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To: Horizon Nuclear Power Limited,  
Partïon â Diddordeb, Gweithrediaeth  
Iechyd a Diogelwch a Cadw

Your Ref:

Our Ref:

Cc

Date: 23 October 2019

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## **Deddf Cynllunio 2008 a Rheolau Cynllunio Seilwaith (Gweithdrefn Archwiliadau) 2010**

**Cais gan Horizon Nuclear Power Limited am Orchymyn yn Rhoi Caniatâd Datblygu i Atomfa Arfaethedig Wylfa Newydd, Ynys Môn**

**CAIS AM WYBODAETH A SYLWADAU AR Y CAIS, A HYSBYSIAD O BENDERFYNIAD YR YSGRIFENNYDD GWLADOL I BENNU DYDDIAD NEWYDD AR GYFER PENDERFYNU AR Y CAIS - EN010007**

Annwyl Syr neu Fadam,

Ar ôl cwblhau'r archwiliad ynglŷn â'r cais am Atomfa Wylfa Newydd ("y Datblygiad") ar 23 Ebrill 2019, cyflwynodd yr Awdurdod Archwilio Adroddiad ac Argymhelliad ynglŷn â'i ganfyddiadau a'i gasgliadau i'r Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth Ddiwydiannol ("yr Ysgrifennydd Gwladol") ar 23 Gorffennaf 2019. Yn unol ag adran 107 o Ddeddf Cynllunio 2008, mae gan yr Ysgrifennydd Gwladol dri mis i benderfynu ar y cais.

Mae sawl mater lle byddai'r Ysgrifennydd Gwladol yn ddiolchgar pe gallai'r partïon a nodir mewn print **tywyll** ddarparu diweddariad neu ragor o wybodaeth. Bydd sylwadau ychwanegol gan unrhyw bartïon sydd â buddiant yn hyn o beth ar y pwyntiau hyn hefyd yn cael eu hystyried. Mae'r materion wedi'u grwpio yn ôl pennawd pwnc.

**Trwyddedau a chaniatadau (gan gynnwys Trwyddedau Morol a thrwyddedau Safleoedd Hylogi Gweithredol)**

1. Mae nifer o drwyddedau a chaniatadau eraill y mae'n rhaid i'r Ceisydd eu sicrhau cyn y caiff adeiladu a gweithredu'r Datblygiad (os rhoddir caniatâd). Mae'r Ysgrifennydd Gwladol yn ymwybodol bod rhiant-gwmni'r Ceisydd, Hitachi Limited, wedi mynd ati yn ystod yr archwiliad, i gyhoeddi ym mis Ionawr 2019 ei fod yn atal y prosiect ac yn tynnu cyllid ar gyfer y Datblygiad yn ôl. Wedi hynny, tynnodd y Ceisydd ei geisiadau am amryw o drwyddedau a chaniatadau eraill a oedd yn ofynnol ar gyfer y datblygiad yn ôl. O dan y Datganiadau Polisi Cenedlaethol perthnasol (EN-1 ac EN-6), mae'n ofynnol i geiswyr ddangos bod prosesau ar waith i fodloni gofynion perthnasol o ran cyfundrefnau trwyddedu a chfundrefnau caniatáu eraill er mwyn hwyluso penderfyniadau'r Ysgrifennydd Gwladol. Yn benodol, mae rhan 4.10 o EN-1 yn egluro y dylai'r Ysgrifennydd Gwladol weithio'n agos gyda rheoleiddwyr ac mae paragraff 4.10.3 yn egluro y dylai'r Ysgrifennydd Gwladol weithio ar y dybiaeth y caiff y rheoliadau amgylcheddol eu cymhwyso a'u gorfodi yn y modd priodol, ac felly y dylai weithredu i ategu'r rheoliadau amgylcheddol ond nid eu dyblygu. Er hynny, mae paragraff 4.10.8 yn dweud na ddylai'r Ysgrifennydd Gwladol wrthod caniatâd "on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted."
2. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** ddangos sut y bydd yn rheoli rhai effeithiau amgylcheddol ac eraill a fyddai fel arfer yn cael eu rheoli drwy drwydded neu gydsyniad arall yn sgil tynnu ei geisiadau am drwyddedau a chaniatadau o'r fath yn ôl. Yn benodol, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** ddarparu:
  - fersiwn wedi'i ddiweddarau o'r ddogfen "Other Consents and Licences", a gyflwynwyd ddiwethaf ar chweched terfyn amser yr archwiliad;
  - gwybodaeth a fydd yn dangos sut y bydd yn rheoli effeithiau a fyddai'n cael eu rheoli drwy drwydded Safle Hylosgi Gweithredol. Mae'r Ysgrifennydd Gwladol hefyd yn gofyn i'r **Ceisydd** a **Chyfoeth Naturiol Cymru** gadarnhau a oes cytundeb wedi'i wneud ynglŷn â dull y Ceisydd o fodelu dyddodiadau nitrogen ac asideiddio llystyfiant ac a yw'r cytundeb wedi ystyried y sefyllfa waethaf posibl; a
  - gwybodaeth yn dangos sut y bydd yn rheoli effeithiau a fyddai'n cael eu rheoli drwy Drwyddedau Morol. Yn benodol, sut y câi Cynllun Lliniaru Mamaliaid Morol, cynllun rhywogaethau morol estron ymledol ac unrhyw drwyddedau Rhywogaethau Ewropeaidd a Warchodir eu sicrhau.
3. Mae'r Ysgrifennydd Gwladol hefyd yn gwahodd sylwadau gan **Gyfoeth Naturiol Cymru**, y **Swyddfa Rheoleiddio Niwclear**, **Cyngor Sir Ynys Môn**, yr **Awdurdod Gweithredol Iechyd a Diogelwch**, **Dŵr Cymru ac unrhyw gorff cydsynio neu gorff trwyddedu arall** ynghylch unrhyw risgiau neu rwystrau i'r gwaith o reoli effeithiau a allai ddeillio o'r ffaith bod y Ceisydd wedi tynnu ceisiadau am drwyddedau yn ôl.

## Ecoleg a Bioamrywiaeth

### Sylwadau Llywodraeth Gweriniaeth Iwerddon o dan Gonfensiwn Espoo

4. Ar 15 Chwefror 2019 ymatebodd Llywodraeth Gweriniaeth Iwerddon i hysbysiad am y datblygiad arfaethedig o dan Gonfensiwn Espoo (Cyfeirnod yn y llyfrgell arholi yw [AS-0153](#)). Mae'r Ysgrifennydd Gwladol yn nodi bod yr ymateb hwn wedi dod i law yn ystod yr archwiliad a bod llawer o'r materion a godwyd ynddo wedi'u harchwilio. Er hynny, mae'r Ysgrifennydd Gwladol yn gofyn am sylwadau ar yr ymateb gan y **Ceisydd** a **phob parti sydd â buddiant** yn hyn o beth, yn arbennig **Cyfoeth Naturiol Cymru** a **Llywodraeth Cymru**.

### Rhesymau Hanfodol er Budd Cyhoeddus tra phwysig

5. Cynigiodd y partïon gyflwyniadau dros dro i'r Archwiliad mewn perthynas â'r sail dros randdirymiad o dan Erthygl 6(4) o'r Gyfarwyddeb Cynefinoedd mewn perthynas ag effeithiau aflonyddwch posibl ar nodweddion cymwys Ardal Gwarchodaeth Arbennig ("SPA") Môr-wenoliaid Ynys Môn yn sgil y Datblygiad. Gwahoddir y **Ceisydd**, mewn ymgynghoriad â **Chyfoeth Naturiol Cymru** a **phartïon eraill sydd â buddiant** yn hyn o beth yn ôl yr angen, i ddarparu tystiolaeth ynglŷn â'r canlynol:
  - a oes unrhyw atebion amgen ymarferol ar gyfer cyflawni amcan cyffredinol y cynllun a fydd yn llai niweidiol i gyfanrwydd y safle;
  - unrhyw resymau hanfodol er budd cyhoeddus tra phwysig dros fwrw ymlaen â'r cynllun neu'r prosiect;
  - y mesurau cydadferol a gynigir i sicrhau bod cydlyniad cyffredinol y rhwydwaith o safleoedd Natura 2000 yn cael ei ddiogelu a sut y caiff y rhain eu sicrhau.

### Safleoedd Lliniaru Ecolegol

6. Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd wedi cynnig cryn dipyn o waith creu a gwella cynefinoedd i wneud iawn am unrhyw effeithiau posibl yn sgil y Datblygiad. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod pryderon wedi'u mynegi gan nifer o bartïon sydd â buddiant ynghylch hyd y brydles tir ar gyfer gwella bywyd gwyllt ac adleoli ymlusgiad a rheoli'r safleoedd lliniaru hyn ar ôl 2032 pan ddaw prydles y Ceisydd i ben. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau a oes camau pellach wedi'u cymryd i sicrhau'r hawliau i'r safleoedd lliniaru hyn pan ddaw'r brydles i ben, a pha fesurau y mae wedi'u cymryd, os yw wedi cymryd camau o gwbl, i sicrhau manteision y tu hwnt i'r cyfnod prydlesu o 15 mlynedd. Mae'r Ysgrifennydd Gwladol hefyd yn gwahodd sylwadau gan **Gyfoeth Naturiol Cymru**, **Cyngor Sir Ynys Môn** ac **Ymddiriedolaeth Bywyd Gwyllt Gogledd Cymru** ("NWWT") ar y mater hwn.

## Lliniaru Effeithiau'r Gwaith Adeiladu ar y Tir ar y Fôr-wennol Bigddu

### 7. *Sŵn*

Mae'r Ysgrifennydd Gwladol yn nodi na roddwyd sylw i bryderon Cyfoeth Naturiol Cymru, ynghylch pa mor ymarferol oedd mesur a gorfodi lefelau sŵn ar y safle adeiladu a'u pryderon ynghylch sut y câi'r gwynt a'r tywydd eu cymryd i ystyriaeth er mwyn rheoli sŵn. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** a **Chyfoeth Naturiol Cymru** gadarnhau a oes cytundeb wedi'i wneud ar ôl i'r Archwiliad gau. Os na chafwyd cytundeb, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**, gyda chytundeb **Cyfoeth Naturiol Cymru**, ddarparu cynllun i fesur a rheoli lefelau sŵn adeiladu, (gan gymryd i ystyriaeth yr holl amodau atmosfferig) neu esbonio pam nad yw hyn yn briodol neu pam na ellir cytuno arno.

### 8. *Aflonyddu ar Olygfeydd*

Mae'r Ysgrifennydd Gwladol yn ymwybodol bod pryderon wedi'u codi gan Sefydliadau Anllywodraethol amgylcheddol ("eNGOs") ynghylch y diffyg gwaith i liniaru'r aflonyddu ar y golygfeydd i'r gorllewin o Afon Cafnan o gofio graddfa'r gwaith yn ardal adeiladu Twmpath E. I fynd i'r afael â'r pryderon hyn, mae'r Ysgrifennydd Gwladol yn deall bod y Ceisydd wedi cadarnhau y byddai'n cynnwys rheolaeth yn ei God Arferion Adeiladu ar gyfer Prif Safle'r Atomfa ("MPSSCoCP"). Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau a yw'r MPSSCoCP wedi'i ddiweddarau, gyda chytundeb Cyfoeth Naturiol Cymru a'r eNGOs sydd â buddiant yn hyn o beth, i gyfeirio at y mesur rheoli y cytunwyd arno. Os nad oes cytundeb wedi'i wneud, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**, gyda chytundeb **Cyfoeth Naturiol Cymru** a'r **eNGOs** perthnasol ddarparu MPSSCoCP diwygiedig sy'n cynnwys dulliau rheoli ar gyfer aflonyddu ar y golygfeydd.

### 9. *Aflonyddu gan Ddefnyddwyr Hamdden*

Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Cyfoeth Naturiol Cymru a'r eNGOs wedi gofyn yn ystod yr archwiliad a oedd digon o fanylion yn Strategaeth Rheoli'r Gweithlu ("WFMS") i reoli ymddygiad ymwelwyr er mwyn osgoi tarfu ar y môr-wenoliaid, a bod pryderon Cyfoeth Naturiol Cymru a'r eNGOs heb gael sylw erbyn diwedd yr archwiliad. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**, **Cyfoeth Naturiol Cymru** a'r **eNGOs** gadarnhau a oes cytundeb wedi'i wneud ar y mater hwn ar ôl i'r archwiliad gau. Os na chafwyd cytundeb, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**, gyda chytundeb **Cyfoeth Naturiol Cymru** a'r **eNGOs** perthnasol, ddarparu WFMS diwygiedig sy'n rheoli ymddygiad ymwelwyr er mwyn osgoi aflonyddwch i'r môr-wenoliaid neu esbonio pam nad yw hyn yn briodol neu pam na ellir cytuno arno.

### 10. *SPA Aber Dyfrdwy*

Mae'r Ysgrifennydd Gwladol yn nodi bod Cyfoeth Naturiol Cymru wedi dweud pe bai'r môr-wenoliaid pigddu'n troi cefn ar y nythfa ym Mae Cemlyn, y gallai hyn effeithio ar

boblogaeth y môr-wenoliaid pigddu yn SPA Aber Dyfrdwy ac arwain felly at AEol ar y SPA. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**, mewn ymgynghoriad â **Chyfoeth Naturiol Cymru**, fynd i'r afael â phryderon Cyfoeth Naturiol Cymru ynghylch y cysylltiad rhwng SPA Bae Cemlyn a SPA Aber Dyfrdwy, neu ddangos sut y byddai mesurau cydadferol ar gyfer môr-wenoliaid SPA Ynys Môn yn effeithio ar SPA Aber Dyfrdwy.

#### Strategaeth Rheoli Tirweddau a Chynefinoedd

11. Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd, mewn ymateb i bryderon ynghylch darparu ardaloedd at greu cynefinoedd, wedi diwygio'r ffigurau arwynebedd ar gyfer porfa fras a thir glas tywarchen fân yn Nhabl 4.1 ar dudalen 61 o'r Strategaeth Rheoli Tirweddau a Chynefinoedd ("LHMS"). Ond, mae'r Ysgrifennydd Gwladol yn nodi nad yw'r ffigurau yn nhestun adran 6.5 ar dudalen 110 o'r LHMS wedi'u diweddarau. Er mwyn osgoi unrhyw amheuaeth yn y darpariaethau a wnaeth y Ceisydd o ran cynnydd net mewn cynefin, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau ei fod wedi diweddarau'r testun yn adran 6.5 â'r ffigurau diwygiedig yn Nhabl 4.1.

#### Rhwydwaith Safleoedd o Ddiddordeb Gwyddonol Arbennig ("SoDdGA")

12. Mae paragraff 5.3.11 o Ddatganiad Polisi Cenedlaethol ("NPS") EN-1 (Datganiad Polisi Cenedlaethol Cyffredinol ar Ynni) yn dweud hyn: *"(w)here a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs"*.
13. Mae'r Datganiad Amgylcheddol a chyflwyniadau'r partion yn cyfeirio at effeithiau posibl ar dri SoDdGA. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** ac unrhyw **barti sydd â buddiant** yn hyn o beth roi rhagor o wybodaeth am sut y byddai'r effeithiau posibl ar SoDdGA Tre'r Gof, SoDdGA Cae Gwyn a SoDdGA Bae Cemlyn yn effeithio ar y rhwydwaith cenedlaethol ehangach o SoDdGAau.

#### Y Gyfarwydddeb Fframwaith Dŵr

##### 14. Lliniaru

Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Cyfoeth Naturiol Cymru, yn ystod yr archwiliad, wedi dweud bod yna risg o ddirywiad yng nghorff dŵr daear eilaidd Ynys Môn a chorff dŵr arfordirol Ynysoedd y Moelrhoniaid ond bod achos rhesymol wedi'i wneud y câi pob cam ymarferol ei gymryd i liniaru'r effeithiau andwyol. Mae'r Ysgrifennydd Gwladol yn nodi bod Cyfoeth Naturiol Cymru wedi dweud y gallai'r gwaith lliniaru hwn

gael ei sicrhau dwy'r gorchymyn caniatâd datblygu. Mae'r Ysgrifennydd Gwladol yn gofyn i **Gyfoeth Naturiol Cymru** a'r **Ceisydd** gadarnhau a oes mesurau lliniaru priodol wedi'u sicrhau.

#### 15. *Rhanddirymiad*

Mae'r Ysgrifennydd Gwladol yn nodi na fynegwyd unrhyw safbwyntiau yn ystod yr archwiliad ynghylch a yw manteision ehangach y Datblygiad i'r amgylchedd ac i'r gymdeithas yn drech na manteision cyflawni amcanion y Gyfarwydddeb Fframwaith Dŵr, ac mae'n gwahodd sylwadau ar y pwynt hwn gan y **Ceisydd** ac **unrhyw bartïon sydd â buddiant** yn hyn o beth.

#### Llifogydd

#### 16. *Perygl Llifogydd – Prawf Eithrio*

Er y bydd y Datblygiad wedi'i leoli'n bennaf mewn ardaloedd Parth Llifogydd A, mae'r Ysgrifennydd Gwladol yn nodi y byddai rhywfaint o'r gwaith morol a rhannau o'r gwaith i wella priffyrdd yr A5052 oddi ar linell y briffordd yn cael eu lleoli mewn ardaloedd Parth Llifogydd C. Mae EN-1 yn dweud y dylid defnyddio'r Prawf Eithrio pan fo prosiectau seilwaith wedi'u lleoli yn ardaloedd Parth Llifogydd C. Er mwyn i'r Prawf Eithrio gael ei basio:

- rhaid dangos bod y prosiect yn rhoi manteision cynaliadwyedd ehangach i'r gymuned sy'n gorbwysu'r perygl llifogydd;
- dylai'r prosiect fod ar dir datblygadwy, tir a ddatblygwyd o'r blaen neu, os nad yw ar dir a ddatblygwyd o'r blaen, na ddylai fod safleoedd amgen rhesymol ar gael ar dir a ddatblygwyd o'r blaen, yn unol ag unrhyw eithriadau a nodwyd yn yr NPSs sy'n ymwneud â thechnoleg yn benodol;  
a
- rhaid i asesiad o'r perygl llifogydd ddangos y bydd y prosiect yn ddiogel, heb gynyddu'r perygl llifogydd mewn mannau eraill a, lle bo'n bosibl, y bydd yn lleihau'r perygl o lifogydd yn gyffredinol.

Mae'r Ysgrifennydd Gwladol yn gofyn i **Gyngor Sir Ynys Môn** a **Chyfoeth Naturiol Cymru** gadarnhau na fydd y Datblygiad yn cynyddu'r perygl o lifogydd mewn mannau eraill, neu a yw'r Ceisydd wedi dangos bod modd lliniaru'r perygl o lifogydd i lefel dderbyniol.

#### 17. *Gwelliannau Priffyrdd oddi ar Linell yr A5025 – TAN15*

Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd wedi derbyn y ceid mwy o effaith yn sgil perygl llifogydd wrth draphont Afon Alaw. Dywedodd Cyfoeth Naturiol Cymru: "the Secretary of State will need to consider the scheme in the context of non-compliance

with TAN15 at this specific location, with or without landowner agreement” (gweler isod). Mae'r Ysgrifennydd Gwladol yn gwahodd sylwadau gan y **Ceisydd** ac unrhyw **bartïon sydd â buddiant** yn hyn o beth ynghylch cymhwyso TAN15 at yr elfen hon o'r gwelliannau priffyrdd oddi ar yr A5025.

18. *Gwelliannau Priffyrdd oddi ar Linell yr A5025 – storfeydd cydadferol*

O ran y perygl llifogydd wrth Draphont Afon Alaw, mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd wedi dweud yn ystod yr archwiliad ei fod yn mynd ar drywydd cytundeb cyfreithiol gyda thirfeddiannwr yn Llanfachraeth i ganiatáu llifogydd o adran 3 yr A5025 ar dir preifat. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau a oes cytundeb wedi'i wneud gyda'r tîrfeddiannwr.

19. *Safleoedd Cydadfer Ecoleg*

Mae'r Ysgrifennydd Gwladol yn nodi bod Cyfoeth Naturiol Cymru wedi mynegi pryder ynghylch effeithiau amgylcheddol gwaith creu gweundir o fewn safleoedd cydadfer y SoDdGA, gan ddweud y dylid cynnal dadansoddiad o'r ôl-ddŵr ar y safleoedd cydadfer. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Cyfoeth Naturiol Cymru wedi cynnig y testun ychwanegol a ganlyn i'w gynnwys yn yr LHMS er mwyn sicrhau dadansoddiad o'r ôl-ddŵr:

*Drainage modifications will be informed by a suitable analysis (backwater assessment impacts or similar) which will consider the flood risk impacts to 3rd parties from the works. The detailed drainage design should demonstrate no increase in flood risks to 3rd parties due to the compensation site works*

Mae'r Ysgrifennydd Gwladol yn ymwybodol bod y Ceisydd wedi cynnwys y testun a awgrymwyd yn ei LHMS ond ei fod wedi ychwanegu'r term "significant" at y cynnydd mewn peryglon llifogydd. Gofynnodd Cyfoeth Naturiol Cymru i'r testun hwn gael ei ddileu neu i ddiffiniad gael ei roi o ystyr "significant increase" yn y perygl llifogydd. Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd wedi ymateb ar ddiwedd yr archwiliad i esbonio'r term "significant", ond nad oedd modd i Gyfoeth Naturiol Cymru ymateb. Mae'r Ysgrifennydd Gwladol yn gofyn i **Gyfoeth Naturiol Cymru** gadarnhau a yw'n fodlon ar yr esboniad a roddwyd gan y Ceisydd.

20. *Safle Parcio a Theithio'r Dalar Hir*

Mae'r Ysgrifennydd Gwladol yn ymwybodol o'r pryderon a godwyd gan Gyngor Sir Ynys Môn ynglŷn â pherygl llifogydd ar safle Parcio a Theithio'r Dalar Hir a bod y Cyngor wedi codi'r risg y gallai rwbwl o Nant Dalar Hir arwain at lifogydd ar y ffordd sylfaenol/meysydd parcio. Mae'r Ysgrifennydd Gwladol yn nodi nad aeth y Ceisydd i'r afael â phryderon y Cyngor ac na wnaeth y Cyngor ei godi eto fel mater erbyn diwedd yr archwiliad. Mae'r

Ysgrifennydd Gwladol yn gofyn am gadarnhad gan **Gyngor Sir Ynys Môn** a yw'r mater hwn yn dal yn destun pryder, ac os felly, a yw'n dymuno awgrymu unrhyw fesurau lliniaru.

## Yr Amgylchedd Hanesyddol

### Archaeoleg

21. Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd, yn ystod yr archwiliad ac yn dilyn y cyhoeddiad bod Hitachi Limited yn tynnu ei gyllid ar gyfer y Datblygiad yn ôl, wedi rhoi'r gorau i bob gwaith archaeolegol ymwithiol ar safle'r Datblygiad ac o'i amgylch a'i fod wedi dweud na fyddai'n glynu wrth y cynllun ymchwilio ysgrifenedig ("WSI") y cytunodd arno gyda Chyngor Sir Ynys Môn, Gwasanaeth Cynllunio Archaeolegol Gwynedd ("GAPS") a Cadw. Mae'r Ysgrifennydd Gwladol hefyd yn nodi bod y Ceisydd wedi nodi yn ddiweddarach yn yr archwiliad ei fod yn gweithio i gyflawni asesiad a dadansoddiad ôl-gloddio llawn o'r darganfyddiadau archaeolegol ar safle'r Datblygiad ac o'i amgylch yn unol â'r canllawiau ynghylch yr arferion gorau erbyn diwedd Hydref 2019. Mae'r Ysgrifennydd Gwladol yn gofyn am ddiweddariad gan y **Ceisydd** ar gynnydd y gwaith hwn. Mae'r Ysgrifennydd Gwladol hefyd yn gofyn am ymateb gan **Lywodraeth Cymru, Cyngor Sir Ynys Môn, Cadw a GAPS** o ran a ydynt o'r farn bod yr ymchwiliadau archaeolegol ar ôl cloddio wedi'u cwblhau neu y byddant yn cael eu cwblhau mewn modd boddhaol.

### Henebion a allai gael eu cofrestru

22. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod nifer o asedau archaeolegol o werth uchel neu o bwysigrwydd cenedlaethol wedi'u lleoli ar safle'r Datblygiad neu o'i amgylch, ac yn ystod yr archwiliad dywedodd Llywodraeth Cymru eu bod yn ystyried cofrestru rhai o'r asedau er mwyn osgoi achosi unrhyw niwed sylweddol iddynt. Mae'r Ysgrifennydd Gwladol yn deall bod chwe safle o'r fath y cytunwyd eu bod o ansawdd a allai gael ei chofrestru ar ddiwedd yr Archwiliad.
23. Mae NPS EN-1 yn dweud bod rhaid i asedau treftadaeth sydd heb eu dynodi'n heneb gofrestredig ond sydd heb eu hasesu'n ffurfiol ar gyfer eu dynodi eto, neu yr aseswyd eu bod yn rhai y gellid eu dynodi ond nad ydynt wedi'u dynodi eto, ddod o dan yr un ystyriaethau â'r rhai sy'n berthnasol i safleoedd treftadaeth dynodedig. Mae NPS EN-1 hefyd yn dweud y dylai unrhyw niwed i asedau dynodedig, neu golli'r asedau hyn, fod yn gyfan gwbl eithriadol. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd**:
- cadarnhau cyflwr presennol y chwe safle hyn;
  - darparu manylion am nodweddion y safleoedd hyn sy'n peri eu bod o ansawdd sy'n golygu y gallent gael eu cofrestru;
  - cadarnhau'r sail dros haeru bod modd osgoi niwed sylweddol i'r asedau hyn drwy gloddio archaeolegol, adroddiadau, etc; a



- darparu tystiolaeth i ddangos sut mae'r niwed i'r asedau archaeolegol o werth uchel neu sydd o bwysigrwydd cenedlaethol, neu golli'r rhain, ar safle'r Datblygiad ac o'i amgylch yn gwbl eithriadol. Mae'r Ysgrifennydd Gwladol hefyd yn gwahodd sylwadau gan **Lywodraeth Cymru, Cadw, Cyngor Sir Ynys Môn a GAPS.**

Gofyniad SCP8 yn y Cynllun Ymchwilio Archaeolegol Ysgrifenedig

24. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Llywodraeth Cymru, yn ystod yr archwiliad, wedi gofyn am ddiwygiad i ofyniad SCP8 i'w gwneud yn ofynnol bod Cynllun Lliniaru Archaeolegol a gymeradwywyd ar waith cyn i'r gwaith ddechrau i glirio a pharatoi'r safle, fel ei fod yn cyd-fynd â'r dull a gynigir ar gyfer gweithfeydd eraill yn ystod eu cyfnod adeiladu. Mae'r Ysgrifennydd Gwladol yn nodi bod y geiriad a awgrymwyd gan Lywodraeth Cymru wedi'i wrthwynebu gan y Ceisydd ar y sail bod Cynllun Lliniaru Archaeolegol, yn ychwanegol at y Cynllun Ymchwilio Archaeolegol Ysgrifenedig yr oedd wedi cytuno arno gyda Chyngor Sir Ynys Môn, yn ddiangen oherwydd graddfa a natur anymwithiol y gwaith o glirio a pharatoi'r safle. Mae'r Ysgrifennydd Gwladol yn gofyn am sylwadau gan y **Ceisydd a Llywodraeth Cymru** ar y testun a ganlyn:

*1) No development shall take place within the WND A area until the Applicant or their agent or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by Isle of Anglesey County Council, in consultation with Cadw.*

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

*3) Commissioning of Unit 2 shall not take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.*

Ymdrinnir â hyn yn PW9.

## Traffig a Thrafnidiaeth

Pen Troi

25. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Cyngor Sir Ynys Môn, tua diwedd yr archwiliad, wedi gofyn am gael pen troi arall yn ymyl y Datblygiad yn lle'r man troi presennol i gerbydau a gâi ei cholli o ganlyniad i gyffordd ffordd fynediad arfaethedig y Datblygiad, ac na chafodd yr Awdurdod Archwilio gyfle i edrych yn fanwl ar y mater hwn. Mae'r Ysgrifennydd Gwladol yn gwahodd sylwadau gan y **Ceisydd** ynghylch diwygiad

arfaethedig Cyngor Sir Ynys Môn i ofyniad WN1(3) yn Atodlen 3 i'r gorchymyn caniatâd datblygu drafft a welir isod:

*(h) A scheme for the provision of a vehicle turning head which will form part of the public highway at the layby adjacent to access to the WNDA, which scheme must include the details of the design of the turning head, details of when this will be delivered, together with an explanation of how this will be dedicated as public highway, how it will be classified and what traffic regulation measures (including any applicable speed limits or waiting restrictions) will be put in place over the turning head prior to it opening for use for by the public.*

26. Os nad yw'r diwygiad arfaethedig i ofyniad WN1 yn dderbyniol, mae'r Ysgrifennydd Gwladol yn gwahodd y **Ceisydd a Chyngor Sir Ynys Môn** i gytuno ar eiriad sy'n mynd i'r afael â phryderon y Cyngor a'i roi i'r Ysgrifennydd Gwladol i gael ei ystyried.

#### Parcio Anghyfreithlon

27. Mae'r Ysgrifennydd Gwladol yn nodi bod pryderon ynghylch parcio anghyfreithlon posibl wedi'u codi gan Gyngor Sir Ynys Môn, Cyngor Sir Gwynedd a Chyngor Bwrdeistref Sirol Conwy. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Cyngor Sir Ynys Môn, ar ddiwedd yr archwiliad, o'r farn bod y mesurau a gynigiwyd i ymdrin â pharcio anghyfreithlon yn ddiffygiol, gan ofyn am ragor o ddarpariaeth yn Strategaeth Rheoli'r Gweithlu ("WKMS") yn nodi'r camau y bydd y Ceisydd yn eu cymryd mewn achosion a gadarnheir o barcio anghyfreithlon, a gofyn hefyd am ddiweddariad i'r Cod Ymarfer Adeiladu ("CoCP") i'w gwneud yn glir bod rhaid i ymchwiliad ac unrhyw gamau disgyblu priodol gael eu nodi a'u gweithredu o fewn 5 diwrnod ar ôl i gŵyn gychwynnol ddod i law. Gofynnodd Cyngor Sir Ynys Môn hefyd i bob digwyddiad ac ymchwiliad gael eu hadrodd i'r Cyngor. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau a yw'r WKMS a'r CoCP wedi'u diweddarau i fynd i'r afael â phryderon y Cyngor.

#### Y Dalar Hir

28. Mae'r Ysgrifennydd Gwladol yn nodi bod Llywodraeth Cymru, ar ddiwedd yr archwiliad, wedi mynegi pryderon ynghylch modelau capasiti Cyffordd 4 yn y Dalar Hir, gan ofyn am gadarnhad a oedd y gwaith modelu wedi'i seilio ar 1,900 o symudiadau cerbydau bob dydd ynteu 1,000 o symudiadau cerbydau bob dydd. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau'r ffigur a ddefnyddiwyd ar gyfer modelu'r gofynion dyddiol i gerbydau, ac am ei farn ar ddiwygiad arfaethedig Llywodraeth Cymru i Ofyniad PR5 Dyluniad Mynedfa'r Safle.

#### Llwythi Anwahanadwy Anghyffredin

29. Mae'r Ysgrifennydd Gwladol yn nodi bod y Ceisydd wedi cadarnhau, yn ystod yr archwiliad, na fyddai angen Llwythi Anwahanadwy Anghyffredin ("AIL") mewn perthynas

â gwaith rhif 12, a bod Llywodraeth Cymru wedi gofyn am i hyn gael ei sicrhau drwy ddiwygio'r CoCP, er mwyn osgoi unrhyw amheuaeth. Mae'r Ysgrifennydd Gwladol yn gofyn am gadarnhad gan y **Ceisydd a Llywodraeth Cymru** fod y CoCP wedi'i ddiwygio i fynd i'r afael â'r mater hwn neu esbonio pam nad yw hyn yn briodol neu pam na ellir cytuno arno.

### **Llety i Dwristiaid a'r Gwaith Adeiladu**

30. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Llywodraeth Cymru wedi mynegi pryderon ynghylch effaith y galw am dai yn ystod y cyfnod adeiladu, yn enwedig o ran llety i dwristiaid. I fynd i'r afael â'r pryder hwn, awgrymodd Llywodraeth Cymru y dylid cynnwys y gofyniad canlynol:

*The number of construction workers occupying accommodation in the Tourist Sector shall at no time exceed 1100.*

31. Mae'r Ysgrifennydd Gwladol yn gwahodd sylwadau gan y **Ceisydd** ynghylch cyfyngiad ar ddefnyddio llety twristiaid gan weithwyr adeiladu, ac am fanylion am sut mae'r Ceisydd yn bwriadu monitro'r defnydd o lety twristiaid gan ei staff a'i isgcontractwyr a gorfodi'r gofynion.

### **Prynu Gorfodol**

#### *Darpariaethau Amddiffynnol*

32. Mae'r Ysgrifennydd Gwladol yn nodi na chytunwyd ar ddarpariaethau amddiffynnol pwrpasol mewn perthynas â buddiannau Network Rail Infrastructure Limited ("Network Rail") a buddiannau'r Awdurdod Datgomisiynu Niwclear erbyn diwedd yr archwiliad. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd, Network Rail a'r Awdurdod Datgomisiynu Niwclear** gadarnhau a gyrhaeddwyd unrhyw gytundeb ar ddarpariaethau amddiffynnol pwrpasol ac, os felly, rhoi'r darpariaethau y cytunwyd arnynt i'r Ysgrifennydd Gwladol. Os nad oes cytundeb, byddai'n ddefnyddiol cael syniad a yw cytundeb yn bosibl ac, os felly, pryd y gellid ei wneud. Os oes cytundeb wedi'i wneud, mae'r Ysgrifennydd Gwladol yn gofyn i **Network Rail a'r Awdurdod Datgomisiynu Niwclear** nodi a fyddant yn tynnu eu sylwadau yn ôl ai peidio (gweler adran 127(1)(b) o Ddeddf Cynllunio 2008).

#### *Gwrthwynebiadau a Chytundebau sy'n dal heb eu datrys*

33. Mae'r Ysgrifennydd Gwladol yn nodi bod gwrthwynebiadau heb eu tynnu'n ôl neu fod cytundebau'n dal heb eu gwneud rhwng y Ceisydd a'r Ymddiriedolaeth Genedlaethol, RE a JA Roberts, G ac I Roberts a WM, EW ac M Harper ar ddiwedd yr archwiliad. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd a'r tirfeddianwyr uchod** am ddiweddariad ar statws y trafodaethau.

### Terfyn Amser Prynu Gorfodol

34. Mae'r Ysgrifennydd Gwladol yn nodi bod Erthygl 28 o'r gorchymyn caniatâd datblygu arfaethedig wedi'i diwygio i ganiatáu cyfnod o 8 mlynedd, yn hytrach na'r 5 mlynedd arferol, i'r Ceisydd arfer ei bwerau prynu gorfodol. Mae'r Ysgrifennydd Gwladol yn nodi'r wybodaeth a ddarparwyd eisoes gan y Ceisydd yn ystod yr archwiliad i gyfiawnhau hyn. Er hynny, er mwyn ystyried y mater hwn yn llawn, mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** roi rhagor o fanylion ynghylch pam mae'r cyfnod o 8 mlynedd yn angenrheidiol ac yn gymesur yn yr achos hwn. Byddai gan yr Ysgrifennydd Gwladol ddiddordeb hefyd mewn sylwadau gan **unrhyw dirfeddianwyr y mae prynu gorfodol yn effeithio arnynt** ynglŷn â'r pwynt hwn.

### **Polisi Cynllunio Cymru a'r Datganiad Argyfwng Hinsawdd**

35. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Llywodraeth Cymru, yn dilyn yr archwiliad, wedi cyhoeddi ei Fframwaith Datblygu Cenedlaethol drafft at ddibenion ymgynghori ar 7 Awst 2019 gyda'r ymatebion i'w cyflwyno erbyn 1 Tachwedd 2019. Mae'r Ysgrifennydd Gwladol hefyd yn ymwybodol bod Llywodraeth Cymru, ar ôl i'r archwiliad gau, wedi gwneud datganiad argyfwng hinsawdd ar 29 Ebrill 2019 yn ymrwymo Llywodraeth Cymru i helpu rhannau eraill o'r economi i symud yn bendant oddi wrth danwyddau ffosil, gan atgyfnerthu'r gefnogaeth i'r polisiau a'r cynigion sydd wedi'u cynnwys yn Ffyniant i bawb: Cymru Carbon Isel (2019). Mae'r Ysgrifennydd Gwladol yn gwahodd sylwadau gan unrhyw **barti sydd â buddiant** mewn perthynas â'r Datblygiad a Fframwaith Datblygu Cenedlaethol drafft Llywodraeth Cymru a'i datganiad argyfwng hinsawdd.

### **Datganiad Dylunio a Mynediad**

36. Mae'r Ysgrifennydd Gwladol yn nodi bod Cyfoeth Naturiol Cymru, yn ystod yr archwiliad, wedi cynnig geiriau i'w hychwanegu at y Datganiad Dylunio a Mynediad ("DAS") er mwyn lliniaru effeithiau'r Cyfleuster Dadlwytho Morol ar dirwedd a golygfeydd yn Ardal Harddwch Naturiol Eithriadol Ynys Môn ac Arfordir Treftadaeth Gogledd Môn, ond nad oedd y geiriau hyn wedi'u cynnwys yn fersiwn terfynol y DAS. Mae'r Ysgrifennydd Gwladol yn gofyn i'r **Ceisydd** gadarnhau a yw'r testun a awgrymwyd gan Gyfoeth Naturiol Cymru wedi'i gynnwys yn fersiwn terfynol y DAS.

### **Awdurdod Gorfodi Morol**

37. Mae'r Ysgrifennydd Gwladol yn ymwybodol bod Llywodraeth Cymru o'r farn mai Gweinidogion Cymru yw'r awdurdod gorfodi o ran gofynion sy'n ymwneud â gwaith morol sy'n is na'r marc distyll cymedrig. Mae'r Ysgrifennydd Gwladol hefyd yn ymwybodol bod Erthygl newydd, Erthygl 86, wedi'i mewnosod er mwyn ei gwneud yn glir mai

Gweinidogion Cymru yw'r awdurdod gorfodi ar gyfer tir sydd o dan y marc distyll cymedrig. Mae'r Ysgrifennydd Gwladol yn gofyn am gadarnhad gan **Lywodraeth Cymru a Chyngor Sir Ynys Môn** a ydynt yn fodlon â'r drafft isod:

*For the purposes of section 173 of the 2008 Act, the Welsh Ministers will be the relevant planning authority in respect of land seaward of the mean low water springs.*

**38. Y dyddiad cau ar gyfer ymateb yw canol nos, nos Fawrth 31 Rhagfyr 2019.**

39. Dylid cyflwyno'r ymateb drwy'r ebost i [wylfa@planninginspectorate.gov.uk](mailto:wylfa@planninginspectorate.gov.uk). Anfonwch unrhyw ymateb mewn copi caled at Dîm Prosiect Atomfa Wylfa Newydd, Yr Ysgrifennydd Gwladol dros Fusnes, Ynni a Strategaeth Ddiwydiannol, d/o yr Arolygiaeth Gynllunio, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. Os cewch anhawster wrth gyflwyno ymateb erbyn y dyddiad cau ar gyfer ymgynghori, rhowch wybod i'r Tîm Prosiect. Dylid rhoi esboniad o'r rhesymau am hyn hefyd.

40. Caiff eich ymateb ei gyhoeddi ar dudalen prosiect Atomfa Wylfa Newydd ar wefan y Porth Cynllunio:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/wylfa-newydd-nuclear-power-station/> cyn gynted â phosibl ar ôl dydd Mawrth 31 Rhagfyr 2019.

41. Wedyn gwahoddir sylwadau gan y partïon sydd â buddiant yn hyn o beth o fewn 28 diwrnod arall ynghylch y materion uchod yn unig. Yna bydd yr Ysgrifennydd Gwladol yn ystyried yr ymatebion a'r wybodaeth a ddaeth i law wrth ddod i benderfyniad ar y Cais.

42. Er mwyn caniatáu amser i'r camau uchod gael eu cymryd, mae'r Ysgrifennydd Gwladol yn pennu dyddiad cau newydd ar gyfer penderfyniad ar y Cais hwn, sef 31 Mawrth 2020. Mae datganiad wedi'i wneud i Dŷ'r Cyffredin a Thŷ'r Arglwyddi yn unol ag adran 107(7) o Ddeddf Cynllunio 2008.

43. Anfonir y llythyr hwn heb ragfarnu penderfyniad yr Ysgrifennydd Gwladol a ddylid rhoi caniatâd datblygu i brosiect Atomfa Wylfa Newydd neu beidio, ac nid oes dim yn y llythyr hwn i'w gymryd fel pe bai'n awgrymu beth fyddai'r penderfyniad hwnnw neu ba gasgliadau terfynol y gallai'r Ysgrifennydd Gwladol eu gwneud ar unrhyw fater penodol sy'n berthnasol i'r penderfyniad ar y cais

Yn gywir

*Gareth Leigh*

Gareth Leigh

Pennaeth Cynllunio'r Seilwaith Ynni



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To: Horizon Nuclear Power Limited  
All Interested Parties, Health  
and Safety Executive and Cadw

Your Ref:  
Our Ref:

Cc

Date: 23 October 2019

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## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by Horizon Nuclear Power Limited for an Order Granting Development Consent for the proposed Wylfa Newydd Nuclear Power Station, Isle of Anglesey, North Wales**

#### **REQUEST FOR INFORMATION AND COMMENTS ON THE APPLICATION, AND NOTIFICATION OF THE SECRETARY OF STATE'S DECISION TO SET A NEW DATE FOR DETERMINATION OF THE APPLICATION - EN010007**

Dear Sir or Madam,

Following the completion of the examination of the application for the Wylfa Newydd Nuclear Power Station ("the Development") on 23 April 2019, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions to the Secretary of State for Business, Energy and Industrial Strategy ("the Secretary of State") on 23 July 2019. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are several issues on which the Secretary of State would be grateful if parties identified in **bold** could provide an update or further information. Additional comments from any interested parties on these points will also be considered. The issues are grouped by topic heading.

#### **Licences and Consents (including Marine Licences and Operational Combustion Installations permits)**

1. There are a number of other licenses and consents that the Applicant must obtain before it can construct and operate the Development (in the event consent is granted). The

Secretary of State is aware that during the examination, the Applicant's parent company, Hitachi Limited, announced in January 2019 that it was suspending the project and withdrawing funding for the Development. Subsequently, the Applicant withdrew its applications for various licences and other consents required for the Development. Under the relevant National Policy Statements (EN-1 and EN-6), applicants are required to demonstrate that processes are in place to meet relevant requirements of permitting and other consenting regimes to facilitate the Secretary of State's decision making. In particular Part 4.10 of EN-1 explains that the Secretary of State should work closely with regulators and paragraph 4.10.3 makes clear that the Secretary of State should work on the assumption that environmental regulation will be properly applied and enforced, so she should act to complement but not duplicate environmental regulation. However, paragraph 4.10.8 says that the Secretary of State "should not refuse consent on the basis of pollution impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted."

2. The Secretary of State requests the **Applicant** demonstrates how it will manage certain environmental and other impacts that would normally be controlled through a licence or other consent in light of the withdrawal of its applications for such licences and consents. In particular, the Secretary of State asks the **Applicant** to provide:
  - an updated version of the document "Other Consents and Licences", last submitted at deadline 6 of the examination;
  - information that will demonstrate how it will manage impacts that would be controlled through an Operational Combustion Installation permit. The Secretary of State also requests the **Applicant** and **Natural Resources Wales ("NRW")** confirms if agreement on whether the Applicant's modelling of nitrogen deposition and acidification of vegetation has been reached and has considered the worst-case scenario; and
  - information demonstrating how it will manage impacts that would be controlled through Marine Licences. In particular, how a Marine Mammal Mitigation Plan, a marine invasive non-native species plan and any European Protected Species licences will be secured.
  
3. The Secretary of State also invites comments from **NRW , Office for Nuclear Regulation, Isle of Anglesey County Council ("IACC"), the Health and Safety Executive, Welsh Water and any other consenting or licencing body** on any risks or impediments to the management of impacts that may result from the withdrawal by the Applicant of the licence and/or permit applications.

## Ecology and Biodiversity

### Representations of the Government of the Republic of Ireland under the Espoo Convention

4. On 15 February 2019 the Government of the Republic of Ireland responded to notification of the proposed development under the Espoo Convention (Examination Library reference [AS-0153](#)). The Secretary of State notes that this response was received during the examination and that many of the matters raised in it have been examined. However the Secretary of State requests comments on the response from the **Applicant** and **all interested parties**, particularly **NRW** and the **Welsh Government**.
5. .

### Imperative Reasons of Overriding Public Interest

6. The parties put provisional submissions to the Examination in relation to grounds for a derogation under Article 6(4) of the Habitats Directive in relation to possible disturbance impacts on the tern qualifying features of the Anglesey tern Special Protection Area (“SPA”) from the Development. The **Applicant**, in consultation with **NRW and other Interested Parties** as necessary, is invited to provide evidence as to:
  - whether there are any feasible alternative solutions for delivery of the overall objective of the plan which will be less damaging to the integrity of the site;
  - any imperative reasons of overriding public interest for the plan or project to proceed;
  - the compensatory measures proposed to ensure that the overall coherence of the network of Natura 2000 sites is protected and how these will be secured.

### Ecological Mitigation Sites

7. The Secretary of State notes that the Applicant has proposed a number of habitat creation and enhancement works as compensation for any potential effects from the Development. The Secretary of State is aware that concerns were raised by a number of Interested Parties regarding the length of the lease of land for wildlife enhancement and reptile translocation and the management of these mitigation sites beyond 2032 when the Applicant’s leases expire. The Secretary of State requests the **Applicant** to confirm whether any further steps have been taken to secure the rights to these mitigation sites once the lease expires, and what, if any, measures it has taken to ensure benefits beyond the 15-year lease period. The Secretary of State also invites comments from **NRW, IACC** and the **North Wales Wildlife Trust (“NWWT”)** on this issue.



### Mitigation of Onshore Construction on Sandwich Tern

#### 8. *Noise*

The Secretary of State notes that at the end of the examination, NRW's concerns regarding the practicality of measuring and enforcing noise levels on the construction site and concerns on how wind and weather conditions would be taken into account to implement noise controls had not been addressed. The Secretary of State requests the **Applicant** and **NRW** to confirm whether agreement has been reached following the close of the examination. If agreement has not been reached, the Secretary of State requests that the **Applicant**, with agreement from **NRW**, provides a plan to measure and control construction noise levels, (taking into account all atmospheric conditions) or explain why this is not appropriate or cannot be agreed.

#### 9. *Visual Disturbance*

The Secretary of State is aware that concerns were raised by environmental Non-Governmental Organisations ("eNGOs") on the lack of mitigation of visual disturbance west of the Afon Cafnan given the scale of the work in the Mound E construction area. To address these concerns, the Secretary of State understands that the Applicant confirmed that it would include a control in its Main Power Station Site Code of Construction Practice ("MPSSCoCP"). The Secretary of State requests the **Applicant** to confirm whether the MPSSCoCP has been updated, with agreement from NRW and interested eNGOs, to reference the agreed control measure. If agreement has not been reached, the Secretary of State requests that the **Applicant**, with agreement from **NRW** and the relevant **eNGOs** provides an updated MPSSCoCP which includes visual disturbance controls.

#### 10. *Disturbance from Recreational Users*

The Secretary of State is aware that during the examination, NRW and eNGOs queried whether there was sufficient detail in the Workforce Management Strategy ("WFMS") to manage visitor behaviour so as to avoid disturbance to terns, and that NRW and the eNGOs' concerns had not been addressed by the end of the examination. The Secretary of State requests the **Applicant**, **NRW** and **eNGOs** to confirm whether agreement on this issue has been reached following the close of the examination. If agreement has not been reached, the Secretary of State requests that the **Applicant**, with agreement from **NRW** and the relevant **eNGOs** provides an updated WFMS which manages visitor behaviour so as to avoid disturbance to terns or explain why this is not appropriate or cannot be agreed.

#### 11. *Dee Estuary SPA*

The Secretary of State notes that NRW advised that if the Sandwich tern abandoned the colony at Cemlyn Bay, this could impact the passage population of Sandwich tern in the

Dee Estuary SPA and therefore lead to an AEoI on the SPA. The Secretary of State requests that the **Applicant**, in consultation with **NRW**, addresses NRW's concerns over connectivity between the Cemlyn Bay SPA and the Dee Estuary SPA, or shows how compensatory measures for the Anglesey Terns SPA would impact the Dee Estuary SPA.

#### Landscape and Habitat Management Strategy

12. The Secretary of State notes that in response to concerns regarding the provision of habitats creation areas, the Applicant revised the area figures for coarse sward and close-sward grasslands in Table 4.1 on page 61 of the Landscape and Habitat Management Strategy ("LHMS"). However, the Secretary of State notes that the figures in the text of section 6.5 on page 110 of the LHMS have not been updated. To avoid any doubt in the provisions that the Applicant has made for a net gain in habitat, the Secretary of State requests the **Applicant** to confirm that it has updated the text in section 6.5 with the updated figures in Table 4.1.

#### Sites of Special Scientific Interest ("SSSI") Network

13. Paragraph 5.3.11 of National Policy Statement ("NPS") EN-1 (Overarching National Policy Statement for Energy) states that *"(w)here a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an exception should only be made where the benefits (including need) of the development at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and **any broader impacts on the national network of SSSIs**".*
14. The Environmental Statement and the parties' submissions point to potential impacts on three SSSIs. The Secretary of State requests the **Applicant** and any **Interested Party** to provide further information on how the potential impacts on the Tre'r Gof, Cae Gwyn and Cemlyn Bay SSSIs would affect the broader national network of SSSIs.

#### Water Framework Directive

##### 15. *Mitigation*

The Secretary of State is aware that during the examination, NRW advised that there was a risk of deterioration of the Ynys Môn Secondary groundwater body and the Skerries coastal water body but that a reasonable case has been made that all practical steps will be taken to mitigate the adverse impacts. The Secretary of State notes that NRW said that this mitigation could be secured by the development consent order. The Secretary of State requests **NRW** and the **Applicant** to confirm whether appropriate mitigation has been secured.

16. *Derogation*

The Secretary of State notes that during the examination, no views were expressed as to whether the wider benefits of the Development to the environment and to society, outweigh the benefits of achieving the Water Framework Directive objectives, and invites views from the **Applicant** and any **Interested Parties** on this point.

*Flooding*

17. *Flood risk – Exception test*

The Secretary of State notes that while the Development will largely be located in Flood Zone A areas, some of the marine works and parts of the A5025 offline highway improvement works would be located in Flood Zone C areas. EN-1 states that the Exception Test should be applied where infrastructure projects are located in Flood Zone C areas. For the Exception Test to be passed:

- it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk;
- the project should be on developable, previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and
- a flood risk assessment must demonstrate that the project will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

The Secretary of State requests the **IACC and NRW** to confirm whether the Development will not increase flood risk elsewhere, or whether the Applicant has demonstrated that flood risk can be mitigated to an acceptable level.

18. *A5025 Off-line Highways Improvements – TAN15*

The Secretary of State notes that the Applicant accepted that there would be increased flood risk impacts at the Afon Alaw viaduct. NRW advised that “the Secretary of State will need to consider the scheme in the context of non-compliance with TAN15 at this specific location, with or without landowner agreement” (see below). The Secretary of State invites comments from the **Applicant** and any **Interested Parties** in relation to the application of TAN15 to this element of the A5025 Off-line Highways Improvements.

19. *A5025 Off-line Highways Improvements – compensatory storage*

In relation to the flood risk at the Afon Alaw viaduct, the Secretary of State notes that during the examination, the Applicant said that it was pursuing a legal agreement with a landowner at Llanfachraeth to allow flooding from section 3 of the A5025 on private land.

The Secretary of State requests the **Applicant** to confirm whether an agreement with the landowner has been reached.

20. *Ecological Compensation Sites*

The Secretary of State notes that NRW expressed concern with the environmental impacts of fen creation works within the SSSI compensation sites and advised that a backwater analysis of the compensation sites be undertaken. The Secretary of State is aware that NRW proposed the following additional text for inclusion in the LHMS to secure backwater analysis:

*Drainage modifications will be informed by a suitable analysis (backwater assessment impacts or similar) which will consider the flood risk impacts to 3rd parties from the works. The detailed drainage design should demonstrate no increase in flood risks to 3rd parties due to the compensation site works*

The Secretary of State is aware that the Applicant included the suggested text in its LHMS but added the term “significant” to the increase of flood risks. NRW requested this text be removed or a definition be provided as to what would constitute a “significant increase” of flood risks. The Secretary of State notes that the Applicant responded at the end of the examination to explain the term “significant”, but that NRW was not able to respond. The Secretary of State requests **NRW** to confirm whether it is satisfied with the explanation provided by the Applicant.

21. *Dalar Hir Park and Ride*

The Secretary of State is aware of the concerns raised by IACC regarding the risk of flooding at the Dalar Hir Park and Ride and that the IACC raised the risk of debris from the upstream Nant Dalar Hir could result in the spine road/car parks being inundated. The Secretary of State notes that the Applicant did not address IACC’s concerns and that IACC did not raise it again as an issue by the end of the examination. The Secretary of State requests confirmation from **IACC** as to whether this issue remains a concern and if so, whether it wishes to suggest any mitigation measures.

## **Historic Environment**

### Archaeology

22. The Secretary of State notes that during the examination and following the announcement that Hitachi Limited was withdrawing its funding for the Development, the Applicant ceased all intrusive archaeological work in and around the Development site and stated that it would not adhere to the written scheme of investigation (“WSI”) that it had agreed with IACC, Gwynedd Archaeological Planning Service (“GAPS”) and

Cadw. The Secretary of State also notes that later in the examination, the Applicant stated that it was working to achieve full post-excavation assessment and analysis of the archaeological finds in and around the Development site in accordance with best practice guidance by the end of October 2019. The Secretary of State requests an update from the **Applicant** on the progress of these works. The Secretary of State also requests a response from **Welsh Government** (“WG”), **IACC**, **Cadw** and **GAPS** as to whether they are of the view that post excavation archaeological investigations have been or will be completed in a satisfactory manner.

#### Schedulable monuments

23. The Secretary of State is aware that a number of archaeological assets of high value or of national importance are located in or around the Development site, and that during the examination WG stated that it is considering scheduling some of these archaeological assets to avoid any substantial harm being caused to them. The Secretary of State understands that at the end of the Examination there were six such sites that were agreed to be of schedulable quality.
24. NPS EN-1 states that heritage assets that have not been designated as a scheduled monument but have yet to be formally assessed for designation, or have assessed as capable of being designated but have not yet been designated, must be subject to the same considerations as those that apply to designated heritage sites. NPS EN-1 also states that any harm to, or loss of, designated assets should be “wholly exceptional”. The Secretary of State asks the **Applicant** to:
  - confirm the current state of those six sites;
  - provide details of the features of these sites that make them schedulable quality;
  - confirm the basis for the assertion that substantial harm to such assets can be avoided by archaeological excavation, reporting, etc; and
  - provide evidence to demonstrate how the harm to or loss of the high value archaeological assets or archaeological assets of national importance in and around the Development site is “wholly exceptional”.  
The Secretary of State also invites views from **WG**, **Cadw**, **IACC** and **GAPS**.

#### Requirement SCP8 Archaeological Written Scheme of Investigation

25. The Secretary of State is aware that during the examination, WG requested an amendment to requirement SCP8 to require an approved Archaeological Mitigation Scheme to be in place prior to work commencing on site clearance and preparation works so that it is in line with the approach proposed for other works during the construction phase. The Secretary of State notes that the wording suggested by the WG was resisted by the Applicant on the basis that an Archaeological Mitigation Scheme, in addition to

the Archaeological Written Scheme of Investigation it had agreed with IACC, was not necessary due to the scale and non-intrusive nature of the site clearance and preparation works. The Secretary of State requests comments from both the **Applicant** and the **WG** on the following text:

*1) No development shall take place within the WNDA area until the Applicant or their agent or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by IACC, in consultation with Cadw.*

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

*3) Commissioning of Unit 2 shall not take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. This is dealt with at PW9.*

## **Traffic and Transport**

### Turning Head

26. The Secretary of State is aware that towards the end of the examination, IACC requested an alternative turning head adjacent to the Development to replace the existing vehicular turning area which would be lost as a consequence of the Development's proposed access road junction, and that the Examining Authority did not have the opportunity to examine this matter in detail. The Secretary of State invites views from the **Applicant** on IACC's proposed amendment to requirement WN1(3) in Schedule 3 of the draft development consent order below:

*(h) A scheme for the provision of a vehicle turning head which will form part of the public highway at the layby adjacent to access to the WNDA, which scheme must include the details of the design of the turning head, details of when this will be delivered, together with an explanation of how this will be dedicated as public highway, how it will be classified and what traffic regulation measures (including any applicable speed limits or waiting restrictions) will be put in place over the turning head prior to it opening for use for by the public.*

27. If the proposed amendment to requirement WN1 is not acceptable, the Secretary of State invites the **Applicant** and **IACC** to agree wording that addresses IACC's concerns and provide it to the Secretary of State for her consideration.

*Fly Parking*

28. The Secretary of State notes that concerns regarding the potential for fly parking were raised by IACC, Gwynedd County Council and Conwy County Borough Council. The Secretary of State is aware that at the end of examination, IACC considered that the measures proposed to deal with fly parking were deficient, and it requested further provision in the Workforce Management Strategy ("WKMS") setting out the action the Applicant will take in confirmed instances of fly parking, and also requested an update to the Code of Construction Practice ("CoCP") to make clear that upon receipt of an initial complaint, investigation and any appropriate disciplinary action is to be identified and implemented within 5 days. The IACC also requested that all incidents and investigations be reported to the IACC. The Secretary of State requests the **Applicant** to confirm whether the WKMS and CoCP have been updated to address IACC's concerns.

*Dalar Hir*

29. The Secretary of State notes that at the end of the examination, WG raised concerns regarding the modelling of the capacity of Junction 4 at Dalar Hir and asked for confirmation as to whether the modelling was based on 1,900 daily vehicle movements or 1,000 daily vehicle movements. The Secretary of State requests the **Applicant** to confirm the figure used for modelling daily vehicle requirements, and for its views on WG's proposed amendment to Requirement PR5 Site Access Design.

*Abnormal Indivisible Loads*

30. The Secretary of State notes that during the examination, the Applicant confirmed that no Abnormal Indivisible Loads ("AIL") would be required in relation to works no 12, and that WG requested that for the avoidance of doubt this should be secured through amendment of the CoCP. The Secretary of State requests confirmation from the **Applicant** and **WG** that the CoCP has been amended to address this issue or explain why this is not appropriate or cannot be agreed.

**Tourist Accommodation & Construction**

31. The Secretary of State is aware that concerns were raised by the WG regarding the impact of demand in housing during the construction phase, particularly on tourist accommodation. To address this concern, WG suggested the insertion of the following requirement:

*The number of construction workers occupying accommodation in the Tourist Sector shall at no time exceed 1100.*

32. The Secretary of State invites comments from the **Applicant** for views on the cap of the use of tourist accommodation by construction workers, and for details on how the Applicant intends to monitor and enforce the use of tourist accommodation by its staff and subcontractors.

### **Compulsory Acquisition**

#### Protective Provisions

33. The Secretary of State notes that bespoke protective provisions in respect of the interests of Network Rail Infrastructure Limited (“Network Rail”) and the interests of the Nuclear Decommissioning Authority were not agreed by the close of the examination. The Secretary of State requests the **Applicant, Network Rail** and the **Nuclear Decommissioning Authority** to confirm whether any agreement on bespoke protective provisions has been reached and, if so, to provide the agreed provisions to the Secretary of State. If an agreement has not been reached, an indication of whether an agreement is possible and, if so, when it might be reached would be helpful. If an agreement has been reached, the Secretary of State requests **Network Rail** and the **Nuclear Decommissioning Authority** to state whether or not it will withdraw its representations (see section 127(1)(b) of the Planning Act 2008).

#### Outstanding Objections and Agreements

34. The Secretary of State notes that objections had not been withdrawn or agreements were still outstanding between the Applicant and the National Trust, RE and JA Roberts, G and I Roberts and WM, EW and M Harper at the end of the examination. The Secretary of State requests the **Applicant** and the **landowners listed above** for an update on the status of negotiations.

#### Compulsory Acquisition Time Limit

35. The Secretary of State notes that Article 28 of the proposed development consent order was amended to allow the Applicant a period of 8 years, rather than the usual 5 years, to exercise its Compulsory Acquisition powers. The Secretary of State notes the information already provided by the Applicant during the examination to justify this. However, in order to consider this matter fully, the Secretary of State requests that the **Applicant** provide further detail as to why the 8 year period is necessary and proportionate in this case. The Secretary of State would also be interested in comments from **any landowners affected by compulsory acquisition** on this point.



## Welsh Planning Policy & Climate Emergency Declaration

36. The Secretary of State is aware that following the examination, WG published its draft National Development Framework for consultation on 7 August 2019 with responses due by 1 November 2019. The Secretary of State is also aware that after the close of the examination, WG made a climate emergency declaration on 29 April 2019 committing the WG to help other areas of the economy to make a decisive shift away from fossil fuels and reinforced support for the policies and proposals contained within Prosperity for all: A Low Carbon Wales (2019). The Secretary of State invites comments from **any Interested Party** in regard to the Development and WG's draft National Development Framework and climate emergency declaration.

## Design and Access Statement

37. The Secretary of State notes that during the examination, NRW proposed wording to be added to the Design Access Statement ("DAS") to mitigate landscape and visual impacts from the Marine Off-Loading Facility on the Anglesey Area of Outstanding Natural Beauty and North Anglesey Heritage Coast, but that this wording had not been included in the final version of the DAS. The Secretary of State requests the **Applicant** to confirm whether the text suggested by NRW has been included in the final version of the DAS.

## Marine Enforcement Authority

38. The Secretary of State is aware that the WG is of the view that Welsh Ministers are the enforcing authority in respect of requirements relating to Marine Works below the mean low water mark. The Secretary of State is also aware that a new Article, Article 86, was inserted to make clear that Welsh Ministers are the enforcement authority for land below the mean low water mark. The Secretary of State requests confirmation from the **WG** and **IACC** whether they are content with the drafting below:

*For the purposes of section 173 of the 2008 Act, the Welsh Ministers will be the relevant planning authority in respect of land seaward of the mean low water springs.*

39. **The deadline for a response is midnight Tuesday 31 December 2019.**

40. The response should be submitted by email to [wylfa@planninginspectorate.gov.uk](mailto:wylfa@planninginspectorate.gov.uk). Please send any hard copy response to Wylfa Newydd Nuclear Power Station Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If

you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team. An explanation of the reasons for this should also be provided.

41. Your response will be published on the Wylfa Newydd Nuclear Power Station project page of the Planning Portal website:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/wylfa-newydd-nuclear-power-station/> as soon as possible after Tuesday 31 December 2019.

42. Comments will then be invited from interested parties within a further 28 days on the above matters only. The Secretary of State will then consider the responses and information received in reaching a decision on the Application.
43. In order to allow time for the steps above to be taken, the Secretary of State is setting a new deadline for a decision on this Application of 31 March 2020. A statement will be made to the House of Commons and House of Lords in accordance with section 107(7) of the Planning Act 2008.
44. This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the Wylfa Newydd Nuclear Power Station project, and nothing in this letter is to be taken to imply what that decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

*Gareth Leigh*

Gareth Leigh

Head, Energy Infrastructure Planning