



## Meeting note

<b>File reference</b>	EN010007
<b>Status</b>	<b>Final</b>
<b>Author</b>	Siân Evans
<b>Date</b>	11 January 2018
<b>Meeting with</b>	Natural Resources Wales
<b>Venue</b>	Temple Quay House
<b>Attendees</b>	<b>The Planning Inspectorate</b> Hannah Pratt (Senior EIA and Land Rights Advisor) Helen Lancaster (Senior EIA and Land Rights Advisor) Richard Kent (Senior EIA and Land Rights Advisor) Chris White (Infrastructure Planning Lead) Kay Sully (Case Manager) Hefin Jones (Case Manager) Siân Evans (Case Officer) <b>Natural Resources Wales</b> Henry Aron Iwan Williams Scott Leighton Gail Butterill Bryn Griffiths Holly Self
<b>Meeting objectives</b>	To discuss the Wylfa Newydd Generating Station project
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given

#### Introduction

Natural Resources Wales (NRW) and the Planning Inspectorate (the Inspectorate) case team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under s51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which NRW (or others) can rely.

#### NRW project update

Horizon Nuclear Power (the Applicant for the Wylfa Newydd Generating Station project) has submitted an application for a radioactive substances permit to NRW. The public consultation on this will end on 14 January 2018. A Schedule 5 information request has been made by NRW, to which the Applicant has responded. NRW advised that some of the consultation responses they have received provide information more

relevant to the Development Consent Order (DCO). The Inspectorate advised that these responses should be sent to the Applicant as, until the application is submitted, the Inspectorate has no formal powers to take these into account.

NRW understands that the submission of construction and operational environmental permits and the marine licence will be submitted to align with the DCO submission, at the end of March 2018. NRW has advised the applicant that Environmental Permit applications should be submitted at least two months before the DCO, and noted that there is now a risk that they will not be able to reach a draft decision stage on the permits during examination of the DCO application. NRW reiterated that the Draft Decision phase and associated consultation was only applicable to the Environmental Permits.

NRW is discussing with the Applicant the scope of an abstraction licence for dewatering activities. There is currently no timetable for submission of the abstraction licence but it is likely to be submitted after the DCO submission.

NRW enquired as to whether the Inspectorate would require NRW's view on the permits during the Examination of the DCO. The Inspectorate advised that, during the course of the Examination, the Examining Authority (ExA) would likely ask for updates on progress of the permit/marine licence applications and whether there are any in principle reasons why they could not be granted. NRW advised that their strategic objective is to reach a draft decision (and the associated period of public consultation) for Permit applications for which they are the responsible body by the end of the Examination, although this is dependant on the quality of the applications received.

NRW advised that the Applicant intends to submit one suite of assessments for the Environmental Statement, Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD) for all permits and licences. A signposting document will be submitted alongside this to assist in finding the relevant information for each application.

NRW advised that, in relation to the Marine Licence, they may apply an exception to the requirement for it to carry out EIA for these works, pursuant to Regulation 10(1)(b) of the Marine Works (Environmental Impact Assessment) Regulations 2007 (the 2007 Regulations). NRW aims to decide whether to do this by the end of March 2018.

NRW advised that Welsh Water will be applying to vary the permit at the Cemaes Welsh Water Treatment Works, due to increased sewage discharges as a result of construction workers on site and on-site workers accommodation. The water at this location has failed the Bathing Water Directive requirements and therefore any new permit will need to factor this in. The Inspectorate advised that the ExA may want reassurance that the DCO application development will not make the existing situation any worse and may pose questions to the Applicant on this matter. It will also be relevant to the HRA in-combination effects.

NRW referred to the proposed inclusion of Sites of Special Scientific Interest (SSSI) compensation sites within the Applicant's DCO red line boundary which the Applicant will be consulting on in January. NRW will provide the Applicant with statutory advice on the adequacy and management of these sites. The SSSI compensation sites are adjacent to existing Special Areas of Conservation (SAC) and the HRA will need to

demonstrate that there will be no adverse impact on these SACs from their construction.

NRW advised that they completed their review of the Applicant's draft DCO application documents and gave extensive feedback to the Applicant in October/November 2017. NRW, as the Statutory Nature Conservation Body for Wales, advised that there was insufficient evidence within the Applicant's Draft Shadow HRA to agree with the Applicant's conclusion that there will be no adverse effect to the Anglesey Terns SPA. NRW consider that the Applicant may need to evaluate further avoidance/mitigation measures; alternative sites, compensatory measures and present a case for IROPI. The Applicant has advised NRW that they are assuming the Examination will start in September and NRW hope to have a finalised Statement of Common Ground with them in place by then.

NRW referred to construction discharges upstream of Cemlyn Bay SAC. There is insufficient baseline information to assess the impact on the saline lagoon feature. NRW advised that they understand the Applicant will not pursue that option but will overpump/discharge elsewhere to avoid the water quality impact and will return the drainage to a similar state once construction is complete. There would still be a need to consider the effects from changes in flow as a result of over-pumping but it would reduce concerns about effects on water quality being discharged upstream of Cemlyn Bay SAC.

In relation to the WFD, NRW advised that the Proposed Development could cause deterioration of the Skerries coastal water body and Anglesey Secondary groundwater body and understands that the Applicant is likely to come to this conclusion in their WFD assessment. NRW are currently commenting on the Applicant's draft Article 4.7 Report which will accompany the DCO. NRW advised that they will refer to EN-1 and EN-6 to inform their assessment and the derogation provisions of Article 4.7. NRW will submit an expert witness email on the matter to the Inspectorate.

NRW advised that they have responded to consultations on the two Town and Country Planning Act applications that have been submitted to Isle of Anglesey County Council for improvements to the A5025 and site preparation and clearance. NRW consider these should be included in the same environmental impact assessment and Habitats Regulations assessment as the rest of the project. This will ensure that in-combination air quality impacts can be assessed, in light of the Wealden District Council High Court judgement. NRW also referred to the HRA and advised that further mitigation would be required to avoid noise/disturbance impacts to the Anglesey Terns SPA.

NRW (as the Statutory Nature Conservation Body for Wales) queried whether the ExA would want to consult them on the Report on the Implications for European Sites (RIES). The Inspectorate advised that all parties will be given the opportunity to comment on the RIES. This is usually in about the 4<sup>th</sup> or 5<sup>th</sup> month of the Examination and the deadline will be set out within the Examination timetable.

## **AOB**

NRW and the Inspectorate agreed to hold a further meeting before the Applicant's submission of their DCO application. After the DCO application is submitted to the Inspectorate it would not be appropriate for further meetings to be held with NRW, however the case team can provide advice on the PA2008 process.

The Inspectorate advised NRW to continue engaging with the Applicant during the Examination.