HORIZON
NUCLEAR POWER

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Ofgem
9 Millbank
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4th November 2011

For the attention of Andrew Wright, Senior Partner, Markets

Dear Sir

Application for Consent to Access to Third Party Land under Electricity Generation Licence and Electricity Act 1989

Introduction

1. Horizon Nuclear Power Wylfa Limited was granted an electricity generation licence under section 6 of the Electricity Act on 9 May 2011.

2. We intend to apply for various consents, licences and permits to construct a new nuclear power station at Wylfa (the "**Project**").

3. Wylfa was designated in the Nuclear National Policy Statement[1] as potentially suitable for deployment of a nuclear power station by the end of 2025. The Overarching Energy NPS[2] states that "*Given the urgent need for low carbon forms of electricity to contribute to the UK's energy mix and enhance the UK's energy security and diversity of supply, it is important that new nuclear power stations are constructed and start generating as soon as possible and significantly earlier than 2025...*[3]"

4. In order to be able to develop our proposals for the Project, submit our applications and consult on the Project, we need to survey a large area of land including that belonging to third parties in order to establish whether or not the land is suitable for the construction of the Project.

5. We need access to such land urgently in order that we have time to carry out the surveys some of which has seasonal constraints in time to be able to include it in our statutory consultations. Despite 4 months of negotiations with the landowners and occupiers we have not been able to secure agreement to access their land. Therefore we are seeking to use from the Gas and Electricity Markets Authority to use the

[1] Dated June 2011 (EN-6).

[2] Dated June 2011 (EN-1).

[3] Paragraph 3.5.9.

powers granted under Schedule 4, paragraph 10 of the Electricity Act 1989 and would ask that this application is dealt with expeditiously.

Application

6. We are submitting an application for consent to enter upon the land identified at Schedule 1, (the "**Land**") being land in which we do not have an interest and have not been able to gain access through negotiations with the owner and/or occupier.

7. Standard condition 15 of our generation licence requires that we obtain consent from the Gas and Electricity Markets Authority to exercise the power granted to generation licence holders under paragraph 10 of Schedule 4 of the Electricity Act 1989 (the "**Power**").

8. We set out the information requested in your Guidance below and in the Enclosures.

9. A plan of the Land (see Enclosure 1) and a plan showing all of the land to be surveyed as part of the Project (see Enclosure 2) is included with this application.

10. If we have not provided everything you need or you have further questions please do not hesitate to contact us.

Information on the purpose of the access (paragraph 1(a) of the Appendix[4])

11. As discussed above, we are intending to apply for various permissions to construct the Project.

12. In order to do so we intend to survey the Land for the purpose of establishing whether it is suitable for the construction of the Project, in particular the following:

    (a) as a construction and laydown area;

    (b) for landscaping and mounding required to reduce the visual impact of the Project on the local community;

    (c) as a spoil area (which will in part be used in the landscaping, and by placing it locally will reduce the environmental and traffic impact);

    (d) to facilitate the diversion of the Cemlyn Bay road which presently dissects the propose development site and must be delivered as part of the Project; and

    (e) to provide water courses which need to be diverted because they run across the Project site.

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[4] Appendix to "Decision Document – Procedure for dealing with requests for Authority consent under Standard Licence Condition 15 of the Electricity Generation Licence" dated 21 May 2008 (the "**Guidance**").

13. The proposed surveys would include geophysical surveys to ascertain whether there are any archaeological features and identifying any utilities and services and various environmental and ecological surveys for the collection of information for our statutory consultations and our Environmental Statement for the Project.

14. In particular it is necessary for us to fulfil our duties under Schedule 9 of the Electricity Act 1989 and to provide the information required under various acts and regulations relevant to the construction of the Project. In particular the Planning Act 2008 (and associated regulations and guidance), Town and Country Planning Act 1990 (and associated regulations and guidance), Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999[5]. The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Natural Environment and Rural Communities Act 2006.

17. We would propose providing a notice with the following information to the relevant landowner / occupier 14 days in advance of us intending to enter the relevant Land:

- *We hold a generation licence under section 6 of the Electricity Act 1989 and are authorised by the Gas and Electricity Markets Authority ("**GEMA**") under Schedule 4, paragraph 10 of the Electricity Act 1989 to enter the land [you own/occupy] identified on the attached plan (the "**Land**") to carry out a number of surveying activities. None of these surveys are intrusive.*

- *[insert list of activities and when they will take place – and mark the areas where these will occur on the plan, see Schedule 3]*

- *We are required to give you 14 days notice before entering the land and we intend to access the land accordingly 14 days after the date of this notice on [insert date]*

- *We will make good any damage done to the Land in accordance with the requirements of the Electricity Act and therefore we would like to assess and agree the existing condition of the site with your land agent on the first day we are entitled to gain access to the Land.*

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[5] Superceded in England but still applicable in Wales.

- *The authorisation from GEMA enabling us to survey the Land is attached to this notice.*

Duration of Exploration processes (paragraph 1(d) of the Appendix)

18. This information is set out in the table at Schedule 3.

Agreements with landowners

19. Upon obtaining the consent to enter upon the land and in conjunction with the serving of the notice we will endeavour to agree with the landowners the specific details of the access required in order to accommodate any concerns they may have.

Repair of any Damage

20. The proposed surveys are non-intrusive and Horizon will make every effort to minimise any disruption to the landowner or damage to the land. If any damage does occur then Horizon will fully make good any damage in accordance with the requirements of the Electricity Act 1989 (Schedule 4, paragraph 10(5).

Confidentiality of Information in the Application

21. The Project is still being developed and some of the information in respect of it is still at the current time commercially confidential. Please therefore treat the information provided in paragraphs 12, 15, 16 and Schedules 1 & 2 as commercially confidential.

Yours faithfully

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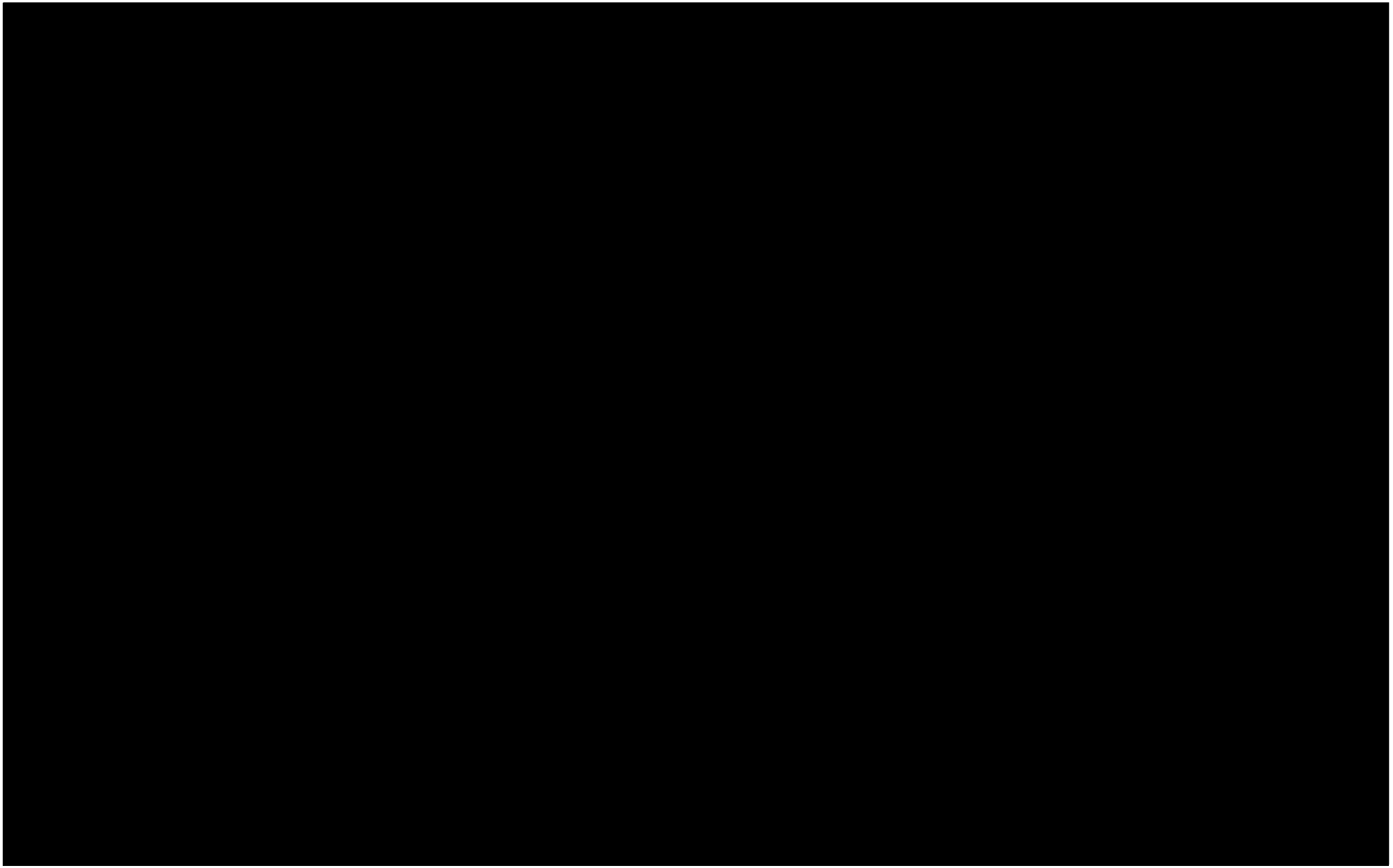
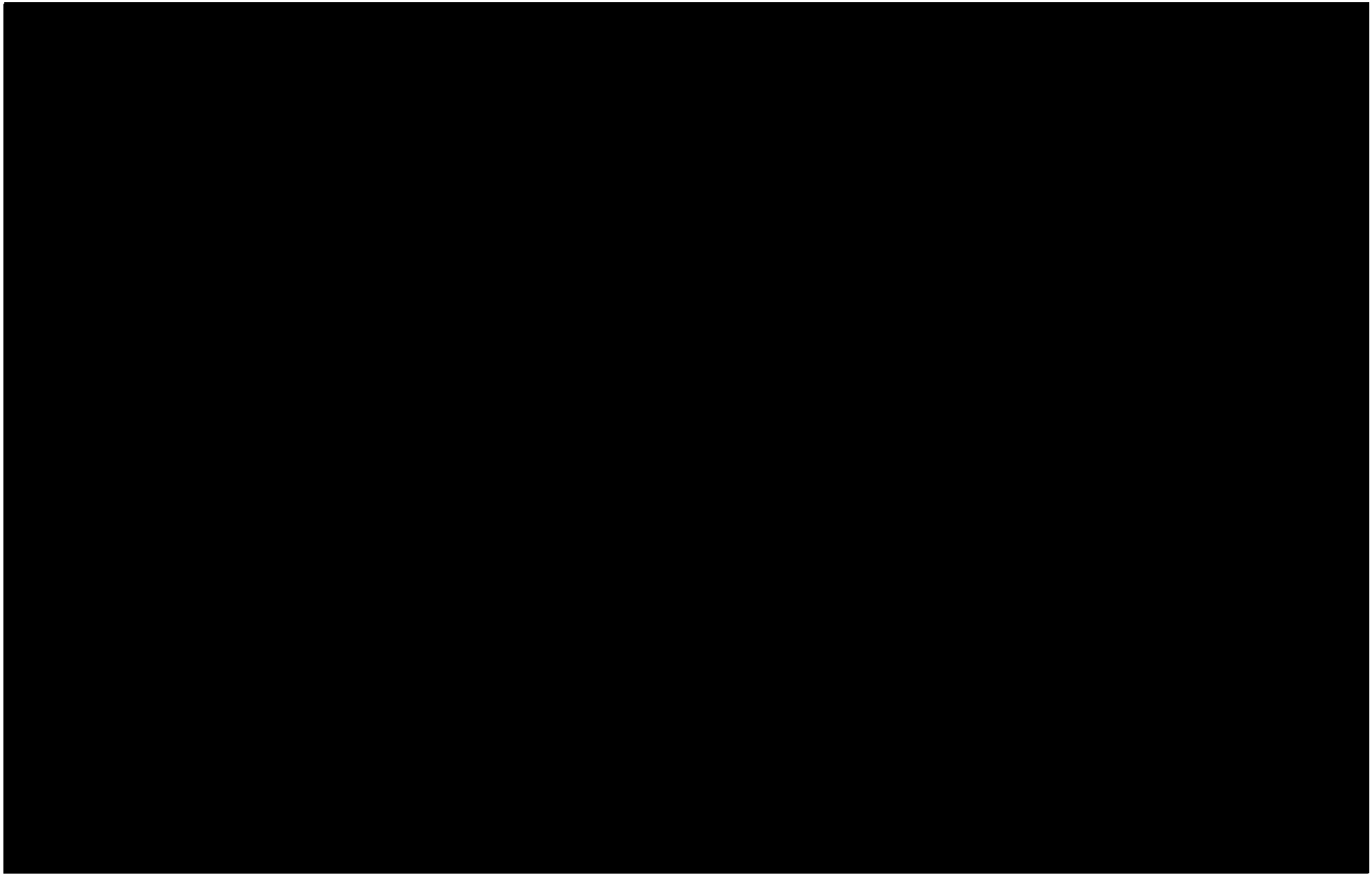
Amy Boersma
Project Counsel
For and on behalf of Horizon Nuclear Power Wylfa Limited

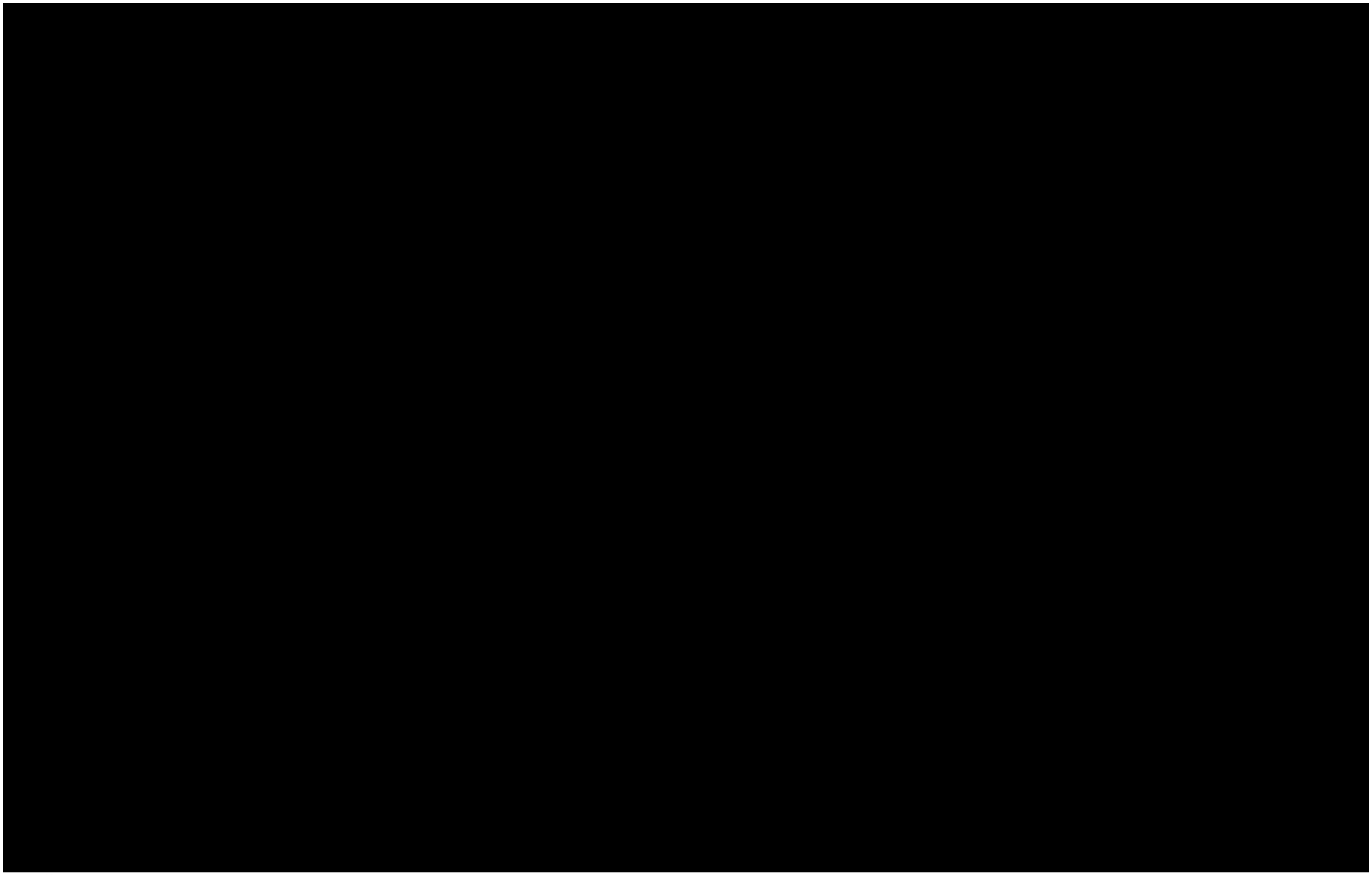
Encs:

Enc 1 – Occupation Plan of area in dispute

Enc 2 – Occupation Plan of area being surveyed







SCHEDULE 3
DETAIL OF SURVEYS

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Extended Phase 1 Habitat and Species Study	This involves ecological surveyors walking over a site and classifying each parcel of land into one of approximately 100 recognised UK habitats. Consideration will also be given to the suitability of the site for protected or otherwise notable species. The results of the Phase 1 Survey will be used to programme individual species surveys.	The time required to complete a survey will depend on the complexity of the site, however on average an experienced surveyor could cover approximately $1km^2$ per day. The survey can be carried out at any time of year but it is best undertaken in the growing season (April – October). It is possible to undertake this survey during the winter however a repeat survey would also be required during the growing season as generally less information would be collected during winter months.	All land identified	As stated in paragraph 14 of this Application.
National Vegetation Classification (NVC) Survey	This is a method of assigning vegetation to a nationally recognised series of plant communities. This involves ecological surveyors walking	The time required to complete a survey will depend on the complexity of the site. Optimum survey period is	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
	over a site and placing quadrats to record species and estimate their cover.	May to July. Sub optimum survey period is April, August and September.	may be reduced.	
Breeding birds survey	Involves an ecological surveyor walking over a site noting the species present and their behaviours.	A minimum of 12 visits are undertaken, during the early morning or late afternoon. Breeding birds surveys would be undertaken during the following months: March, April, May, June, July, August and September.	All land identified. Subject to results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Wintering birds survey	Involves an ecological surveyor walking over a site noting the species present and their behaviours.	A minimum of six visits are undertaken. Wintering bird surveys would be undertaken during the following months: October, November, December, January and February.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Schedule 1 species of birds e.g. barn owls and choughs	Involves building searches e.g. barns	Optimum survey period March/April Duration dependent on number of buildings.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Bat roost survey	Involves searching potential roost sites for evidence of bats such as droppings and feeding signs. Specialist equipment including endoscopes and high powered torches are used. Because potential roosting sites are often inaccessible, emergence/dawn surveys are often required - these involve surveyors with bat detectors recording bats leaving/entering roosting sites. On occasion bat monitoring equipment may need to be left overnight.	Bat use is often seasonal as bats use different roosts at different times of the year – so several visits may be required, particularly if the size and status of the roost needs to be established. The number of survey days is dependent on the complexity of the site.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Bat activity survey	Involves an ecological surveyor walking set routes across a site at night and recording bat species and their activity with bat detectors. To build up a reliable picture of bat use, generally the routes have to be walked several times across the bat active season. Transects should begin approximately 30 minutes after dusk to coincide with the period of maximum activity.	Bat activity surveys are generally undertaken mid-April to mid-September The number of survey days is dependent on the complexity of the site.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Water vole Survey	Involves searching for evidence such as burrows, latrines, footprints and feeding remains Equipment used – wading stick	Minimum of 2 visits will be required. Evidence of water vole will be undertaken during otter survey work during March and August/September.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Otter Survey	Involves walkover surveys of the area undertaken by suitably qualified surveyors to search methodically for field signs of otter presence, including: Spraints (droppings); Anal jelly (a glutinous excretion used for scent marking); Footprints; Pathways and slides; Holts (dens); Couches (lying up sites); Feeding remains. Equipment used – wading stick	Minimum of 2 visits will be required during March and August/September.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Badger survey	Walkover survey - Involves recording evidence such as setts, dung pits, badger paths, hairs and scratching trees.	The number of survey days is dependent on the complexity of the site and species presence. Survey can be undertaken at any time of the year.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Common dormouse/ harvest mouse survey	Use of artificial nesting tubes and searches of evidence, including feeding signs and	Multiple visits over an active season (May to October)	All land identified. Subject to the results of phase 1 habitat and species	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
	nests.		study the actual land area required to be surveyed may be reduced.	
Reptile Survey	Use of refugia such as $1m^2$ roof felt or corrugated aluminium laid out on a grid pattern (maximum spacing 20m) with each tile checked multiple times by two surveyors	Surveyed multiples times a year depending on population size. Surveys take place in the spring/early summer or late summer/autumn.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Great crested newts/ amphibians	Survey of potential breeding ponds. Use of the following survey methods: torch surveying, bottle trapping, egg sticks and sweep netting. If terrestrial habitat survey is required then could involve the use of pitfall traps and drift fencing	At least four visits per pond however if the species is present this will involve a total of six surveys per pond. Visits to be undertaken in March, April, May and June. Terrestrial habitat surveys could involve up to 60 or more trapping nights in suitable weather.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Polecat survey	Polecat survey involves initial site walkover followed by live trapping using baited, double entry, cage traps which will be checked once a day in early morning. Any animals encountered will be PIT tagged to give each animal a unique	It is recommended that trapping is carried out during mating time (March) and dispersal time (October), for peak catch rates.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
	identification. Analysis based on mark, release, recapture methods can give minimum population levels, minimum home range sizes and also some idea of the population dynamics of the species on the site.			
Hedgehog survey	Initially involves a site walkover - A suitable transect walk will be identified to incorporate farm and residential properties, field margins, hedges and tracks. Spotlighting searches will be used to locate animals and confirm species. All hedgehogs will be given an individual identification mark using small quantities of suitable paint on the spines. Mark, release, recapture principles can then be used to estimate minimum population levels. There is the potential for use of hedgehog tubes.	The transect will be walked once per month between March-October. As many as possible will be undertaken in 2011 - 2012. The transect will walked after dusk using a standard methodology of walking for 5 minutes, stop and listen for 1 minute.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Brown hare survey	Involves a site walkover to be undertaken to confirm the extent and distribution of hares across the site, identify any seasonal	The survey methodology will include: Autumn/Winter – One survey in	All land identified. Subject to the results of phase 1 habitat and species study the actual land area	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
	variations and how these may relate to habitat and land management practices. Twilight counts using spot-light will also be undertaken.	October/November and a further survey in January/February. Transect counts will be undertaken during the day to record animals resting in forms. Spring/Summer – One survey in April/May and a further survey in July/August. Twilight counts using spot-lights. Habitat assessment/monitoring – One survey in Autumn/Winter and one in Spring/Summer across the site to assess habitat and land management variables e.g. grazing levels, sward height and land use.	required to be surveyed may be reduced.	
Aquatic invertebrate and freshwater ecology surveys	Surveys vary according to species being targeted. The standard methods include sweep netting, kick sampling and active search of key potential micro habitats. Invertebrates will be collected and removed from site for	Surveys will be undertaken over the following seasons: River habitat survey – summer Macrophytes - ~June – September	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
	identification purposes where necessary.	Fish – spring, summer, autumn Macroinvertebrates – spring and autumn Phytobenthos – spring, summer, autumn and winter. Number of surveys dependent on complexity of site.		
Terrestrial Invertebrate survey	Surveys vary according to the species being targeted. A general survey might involve a walkover to record the potential value of habitats for invertebrates, followed by detailed survey of the key potential habitat identified. Typical collection methods include sweep netting, hand search, pitfall traps, pan traps, pond netting and beating woody vegetation. Note small amount of hazardous liquid used in pitfall and pan traps.	Surveys will be undertaken in May and August/September. Number of surveys dependent on complexity of site. Minimum number of 5 days per survey period.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Lichens/ bryophytes	This involves ecological surveyors walking over a site and placing quadrats to record lichen/bryophyte species and estimate their cover.	The time required to complete a survey will depend on the complexity of the site. Optimum survey period is during winter months.	All land identified. Subject to the results of phase 1 habitat and species study the actual land area required to be surveyed may be reduced.	As stated in paragraph 14 of this Application.
Aboricultural Survey	This involves a visual tree assessment by a competent tree consultant. Trees will be visually inspected from the ground with the use of binoculars and a nylon hammer. Trees showing signs of ill health and or hazardous defects will be examined more closely to identify the causal factors – internal decay detection equipment may be utilised.	The time required to complete a survey will depend on the complexity of the site.	All land identified	As stated in paragraph 14 of this Application.
Archaeological walkover survey	Involves archaeologists "walking over" the site. It involves looking for artefacts on the ground. .	The time required to complete a survey will depend on the complexity of the site, however on average an experienced surveyor could cover approximately 1km^2 per day.	All land identified	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Archaeological – geophysical survey	Geophysical survey is used for subsurface mapping of potential archaeological sites. The geophysical methods most commonly applied to archaeology are magnetometers, electrical resistance meters, ground-penetrating radar GPR) and electromagnetic (EM) conductivity. Geophysical surveys are not invasive or destructive.	Dependant on results from the archaeological walkover survey in particular identification of potential archaeological features	Land area - precise area of survey dependent on results of archaeological walkover survey	As stated in paragraph 14 of this Application.
Archaeological – trial trenches	The purpose of trial excavations is to determine the extent and characteristics of archaeological potential in a given area before extensive excavation work is under taken.	Dependant on identification of potential archaeological features and complexity of site.	Land area - precise area of survey dependent on results of archaeological walkover and geophysical survey	As stated in paragraph 14 of this Application.
All EIA topic areas	Site walkover survey to identify potential environmental constraints.	Minimum one day – not dependant on seasonality.	All land identified	As stated in paragraph 14 of this Application.
Noise monitoring	Installation of noise monitoring equipment.	3 week maximum monitoring period.	All land identified – precise area of survey dependent on results of site walkover	As stated in paragraph 14 of this Application.

Survey	Detail of work involved	Duration	Location	Relevant Legal Requirements
Agricultural survey	Site walkover survey and collection of soil samples via hand augering.	Minimum one day	All land identified	As stated in paragraph 14 of this Application.
Cae Gwyn SSSI survey	Site walkover and potential for hand augering and installation of v-notch weirs.	Site walkover – I day Hand augering – TBC - dependent on site walkover Installation of v-notch weirs – dependent on site walkover – max deployment 1 year	Cae Gwyn SSSI	As stated in paragraph 14 of this Application.