



Wylfa Newydd Project

Statement of Common Ground between
Horizon Nuclear Power Wylfa Limited and
The Royal Society for the Protection of Birds
(RSPB)

PINS Reference Number: EN010007

19 February 2019

Revision 2.0

Examination Deadline 6

Regulation Number: 5(2)(q)

Planning Act 2008

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

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1 Introduction

1.1 Status of this SoCG

- 1.1.1 This is a jointly agreed statement between Horizon and the RSPB. It is an accurate reflection of agreed, disagreed and ongoing matters at Deadline 6.
- 1.1.2 It is noted that where this SoCG relies on documents which are due to be submitted at later deadlines in the examination, this is noted where relevant and may change the status of issues recorded in this version of the SoCG

1.2 Purpose of this document

- 1.2.1 This SoCG has been prepared by Horizon Nuclear Power Wylfa Limited (hereafter referred to as 'Horizon') and the Royal Society for the Protection of Birds (RSPB). It has been prepared in accordance with the guidance published by the Department of Communities and Local Government (hereafter referred to as 'DCLG Guidance')¹ and example SoCG documents provided on the Planning Inspectorate's website².
- 1.2.2 The purpose of this SoCG is to set out agreed factual information about the application for development consent which has been made by Horizon for the construction and operation of a new nuclear power station at the Wylfa Newydd Development Area (hereafter referred to as 'WNDA') together with on and off-site associated development (hereafter referred to as 'the Wylfa Newydd DCO Project'). It also sets out areas where agreement has not been reached.
- 1.2.3 Paragraph 58 of the DCLG Guidance states:
"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence"
- 1.2.4 The aim of this SoCG is to therefore provide a clear position of the state and extent of discussions and agreement/disagreement between Horizon and the RSPB on matters relating to the Wylfa Newydd Project as at 19th February 2019.
- 1.2.5 The first draft of the SoCG was provided to the RSPB by Horizon on 18th July 2017 for review and comment. This SoCG has evolved through a series of iterative drafts.

¹ Planning Act 2008: Guidance for the examination of applications for development consent (March 2015) paragraphs 58 – 65
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

² <https://infrastructure.planninginspectorate.gov.uk/application-process/example-documents/>

- 1.2.6 This final SoCG has been submitted to the Examining Authority in relation to the application by Horizon under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the construction of the Wylfa Newydd DCO Project.

1.3 Description of development

The Wylfa Newydd Project

- 1.3.1 The Wylfa Newydd Project includes:

The Enabling Works

- 1.3.2 The Enabling Works comprise the Site Preparation and Clearance Proposals (SPC Proposals) and the A5025 On-line Highway Improvements.
- 1.3.3 Horizon has submitted applications for planning permission for the Enabling Works under the Town and Country Planning Act 1990 to the Isle of Anglesey County Council (IACC) as local planning authority. The On-line Highway Improvements were granted planning permission on 13th July 2018 (ref: 27C106E/FR/ECON). The planning authority resolved to grant the SPC application subject to the signing of a legal agreement on the 5th September 2018. The Welsh Government wrote to the IACC on 13 December 2018 directing that the SPC application should be determined by the Welsh Ministers (referred to as a call-in). Horizon has now written to IACC and Welsh Government to confirm that it is withdrawing the SPC application and that all works included within the SPC application have also been applied for as part of the DCO application.
- 1.3.4 The SPC Proposals will now be determined as part of the DCO application. The A5025 On-line Highway Improvements are not part of the DCO application.

The Wylfa Newydd DCO Project

- 1.3.5 The Wylfa Newydd DCO Project comprises those parts of the Wylfa Newydd Project which are to be consented by a DCO, namely:

The Nationally Significant Infrastructure Project (NSIP)

- **Power Station:** the proposed new nuclear power station, including two UK Advanced Boiling Water Reactors, the Cooling Water System, supporting facilities, buildings, plant and structures, radioactive waste and spent fuel storage buildings and the Grid Connection;

- **Other on-site development:** including landscape works and planting, drainage, surface water management systems, public access works including temporary and permanent closures and diversions of public rights of way, new Power Station Access Road and internal site roads, car parking, construction compounds and temporary parking areas, laydown areas, working areas and temporary works and structures, temporary construction viewing area, diversion of utilities, perimeter and construction fencing, and electricity connections;
- **Marine works comprising:**
 - Permanent Marine Works: the Cooling Water System, the Marine Off-loading Facility, breakwater structures, shore protection works, surface water drainage outfalls, waste water effluent outfall (and associated drainage of surface water and waste water effluent to the sea), fish recovery and return system, fish deterrent system, navigation aids and Dredging;
 - Temporary Marine Works: temporary cofferdams, a temporary access ramp, temporary navigation aids, temporary outfalls and a temporary barge berth;
- **Off-site Power Station Facilities:** comprising the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and a Mobile Emergency Equipment Garage (MEEG); and

Associated Development

- the Site Campus within the Wylfa Newydd Development Area;
- temporary Park and Ride facility at Dalar Hir for construction workers (Park and Ride);
- temporary Logistics Centre at Parc Cybi (Logistics Centre);
- the A5025 Off-line Highway Improvements;
- wetland habitat creation and enhancement works as compensation for any potential impacts on the Tre'r Gof Site of Special Scientific Interest (SSSI) at the following sites:
 - Tŷ Du;
 - Cors Gwawr;
 - Cae Canol-dydd

1.3.6 The Power Station will be operational for approximately 60 years after which it will be decommissioned. The buildings will be removed from the site and all spent fuel and radioactive waste managed. The end state of the site will be agreed with the regulators.

Licensable Marine Activities

- 1.3.7 The Licensable Marine Activities comprise the Marine Works and the Deep Disposal (i.e. the disposal of material from dredging at the Disposal Site at Holyhead North). The Licensable Marine Activities will be consented under a Marine Licence, however the Marine Works would also be consented under the DCO.
- 1.3.8 A more detailed description of development is contained at Chapter 4 of the Planning Statement (APP-406).

2 Overview of Engagement

2.1.1 The preparation of this SoCG has been informed by a programme of discussions between Horizon and the RSPB. Horizon met with the RSPB to discuss and document common ground on the following dates:

Table 2-1 SoCG meetings held between Horizon and RSPB

Meeting Date	Attendees	Purpose of Meeting
12 th July 2017	Horizon RSPB	Initial meeting to discuss approach to SoCG
15 th August 2017	Horizon RSPB	Update meeting to discuss amended programme and implications for the SoCG
2 nd October 2017	Horizon RSPB	Update meeting to discuss the draft DCO documents and how they relate to the SoCG
20 th August 2018	Horizon RSPB	First meeting following DCO application submission to discuss approach and programme for agreeing a SoCG document.
2 nd October 2018	Horizon, RSPB, National Trust, North Wales Wildlife Trust, NRW, IACC	Meeting to discuss specific issues relating to Natura 2000 sites to try and establish common ground for the SOCG.
10 th October 2018	Horizon, RSPB, National Trust, North Wales Wildlife Trust, NRW, IACC	Meeting to discuss specific issues relating to Wylfa Head, site campus, and Tre'r Gof SSSI to try and establish common ground for the SOCG.
11 th October 2018	Horizon, RSPB, National Trust, North Wales Wildlife Trust, NRW, IACC	Meeting to discuss specific issues relating to marine and terrestrial ecology to try and establish common ground for the SOCG.

Meeting Date	Attendees	Purpose of Meeting
28 th January 2019	Horizon, RSPB, National Trust, North Wales Wildlife Trust	Meeting to finalise positions for the Final SOCG.

2.1.2 In addition to these discussions, Horizon has engaged with the RSPB since June 2017 through a number of technical meetings to address specific project issues as they have arisen. A list of these meetings is provided below. All of these discussions have informed this SoCG.

Table 2-2 Technical meetings held between Horizon and RSPB

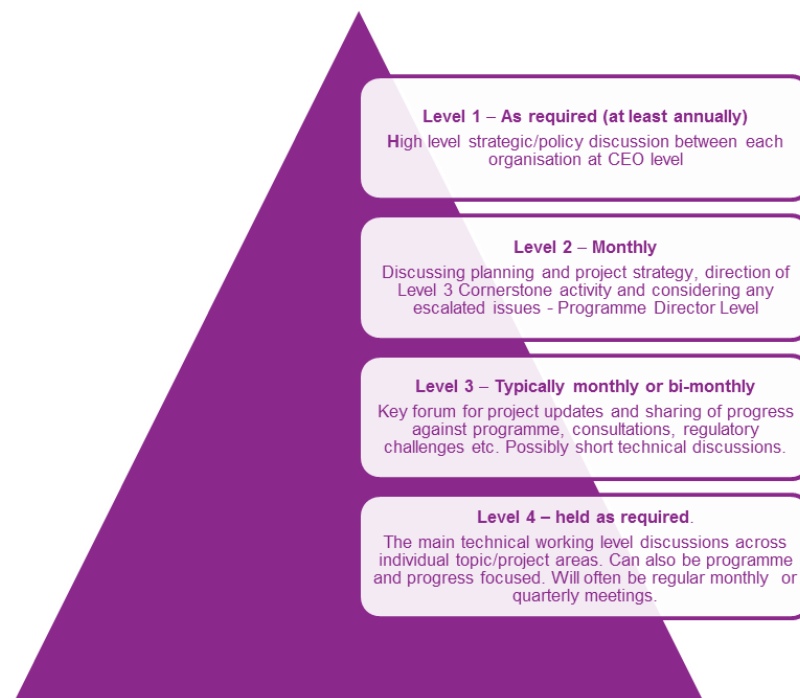
Meeting Date	Attendees	Purpose of Meeting
21 st June 2017 3 rd October 2017	Horizon, IACC, NRW, NWWT, National Trust, RSPB, Gwynedd Archaeology Planning Service, Cadw, Red Squirrels Trust	Wylfa Newydd Natural & Historic Environment Forum (WNNHEF). The forum is intended as a means to obtain stakeholder input into the emerging LHMS.
23 rd October 2017	Horizon, RSPB, NWWT	Visit of the ecological receptor sites and discussion of the parameter plans approach to securing the DCO.
10 th November 2017	Horizon, RSPB	Visit to Wylfa Head to discuss practical measures to manage the site for the benefit of chough.
5 th December 2017	Horizon, NRW, IACC, RSPB, National Trust, NWWT, Seawatch Foundation	Discussion on the issues relating to the marine environment.
12 th December 2017	Horizon, NRW, IACC, RSPB, National Trust, NWWT	Discussion on the issues relating to terrestrial and freshwater ecology.
16 th January 2018	Horizon, NRW, IACC, RSPB, National Trust, NWWT	Discussion on the issues relating to Cemlyn Lagoon.
6 th March 2018	Horizon, IACC, RSPB, National Trust, NWWT	Discussion on the draft Landscape and Habitat Management Scheme.

Meeting Date	Attendees	Purpose of Meeting
28 th June 2018	Horizon, NRW, IACC, RSPB, National Trust, NWWT	Discussion on the potential HRA compensation sites.

2.2 Consultation with RSPB

- 2.2.1 Horizon has undertaken engagement with the RSPB throughout the pre-application period.
- 2.2.2 Full details are provided in the Consultation Report (APP-037).
- 2.2.3 Horizon has an overarching engagement framework in place, principally to support engagement with IACC, Welsh Government and NRW. Although this has not been formally agreed with the RSPB, Officers have attended relevant meetings within this framework, as illustrated in Figure 2-1 below, principally at the Level 4, technical level.

Figure 2-1 Wylfa Newydd Engagement Framework



- 2.2.4 Following Horizon’s Stage Two Pre-Application Consultation, Horizon set up a series of Level 4 technical meetings on specific issues.
- 2.2.5 DCLG Guidance recognises that the topics on which agreement might be reached in any particular instance (or those areas where agreement might not be reached) will depend on the matters at issue and the circumstances of the case.

2.2.6 Horizon shared with the RSPB, amongst other statutory consultees, the draft application documents to support the DCO application that they requested in September and October 2017. Specifically, the RSPB were provided with copies of the following documents:

- Environmental Statement chapters:
 - A1 – Introduction to the project and approach to EIA
 - A2 – Project overview and introduction to the development
 - B8 – Introduction to the assessments – surface water and groundwater
 - B9 – Introduction to the assessments – terrestrial and freshwater ecology
 - B13 – Introduction to the assessments – Marine environment
 - C7 – Combined topic effects of traffic
 - D1 – Power Station Main Site – Proposed Development
 - D6 – Power Station Main Site – noise and vibration
 - D9 – Power Station Main Site – terrestrial and freshwater ecology
 - D13 – Power Station Main Site – marine environment
 - D16 – Power Station Main Site – combined topic effects
 - E1 – Offsite Power Station Facilities – Proposed Development
 - F1 – Park and Ride – Proposed Development
 - G1 – A5025 Offline Highways Improvements – Proposed Development
 - H1 – Logistics Centre – Proposed Development
- Relevant Environmental Statement Appendices
- Shadow Habitats Regulations Assessment
- Construction Method Statement
- Code of Construction Practice
- Code of Operational Practice
- Power Station Main Site sub-CoCP
- Marine Works sub-CoCP
- Site Selection Report Volume 2 main site layout
- Site Selection Report Volume 4 temporary workers accommodation
- Landscape and Habitat Management Strategy

2.2.7 The RSPB was invited to provide written comments on the draft documents but was unable to do so in the timeframe available, and therefore elected instead to provide feedback via the technical meetings set out in Table 2-2. These documents also served to develop, and inform the on-going discussions associated with this SoCG.

3 Current Position

- 3.1.1 The following schedule sets out the position of the RSPB alongside Horizon's position following the submission and review of the DCO application.
- 3.1.2 It sets out matters by topic area and provides an indication of whether the issue is agreed (green), not agreed (red) or ongoing (amber).
- 3.1.3 For ongoing issues, the intention is to continue dialogue on the specific issue to try to reach agreement.
- 3.1.4 The RSPB confirms that, based on the information currently provided, this SoCG covers their key issues of concern. However, the RSPB reserves the right to comment on and/or raise objections in relation to further matters should additional information come to light during the examination.
- 3.1.5 This final SOCG is submitted at Deadline 6 and reflects the positions of the RSPB and Horizon at the point of submission. It is acknowledged that further material may be submitted to the Examination after Deadline 6 which could alter the positions stated in this SOCG.

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Table 3-1 Statement of Common Ground between the RSPB and Horizon

Topic	Issue	SoCG ID	Document Reference Signpost / Routemap	The RSPB Position	Horizon Position	RAG	Further actions required to progress discussion on the issue
Impacts on breeding terns - disturbance	Acoustic and visual disturbance during construction	RSPB1	<p>APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report APP-132 6.4.13 ES Volume D – WNDA Development D13 – The Marine Environment</p> <p>APP-225 6.4.89 ES Volume D – WNDA Development App D13.07 – Seabird Baseline Review</p> <p>REP2-032 Deadline 2 Submission – 8.7 Main Power Station Site Sub-Code of Construction Practice</p>	<p>The RSPB is concerned that noise and visual disturbance to the tern colony in Cemlyn Lagoon during the 10-year construction period could result in reduced breeding success in one or more seasons and/or the potential collapse of the Cemlyn Lagoon colony.</p> <p>The RSPB considers that the Applicant’s proposed “embedded” mitigation to address the effects of noise and visual disturbance during construction is likely to be inadequate and/or ineffective (see RSPB response to FWQ5.0.3 (REP2-358) and REP2-360 paragraphs 3.68 – 3.69). Furthermore, the proposed on-site mitigation measures (within the SPA) to reduce the potential impacts on the tern colony by increasing the colony’s resilience are not clearly defined in the DCO and their delivery is uncertain (see RSPB7, below, and RSPB response to FWQ5.0.39 (REP2-358) and REP2-360 paragraphs 3.236 – 3.243).</p> <p>The RSPB is further concerned that mitigation measures alone will not be sufficient to conclude <i>no adverse effect on integrity</i> of the Anglesey Terns SPA and its species from the combined impacts during the construction and operation phases, and therefore the case for <i>no alternative solutions</i> and <i>reasons of overriding public interest</i>, together with a proposed package of compensatory measures should be presented to the Examining Authority (see RSPB8).</p>	<p>The Environmental Statement and Shadow HRA have considered in detail the effects of the various construction and operational activities on the three tern species that nest on the islands in Cemlyn Lagoon. A range of mitigation measures have been proposed to maintain the integrity of the Anglesey terns SPA and these have been secured in the Main Power Station Site sub-CoCP (REP2-032) or are an integral part of the proposals. The Shadow HRA assesses, drawing upon the assessments in the relevant Environmental Statement chapters, the implications for the Anglesey Terns SPA and concludes that disturbance from noise and visual stimuli will not result in the abandonment or a reduction in breeding success of the Cemlyn Lagoon nesting site. Mitigation is proposed to provide further confidence that noise and visual stimuli will not impact the nesting terns.</p> <p>Further clarity has been provided on how these mitigation measures will be delivered during tern breeding seasons in response to FWQs Q5.0.27 and Q8.0.19 (at Deadline 2) and FWQs Q5.0.7 and Q5.0.12 (at Deadline 5) . These are set out in and secured through the revised sub-CoCP submitted at Deadline 5. In addition, the Cemlyn colony resilience measures sought by the RSPB (see RSPB7) are now secured in the draft s.106 agreement.</p>	Not Agreed	No action identified
	Impacts to foraging and commuting birds during construction	RSPB2	<p>APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report APP-132 6.4.13 ES Volume D – WNDA Development D13 – The Marine Environment</p> <p>APP-225 6.4.89 ES Volume D – WNDA Development APP D13.07 – Seabird Baseline Review</p> <p>REP3-026 Deadline 3 Submission - Horizon’s Response to Written Representation - eNGO Biodiversity Cemlyn Nature Reserve</p>	<p>The RSPB is concerned that changes to foraging and commuting routes of terns during the 10-year construction period could, together with other effects arising from the DCO proposals, result in reduced breeding success in one or more seasons and/or the potential collapse of the Cemlyn Lagoon colony.</p> <p>It is the RSPB’s view that on-site mitigation measures (within the SPA) to reduce the potential impacts on the tern colony by increasing the colony’s resilience are not clearly defined in the DCO and their delivery is uncertain (see RSPB7 and RSPB response to FWQ5.0.39 (REP2-358) and REP2-360 paragraphs 3.236 – 3.243).</p> <p>The RSPB is further concerned that mitigation measures alone will not be sufficient to conclude <i>no adverse effect on integrity</i> of the Anglesey Terns SPA and its species from the combined impacts during the construction and operation phases, and therefore the case for <i>no alternative solutions</i> and <i>reasons of overriding public interest</i>, together with a proposed package of compensatory measures should be presented to the Examining Authority (see RSPB8).</p>	<p>The Environmental Statement and Shadow HRA have considered the effects of the foraging and commuting routes of terns being diverted due to disturbance during construction. The assessments conclude that although it is likely that flights would be extended slightly, as birds divert around construction activities relating to the MOLF and breakwater, the increase in energy required to extend flight durations would not be significant. There would not be a significant effect on foraging and commuting birds from Cemlyn Lagoon. Further detail on this position is provided in Horizon’s response (REP3-026) to the eNGOs’ written representation on Cemlyn Lagoon.</p>	Not agreed	No action identified

	Impacts to foraging dynamics during operation	RSPB3	<p>APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report APP-132 6.4.13 ES Volume D – WNDA Development D13 – The Marine Environment</p> <p>APP-225 6.4.89 ES Volume D – WNDA Development App D13.07 – Seabird Baseline Review</p> <p>REP3-026 Deadline 3 Submission - Horizon's Response to Written Representation - eNGO Biodiversity Cemlyn Nature Reserve</p>	<p>The RSPB is concerned that changes to foraging dynamics of terns during the 60-year operation period could, together with other effects arising from the DCO proposals, result in reduced breeding success in one or more seasons and/or the potential collapse of the Cemlyn Lagoon colony.</p> <p>It is the RSPB's view that on-site mitigation measures (within the SPA) to reduce the potential impacts on the tern colony by increasing the colony's resilience are not clearly defined in the DCO and their delivery is uncertain (see RSPB 7 and RSPB response to FWQ5.0.39 (REP2-358) and REP2-360 paragraphs 3.236 – 3.243).</p> <p>The RSPB is further concerned that mitigation measures alone will not be sufficient to conclude <i>no adverse effect on integrity</i> of the Anglesey Terns SPA and its species from the combined impacts during the construction and operation phases, and therefore the case for <i>no alternative solutions</i> and <i>reasons of overriding public interest</i>, together with a proposed package of compensatory measures should be presented to the Examining Authority (see RSPB8).</p>	<p>The Environmental Statement and Shadow HRA have considered the effects of the foraging and commuting routes of terns being diverted due to disturbance during operation. The assessments conclude that although it is possible that flights would be extended slightly, as birds divert around the MOLF and breakwater, the increase in energy required to extend flight durations would not be significant. There would not be a significant effect on foraging and commuting birds from Cemlyn Lagoon. Further detail on this position is provided in Horizon's response (REP3-026) to the eNGOs' written representation on Cemlyn Lagoon.</p>	Not agreed	No action identified
Impacts on breeding terns – coastal processes	Long term viability of Esgair Gemlyn	RSPB4	<p>APP-131 6.4.12 ES Volume D – WNDA, D12 – Power Station Site – Coastal Processes and Coastal Geomorphology,</p> <p>APP-216 6.4.80 ES Volume D WNDA Development App, D12.01 – Coastal Geomorphology Baseline for the Wylfa Newydd Project – 2014,</p> <p>APP-218 6.4.82 ES Volume WNDA Development App D12.03 – Wylfa Newydd Main Site - Final Wave Modelling Report</p> <p>REP2-007 Deadline 2 Submission - Supplementary Information on Coastal Processes to Support Wylfa Newydd EIA and Shadow HRA</p> <p>REP3-026 Deadline 3 Submission - Horizon's Response to Written Representation -</p>	<p>The RSPB is concerned that impacts on coastal processes during the 60-year operation period could affect the long term viability of the Esgair Gemlyn shingle ridge protecting the Cemlyn Lagoon tern colony, leading to potential impacts to and/or collapse of the colony.</p> <p>The RSPB wishes to defer to the technical expertise of Natural Resources Wales (NRW), North Wales Wildlife Trust (NWWT) and the National Trust (NT) in respect of potential changes to coastal processes and geomorphology as a result of the proposed development. However, the RSPB considers that, on the basis of the current views expressed by NRW, NWWT and NT experts, mitigation measures alone will not be sufficient to conclude <i>no adverse effect on integrity</i> of the Anglesey Terns SPA and its species as a result of potential changes to coastal processes (in addition to other identified impacts during the construction and operation phases), and therefore the case for <i>no alternative solutions</i> and <i>reasons of overriding public interest</i>, together with a proposed package of compensatory measures should be presented to the Examining Authority (see RSPB8).</p>	<p>Since the submission of the DCO application, Horizon has undertaken further modelling assessments which couple the model for the worst case 99%ile wave scenario from a number of sectors with the coastal processes model to identify any impacts to Esgair Gemlyn. The additional modelling information was sent to the NWWT on 5th October 2018 and was discussed at a meeting on the 11th October 2018. The additional modelling information has been submitted to the Examining Authority at Deadline 2 (REP2-007).</p> <p>The results show that the bed sheer stresses predicted to arise due to the presence of the western breakwater would not change sufficiently to cause an increase in sediment mobilisation (above that already being mobilised) that could have a significant adverse impact on Esgair Gemlyn.</p> <p>Moreover, there is not predicted to be a significant change in the energetics of the water body within or adjacent to Cemlyn lagoon. Consequently, the functioning of the lagoon and islands that terns use for breeding would not be adversely affected.</p> <p>Although no significant changes are predicted to Esgair Gemlyn as a result of the presence of the western breakwater, to further minimise the residual risk Horizon is proposing to monitor the shingle ridge and develop an adaptive management plan to deal with any changes should they arise. These proposals are currently being consulted on with NRW and will be provided into Examination at Deadline 5.</p>	Ongoing	Horizon are consulting with NRW on the monitoring and adaptive management proposals for Esgair Gemlyn and will consult with the eNGOs once agreement with NRW has been found..

			eNGO Biodiversity Cemlyn Nature Reserve				
Impacts on breeding terns – predator displacement	Impact of predator displacement on the tern colony	RSPB5	APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report REP3-026 Deadline 3 Submission - Horizon's Response to Written Representation - eNGO Biodiversity Cemlyn Nature Reserve	<p>The RSPB is concerned about the potential impacts of predators, displaced from the Wylfa Newydd Development Area during construction, on the tern and gull colonies in Cemlyn Lagoon. The potential impact has not been recognised in the DCO application nor assessed in the Environmental Statement or Shadow Habitat Regulations Assessment, and consequently no mitigation is currently proposed to manage the effect on the seabird colonies.</p> <p>Without mitigation, the RSPB considers that it may not be possible to conclude <i>no adverse effect on integrity</i> of the Anglesey Terns SPA and its species as a result of potential increased predation of the seabird colonies (in addition to other effects during the construction and operation phases).</p>	In August 2018, the IACC considered the risk of increased predation within its assessment of the SPC works under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). IACC concluded that any changes to predation risk associated with the SPC works are likely to be imperceptible and that significant effects, as a result of the SPC works, would not occur. Although this conclusion is specific to the SPC works - which do not involve soil stripping - the IACC's justifications for this conclusion are equally relevant to the Project as a whole. Further detail on this position is provided in Horizon's response (REP3-026) to the eNGOs' written representation on Cemlyn Lagoon.	Not agreed	No action identified
Impacts on breeding terns – black headed gulls	Adequacy of the black headed gull surveys	RSPB6	APP-225 6.4.89 ES Volume D – WNDA Development App D13.07 – Seabird Baseline Review	<p>Terrestrial foraging surveys for black headed gulls have been undertaken at a time when farming activities were winding down in anticipation of the Wylfa Newydd development. The RSPB is concerned that the surveys may not therefore provide representative data that can form a reliable baseline.</p> <p>Notwithstanding this concern, the RSPB is satisfied that the gulls are presently finding sufficient food resource elsewhere on Anglesey in order to maintain their role in establishing the SPA tern colony at Cemlyn.</p>	Horizon have presented the results of the seabird survey in the Environmental Statement (APP-225) and consider them to be accurate and reliable.	Not agreed	No action identified
Resilience / mitigation measures	Status and delivery of the resilience measures set out in the Ecological Options paper	RSPB7	APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report	<p>The RSPB is pleased that the Application makes reference to some of the measures recommended in the Ecological Options paper (jointly prepared by the RSPB, NWWT, and the NT), aimed at protecting the tern colony at Cemlyn Lagoon, which the Applicant considers will improve the "resilience" of the colony and benefit the management of Cemlyn Lagoon.</p> <p>However, the RSPB is unclear why the Applicant is not willing to class any of those measures as SPA mitigation under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Consequently, although broadly referenced in the DCO Application, these critical measures – which the RSPB considers are necessary to help protect the Anglesey Terns SPA and its species from impacts arising from the proposed development – lack any legal certainty, as well as clarity with regards to their scope, duration, funding or indeed their actual delivery. The RSPB has not had sight of the most recent draft s.106 agreement, but our concerns regarding the draft submitted to the Examining Authority at Deadline 1 (REP1-010) are set out in RSPB's response to FWQ5.0.39 (REP2-358) and the eNGOs joint submission REP2-360 paragraphs 3.236 – 3.243.</p>	The resilience measures referred to by the RSPB are described in the Shadow HRA document (APP-050 / APP-051). Horizon acknowledge the RSPB's concern about the need for these measures and are currently exploring the most appropriate mechanism for securing them through the planning system. The s.106 agreement with the Isle of Anglesey County Council secures the resilience measures.	Not Agreed	No action identified

Compensatory measures	Status of the SPA compensations on site proposals	RSPB8	APP-050 / APP-051 5.2 Shadow Habitats Regulations Assessment Report	<p>The RSPB does not consider that an overall conclusion of <i>no adverse effect on the integrity</i> of the Anglesey Terns SPA can be reached and that – subject to meeting the tests of <i>no alternative solutions</i> and <i>imperative reasons of overriding public interest</i> (as required under Regulation 64 of the Habitats Regulations 2017) – a robust package of compensation measures (including suitable monitoring thereof) will be necessary to ensure that the overall coherence of the Natura 2000 network is protected (including sites forming part of the Irish Sea tern meta-population see REP2-360 paragraphs 3.225 – 3.235).</p> <p>The RSPB understands that the Applicant is exploring options for the compensation of potential damage to the Cemlyn Lagoon tern colony, to be put forward in the event that the Examining Authority supports the view of NRW and the NGOs that, on the basis of the available evidence, it is not possible to reach a conclusion of <i>no adverse effect on the integrity</i> of the SPA.</p> <p>The RSPB considers that this information should be presented to the Examining Authority now in order to allow proper consideration and discussion of the proposals – including the Applicant’s “without prejudice” case regarding <i>alternative solutions</i> and <i>imperative reasons of overriding public interest</i> – during the Examination.</p>	<p>Horizon has held informal discussions with a variety of stakeholders including the RSPB about the possibility of providing compensation sites for nesting terns in the event that they are needed. The Shadow HRA has concluded that no effects on site integrity would arise from the project. As such Horizon do not consider compensation measures to be necessary so have not undertaken any public consultation on these proposals and have not included them in the DCO application.</p> <p>Horizon does not intend to bring compensation measures forward unless the Examiner agrees with NRW’s position. However, a report on Horizon’s consideration of compensation options has been provided at Deadline 5.</p>	Not agreed	No action identified
Impacts on chough – loss of foraging	Loss of chough foraging habitat due to the footprint of the site campus and cessation of grazing within the landscaped areas of the site campus	RSPB9	<p>APP-128 6.4.9 ES Volume D – WNDA Development D9 – Terrestrial and Freshwater Ecology</p> <p>APP-181 6.4.47 ES Volume D – WNDA Development App D9-14 – Chough Baseline Report</p> <p>REP3-046 Deadline 3 Submission - Addendum to 2018 Chough Baseline Report</p> <p>REP2-039 Deadline 2 Submission - 8.16 Landscape and Habitat Management Strategy (Rev 2.0)</p>	<p>The construction of the Temporary Site Campus will result in direct and indirect loss of a key area of chough foraging habitat as a result of the built footprint of the campus and due to the cessation of grazing of any remaining areas of grassland within the campus. The resulting loss of a key food resource could have adverse implications on the breeding performance and productivity of this bird of special conservation interest.</p> <p>The RSPB does not consider Horizon’s 2018 chough surveys to provide an accurate picture of the value of the Site Campus to foraging chough. The pattern of use from this single year survey instead reflects the fact that the Site Campus area was subject to significant disturbance (from archaeological surveys) during this period, whereas Wylfa Head was subject to more suitable grassland management for chough.</p> <p>Although the RSPB acknowledges the Applicant’s efforts to assess and reduce the risks of impact to the chough population (including retention of rocky outcrops), it remains concerned and does not think that adequate mitigation measures have been secured, including an appropriate long-term grassland management regime as recommended to the Applicant by the RSPB. Therefore, it may not be possible to demonstrate that a sufficient diversity and area of habitat has been secured for this Schedule 1 and Annex I species in this location.</p>	<p>Horizon acknowledges that there is a potential impact to chough from the loss of foraging and are currently implementing management measures on Wylfa Head and the adjoining coastal strip which is sympathetic to chough foraging as mitigation. The management measures have been informed by advice provided by the RSPB. To formalise these management measures, Horizon are in the process of producing a draft landscape and habitat management scheme which has been shared with the RSPB for comment. DCO Requirement WN11 states that this will be submitted to IACC for approval.</p> <p>Chough surveys have been undertaken over the 2018 breeding season and the initial results have been presented to the RSPB at a meeting on the 10th October 2018 and the report subsequently shared with the RSPB. The results are presented in the Addendum to the 2018 Chough Baseline Report (REP3-046). The results showed that the nesting pair comprises different individual birds to previous years but has foraged primarily (71% of foraging time) on Wylfa Head, 4% in the adjoining fields where the site campus would be located and the remainder of the time to the west of the Magnox buildings, presumed to be at Trwyn Pencarreg where there is suitable habitat. The results indicate that the loss of foraging from the construction and operation of the site campus will not adversely affect chough through a loss of foraging habitat, provided that Wylfa Head is adequately maintained. The appropriate management of Wylfa Head will be secured through the principles set out in the Landscape and Habitat Management Strategy (REP2-039) which will be implemented via the Wylfa Head Landscape and Habitat</p>	Ongoing	The RSPB to review and comment on Wylfa Head Landscape and Habitat Management Scheme,

					Management Scheme which Horizon will continue to consult with the RSPB on.		
Impacts on chough – recreational disturbance	Noise and visual disturbance from construction workers on Wylfa Head and areas close to chough foraging breeding habitats	RSPB10	REP2-039 Deadline 2 Submission - 8.16 Landscape and Habitat Management Strategy (Rev 2.0) APP-413 8.7 Workforce Management Strategy	<p>The RSPB is concerned that the location of the site campus could result in construction workers using Wylfa Head as a recreational area. We consider that Horizon have significantly overestimated the distance that workers would have to walk in order to gain access to Wylfa Head, and believe that it is within reasonable walking distance of the site campus (we estimate it to be less than 2km distance).</p> <p>An increase in visitors to Wylfa Head could result in visual and noise disturbance to breeding and foraging chough which could reduce the breeding success of the species over one or more seasons.</p> <p>The Workforce Management Strategy does not currently provide adequate provisions to prevent impacts to chough from construction workers. The RSPB further awaits sight of a Landscape and Habitat Management Scheme for Wylfa Head which includes the full suite of mitigation measures proposed by Horizon.</p>	<p>Horizon have discussed the issue of disturbance from the workforce with the RSPB and other stakeholders at a meeting on the 10th October 2018. Horizon can confirm that gates marked on the submitted plans are for emergency use only and that workers wishing to access Wylfa Head for recreational purposes will have to walk 4.7km in each direction to gain access. Horizon believe that this will deter casual visitors of Wylfa Head. Measures to manage increased visitors to Wylfa Head have been discussed with the RSPB and will be included in the Wylfa Head management scheme which will require approval by IACC in accordance with Requirement WN11. The measures have also been included in the LHMS (REP2-039), submitted at Deadline 2, include fencing off the chough nesting site with an adequate buffer during the critical establishment period, way marking of routes across Wylfa Head away from the most sensitive areas, and installation of signs and interpretation boards informing visitors of sensitive areas to avoid.</p> <p>Workers residing in the Site Campus will be informed of the sensitive nature of Wylfa Head and the species it supports (including their legal protection where relevant). This forms part of the updated principles contained in the revised Workforce Management Strategy to be submitted at Deadline 5.</p> <p>The Site Campus will also be designed to provide entertainment facilities on-site, reducing the potential need for workers to leave site for recreation.</p>	Ongoing	The RSPB to review and comment on Wylfa Head Landscape and Habitat Management Scheme
Impacts on chough – estate management	Mowing regimes and management of the WNDAs during construction	RSPB11	REP2-039 Deadline 2 Submission - 8.16 Landscape and Habitat Management Strategy (Rev 2.0)	<p>Further details are required on the mowing regime of the WNDAs, commencing from SPC implementation onwards. The RSPB is concerned that inappropriate mowing regimes in the area around Wylfa Head could result in suboptimal foraging opportunities (or habitat condition) for chough.</p>	<p>Horizon will be producing a management plan to cover the period between the enabling works and the main top soil strip. The management plan will be produced as a landscape and habitat management scheme in accordance with the principles set out in the LHMS (REP2-039) and DCO Requirement WN11. The LHMS includes principles which specifically ensure the provision of a net increase in suitable chough foraging habitat at suitable locations within the WNDAs and appropriate management and monitoring of such habitat.</p> <p>A draft of the plan will be issued to the RSPB for comment prior to implementation.</p>	Ongoing	Further details on mowing regime to be provided to the RSPB.
Tre'r Gof SSSI	Consideration of impacts to Tre'r Gof	RSPB12	N/A	<p>It is agreed that the RSPB will defer all matters in relation to the Tre'r Gof SSSI and Cae Gwyn SSSI to NRW, NWWT and NT, including the provision of Ecological Compensation Sites to off-set potential adverse effects on Tre'r Gof SSSI.</p>		Agreed	

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