

**EN010007**

**RESPONSE BY NATIONAL TRUST (20010995)**

**ISSUE: Deadline 7 Response**

**1. INTRODUCTION**

1.1 This response is provided by National Trust (NT) to issues raised at the Issue Specific Hearings on Monday 4<sup>th</sup> March 2019; Wednesday 6<sup>th</sup> March 2019 and Friday 8<sup>th</sup> March 2019. The totality of the response is fully endorsed by North Wales Wildlife Trust. A coordinated response has been provided in response to issues by the Environmental Non-Governmental Organisations (eNGO's). A separate and detailed response from eNGO's has been provided in relation to Anglesey terns SPA under separate cover.

**2. ISSUE SPECIFIC HEARING MONDAY 4<sup>TH</sup> MARCH 2019**

**2.1 LANDSCAPE AND VISUAL**

**2.1.1 Construction Photomontages**

2.1.1.1 The preparation of the construction photomontages is welcomed. It is unfortunate that Horizon have chosen to leave it to the last stage of Examination in order to provide this detail. This information was requested by NT at pre application, and considered unnecessary by Horizon. We welcome in particular, the construction photomontage from Viewpoint (Vp) 27 the view east from Wales Coast Path near Cerrig Brith. As well as being on the Wales Coast Path (WCP) this viewpoint is from the AONB and from NT land. This viewpoint, which looks across Porth-y- Pistyll, encompasses the group of heritage assets, Felin Gafnan Farm House, the Corn Mill and Cestyll Gardens, and enables an appreciation of their relationship to each other.

2.1.1.2 The photographs from Vp 27 included all these assets in [APP-195] ES 6.4.61 ES Volume D - WNDA Development App D10-4 - Representative viewpoints and were shown over two pages. However, the operational photomontage in [APP-199] 6.4.65 ES Volume D - WNDA Development App D10-8 - Photomontage views only included a single page, choosing the centre of the two pages previously shown and omitting the heritage assets on the right hand side of the view and the full extent of the MOLF on the left had side.

2.1.1.3 It is only with the latest construction photomontages, requested by the ExA that we can see the full extent of the changes in this area. In [REP6-019] Deadline 6 Submission - Illustrative Construction Visualisations it has been necessary to use 3 pages in order to encompass the full extent of the construction works from this viewpoint. The photomontage labelled 27.1 shows

the full extent of the MOLF although it does not include the temporary causeway which would be located in the foreground of this view.

2.1.1.4 In the photomontage labelled 27-2 we see the right hand side of the original representative viewpoint 27 with Felin Gafnan, the Mill and Cestyll Gardens. This is the only viewpoint provided from which the relative scale of these existing features compared to the scale of the development, particularly the two buildings closest to the heritage assets would be appreciated. We still do not have an operational photomontage to illustrate the development in relation to the heritage assets when viewed from this location.

## 2.1.2 Residential Amenity

2.1.2.1 As well revealing the relationship between the Heritage Assets, the construction works and some of the operational buildings, Vp 27 in [REP6-019] Deadline 6 Submission - Illustrative Construction Visualisations enables an appreciation of the relationship between the residential property of Felin Gafnan, the construction works and some aspects of the operation.

2.1.2.2 We welcome the ExA's request for photomontages from Vp 38 which would represent the view from the front of Felin Gafnan and the view that will be available to the residents of Felin Gafnan. We have been requesting photomontages from this location for two years. We have requested them as part of a residential visual amenity assessment (RVAA) in Section 5.2 of [Rep2-317] Written Representations Landscape and Visual Issues on behalf of the National Trust.

2.1.2.3 We do not accept the position put forward by HNP at the ISH on 4/03/19 that an assessment of residential visual amenity is not required because 'there is no right to a view'. Appendix 2 of [Rep2-317] Written Representations Landscape and Visual Issues on behalf of the National Trust contains a Background Document from the Landscape Institute (Appendix 1 to Draft Guidance of Residential Visual Amenity Assessment). This Appendix sets out how potential adverse effects on the visual residential amenity of occupiers of residential properties located close to proposed large scale development have been a consideration in the determination of major planning applications. This has been in relation to a wide range of developments including major road and rail infrastructure as well as energy developments.

## 2.1.3 Wales Coast Path

2.1.3.1 At the ISH on 4/03/19 the rerouting of the WCP was raised and the failure of Horizon's Rights of Way (RoW) Plans to show how the rerouted WCP was linking up to the WCP outside the WNDA. The ExA said that Horizon had been requested to add Rights of Way outside the WNDA to their RoW Plans but the document was not accessible during the Hearing.

2.1.3.2 The latest version of the RoW plans [REP5-012] 2.4 Rights of Way Plans – All DCO Sites Rev 3 shows the RoWs adjacent to the North West corner of the WNDA on the Drawing of Existing RoWs (WN0902-HZDCO-ROW-DRG-00002 Rev 1). These include the RoW from Cemlyn Road to the Corn Mill which passes Felin Gafnan Farmhouse (18/001/2), as well as the permissive route across NT land around Trwyn Pencarreg and Cerrig Brith which forms part of the WCP. RoW 38/034/1 which is within the WNDA currently forms a continuation of the RoW 38/034/1 via a NT permissive path across the clapperboard bridge below the Corn Mill.

2.1.3.3 However, these RoW are not all shown on the subsequent drawings. The RoW outside the WNDA is not shown on the Rights of Way during Construction Drwg for this area (WN0902-HZDCO-ROW-DRG-00019 Rev 2) or the Rights of Way during Operation Drwg for this area (WN0902-HZDCO-ROW-DRG-00024 Rev 2 or WN0902-HZDCO-ROW-DRG-00026 Rev 2).

2.1.3.4 WN0902-HZDCO-ROW-DRG-00026 Rev 2 shows the proposed route for the WCP adjacent to this area but it does not show how it connects to the existing WCP. Details regarding how the proposed RoWs will connect to the existing RoW are still missing.

2.1.3.5 The area in which this information is missing is the same area in which the heritage assets are located. The ExA have asked for more details as to how the very sensitive nature of the AONB landscape and the heritage assets will be protected and enhanced. It is anticipated that more detailed proposals in this area will also address connections between the PRow within and outside the WNDA, including proposals for how the end of RoW 18/001/2 will be treated once the current continuation along PRow 38/034/1 is stopped up.

#### 2.1.4 AONB

2.1.4.1 The NT raised concerns that the latest revision to Section 4 of 8.16 Landscape and Habitat Management Strategy, one of only two controlled sections in the LHMS, weakens the protection of the AONB.

2.1.4.2 The original version [APP-424] Section 4 Page 60 Overarching Principles: Landscape Design said:

**‘A new landscape setting will be created that reflects the existing open, rolling, drumlin landscape character and sense of place, minimizing harm to the setting of the Anglesey Area of Outstanding Natural Beauty (AONB) and North Anglesey Heritage Coast.’**

2.1.4.3 Revision 3 of the LHMS [REP5-036] Section 4 Page 60 Overarching Principles: Landscape Design says:

**A new landscape setting will be created that reflects the existing open,**

**rolling, drumlin landscape character and sense of place typical of the Anglesey Area of Outstanding Natural Beauty (AONB) and its setting and that has regard to the seascape character of the North Anglesey Heritage Coast.**

2.1.4.4 It is to be welcomed that the LHMS should make reference to the AONB itself as well as its setting but the proposed change in wording would mean that minimising harm to the AONB and its setting was no longer one of the overarching principles secured by the DCO.

2.1.4.5 In the introduction to Section 4 it explains that the overarching principles ‘underpin the design and apply to both construction and operational phases’ [REP5-036] Section 4 Page 60 Overview Para 4.1.1). The revised wording focuses this overarching principle on the operational phase of the development only, whereas the original wording was equally applicable to the construction and operational phases.

2.1.4.6 The NT recommends that this overarching principle should read: ‘A new landscape setting will be created that reflects the existing open, rolling, drumlin landscape character and sense of place, that minimizes harm to the Anglesey Area of Outstanding Natural Beauty (AONB) and its setting, and that has regard to the seascape character North Anglesey Heritage Coast.’

## 2.1.5 Mound E

2.1.5.1 The Written Representations Landscape and Visual Issues on behalf of the National Trust Section 3.2 [Rep2-317] set out the adverse landscape and visual implications on the AONB and visitors to Cemlyn Lagoon of reworking Mound E at the end of the construction period. The latest Phasing Strategy [Rep5-040] increases the flexibility sought by HNP with the addition of the qualification that ‘Landscape Mounds will continue to change through construction as material is added and taken away as required’ (Footnote 3 on page 7). The NT opposes this relaxation.

2.1.5.2 The NT welcomes HNP’s suggested change at the ISH on 4/03/19 that as a minimum the northern and western faces of Mound E are not reworked once initially constructed. This approach will have landscape and visual benefits in this very sensitive location as well as ecological connectivity benefits as set out by Dr David Parker for the NT (see below for further details).

2.1.5.3 The NT also welcomes the request by the ExA that HNP prepares a Method Statement for Mound E which would allow at least parts of it to be planted and habitats established prior to the end of the construction phase. We welcome this inclusion, and await sight of this document as part of the Examination.

2.1.5.4 The NT would recommend the addition of a principle to LHMS Section 4 under the Earthworks Section similar to that for Mound B. For example: The northern and western faces of Mound E will have regard to the landscape and ecological sensitivity of the adjacent AONB. They will be established in their final form early in the construction period and will not be reworked. Early seeding and planting should be delivered with the aim of establishing proposed habitats before the end of the construction period.

## 2.1.6 Off-site planting

2.1.6.1 The NT supports the inclusion of a mechanism to bring forward off site planting through a Section 106 Agreement. We await further clarification of the detail on how this aspect would be secured, what it seeks to achieve and the engagement of third parties in implementation. It is unfortunate that Horizon have left it until this late stage of consideration to accept the need for off-site mitigation. NT has been advocating the need for a Section 106 agreement to bring forward considerable off site landscaping since pre application, considered up to this point not necessary by Horizon. NT consider the scale of indicative off site mitigation (£100,000) at the ISH as being insufficient given the likely zone of visual influence of construction and operation.

## 2.1.7 Independent Design Review

2.1.7.1 The NT welcomes the discussion at the ISH in relation to design. We welcome recognition of the current uncertainty of the submission in the issue of design, and how to move from “could” to “will”. The NT has raised design issues from pre application through to Examination, and that a considerably better submission could have been achieved through greater external scrutiny during pre-application. The NT considers it unfortunate that Horizon chose not to continue with engagement of the Design Commission for Wales. We welcome the ExA’s scrutiny in this area in terms of: material choice; sustainability; external independent review. We hope that this external scrutiny can be brought to development within the WNDA, and other unresolved and associated development including the visitor centre building and spent fuel buildings.

## 2.1.8 Master Planning

2.1.8.1 The NT remains fundamentally concerned about the lack of strategic masterplanning at the site. This is evident in the approach and responses provided by Horizon to issues relating to the siting of the spent fuel buildings. Horizon could not deliver a satisfactory answer to the question of the envisaged landscape of the area post decommissioning. This is a very important residual question to NT. We retain land ownership adjoining this site, and will retain ownership in perpetuity. We have a vested interest to ensure that any structure in this landscape has been adequately considered, justified and the long term siting in the landscape has been designed. The submission and responses at

the ISH demonstrate the lack of masterplanning, the lack of any long term vision and thus fundamental questions remain outstanding in this matter. It is not surprising that this issue has emerged. National Trust has developed a 100 year plus approach to its land management at Cemlyn (the Cemlyn Vision); a copy of this is provided as an Addendum to this submission. A public engagement exercise was undertaken by NT to help formulate The Vision and a series of events held to input to this long term strategy. Horizon chose not to engage or contribute to the Cemlyn Vision. The ExA during the ISH asked Horizon how the spent fuel store buildings will sit in the landscape post decommissioning; a visualization to help demonstrate how masterplanning has brought forward the preferred siting and solution would be a very useful outcome. The NT questions how this can remain as a post Examination issue; it remains fundamental to the principle of achieving an acceptable solution at the site.

## 2.2 THE HISTORIC ENVIRONMENT

2.2.1 The NT is deeply concerned and surprised about the approach taken by Horizon to the historic environment. We hope for a very early resolution of the matters outlined at the ISH in relation to post excavation funding, storage, management and analysis of archaeological finds. We trust that this will be resolved outside the timelines of the Examination and DCO. We would note that Horizon indicated they would be receiving offers this week, and we would hope that a satisfactory solution will be funded by Horizon. It would be helpful if Horizon could provide an update of this issue to wider Interested Parties as part of the remaining DCO timelines.

2.2.2 The NT waits with interest the summary heritage reports, and trusts these will be available at Deadline 7. We await the consideration of Welsh Government and CADW in relation to the summary reports and note the Welsh Government commentary at the ISH that the assets are not designated but designatable. The NT has a fundamental interest in this issue in relation to its land ownership history and in particular the interrelationship with other notable features in the area such as Cemlyn Fort.

2.2.3 The NT awaits clarification of matters relating to Felin Gafnan. The NT supports the inclusion of listed buildings at the western end of the site within a future Conservation Management Plan (CMP). We await clarification of the Section 106 matters in this context in terms of funding for the preparation and implementation of a CMP. We note the lack of ambition advocated by Horizon in relation to Felin Gafnan, and remain ambivalent about the proposed approach to mitigation. The NT restates that it considers inadequate mitigation has been brought forward for the three listed buildings at Felin Gafnan (NT Horizon Statement of Common Ground).

2.2.4 The NT welcomes the clarification of reinstatement of the Valley Kitchen Garden, but waits how this matter will be secured. We also await clarification of

matters relating to the siting/design/detail of the temporary sewage treatment facility adjoining Cestyll Gardens. We refer to outstanding matters provided above by NT in relation to Felin Gafnan and Rights of Way (paras 2.1.3.2) and residential amenity assessment (para 2.1.2.2). The NT considers these are Examination matters and remain fundamental to understanding residual harm.

2.2.5 The NT remains concerned about the unresolved matters associated with the impact of Mound E drainage water (and other inputs) on the fabric of the water features in the Valley Garden area of Cestyll Garden due to additional flows leading to erosion. This matter may not be accounted for in the additional material on flood risk. We note this issue remains an unclarified residual harm associated with the Registered Park and Garden.

## 2.3 LHMS AND MOUND E

2.3.1 This issue is a cross-cutting matter and the following discussion should be read in conjunction with section 2.1.5 above, which considers the landscape issues. The NT has a major concern about the reworking of Mound E during construction (year 2-9) and the inability to achieve any permanent habitat creation until year 7 at the earliest. (Phasing Strategy at REP5-039). We now have “Construction Mounds” and “Operational Mounds”. Reworking Mound E has issues concerning slope stability (risk of landslip too) and run-off of sediment threatening Cemlyn Lagoon SAC despite assurances from Horizon and NRW that design and procedures will work.

2.3.2 The NT would wish to re-emphasize that any requirement for pumping water from Mound E to the Afon Cafnan it will be necessary to cross a +6m head which requires a “push” pumping system [REP6-010, Appendix 1-6, section 4]. This will require the silt buster(s) to be located to the west of Mound E, at discharge E1 and it will not be possible to relocate the silt buster to a less visually intrusive position. This remains an unresolved issue for NT, and the prospect of multiple silt buster units and other construction infrastructure remaining on site for lengthy periods at prominent locations within the AONB, and at the key visitor entrance point to Cemlyn Bay.

2.3.3 The NT remains concerned about any reworking from October-March when it will be impossible to establish stabilising vegetation (grasses) even with geotextiles. Can reworking activity be confined to the growing seasons (April-September)?

2.3.4 The NT requests that the western side of Mound E is stabilised and vegetated from the outset, preferably with the final LHMS [REP5-036] habitats and landscape features. Reference is made to 2.1.5.2-4 of this submission in relation to landscape commentary.

2.3.5 The NT remains concerned about phasing and the ability to achieve any

habitat restoration and creation during the construction period extend to the whole site.

2.3.6 The on-site management of soils and their use in site restoration through the creation of habitats remains of concern. There is a section on soil management in the Wylfa Newydd CoCP [APP-414] but no detail on how the soil profiles and correct hydrological conditions will be created in order to achieve the desired habitats as set out in Table 4.1 (page 61 of the LHMS [REP5-036]).

2.3.7 NT welcomes ambitious proposals to create habitats of high biodiversity value and having nature conservation and not agricultural production as the primary focus of site restoration. We welcome further engagement in this matter which has potential benefits in bringing forward synergy with the Cemlyn Vision (para 2.1.8.1 above).

2.3.8 The proposal to create 120ha of “Coarse-sward / species-rich grassland” (57% of the 210ha total habitat creation area) misses the opportunity to create grasslands of likely greater value, such as coastal heath/grassland mosaic (currently 15ha/7%), close sward species-rich grassland (25ha/12%) and marshy grassland (15ha/7%). We propose change to the LHMS to incorporate this matter.

2.3.9 The proposal for 120ha of coarse-sward / species-rich grassland (paragraph 6.5.8, page 110 of the LHMS) is suggesting a sward with primarily National Vegetation Classification) MG5 (lowland meadow grassland) species. The northern coastal environment of Anglesey suggests that an approach which creates a variety of soils and hydrological conditions, together with a range of management approaches (such as hay-meadows, permanent grasslands, etc.), would be a better alternative to one which is attempting to create a particular NVC grassland type. We propose changes to the LHMS to incorporate this matter.

2.3.10 The indicative completed habitat plan (LHMS reference point 5, page 144, which needs to be corrected as an earlier version plan has been inserted at D5 and the key colour coding of habitats is wrong) does not seek to connect the Wnda habitats with those adjoining the site. This misses an opportunity to maximise the value of the new habitats at a landscape scale. We propose change to the LHMS to incorporate this matter.

2.3.11 In the Horizon – NT Statement of Common Ground [REP6-049], at page 20, issue: Integration of the site into the surrounding landscape, the Horizon response on the ecological issue refers to design principles for habitats that require connections and linkages with key adjacent habitats. These are shown in the indicative drawings in LHMS within the Wnda, but not to adjacent habitats and the wider landscape. This is also the case with Trywyn Pencarreg in the next item in the Statement of Common Ground (page 21, REP6-049).



2.3.12 NT requests that the habitat creation proposals are reconsidered, with a principle to prioritise grasslands and habitats of the highest biodiversity value, but also to create habitat mosaics and habitats that are designed to complement and connect with habitats adjoining the WNDA.

2.3.13 NT welcomes future engagement by IACC on matters relating to discharge of LHMS, and welcome pre application discussion on such matters by Horizon, or any future developer. We await details on the governance of engagement post DCO consent which we understand is currently being considered by IACC.

2.3.14 The D5 LHMS (at section 7.2, page 128-129) has improved proposals for monitoring both habitats and species that confirm monitoring will be against objectives in the Management Schemes which will be developed. It is also now confirmed that monitoring and required actions will be undertaken for the lifetime of the Power Station. Flood management will be set out in the Landscape and Habitat Management Schemes.

2.3.15 The suggested revisions to Table 4-1 on page 61 of the LHMS are shown in red below. NT received confirmation by email (5<sup>th</sup> March 2019 from James Cook stating "I am pleased to be able to confirm that the requested revisions to Table 4.1 will be included in the next revision of the LHMS". NT await consideration of this document:

Woodland and scrub	25ha (12.5%)	remain at 25ha (12.5%)
Planted hedgerows and cloddiau	10km	remain at 10km
Coarse sward / species-rich grassland	120ha (60%)	decrease to 75ha (37.5%)
Close sward species-rich grassland	25ha (12.5%)	increase to 40ha (20%)
Coastal heath / grassland mosaic	15ha (7.5%)	increase to 30ha (15%)
Marshy grassland	15ha (7.5%)	increase to 30ha (15%)
Ponds (additional to sediment ponds)	9 No.	remain at 9 No.

## 2.4 CONSTRUCTION TOURISM AND VISITOR MANAGEMENT

2.4.1 In the Horizon – NT Statement of Common Ground [REP6-049], at page 21, issue: Construction Tourism, the Horizon response does not address the NT key issue concerning the impact of construction tourists on the sensitive habitats on NT land at Trwyn Pencarreg Wildlife Site and the shoreline path (Wales Coast Path) to Felin Gafnan.

2.4.2 NT requests that this issue is addressed by Horizon. The new proposal s.106 [REP6-005] Schedule 3 for the Visitor Centre leaves a minimum of a 2 ½ year interim period from start of construction when there will be no additional

provision for managing visitors (construction or otherwise). Also explained in [REP5-053 Appendix 1-4].

## 2.5 PROTECTION OF THE NATIONAL TRUST SHORELINE BETWEEN FELIN GAFNAN AND TRWYN PENCARREG

2.5.1 The protection of the NT shoreline during construction and operation remains a major outstanding issue between NT and Horizon and this position set out in the D6 Statement of Common Ground [REP6-049]:

2.5.2 The NT position is restated that concerns remain on impacts from the construction and operation of the marine works on the adjoining coastal land owned by the National Trust. The whole of the National Trust shoreline could be affected by the proposed construction and discharge including mobilised sediments from the removal of the temporary causeway. Concerns remain on the landscape and visual impact from land in National Trust ownership, and the lack of detail on the reinstatement of the coastline following the removal of the temporary causeway.

2.5.3 The Horizon position covers issues to do with surface water drainage and controlling the discharges at the mouth of Afon Cafnan (which is not contested), but fails to address the NT's concerns about impacts on the length of its shoreline (not small) resulting from all marine and coastal construction including the removal and restoration of the temporary causeway. These concerns were set out in NT's response to ExA's Q2.14.10 at D5 [REP5-076].

2.5.4 The NT is looking to Horizon to provide a secure legal mechanism to ensure the protection of its shoreline during the construction and operation of the Wylfa Newydd project through measures outline below:

2.5.4.1 The Ecological Clerk of Works being able to work outside the WNDA and set up a monitoring programme along the NT shoreline, concentrating on the section between Felin Gafnan and Trwyn Pencarreg, but extending westwards to Esgair Gemlyn. This can be set out through a revision of the Shoreline Protection and Restoration Method Statement and secured through additions to the Marine Works sub-CoCP [REP5-025];

2.5.4.2 The programme to include physical, chemical and biological monitoring of the NT shoreline in order to detect environmental change caused by, for example, pollution incidents/impacts, sediment deposition and marine litter.

2.5.4.3 The ability of the Ecological Clerk of Works to respond to pollution and littering detected by the monitoring through clean-up and/or adaptive management.

2.5.5 The NT would conclude that the Ecological Clerk of Works has to work

outside the WNDA through implementing the proposals for coastal processes monitoring and mitigation (section 11.5, page 52 of the Marine Works sub-CoCP [REP5-025]). This principle for the Ecological Clerk of Works operating outside the WNDA could be extended to the NT shoreline, the intertidal section of which is also within the boundary of the Harbour Authority. The ability and responsibility for the Ecological Clerk of Works in this regard could be secured through additions to the Marine Works sub-CoCP [REP5-025] at:

-Section 11, 11.1 General, paragraph 11.1.4 (page 43): A suitably qualified and experienced person will be employed during the construction phase to monitor environmental aspects of the Wylfa Newydd DCO Project, as set out in section 11 of the Wylfa Newydd CoCP [REP2-031]. For example, where activities necessitate, an Ecological Clerk of Works will be present to ensure the works proceed in accordance with good practice guidance and adhere to mitigation measures. The Ecological Clerk of Works will operate both within and outside the WNDA in order to deliver this.

-Section 11, 11.2 (page 44) Shoreline protection and restoration. Insert an additional paragraph after 11.2.5: Monitoring of shorelines adjacent to the WNDA will be carried out to include physical, chemical and biological monitoring in order to detect environmental change caused by, for example, pollution incidents/impacts, sediment deposition and marine litter. Clean-up and/or adaptive management will be implemented as required in order to restore the shoreline to normal conditions.

2.5.6 The NT provided Horizon with a proposed modified wording (by email dated 5<sup>th</sup> March 2019) that might bring forward acceptable change to consider adjoining land. We await any consideration of the above, and acceptability of proposed wording. NT note that following an initial discussion (11<sup>th</sup> March 2019), Horizon have accepted the need for modification of wording in relation to marine litter (email from Robert Bromley dated 12<sup>th</sup> March 2019). We welcome the additional wording concerning the scope of the Ecological Clerk of Works and issue of construction litter on the National Trust's shoreline. Whereas we accept that pollution matters will be covered in the development of the Marine Licence, we still have concerns about sediment deposition, both from terrestrial and marine (eg. temporary causeway removal) sources. We believe further change is needed to the submitted documentation to reflect these outstanding concerns. NT may also need to respond to your waste hierarchy proposals after publication at D8.

### **3. ISSUE SPECIFIC HEARING WEDNESDAY 6TH MARCH**

#### **3.1 SECTION 106 AGREEMENT**

3.1.1 The NT made detailed comments to IACC in relation to the proposed Deed of Covenant for the Section 106 Agreement (by email dated 21<sup>st</sup> Feb 2019), and

welcomed sight of a modified draft prior to finalization. No further communication on this has been made.

3.1.2 The NT awaits sight of a final Section 106 Agreement prior to further comment. We note the concluding comments from IACC that there are no substantive disagreements and that there is no prejudice to public interest or the environment in the current wording. NT await the finalized matters in relation to the Conservation Management Plan for Cestyll Garden; AONB off site mitigation; tourism contingency funding; treatment of archaeological interests; Cemlyn lagoon resilience matters. We await consideration of engagement issues for environmental protection and monitoring; and await the publication of the RIES on 27<sup>th</sup> March 2019. We also await the consideration of the letter from Welsh Government (uploaded on 8<sup>th</sup> March 2019) in relation to additional time for scrutiny of proposals. Interested Parties may wish to have sufficient time to consider matters further, and associated Governance timelines.

3.1.3 The NT note the late submission by Horizon in relation to Article 83 and 84. NT would note uncertainty in relation to the exclusion of Cestyll Garden from Work Area 12, and await clarification of this matter.

3.1.4 The National Trust have considered Horizon's note *Proposed New Articles and Consequential Amendments Relating to Security* dated 5 March 2019. In respect of sub-paragraph (2)(a) of proposed new article 84, we note that Work No. 12 must not be commenced unless and until "the undertaker has provided a guarantee or an alternative form of security ... in respect of liabilities under the restoration scheme approved under Schedule 3 requirement SPC13" [emphasis added].

3.1.5 It is not clear to us which "liabilities" are being referred to here, not least since requirement SPC13 does not refer to "liabilities". We would therefore request that Horizon clarify the drafting of this provision.

3.1.6 We await consideration of this overarching matter by the ExA.

#### **4.ISSUE SPECIFIC HEARING FRIDAY 8<sup>TH</sup> MARCH 2019**

##### **4.1 HRA**

4.1.1 The NT note the degree of concern expressed by NRW at the ISH, the rejection of statutory advice, and the risks brought forward by Horizon in relation to HRA. NT notes the risks that Horizon is taking with the environment of North Anglesey, and to land in National Trust ownership.

4.1.2 The NT remains supportive to the position of NRW, as outlined within the Statement of Common Ground between NT and Horizon. NT awaits the

publication of the REIS on 27<sup>th</sup> March 2019. The eNGOs have submitted a joint statement on the Anglesey Terns SPA under separate cover.

## 4.2 THE MARINE ENVIRONMENT

4.2.1 In response to issues raised during the Issue Specific Hearings on 10-11 January 2019, and subsequent discussion with NRW on 4 February 2019, Horizon have provided at Deadline 6 a note entitled 'Coastal processes monitoring an mitigation strategy' (CPMMS). This is stated (e-mail from Daniel Parsons to Teresa Hughes dated 26 February 2019) to represent Horizon's final mitigation offering on coastal processes, and that these measures will be transferred into the Marine Works sub-Code of Practice at Deadline 8. The proposals will therefore be secured with a controlled document.

4.2.2 It is, however, disappointing that, despite requests made at the January ISH, Horizon have chosen not to engage with the National Trust and eNGOs relating to the development of this strategy. Horizon's proposals are set out in Appendix 1-5 to the response to the Response to questions arising at Deadline 5, submitted at Examination Deadline 6.

4.2.3 Horizon has agreed to undertake a monitoring programme of Esgair Gemlyn commencing in year 1 of construction and to adopt an adaptive management approach to mitigation. The key objectives for the monitoring programme as proposed are stated to be (page 2 of Appendix 1-5):

- to generate a suitable baseline (without and with the Wylfa Newydd DCO project);
- to understand the effect of natural variability (e.g. storm events) on Esgair Gemlyn; and
- to generate a baseline data set to determine a set of trigger levels for adaptive management mitigation

4.2.4 These objectives as stated are narrowly focused on the creation of a suitable Baseline, rather than on the outcomes of future monitoring per se, but by inference from statements made elsewhere in the document, Horizon considers that the purpose of the monitoring is essentially to validate the conclusion of no significant impact on integrity on Esgair Gemlyn and related features reached in the Environmental Statement.

4.2.5 The NT wishes to raise the following matters:

4.2.6 Step 1: Coastal processes monitoring

4.2.6.1 Horizon does not proposed to undertake any further work to improve the

Baseline information but instead wishes to rely on existing information, much of it contained in reports prepared on behalf of the National Trust (references RD1 and RD2 at the end of Appendix 1-5). However, none of the recommendations made in these reports about expanding the range of baseline information have been taken up (for example, extending the topographic profiles so far monitored into the subtidal zone, and the undertaking of a nearshore sediment survey). No monitoring of coastal processes is proposed; the focus is entirely on coastal morphological change, and specifically of Esgair Gemlyn.

4.2.6.2 The National Trust welcomes the proposal to continue with annual topographic monitoring along cross-sectional profiles at 13 profiles, shown in Figure 1 of Appendix 5-1. Nine annual surveys are proposed, one prior to construction of the breakwater and eight post-construction. The need for continuance of monitoring beyond year 9 will be reviewed as part of the adaptive management strategy.

4.2.6.3 The National Trust also welcomes the proposal to undertake airborne LiDAR surveys at years 1, 4 and 8 of the construction phase to examine sediment volume, and to review the need for further LIDAR surveys (from year 9) as part of the adaptive management approach.

4.2.6.4 Horizon proposes that the monitoring data will be reported in an annual report, building on successive datasets to examine temporal trends in ridge profile, storm response and broader scale sediment changes/ trends against a set of objectives and principles. The proposals do not indicate which organization would undertake the data assessment and reporting. From a National Trust point of view, it is essential that all monitoring data, in addition to the summary report, are made available for scrutiny by all interested parties.

4.2.6.5 The National Trust and eNGO perspective, governance of the monitoring programme is of key importance. It is recommended that a multi-organization steering committee is established to oversee the planning and reporting of not only coastal morphological change, but all environmental monitoring which has a bearing on interest features of Esgair Gemlyn, Cemlyn Lagoon and Cemlyn Bay. We await consideration of this matter by NRW, IACC and Horizon. NT considers this matter as an Examination issue, and awaits clarification of engagement in environmental monitoring and reporting. Such matters are currently unresolved. The direction proposed by eNGO's can be resolved quickly.

#### 4.2.7 Step 2: Adaptive management mitigation

4.2.7.1 The key objective of adaptive management mitigation is stated to be (page 3 of Appendix 1-5) "to demonstrate commitment to remedial action, in good time, through adaptive management mitigation if trigger levels (i.e. changes outside of natural variation or storm events) are breached".

4.2.7.2 The National Trust would agree with this as a general principle, the key issue lies in the detail of how appropriate trigger levels are defined and acted upon. The inference drawn from paragraphs 1.3.3 and 1.3.4 of Appendix 1-5 is that Horizon is proposing to define the trigger levels and then to agree mitigation with NRW and National Trust. However, the National Trust, as landowner, and the North Wales Wildlife Trust, as tenant, would wish to have wider input into the specification of monitoring data acquisition and trigger level definition, in addition to proposals for remedial action. NT would wish to support greater engagement and collaboration as this aspect of the project moves forward, and welcomes further discussion on what might constitute appropriate input.

4.2.7.3 At paragraph 1.3.8 Horizon proposes to use gravel size material from quarried river gravel sources, 'marine won' sources, or inland quarries to increase the volume of sections of the shingle ridge, should monitoring indicate this to be necessary. The specification of physically and compositionally suitable material, and the location, timing and method of placement, are matters of critical importance on which the National Trust would wish to have direct and meaningful influence.

4.2.7.4 It is a matter of disappointment that no reference is made in Appendix 1-5 to the possibility of using marine washed shingle which could be recovered from locations within the footprint of the MOLF and adjoining areas during construction. The National Trust and eNGOs have raised the issue of beneficial use of this material on several occasions but the suggestions have not been taken up by Horizon.

4.2.7.5 The Horizon proposals, as currently framed, so not contain any guarantee of a financial contribution to the costs of remedial measures which might be considered necessary following major breach of the ridge, or other significant event which is not included in the monitoring programme or assessed in the Environmental Statement (e.g. blockage of the Cemlyn Lagoon weir by shingle). The National Trust and North Wales Wildlife Trust would wish to see some form of secured financial contribution to such works.

4.2.7.5 The NT welcome the direction by the ExA of engagement by Horizon with the eNGO's in this matter. The NT provided by email (dated 5/3/19 to Robert Bromley) to Horizon suggested amendments to text which would bring forward the required change of approach. We hope progress can be made and from our perspective will be open for further discussion and resolution. At the current time, Deadline 7, the matters remain unresolved.

### 4.3 CLIMATE CHANGE

4.3.1 National Trust note with concern the response provided by Horizon at the ISH in relation to climate change and the nature of future proofing that is brought forward with the submitted scheme. The NT remains concerned about the

implications of UK Climate Projections 2018 (UKCP18) and fast moving science in relation to climate change and how any future project (suspension of the current project will extend timelines for any implementation) will ensure scenarios remain accurate and appropriate, especially to the protection of the Cemlyn Lagoon SAC. The NT is specifically concerned in relation to the implications of climate change for: the site drainage strategy and in particular the construction management and run off from Mound E; siting of the spent fuel stores; MOLF construction and breakwater construction and operation; HRA conclusions and marine modelling.

Thank you for your considerations.

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