00004 Rev1	Proposed Site Plan (Following Completion of SPC Works)	March 2018	1:5000	A0
WN0903-JAC-OS-DRG-00006	Existing Cemlyn Road Crossing Layout	Nov 2017	As shown	A1
WN0903-JAC-OS-DRG-00008	Proposed Main Site Compound Layout (Phase A)	Nov 2017	1:500	A1
WN0903-JAC-OS-DRG-00009	Proposed Site Plan: Phase F	Nov 2017	1:5000	A0
WN0903-JAC-OS-DRG-00010	Proposed Existing Power Station Road Crossing (Phase F)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00011	Proposed Cemlyn Road Crossing (Phase F)	Nov 2017	1:500	A1
WN0903-JAC-OS-DRG-00012	Proposed Site Plan: Phase G	Nov 2017	1:5000	A0
WN0903-JAC-OS-DRG-00013	Proposed Remediation Processing Compound Layout (Phase G)	Nov 2017	1:500	A1
WN0903-JAC-OS-DRG-00014 Rev1	Proposed Site Plan Layout: Phase E	March 2018	1:5000	A0
WN0903-JAC-OS-DRG-00015 Rev1	Proposed Compound 1 Layout (Phase E)	March 2018	1:200	A1
WN0903-JAC-OS-DRG-00016	Proposed Satellite Compound 2 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00017	Proposed Satellite Compound 3 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00018	Proposed Compound 4 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00019	Proposed Compound 5 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00020	Proposed Compound 6 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00021	Proposed Compound 7 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00022	Proposed Compound 8 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00023	Proposed Compound 9 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00024	Proposed Compound 10 Layout (Phase E)	Nov 2017	1:200	A1
WN0903-JAC-OS-DRG-00025 Rev1	Proposed Site Plan: Phase B	March 2018	1:5000	A0
WN0903-JAC-OS-DRG-00026	Proposed Site Plan: Phase D	Nov 2017	1:5000	A0
WN0903-JAC-OS-DRG-00029 Rev1	Proposed Site Plan: Phase C	April 2018	1:5000	A0
WN0903-JAC-OS-DRG-00030 Rev1	Proposed Temporary Construction Fencing	March 2018	As shown	A3
WN0903-JAC-OS-DRG-00032 Rev1	Proposed CPNI Fencing	March 2018	As shown	A3
WN0903-JAC-OS-DRG-00033	Proposed 0.9m High Temporary Internal Boundary Fencing Elevation and Section	Nov 2017	As shown	A3
WN0903-JAC-OS-DRG-00034 Rev1	Landscape Restoration Principles	April 2018	1:5000	A0

WN0903-JAC-OS-DRG-00036 Rev1	Tree Removals / Retentions Plan Inset 1	May 2018	1:2500	A0
WN0903-JAC-OS-DRG-00038 Rev1	Tree Removals / Retentions Plan Inset 2	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00039 Rev1	Tree Removals / Retentions Plan / Horizon Owned / Leased Land Key Plan	May 2018	1:5000	A0
WN0903-JAC-OS-DRG-00040 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Key Plan	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00041 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Inset 1	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00042 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Inset 2	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00043 Rev1	Tree Removals / Retentions Plan Inset 3	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00044 Rev1	Tree Removals / Retentions Plan Inset 4	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00038 Rev1	Tree Removals / Retentions Plan Inset 2	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00039 Rev1	Tree Removals / Retentions Plan / Horizon Owned / Leased Land Key Plan	May 2018	1:5000	A0
WN0903-JAC-OS-DRG-00040 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Key Plan	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00041 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Inset 1	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00042 Rev1	Tree Removals / Retentions Plan / Horizon Option Land Inset 2	March 2018	1:5000	A1
WN0903-JAC-OS-DRG-00043 Rev1	Tree Removals / Retentions Plan Inset 3	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00044 Rev1	Tree Removals / Retentions Plan Inset 4	May 2018	1:2500	A1
WN0903-JAC-OS-DRG-00045	Topography Drawing	Undated	1:5000	A0
60PO8028_LSC_D-00025 Rev1	Arboricultural Survey	24 April 2018	DNS	A0



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

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Wylfa Newydd Site
Preparation and Clearance
Application
38C310F/EIA/ECON

Assessment against Regulation 63 of
the *Conservation of Habitats and
Species Regulations 2017*

www.ynysmon.gov.uk
www.anglesey.gov.uk



Document Version

No.	Details	Date
1	Draft for review	10/08/18
2	Draft for consultation	28/08/18

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Statement

Isle of Anglesey County Council (IACC) is determining an application for Site Preparation and Clearance works (SPC) at the proposed Wylfa Newydd power station site, submitted by Horizon Nuclear Power (HNP) under Section 57 of the *Town and Country Planning Act 1990* (Application Ref. 38C310F/EIA/ECON). As part of this determination IACC is required (as the competent authority) to comply with Regulation 63 of the *Conservation of Habitats and Species Regulations 2017* (the ‘Habitats Regulations’).

IACC has completed a ‘screening’ assessment of the SPC works, which has been undertaken with due regard to the ‘People over Wind¹’ ruling (which indicates that mitigation measures should not be factored in to the screening stage but instead considered through an ‘appropriate assessment’). IACC’s assessment is based, inter alia, on the evidence submitted by HNP in its application, including the ‘Report to Inform Habitats Regulations Assessment Screening’ (RIHRA)²; the ‘Addendum to the RIHRA³’; the Environmental Impact Assessment (EIA)⁴ and its Addendum⁵; and HNP’s Regulation 22 response⁶. It also takes account of evidence produced as part of the separate Development Consent Order (DCO) application, and the discussions of the DCO HRA Working Group (comprising HNP, Natural Resources Wales (NRW) and IACC). The following report provides a summary of the technical assessments and the reasoning for IACC’s conclusions.

IACC’s screening has concluded that, in the absence of mitigation, significant effects cannot be objectively excluded for the following sites:

- Bae Cemlyn/Cemlyn Bay SAC (due to risks associated with changes in terrestrial water quality; changes in marine water quality; and invasive non-native species).
- Morwenoliaid Ynys Môn/Anglesey Terns SPA (due to risks associated with changes in visual and acoustic stimuli; changes in terrestrial water quality; changes in marine water quality; and invasive non-native species).

¹ Case C 323/17 Court of Justice of the European Union: People Over Wind

² HNP (2017) *Wylfa Newydd Project Site Preparation and Clearance: Report to Inform Habitats Regulations Assessment Screening (Stage 1 Report)*. Horizon Nuclear Power, Gloucester.

³ HNP (2018) *Wylfa Newydd Project Site Preparation and Clearance: Report to Inform Habitats Regulations Assessment Screening (Stage 1 Report) Addendum*. Horizon Nuclear Power, Gloucester.

⁴ HNP (2017) *Wylfa Newydd Project Site Preparation and Clearance: Environmental Statement*. Horizon Nuclear Power, Gloucester.

⁵ HNP (2018) *Wylfa Newydd Project Site Preparation and Clearance: Environmental Statement Addendum*. Horizon Nuclear Power, Gloucester.

⁶ HNP (2018) *Wylfa Newydd Project Site Preparation and Clearance: Regulation 22 Request for Further Information – Statement in Response*. Horizon Nuclear Power, Gloucester.

For all other European sites and effect pathways the screening has concluded either that the SPC proposals will have no or imperceptible effects on the sites or their interest features (and so there is no possibility of ‘in combination effects’); or that there will be no significant effects, alone or in combination with other plans and projects.

Following an appropriate assessment in accordance with the Regulations, IACC (as the competent authority) has determined that the SPC works will not have an adverse effect on the integrity of Bae Cemlyn/Cemlyn Bay SAC or Morwenoliaid Ynys Môn/Anglesey Terns SPA, alone or in combination, due principally to the incorporated measures that will ensure that potential impact pathways are not realised.

This assessment has taken due regard of the opinion of the Statutory Nature Conservation Body, Natural Resources Wales (NRW).

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1. Introduction

1.1 Wylfa Newydd Site Preparation and Clearance Application

Isle of Anglesey County Council (IACC) is determining an application for Site Preparation and Clearance works (SPC) at the proposed Wylfa Newydd power station site, submitted by Horizon Nuclear Power (HNP) under Section 57 of the Town and Country Planning 1990 (Application Ref. 38C310F/EIA/ECON). These works broadly comprise the clearance of above ground features (e.g. hedgerows and walls), site establishment, soil remediation, erection of site fencing, and localised demolition works.

As part of this determination IACC is required to comply with Regulation 63 of the *Conservation of Habitats and Species Regulations 2017* (the ‘Habitats Regulations’), which states that if a plan or project is “(a) is likely to have a significant effect on a European site⁷ or a European offshore marine site⁸ (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site” then the competent authority (in this case IACC) must “...make an appropriate assessment of the implications for the site in view of that site’s conservation objectives” before giving consent, permission or other authorisation.

1.2 Habitats Regulations Assessment

The process by which Regulation 63 is met is known as Habitats Regulations Assessment (HRA). An HRA determines whether there will be any ‘likely significant effects’ (LSE) on any European site as a result of a project’s implementation (either on its own or ‘in combination’ with other plans or projects); and, if so, whether these effects will adversely affect the site’s

⁷ Strictly, ‘European sites’ are: any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a ‘Site of Community Importance’ (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the ‘new wild birds directive’) apply; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Habitats Regulations are applied a matter of Government policy when considering development proposals that may affect them. “European site” is therefore used in this letter in its broadest sense, as an umbrella term for all of the above designated sites.

⁸ ‘European offshore marine sites’ are defined by Regulation 15 of *The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007* (as amended); these regulations cover waters (and hence sites) over 12 nautical miles from the coast.

integrity. European Commission guidance⁹ suggests a four-stage process for HRA, although not all stages will necessarily be required (see Box 1).

Box 1 – Stages of Habitats Regulations Assessment

Stage 1 – Screening:

This stage identifies the likely impacts upon a European Site of a project or plan, either alone or ‘in combination’ with other projects or plans, and considers whether these impacts are likely to be significant.

Stage 2 – Appropriate Assessment:

Where there are likely significant effects, or where this is uncertain, this stage considers the effects of the plan or project on the integrity of the relevant European Sites, either alone or ‘in combination’ with other projects or plans, with respect to the sites’ structure and function and their conservation objectives. Where it cannot be concluded that there will be no adverse effects on sites’ integrity, it is necessary to consider potential mitigation for these effects.

Stage 3 – Assessment of Alternative Solutions:

Where adverse effects remain after the inclusion of mitigation, this stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European Sites.

Stage 4 – Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain:

This stage assesses compensatory measures where it is deemed that the project or plan should proceed for imperative reasons of overriding public interest (IROPI). The EC guidance does not deal with the assessment of IROPI.

The ‘screening’ test or ‘test of significance’ is a low bar: a plan should be considered ‘likely’ to have an effect if the competent authority (in this case IACC) is unable (on the basis of objective information) to exclude the possibility that the plan could have ‘significant’ effects on any European site, either alone or in combination with other plans or projects; an effect will be ‘significant’ if it could undermine the site’s conservation objectives. It should be noted that recent case law¹⁰ has reinforced the interpretation of the screening test as a low-bar ‘trigger’, suggesting that mitigation measures should not be factored in to the screening stage but instead considered through an ‘appropriate assessment’ stage.

The ‘appropriate assessment’ stage provides an examination of those effects that are significant or uncertain¹¹, to determine whether there will be ‘adverse effects on integrity’ (AEoI) for any European sites because of the proposal. It should be noted that the approach

⁹ European Commission (2002) *Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. European Commission, Brussels.

¹⁰ Case C 323/17 Court of Justice of the European Union: People Over Wind

¹¹ i.e. where the possibility of significant effects cannot be excluded (‘likely significant effects’).

to the ‘appropriate assessment’ is not prescribed: it must simply be ‘appropriate’ to the plan being considered and the scale and nature of the likely effects; and be sufficient to remove any residual uncertainties regards the effect of the proposals on site and feature integrity.

1.3 Key Documentation and Timeline

HNP submitted a ‘Report to Inform Habitats Regulations Assessment Screening’ (RIHRA) with its application¹². This was intended to provide the evidence required for IACC to undertake its assessment of the SPC proposal against Regulation 63, although as HNP concluded that there would be ‘no likely significant effects’ (alone or in combination) the report only covered the ‘screening’ stage of the HRA process. The RIHRA reflected the technical assessments that have undertaken as part of the Wylfa Newydd scheme design, the separate Development Consent Order (DCO) application, and the discussions of the DCO HRA Working Group (comprising HNP, Natural Resources Wales (NRW) and IACC).

In summary, HNP’s RIHRA concluded that there would be ‘no significant effects’ on any European sites as a result of the SPC works, and that any effects that did occur would be ‘*de minimis*’ and too inconsequential to have any risk of ‘in combination’ effects with other schemes (including the Wylfa Newydd Main Works). This conclusion was based on assessments of the exposure and sensitivity of the European site interest features to the outcomes of the SPC proposal, taking into account various incorporated mitigation and avoidance measures (e.g. pollution control measures). This approach was consistent with established practice for ‘screening’ proposals for ‘likely significant effects’ (based on the “Dilly Lane” judgment¹³).

The planning submission, including the RIHRA, was reviewed by NRW and IACC, with IACC taking due regard of NRW’s comments as the appropriate Nature Conservation Body¹⁴. NRW did not fully concur with the conclusions of the RIHRA regarding disturbance effects on the Anglesey Terns/ Morwenoliaid Ynys Môn SPA, noting that further avoidance measures would be required to be confident that the effects of the SPC works would be imperceptible and effectively nil (so avoiding the need for an ‘in combination’ assessment at the screening stage); further information was also requested on other aspects of the RIHRA (including possible ‘in combination’ effects in relation to air quality). IACC consequently issued a

¹² HNP (2017) *Wylfa Newydd Project Site Preparation and Clearance: Report to Inform Habitats Regulations Assessment Screening (Stage 1 Report)*. Horizon Nuclear Power, Gloucester.

¹³ Hart District Council v Secretary of State for Communities and Local Government [2008] EWHC 1204

¹⁴ Strictly, the requirement under Regulation 63(3) for IACC to have regard to any representations from NRW only applies to the ‘appropriate assessment’ stage; in this instance, however, IACC elected to consult NRW on the ‘screening’ set out in the RIHRA, and have regard to its views.

formal ‘Regulation 22’ letter which, inter alia, requested additional information on some aspects of the RIHRA.

HNP produced an Addendum to the RIHRA¹⁵ (hereafter the ‘RIHRA Addendum’) to provide this information; it also considered the implications of the European Court of Justice (ECJ) ruling referred to as ‘People over Wind’¹⁶, which was issued in April 2018.

1.4 This Report

This report summarises IACC’s assessment of the SPC proposals against Regulation 63 of the Habitats Regulations. IACC’s assessment draws on the information provided by HNP in its planning submission, particularly the technical assessments within the RIHRA and RIHRA Addendum (collectively, the ‘Shadow HRA’); the Environmental Impact Assessment (EIA) and the EIA Addendum; HNP’s Regulation 22 response; and NRW’s consultation responses. Where appropriate, the data and assessment information within the RIHRA and RIHRA are cross-referenced to avoid unnecessary duplication, particularly where IACC and NRW concur with the conclusions of the Shadow HRA. IACC’s assessment is undertaken with due regard to the ‘People over Wind’ ruling.

¹⁵ HNP (2018) *Wylfa Newydd Project Site Preparation and Clearance: Report to Inform Habitats Regulations Assessment Screening (Stage 1 Report) Addendum*. Horizon Nuclear Power, Gloucester.

¹⁶ Court of Justice of the European Union (ECJ) Case C-323/17 - People Over Wind and Sweetman, preliminary ruling.

2. Screening

2.1 Approach to Screening

The steps employed at screening are as follows:

- identification of the environmental changes associated with the scheme (e.g. changes in noise levels);
- identification of the spatial extent of those changes (the ‘zones of influence’);
- identification of European sites within the ‘zones of influence’, or with interest features that may have functional linkages to habitats (etc.) within those areas;
- an assessment of the ‘likely significant effects’ of the SPC proposals on those sites, taking into account the extent of any exposure to the environmental changes, and the sensitivity of the interest features to those changes; and
- an assessment of the ‘in combination’ effects associated with other plans and projects, where ‘no significant effects (alone)’ are identified in relation to a specific European site¹⁷.

The screening draws on the information provided by Horizon’s Shadow HRA, with this information cross-referenced or presented within this section as appropriate.

2.1.1 ‘People over Wind’

The ‘People Over Wind’ judgement states that “...it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site”. This contrasts with established practice in this area (based on the “Dilly Lane” judgment) where avoidance and mitigation measures have typically been accounted for during screening. The RIHRA Addendum includes a re-assessment of the SPC proposals, taking into account the ‘People over Wind’ case and excluding those measures that HNP considers to be mitigation or avoidance measures in the context of this judgement. This re-assessment is noted.

There is currently little information on the practical implementation of the ‘People over Wind’ judgement, and many fundamental aspects of a scheme might be interpreted as

¹⁷ If there are ‘no effects’ as a result of the SPC works there can be no in combination effects; therefore, the in-combination assessment is undertaken at the screening stage where there are no significant effects (alone) on a particular site as the result of a particular pathway. The assessment therefore considers other projects that could affect the interest features of that site. There is not therefore a ‘set list’ of projects (etc.) that are assessed for in combination effects regardless of the European site being considered

‘avoidance’ or ‘mitigation’ measures if viewed solely in terms of their implications for European sites. Clearly, however, a detailed examination of the engineering choices made during design to see if they might count as ‘mitigation’ for screening purposes would not be proportionate, or (arguably) consistent with the intent of the Habitats Directive.

In this instance, IACC has followed the principles of the ‘People over Wind’ ruling and guidance issued by the Planning Inspectorate (PINS)¹⁸, and has excluded avoidance or mitigation measures at the screening stage that are intended, or relied on, to ensure that significant effects do not occur; this is explored further in Section 2.2.1.

2.2 Project Information

The SPC proposals are described in Volume 1, Chapter 3 of the Environmental Statement, with a summary provided in Section 2.2 of the RIHRA. The proposals were amended during the determination period, partly in response to NRW’s comments on the RIHRA; these amendments included

- a commitment to a ‘seasonal exclusion zone’ to avoid effects on terns and/or black-headed gulls nesting within the Cemlyn Bay lagoon (part of the Anglesey Terns/Morwenoliaid Ynys Môn SPA), whereby no operation of plant and machinery will occur west of the Afon Cafnan between 7 March and 15 August; and
- the removal from the application of the partial re-alignment of the Nant Caerdegog Isaf watercourse.

In summary, the works and activities proposed for the SPC (and upon which the screening is based) are as follows:

- Establishment of the Main Site Compound located to the south-west of the existing Horizon site office, comprising:
 - ▶ fencing and site security facilities;
 - ▶ a materials handling and storage area;
 - ▶ secure parking for plant and machinery;
 - ▶ a fuel store;
 - ▶ offices, welfare and mess facilities in temporary buildings;

¹⁸ PINS Note 05/2018: Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta.

- ▶ parking for office-based staff and the site workforce; and
- ▶ an overflow parking area at the former Wylfa Sports and Social Club, and associated footpaths.
- Formalisation of road crossings, comprising:
 - ▶ a new vehicular crossing of the Existing Power Station access road to provide access to the north of the SPC site from the Main Site Compound; and
 - ▶ two upgraded vehicular crossings of Cemlyn Road for use by construction vehicles.
- Establishment of a Remediation Processing Compound and associated fencing and access tracks.
- Treatment of contaminated material, including remediation of contaminated soils and treatment of invasive non-native species (INNS).
- Establishment of Satellite and Material Compounds, and associated fencing.
- Erection of perimeter fencing.
- Clearance of buildings and other existing above-ground structures including stone walls.
- Clearance of vegetation and associated species translocation/clearance.

The extents of the works are illustrated in Appendix A. The SPC works will affect almost all of the terrestrial habitats within Wylfa Newydd SPC Application Site boundary, the principal exclusions being Tre'r Gof SSSI and some localised areas around the site margins. The start and end dates of the SPC works are dependent on the outcome of the planning application; however, it is anticipated that the works will require ~13 months to complete.

2.2.1 Incorporated Mitigation

Chapter 20 of the Environmental Statement (ES) outlines the mitigation measures that would be implemented in relation to the SPC Proposals. These are divided into 'Embedded Measures' (essentially aspects of the scheme design that may help avoid or reduce environmental effects), 'Good Practice Mitigation' (standard and established measures, such as pollution control techniques, that are relied on to avoid or reduce environmental changes where a pathway is present), and 'Additional Mitigation' (specific measures, including offsetting and enhancement, that are intended to mitigate specific effects on specific receptors).

IACC has reviewed the mitigation identified within Chapter 20 of the ES and the RIHRA Addendum. As noted, a detailed examination of the engineering choices made during design to see if they might count as ‘mitigation’ for screening purposes would not be proportionate, or (arguably) consistent with the intent of the Habitats Directive. Therefore, ‘Embedded Measures’ that are effectively ‘the scheme’, and which have incidental mitigating effects, are considered at the screening stage as it would not be reasonable for IACC to attempt to conceive and assess some hypothetical proposal whereby different engineering choices were made. This applies to the *“Maximisation of stand-off distances between noise sources and receptors as far as reasonably possible, e.g. location of the main site compound”* (Table 20-1 of Chapter 20 of the ES).

Other measures identified within the ES and RIHRA are not taken into account at the screening stage. This particularly relevant to the following aspects:

Seasonal Exclusion Zone

The seasonal exclusion zone is not considered by HNP to be an ‘avoidance’ measure, but instead integral to the scheme at hand. Whilst this argument may have some merits it is difficult to see that these apply in this instance, given that:

- the application had already been submitted without an exclusion zone; and
- the exclusion zone has been explicitly incorporated in response to NRW comments regarding the uncertainty over ‘in combination’ effects.

HNP argue (despite its inclusion) that the exclusion zone is not essential for there to be ‘no significant effects alone or in combination’; however, it is understood that NRW does not believe that significant ‘in combination’ effects can be objectively excluded without this measure. Given the documented history of the application to this point it is very difficult to conclude that the exclusion zone is not a measure *“...intended to avoid or reduce the harmful effects”* of the project since it has been included, post submission, precisely for this reason.

Water Quality

The RIHRA relies on the successful implementation of *“established and non-controversial mitigation measures (e.g. buffer zones around watercourses and management strategies in the CoCP detailing best practice pollution prevention measures, etc.)”* to avoid effects on surface waters due to run-off or pollution events. It also notes that *“NRW advise that, as long as pollution prevention measures are set out in a detailed CoCP and approved in consultation with NRW, that the SPC works are unlikely to damage, or result in any significant effects, on Cemlyn Bay SSSI/SAC”*. The RIHRA Addendum notes that *“There are direct pathways into the Cemlyn Bay lagoon via the Nant Cemlyn...if water-borne*

contaminants are produced on the site, it is at least conceivable that these could result in adverse effects on the SAC...".

However, the screening re-assessment undertaken in the RIHRA Addendum only refers explicitly to standard fuel containment (etc.) measures (drip trays etc.) when identifying incorporated ‘avoidance measures’, and what it terms an ‘event risk’ (i.e. the risk of a single discharge of fuel etc.); it omits an assessment of the likely effects in the absence of other measures, particularly the unspecified ‘best-practice’ run-off / sediment control measures that are included in the ES, despite noting in that *“This pathway [changes in terrestrial water quality] refers to changes to the chemical composition of surface and groundwater that could become loaded with suspended sediment, nutrients or toxic contaminants...”*. Whilst there is an argument that standard pollution control measures are entirely normal (and would be required / implemented regardless of the presence of European sites), in this instance it would appear that they are relied on to remove the risk of a significant effect and so should be considered through ‘appropriate assessment’.

Invasive Non-Native Species

The SPC proposals include the removal and treatment (or disposal) of soil contaminated by Invasive Non-Native Species; this process requires careful management to ensure that INNS are not incidentally dispersed due to handling errors or inadequate decontamination of machinery, and the Shadow HRA therefore relies on the mitigation provided by biosecurity risk assessments and method statement measures.

2.3 Environmental Changes

Table 2.1 summarises the environmental changes that are anticipated as a result of the SPC works; this is based on analysis completed by HNP in the RIHRA, which provides a robust basis for determining the approximate zones of influence for the proposals.

Table 2.1 – Environmental changes associated with the SPC proposals and approximate zones of influence

Environmental Change	Description	~Zone of influence for SPC
Changes in visual and acoustic stimuli	Disturbance to terrestrial, freshwater or marine species due to noise, vibration or visual intrusion associated with development activities.	Modelled 45dB LAeq 1hr noise contour; 1km for visual disturbance; 300m for vibration.

Environmental Change	Description	~Zone of influence for SPC
Land-take, including seabed or intertidal land	Temporary or permanent loss of land as a result of the SPC proposals.	Confined to the physical footprint of the SPC works area.
Changes in terrestrial water quality	Changes to the chemical composition of surface and groundwater that could become loaded with suspended sediment, nutrients or toxic contaminants.	Surface water catchments of the Afon Cafnan, Tre'r Gof SSSI, Nant Cemlyn, Nant Cemaes, plus minor watercourses near the power station
Changes in marine water quality	Changes in marine water quality due to pollutants released into the marine environment via terrestrial pathways (i.e. run-off etc).	Immediate inshore areas around watercourse discharge points (principally Cemlyn Lagoon, Porth-y-Pistyll, Cemaes Bay). No effects on offshore areas due to deposition, mixing and attenuation.
Changes in surface and groundwater hydrology	Alterations to hydrology and hydrogeology on land, and covers changes to the flow and drainage of water and increased risks associated with flooding and sediment dynamics.	Within 3km of the SPC Proposals.
Introduction of Invasive Non-Native Species (INNS)	12 INNS have been identified at the site. The SPC Proposals include the treatment and removal of INNS.	Footprint of the works and surface water catchments of the Afon Cafnan, Tre'r Gof SSSI, Nant Cemlyn, Nant Cemaes, plus minor watercourses near the power station.
Changes in air quality	Change in air quality from construction dust or combustion emissions from plant.	Dust – 50m from SPC proposals; combustion emissions 2km from SPC boundary.
Physical interaction between species and infrastructure	Collisions with machinery; displacement due to lighting etc.	Confined to the physical footprint of the SPC works area.
Changes in predation risk	The potential for species displaced from the SPC works area to affect the interest features of nearby sites has also been considered, principally in relation to the possibility of increased predation pressure on the tern colony at Cemlyn Lagoon.	Within 3km of the SPC Proposals

2.3.1 Site and Feature Exposure

The initial ‘scoping’ phase of the screening has identified six sites with features that have the potential to be exposed to significant effects as a result of the SPC works. These are as follows:

Table 2.2 – European sites with features potentially exposed to the environmental changes associated with the SPC proposals

Site	Features	Relevant environmental changes
Bae Cemlyn / Cemlyn Bay SAC	Coastal lagoons Perennial vegetation of stony banks (Q)	<ul style="list-style-type: none"> • Changes in terrestrial water quality • Changes in marine water quality • Changes in air quality • INNS
Morwenoliaid Ynys Môn / Anglesey Terns SPA	Roseate tern <i>Sterna dougallii</i> Common tern <i>Sterna hirundo</i> Arctic tern <i>Sterna paradisaea</i> Sandwich tern <i>Sterna sandvicensis</i>	<ul style="list-style-type: none"> • Changes in terrestrial water quality • Changes in visual and acoustic stimuli • Changes in marine water quality • INNS • Changes in predation risk
Glannau Ynys Gybi/Holy Island Coast SPA	Red-billed chough <i>Pyrrhocorax pyrrhocorax</i>	<ul style="list-style-type: none"> • Changes in visual and acoustic stimuli • Land-take
Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA	Red-billed chough <i>Pyrrhocorax pyrrhocorax</i> Manx shearwater <i>Puffinus puffinus</i> *	<ul style="list-style-type: none"> • Changes in visual and acoustic stimuli • Land-take
Craig yr Aderyn (Bird’s Rock) SPA	Red-billed chough <i>Pyrrhocorax pyrrhocorax</i>	<ul style="list-style-type: none"> • Changes in visual and acoustic stimuli • Land-take
Mynydd Cilan, Trwyn y Wylfa ac Ynysoedd Sant Tudwal / Mynydd Cilan, Trwyn y Wylfa and the St. Tudwal Islands SPA	Red-billed chough <i>Pyrrhocorax pyrrhocorax</i>	<ul style="list-style-type: none"> • Changes in visual and acoustic stimuli • Land-take

(Q) – SAC Qualifying Features; all other SAC features are a ‘primary reason for selection of the site’.

** Note, Manx shearwater is a marine bird outside of the nesting sites that does not make significant use of inshore areas; as the SPC would not result in significant changes to the offshore marine environment this interest feature is not considered further.*

The potential for mobile marine species associated with distant sites to make use of areas affected by the environmental changes was considered within the RIHRA (see RIHRA Tables 5-2 to 5-4). In summary, for all other European sites, the exposure and/or sensitivity of the interest features to the environmental changes is considered to be nil. IACC has reviewed this assessment, and NRW's consultation response, and concurs with this assessment. As there will be 'no effect' on these sites there can be no 'in combination' effects, and so all other European sites are excluded from further consideration at the screening stage.

2.4 Screening – Bae Cemlyn / Cemlyn Bay SAC

2.4.1 Context and Conservation Objectives

Bae Cemlyn / Cemlyn Bay SAC comprises a saline Coastal lagoon separated from the sea by a shingle bank with a narrow channel at the western end, which supports the Perennial vegetation of stony banks feature. The lagoon receives surface water from a small proportion of the SPC works area via the minor Nant Cemlyn watercourse, which enters the lagoon at its eastern end. Seawater exchange occurs mainly through the sluice and by percolation through the shingle bank. In the absence of mitigation, therefore, the Coastal lagoons feature is potentially exposed to any run-off from the SPC area that may enter the Nant Cemlyn.

The Perennial vegetation of stony banks feature is not considered to be exposed to this but is potentially vulnerable to air quality changes.

2.4.2 Conservation Objectives

The conservation objectives for the interest features are as follows:

- Coastal lagoons:
 - ▶ that there is no loss of area other than that due to natural processes;
 - ▶ that the specialised plant and animal communities within the lagoon remain; and
 - ▶ that all factors affecting the achievement of these conditions are under control (factors include turbidity due to catchment land-use and water quality; the maintenance of the shingle bar; the salinity regime; and water depth).

- Perennial vegetation of stony banks:
 - ▶ that the extent of the vegetation of shingle banks is maintained unless altered by natural (e.g. storm) events;
 - ▶ that the typical component species of vegetation of shingle banks are maintained;
 - ▶ that invasive alien species (e.g. *Fallopia japonica*) are absent; and
 - ▶ that 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.

2.4.3 Screening Summary

The screening assessment for the features of Bae Cemlyn / Cemlyn Bay SAC is summarised in Tables 2.3 – 2.4.

Table 2.3 – Screening – Coastal lagoons

Environmental Change	Screening conclusion	Rationale
Changes in visual and acoustic stimuli	No effects	Feature not sensitive to this environmental change; in combination effects not possible through this mechanism.
Land-take, including seabed or intertidal land	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.
Changes in terrestrial water quality	Likely significant effect	In the absence of mitigation and standard avoidance measures, the Coastal lagoon feature is potentially exposed to any run-off from the SPC area that may enter the Nant Cemlyn.
Changes in marine water quality	Likely significant effect	The lagoon is not considered to be exposed to the minimal changes in marine water quality associated with the SPC works within the catchments of the Afon Cafnan and Nant Cemaes; in the absence of mitigation and standard avoidance measures, the Coastal lagoon feature is potentially exposed to any run-off from the SPC area that may enter the Nant Cemlyn.
Changes in surface and groundwater hydrology	No effects	Feature not exposed to this environmental change in combination effects not possible through this mechanism.

Environmental Change	Screening conclusion	Rationale
Introduction of Invasive Non-Native Species (INNS)	Likely significant effect	Based on the ES (Figure 14-7) there are no INNS within both the site boundary and the catchment of the Nant Cemlyn; it is therefore very unlikely that INNS-contaminated material will enter the Nant Cemlyn as a result of the SPC works. However, it is theoretically possible for contaminated material to be transported from the SPC site to the catchment if appropriate controls and mitigation are not applied.
Changes in air quality	No significant effect (alone or in combination)	This feature is weakly sensitive to this environmental change; based on the air quality assessment (see Table 2.4 below for more detail) no significant effects alone or in combination are anticipated.
Physical interaction between species and infrastructure	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.

Table 2.4 – Screening – Perennial vegetation of stony banks

Environmental Change	Screening conclusion	Rationale
Changes in visual and acoustic stimuli	No effects	Feature not sensitive to this environmental change; in combination effects not possible through this mechanism.
Land-take, including seabed or intertidal land	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.
Changes in terrestrial water quality	No significant effects (alone or in combination)	In the absence of mitigation and standard avoidance measures, there is a theoretical pathway for this feature to be affected via any contaminated run-off from the SPC area that may enter the Nant Cemlyn; however, the location and habitat characteristics of this feature ensures that exposure to potentially significant effects due to changes in terrestrial water quality is effectively nil and so this pathway would not be realised. In combination effects are not possible through this mechanism.

Environmental Change	Screening conclusion	Rationale
Changes in marine water quality	No significant effects (alone or in combination)	The feature is not considered to be exposed to the minimal changes in marine water quality associated with the SPC works within the catchments of the Afon Cefnau and Nant Cemaes. In the absence of mitigation and standard avoidance measures, there is a theoretical pathway for this feature to be affected via any contaminated run-off from the SPC area that may enter the Nant Cefnau; however, the location and habitat characteristics of this feature ensures that exposure to potentially significant effects due to changes in terrestrial water quality is effectively nil and so this pathway would not be realised. In combination effects not possible through this mechanism.
Changes in surface and groundwater hydrology	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.
Introduction of Invasive Non-Native Species (INNS)	Likely significant effect	Based on the ES (Figure 14-7) there are no INNS within both the site boundary and the catchment of the Nant Cefnau; it is therefore very unlikely that INNS-contaminated material will enter the Nant Cefnau as a result of the SPC works. However, it is theoretically possible for contaminated material to be transported from the SPC site to the catchment if appropriate controls and mitigation are not applied.
Changes in air quality	No significant effects (alone or in combination)	<p>The RIHRA and RIHRA Addendum have considered the potential for air quality changes (dust and combustion emissions) to affect this feature.</p> <p>Dust: The SAC is not located within the Zone of Influence (ZOI) for effects generated by dust (the ZOI of which is 50m) and so there would be 'no effects' on the feature due to dust deposition, due to the distance involved.</p> <p>Combustion emissions: The SPC Proposals would generate combustion emissions (i.e. NO_x/NO₂, CO, SO₂, PM₁₀ and PM_{2.5}) from plant and machinery. The air quality assessment in the ES (Chapter 9) demonstrates that the predicted changes to air quality (alone) are below the thresholds at which an LSE would arise for this feature. Additional assessment of cumulative effects was undertaken by HNP¹⁹. This considered potential in combination air quality effects with the following third-party projects. and the DCO application:</p> <ul style="list-style-type: none"> • Decommissioning of the Existing Power Station • TPG Wind Limited, Rhyd-y-groes Re-power • National Grid, North Wales Grid Connection • Utilities companies (various), removal (and in some instances replacement) of services currently in place on the Wylfa Newydd Development Area

¹⁹ Horizon (2018). Wylfa Newydd Project Site Preparation and Clearance: Air Quality Cumulative Effects Technical Note. Ref: WN0904-JAC-PAC-TEC-00001.

Environmental Change	Screening conclusion	Rationale
		<ul style="list-style-type: none"> • Dŵr Cymru Welsh Water, Wylfa Newydd Potable Water Supply <p>The significance of the predicted long-term (annual mean) NO_x and SO₂ concentrations or deposition at European Designated Sites is determined in line with guidance provided by NRW during consultation; in summary:</p> <ul style="list-style-type: none"> • Where the process contribution (PC) (meaning the contribution made by the activity) is less than 1% of the relevant critical level or critical load, the emission is not likely to be significant alone or in-combination, irrespective of the existing concentrations or deposition rates. • Where the contribution is above 1%, further consideration of existing background concentration or deposition rate is required. Then where the total concentration or deposition is less than 70% of the critical level or critical load, calculated in combination with other committed projects or developments, the emission is not predicted to be significant. • For annual mean concentrations, where the contribution is above 1%, and the total concentration or deposition rate is greater than 70% of the critical level or critical load, either alone or in combination with other committed projects or developments, then this may indicate that a significant effect could arise. • For short-term mean concentrations (i.e. the 24-hour mean critical level for NO_x), a potentially significant effect would be identified where the predicted contribution from the modelled sources lead to an exceedance of the critical level. <p>The additional assessment undertaken, and reported in the RIHRA Addendum, demonstrates that the relevant critical level and critical load thresholds are not predicted to be exceeded for any of the pollutants in any of the scenarios. Therefore, the Bae Cemlyn/Cemlyn Bay SAC qualifying features will not be significantly affected by 'in combination' air quality effects from construction plant, machinery and marine vessels emissions.</p>
Physical interaction between species and infrastructure	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.

2.5 Screening – Anglesey Terns/Morwenoliaid Ynys Môn SPA

Historically, the Ynys Feurig, Cemlyn Bay and The Skerries SPA covered three tern breeding colonies around the north Anglesey coast. This site has recently been extended to include the main foraging areas used by terns from these colonies and renamed the Anglesey Terns/

Morwenoliaid Ynys Môn SPA. The site is designated for its breeding populations of Common tern, Arctic tern, Sandwich tern and Roseate tern.

The most relevant components of this site (in relation to the SPC works) are the colony within Cemlyn Bay (mainly sandwich terns with much smaller numbers of common and Arctic terns that breed on two small islands within the lagoon that are approximately 520m from the SPC site boundary at the closest point) and the inshore marine areas that might be exposed to local water quality changes due to site run-off.

2.5.1 Conservation Objectives

The conservation objectives are essentially the same for the four tern species; in summary:

- The size of the population should be stable or increasing, allowing for natural variability, and sustainable in the long term. The site was designated for:
 - ▶ 1,290 pairs of Arctic tern;
 - ▶ 3 pairs of Roseate tern;
 - ▶ 189 pairs of Common tern;
 - ▶ 460 pairs of Sandwich tern.
- The distribution of the population should be being maintained, or where appropriate increasing:
 - ▶ the range and distribution of terns within the SPA and beyond is not constrained or hindered.
- There should be sufficient habitat, of sufficient quality, to support the population in the long term:
 - ▶ 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.
- Factors affecting the population or its habitat should be under appropriate control:
 - ▶ the number of chicks successfully fledged in the SPA and beyond is sufficient to help sustain the population;

- ▶ actions or events likely to impinge on the sustainability of the population are under control;
- ▶ there should be no mammalian land predators present in the SPA, and control measures should be in place to ensure that accidental introduction does not take place.

2.5.2 Screening Summary

The screening assessment for the features of Anglesey Terns/Morwenoliaid Ynys Môn SPA is summarised in Table 2.5.

Table 2.5 Screening – Common tern, Arctic tern, Sandwich tern and Roseate tern

Environmental Change	Screening conclusion	Rationale
Changes in visual and acoustic stimuli	Likely significant effects	In the absence of receptor-specific mitigation, noises levels at the islands are predicted to be 49.7 db LAeq 5mins and 55 dB LAmx during the breeding season; significant effects alone or in combination cannot be excluded.
Land-take, including seabed or intertidal land	No significant effect (alone or in combination).	Although breeding terns will not be directly exposed to this environmental change, Sandwich terns have a sympatric breeding relationship with black-headed gulls, which will utilise terrestrial areas for foraging or roosting. Local displacement of black-headed gulls may therefore affect the breeding success of Sandwich terns. However, no significant effects (alone or in combination) will occur through this mechanism due to: <ul style="list-style-type: none"> • the very limited land-take associated with the SPC works (predominately removal of walls, hedges and trees, fence installation, and localised removal of contaminated topsoil; • the absence of any evidence from bird surveys to suggest that the areas affected by the SPC works provide a locally unique or otherwise notable habitat resource for black-headed gulls; • the wide availability of similar habitat locally, when considered in the context of the gulls' foraging range and taking into account other projects that may (in combination) have localised effects on habitats used by this species.
Changes in terrestrial water quality	Likely significant effect	In the absence of mitigation and standard avoidance measures, the Coastal lagoon feature is potentially exposed to any run-off from the SPC area that may enter the Nant Cemlyn.
Changes in marine water quality	Likely significant effect	The lagoon is not considered to be exposed to the minimal changes in marine water quality associated with the SPC works within the catchments of the Afon Cefn and Nant Cemaes; in the absence of mitigation and standard avoidance measures, the Coastal lagoon feature is potentially exposed to any run-off from the SPC area that may enter the Nant Cemlyn.
Changes in surface and groundwater hydrology	No effects	Feature not exposed to this environmental change; in combination effects not possible through this mechanism.

Environmental Change	Screening conclusion	Rationale
Introduction of Invasive Non-Native Species (INNS)	Likely significant effect	Based on the ES (Figure 14-7) there are no INNS within both the site boundary and the catchment of the Nant Cemlyn; it is therefore very unlikely that INNS-contaminated material will enter the Nant Cemlyn as a result of the SPC works. However, it is theoretically possible for contaminated material to be transported from the SPC site to the catchment if appropriate controls and mitigation are not applied.
Changes in air quality	No significant effects (alone or in combination).	Terns are not directly sensitive to air quality changes, although there is a theoretical risk of indirect effects on features if air quality changes modify supporting terrestrial habitats (i.e. vegetation on breeding islands). However, the assessment of cumulative air quality effects undertaken by HNP (see Table 2.4 above) demonstrates that the relevant critical level and critical load thresholds for the Perennial vegetation of stony banks feature are not predicted to be exceeded for any of the pollutants in any of the scenarios; furthermore, the nutrient inputs by this mechanism will be inconsequential in relation to inputs from seabird guano on the islands, which will have a far greater effect on the vegetation communities.
Physical interaction between species and infrastructure	No effects	Feature not sensitive to this environmental change in the terrestrial environment; in combination effects not possible through this mechanism.
Changes in predation risk	No significant effects (alone or in combination).	<p>Breeding terns are vulnerable to predation of young and eggs by other species, particularly opportunistic mammalian and avian predators (e.g. stoats, weasels, otters, corvids, larger gulls). However, terns have a number of predator response behaviours (including (for sandwich terns) a sympatric breeding relationship with the more aggressive black-headed gull), which are often effective against opportunistic avian predators; they are generally considered to be more vulnerable to mammalian predators, and otters are known to have caused colony abandonment in 2017.</p> <p>It is possible that the SPC works could displace predators from the development site, so increasing the predation risk for the tern colony. The potential for mammalian predators to affect the colony is considered within the Environmental Statement Addendum (paras. 14.2.20 – 14.2.28) and the Regulation 22 Response (paras. 4.2.33 – 4.2.40), which are referenced by the RIHRA Addendum. In summary, significant effects (alone) due to mammalian predators are considered unlikely for the following reasons:</p> <ul style="list-style-type: none"> • It is considered unlikely that the proposed SPC works would significantly reduce the abundance of small mammals within the SPC Application site and so there would not be a large-scale displacement of mammalian predators as a result of reduced prey availability. • The works will not significantly reduce the abundance of potential denning sites within the SPC Application site.

Environmental Change	Screening conclusion	Rationale
		<ul style="list-style-type: none"> • It is unlikely that Cemlyn lagoon would be the focus of displaced mammalian predators due to abundance of suitable alternative habitats immediately outside the site. • Cemlyn lagoon is already within the foraging range of most mammalian predators likely to be associated with the SPC area, and so displacement would not necessarily increase the likelihood of the tern breeding areas being favoured for foraging. • Territoriality will operate to limit local densities. <p>With regard to avian predators, corvids and gulls (the latter more typically outside the breeding period) will forage opportunistically within agricultural environments, and so could be displaced by the SPC works. If displacement occurs in the spring and summer then terns nesting at Cemlyn lagoon could be exposed to an increased predation risk. However, significant effects (alone) as a result of this mechanism are considered unlikely for the following reasons:</p> <ul style="list-style-type: none"> • For the SPC it is substantially more likely that these species will largely continue to forage in the SPC works area due to the increase in low-effort foraging opportunities that will occur as a result of the removal of features that provide cover and refugia for potential prey (e.g. hedges, walls, etc.). • Cemlyn lagoon is already within the foraging range of corvids (etc.) that may hold territories on the SPC site, and so the opportunities to exploit this resource are already present and unlikely to increase. • Largely identical agricultural habitats are widely available locally • Local densities are typically influenced by the availability of roosting and foraging sites, and associated territoriality, which will operate to limit local densities. Whilst foraging opportunities within the site may increase the availability of roosting and nesting sites outside the site boundary is unlikely to change. • Any displacement due to disturbance is likely to be local and temporary only, in the immediate vicinity of clearance operations, rather resulting in the wholesale relocation of the population. <p>Any changes in predation risk are therefore likely to be imperceptible, and so significant effects as a result of the SPC works alone will not occur. As the 'alone' effects are expected to be essentially 'nil', 'in combination' effects with other plans or projects are not considered likely. However, IACC has reviewed the DCO HRA to determine whether 'in combination' effects with this project will occur. The suitability of the site for foraging predators is likely to vary throughout the construction period (for example, the initial earthworks are likely to substantially increase the availability of earthworms at the site, which will be exploited by gulls); however, the arguments noted above remain relevant</p>

Environmental Change	Screening conclusion	Rationale
		<p>to the assessment of the DCO works, and in combination effects are not expected.</p> <p>Note, no specific avoidance or mitigation measures are proposed for this aspect; the DCO application notes that HNP is prepared to fund measures (including wardening) that may reduce predation at the colony, but this is not relied on to avoid significant effects occurring.</p>

2.6 Screening – Sites Designated for Chough

Breeding and wintering chough have been recorded within or immediately adjacent to the SPC Application Site, with 1 – 2 pairs typically breeding around Wylfa Head and a small number over-wintering in the area. The key habitats include the coastal cliffs on Wylfa Head (for nesting) and the coastal grassland on Wylfa Head and to either side of the Existing Power Station (for foraging). Birds using these areas are therefore vulnerable to some of the environmental changes associated with the SPC works, notably disturbance and (to a lesser extent) land-take.

After fledging, family groups may form ‘nursery’ flocks that later converge at communal roost sites; over the autumn the juveniles often join flocks of non-breeding birds, while the adults typically return to their breeding areas. As a result, juvenile chough can disperse quite widely after fledging and so individuals and small local populations can be functionally linked to distant SPAs.

The potential for chough associated with Wylfa Head to be functionally linked to SPAs within 100km²⁰ of Wylfa Head has been assessed. There are four SPAs designated for their wintering and breeding chough populations in this area:

- Glannau Ynys Gybi/Holy Island Coast SPA;
- Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA;
- Craig yr Aderyn (Bird’s Rock) SPA; and
- Mynydd Cilan, Trwyn y Wylfa ac Ynysoedd Sant Tudwal/Mynydd Cilan, Trwyn y Wylfa and the St. Tudwal Islands SPA.

²⁰ 100km is slightly over the maximum observed post-natal dispersal distance of a juvenile female (75km).

The closest of these sites Glannau Ynys Gybi/Holy Island Coast SPA, approximately 13.8km to the west. The remaining sites are over 50km from Wylfa Head. Effects due to functional linkages might occur through:

- breeding birds from SPAs foraging within the zone of influence of the SPC works (~1km for noise);
- non-breeding season flocks associated with the SPAs using habitats within the zone of influence of the SPC works (e.g. for communal roosts);
- juvenile birds dispersing to make a critical contribution to the populations associated with the SPAs.

Analysis undertaken by HNP²¹ has found no evidence of potentially significant functional linkages between the Wylfa Head population and any of the above European sites. In summary:

- Breeding chough typically forage within 1km of the nest site, with most activity taking place within 300m, and the quality of habitat within 300m has also been shown to directly influence breeding success. The closest SPA is over 13km away, and so significant use of the Wylfa Head area by breeding birds from this site will not occur.
- There is no evidence that the SPC site is used by large or potentially notable flocks of non-breeding chough, indicating that the *“Wylfa Head area is not important for foraging or socialising chough from the wider area...[or] a staging post on the regular routes taken by chough from Anglesey to over-wintering sites 60km away in Snowdonia”*.
- The RIHRA notes the results of the Welsh Chough Project, which has been ringing choughs produced from the four nesting sites on Wylfa Head since 2007, specifically that the *“...maximum distance at which a Wylfa Head originated ringed chough was sighted from its natal site was approximately 35km to the south...but most sightings were made within 10km of Wylfa Head”* and there is no evidence of chough dispersing to the Glannau Ynys Gybi/Holy Island Coast SPA or making a critical contribution to this SPA’s breeding population.

As a result, the population of chough at Wylfa Head is not considered to be functionally linked to any SPAs that are designated for this species. Therefore, there is no mechanism by which the SPC works could result in significant effects (alone or in combination) on these European sites.

²¹ Jacobs (2017). Chough Baseline Report; Report on behalf of Horizon Nuclear Power Wylfa Ltd. Ref. No. WN034-JAC-PACMEM-00015

3. Appropriate Assessment

3.1 Approach

The appropriate assessment stage considers those sites and aspects where likely significant effects (either alone or in combination) cannot be objectively excluded. The approach to the 'appropriate assessment' is not prescribed: it must simply be 'appropriate' to the plan being considered and the scale and nature of the likely effects; and be sufficient to remove any residual uncertainties regards the effect of the proposals on site and feature integrity. The assessment draws on the data available at the screening stage, with any mitigation or avoidance measures included in the assessment process. Note, if the mitigation or avoidance measures are sufficient to ensure that there will be 'no effect' on a receptor then an 'in combination' assessment is not required to confirm a conclusion of 'no adverse effects on integrity'.

3.2 Bae Cemlyn / Cemlyn Bay SAC

3.2.1 Pathways

The features of the Bae Cemlyn / Cemlyn Bay SAC (Coastal lagoons and Perennial vegetation of stony banks) are potentially exposed and sensitive to the following environmental changes that may occur due to the SPC works:

- Changes in terrestrial water quality due to site run-off etc.
- Changes in marine water quality due to site run-off etc.
- Introduction of INNS.

Effects as a result of these changes are likely to be small-scale, but significant effects cannot be entirely discounted without the incorporation of avoidance measures to prevent these pathways being realised.

3.2.2 Incorporated Mitigation

HNP has committed to several measures to protect surface water and groundwater from site-derived pollution or contaminants, including sediment inputs and INNS; these are summarised within Chapter 20 of the ES and set out in Chapter 10 of the CoCP. In summary, in relation to the Nant Cemlyn:

- HNP has confirmed that works within 15m of the Nant Cemlyn will be limited to fence installation and removal, and clearance of vegetation and above ground features. There will be no compounds, storage areas or other works features.
- The hedges closest to the stream in this location will be outside the site fencing and so retained.
- Measures will be taken to prevent the deposition of silt or other material arising from work operations including the use and maintenance of temporary lagoons, tanks, bunds, silt fences or silt screens.
- Relevant Environment Agency and NRW guidance including the PPGs and GPPs will be followed.
- Measures to control the risk of toxic pollution and manage fuel (etc.) storage will be employed, including adherence to all relevant requirements of the Environmental Permitting (England and Wales) Regulations 2016 and the Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016.
- With regard to INNS, an assessment of biosecurity risks and a method statement would detail how contaminated areas would be demarcated, and how the disposal of contaminated waste would be managed throughout the works. This would include details of how the transfer of viable propagules of invasive non-native species by people or vehicles would be prevented.

These are standard and well-established control and avoidance measures, and are therefore judged to be available, achievable and likely to be effective. However, it will be necessary to secure these through a planning condition and updated Code of Construction Practice, agreed by IACC.

3.2.3 Assessment

The area of the site within the catchment of the Nant Cemlyn is small, less than 18 ha. Furthermore, the SPC works required in this area will be relatively limited, primarily comprising fence installation. Boundary hedges will mostly be outside the fenceline and so retained. As a result, the potential for construction activities to release potentially notable inputs of sediment or other site-derived pollutants into the Nant Cemlyn is very limited, regardless of any mitigation that is employed. It is therefore considered that the measures set out within the CoCP will be fully effective at preventing contamination of the Nant Cemlyn, and hence the Cemlyn lagoon, such that effects on the lagoon will be nil.

With regard to INNS, the mitigation measures proposed are entirely standard and well-established. Based on the ES (Figure 14-7) there are no INNS within both the site boundary and the catchment of the Nant Cemlyn, and so it is very unlikely that INNS-contaminated material will enter the Nant Cemlyn as a result of the SPC works unless there is a significant

breakdown in the INNS control measures and inadequate decontamination of plant which is then used within the Nant Cemlyn catchment.

The effects of the SPC works on the Bae Cemlyn / Cemlyn Bay SAC will be nil with the measures in place; ‘in combination’ effects cannot therefore occur. The appropriate assessment therefore concludes that there will be no adverse effects on the Bae Cemlyn / Cemlyn Bay SAC alone or in combination due to the SPC works.

3.3 Anglesey Terns / Morwenoliaid Ynys Môn SPA

3.3.1 Pathways

The features of the Anglesey Terns / Morwenoliaid Ynys Môn SPA (Common tern, Arctic tern, Sandwich tern and Roseate tern) are potentially exposed and sensitive to the following environmental changes that may occur due to the SPC works:

- Changes in visual and acoustic stimuli.
- Changes in terrestrial water quality due to site run-off etc.
- Changes in marine water quality due to site run-off etc.
- Introduction of INNS.

Effects as a result of these changes are likely to be small-scale, but significant effects cannot be entirely discounted without the incorporation of avoidance measures to prevent these pathways being realised.

3.3.2 Incorporated Mitigation

HNP has committed to a ‘seasonal exclusion zone’ whereby no plant or machinery will be operated west of the Afon Cafnan between the 7th March and 15th August, to ensure effects on terns and/or black-headed gulls nesting within the Cemlyn Bay lagoon do not occur as a result of construction noise or visual disturbance. The mitigation measures noted in Section 3.2.2 above are also relevant to the safeguarding of the SPA interest features.

3.3.3 Assessment

The mitigation measures noted in Section 3.2.2 above will be effective at ensuring that the supporting habitats of the SPA interest features are unaffected by the SPC works. With regard to changes in visual and acoustic stimuli, the incorporated mitigation will ensure that all works are at least 1km from the colony within the lagoon during the period when terns

are likely to be present and breeding. Modelling by HNP²² indicates that this will reduce the SPC-related noise levels at the colony as follows:

Table 3.1 Sound level predictions for tern colony

Scenario	dB LAeq, 5min	dB LAmax
Original proposals	49.7	55
With mitigation	44.5	49.9

Monitoring of baseline background ambient noise levels (Appendix 15-03 of the ES) indicates that the ambient noise at the colony averaged 55dB.

As a result, it is considered that the proposed mitigation will ensure that noise associated with the SPC works will be imperceptible at the colony, such that there will be ‘no effects’ as a result of the SPC works. As there will be no effects there is no possibility of ‘in combination’ effects with other schemes, including sequential impacts associated with the potential delivery of the DCO application immediately after the SPC works. Therefore, the appropriate assessment concludes that there will be no adverse effects on the Anglesey Terns / Morwenoliaid Ynys Môn SPA, alone or in combination due to the SPC works.

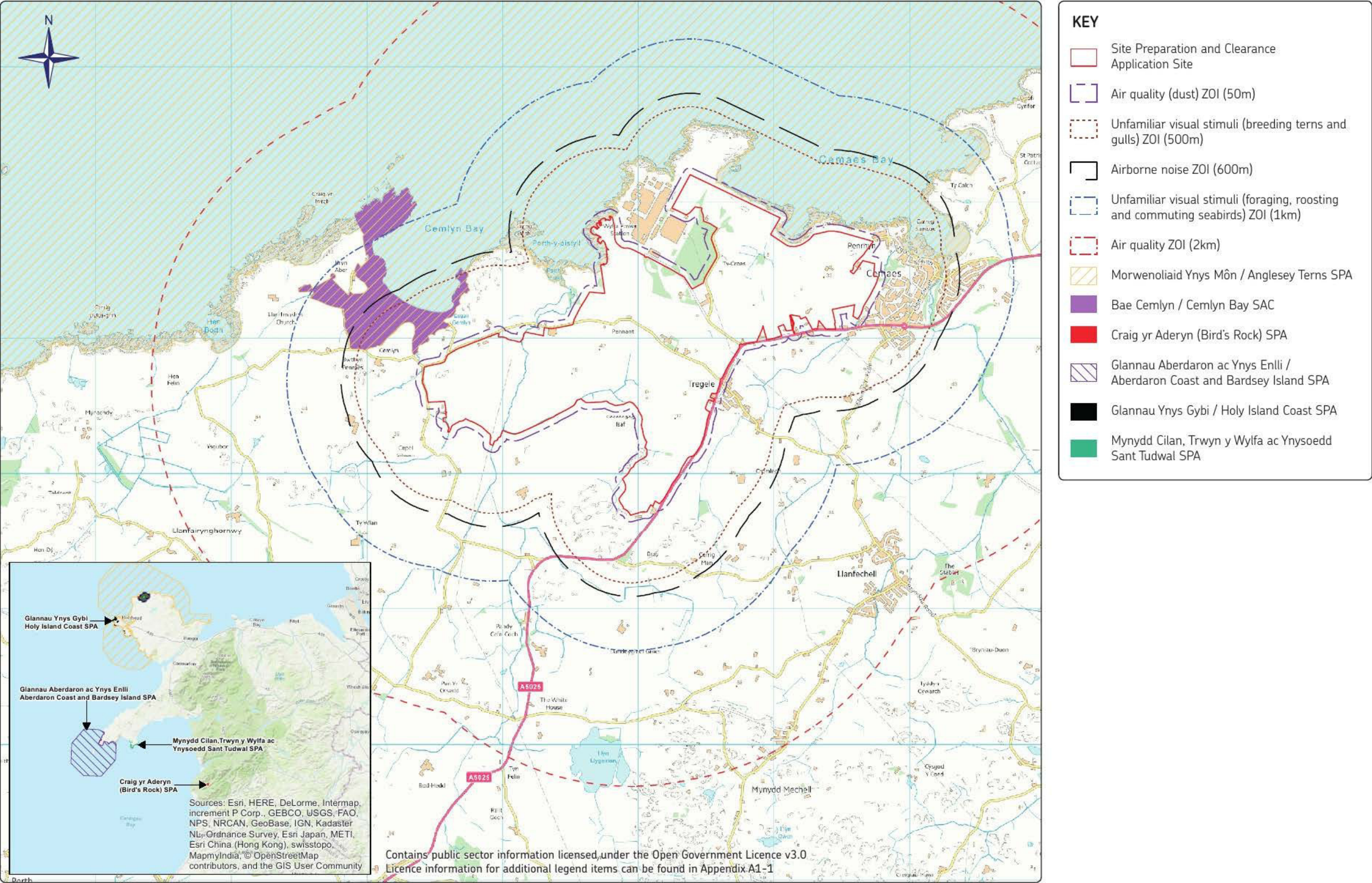
²² Horizon (2018). *Site Preparation and Clearance Noise Effects – Wylfa Newydd Project: Effects of temporarily ceasing works west of the Afon Cafnan watercourse on the tern nesting islands in Cemlyn Bay*. Ref: WN034-JAC-PAC-REP-00161

Appendix A – Figures

The following figures are included for ease of reference:

- Figure 5-1 from the RIHRA (European Designated Sites considered in the Screening assessment and ZOI from the SPC Proposals).
- Figure 10-7 from the Environmental Statement (illustrates the approximate maximum extent of noise contours during SPC works, in relation to Cemlyn Lagoon)

Figure 5-1 European Designated Sites considered in the Screening assessment and ZOI from the SPC Proposals



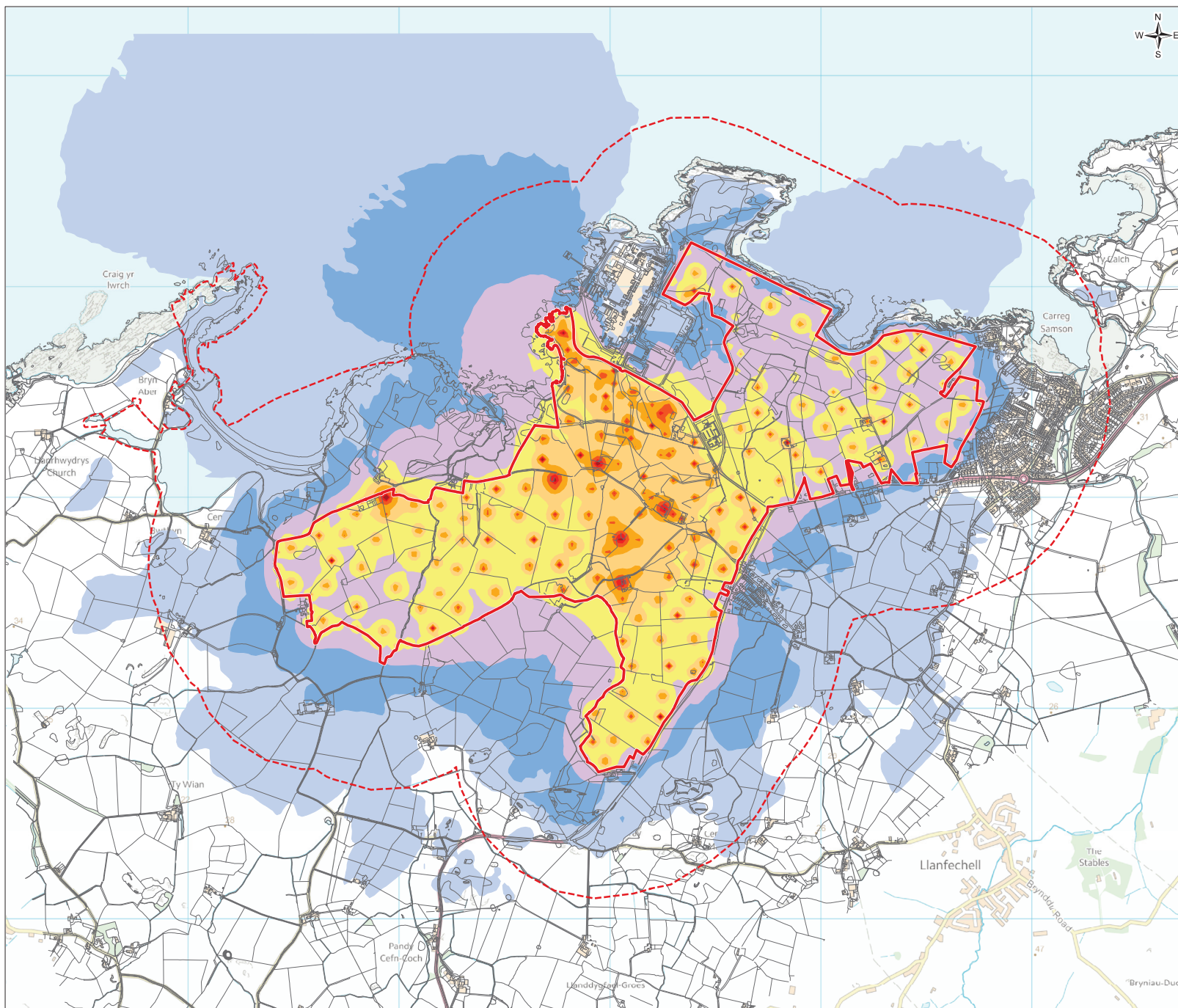


FIGURE 10-7

Legend

- Site Preparation and Clearance Application Site
- Noise and Vibration study area

SP&C month 6 LAeq,1h (dB)

- 45 - 50
- 50 - 55
- 55 - 60
- 60 - 65
- 65 - 70
- 70 - 75
- 75 - 80
- 80 - 85
- 85 - 90



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