

## **Wylfa Newydd Project**

### **5.4 Details of Other Consents, Licences and Agreements**

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## Executive Summary

This document summarises the other consents, licences and agreements that, in addition to the draft Wylfa Newydd (Nuclear Generating Station) Order, Horizon Nuclear Power Wylfa Limited (Horizon) intends to obtain, to allow the construction, operation and maintenance of the Wylfa Newydd Project.

## 1 Introduction

1.1.1 This document lists other consents, licences and agreements that, in addition to the draft Wylfa Newydd (Nuclear Generating Station) Order, Horizon Nuclear Power Wylfa Limited (Horizon) intends to obtain, to allow the construction, operation and maintenance of the Wylfa Newydd Project. This document is not required by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, but is recommended in paragraph 45 of the Department for Communities and Local Government Planning Act 2008: Application Form Guidance (June 2013):

"Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example."

## 1.2 The Wylfa Newydd Project

1.2.1 Horizon is proposing to construct and operate the Wylfa Newydd Project, which comprises the Wylfa Newydd Development Consent Order (DCO) Project, the Licensable Marine Activities and the Enabling Works. Each of these elements is described further below. The Wylfa Newydd DCO Project will be consented under a DCO and the Licensable Marine Activities will be consented under a Marine Licence. There is some overlap between the two; the Marine Works (see below) will be consented under both the DCO and the Marine Licence.

### ***Wylfa Newydd DCO Project***

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

#### **The Nationally Significant Infrastructure Project (NSIP)**

- Power Station: the proposed new nuclear power station at Wylfa, including two UK Advanced Boiling Water Reactors, the Cooling Water System, supporting facilities, buildings, plant and structures, radioactive waste and spent fuel storage buildings and the Grid Connection;
- other on-site development: including landscape works and planting, drainage, surface water management systems, public access works including temporary and permanent closures and diversions of public rights of way, new Power Station Access Road and internal site roads, car parking, construction works and activities including construction compounds and temporary parking areas, laydown areas, working areas and temporary works and structures, temporary construction

viewing area, diversion of utilities, perimeter and construction fencing, and electricity connections;

- Marine Works comprising:
  - Permanent Marine Works: the Cooling Water System, the Marine Off-loading Facility, breakwater structures, shore protection works, surface water drainage outfalls, waste water effluent outfall (and associated drainage of surface water and waste water effluent to the sea), fish recovery and return system, fish deterrent system, navigation aids and Dredging;
  - Temporary Marine Works: temporary cofferdams, a temporary access ramp, temporary navigation aids, temporary outfalls and a temporary barge berth;
- Off-site Power Station Facilities: comprising the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and a Mobile Emergency Equipment Garage (MEEG);

### **Associated Development**

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

1.2.3 The following terms are used when describing the geographical areas related to the Wylfa Newydd DCO Project and the Licensable Marine Activities, and are shown on figure [Figure A2-1]:

- Power Station Site – the indicative areas of land and sea within which the majority of the permanent Power Station, Marine Works and other on-site development would be situated; and
- Wylfa Newydd Development Area – the indicative areas of land and sea including the Power Station Site and the surrounding areas that would be used for the construction and operation of the Power Station, the Marine Works, the Site Campus and other on-site development (WNDA Development).

### ***Licensable Marine Activities***

1.2.4 The Licensable Marine Activities comprise the Marine Works and the disposal of material from Dredging at the Disposal Site.

### ***Enabling Works***

1.2.5 The Enabling Works comprise the Site Preparation and Clearance Proposals (SPC Proposals) and the A5025 On-line Highway Improvements.

1.2.6 Horizon has submitted applications for planning permission for the Enabling Works under the Town and Country Planning Act 1990 to the Isle of Anglesey County Council (IACC).

1.2.7 In order to maintain flexibility in the consenting process for the Wylfa Newydd DCO Project, the SPC Proposals have also been included in the DCO application. The A5025 On-line Highway Improvements are not part of the DCO application.

## 2 Summary of other Consents, Licences & Agreements Required

2.1.1 The principal consent for the Wylfa Newydd Project will be an order for development consent (DCO). The DCO process enables land acquisition along with many consents and powers to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because:

- a) a specific consent cannot be contained in the DCO;
- b) a consenting authority declines to allow a consent to be obtained in the DCO; or
- c) it is not desirable or it is inappropriate to include a consent within the DCO due to the stage of design development and the level of detail available.

2.1.2 The other consents, licences and agreements identified in Table 2-1 below are expected to be required or already obtained, separately from the DCO.

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**Table 2-1 Summary of other Consents, Licences & Agreements Required**

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
<b>Construction</b>				
1	<p>Marine Licences</p> <p>Marine Licences will be required for construction of the MOLF, breakwaters, cooling water intake, cooling water outfall, and for dredging and deposition of dredging's.</p>	Marine and Coastal Access Act 2009	Natural Resources Wales (NRW)	The Marine Licences will be submitted in 2018 following the application for the DCO. These are being discussed and progressed with NRW.
2	<p>Planning permissions for any element of the Project not within the scope of the DCO</p> <p>Planning permission is required for A5025 On-line Highway Improvements and Site Preparation and Clearance.</p>	Town and Country Planning Act 1990	IACC	<p>Planning permissions for the A5025 On-line Highway Improvements and Site Preparation and Clearance were both submitted to IACC November 2017.</p> <p>In addition to lodging a Town and Country Planning Act (TCPA) application for Site Preparation and Clearance (SPC) works, Horizon is also seeking powers under the DCO to undertake the SPC works. The purpose for "twin-tracking" these works is to ensure that Horizon can commence SPC works within the Wylfa Newydd Development Area under the TCPA permission in advance of the Order being granted.</p> <p>Following the grant of DCO, article 5 of the DCO enables Horizon to switch from undertaking the works pursuant to the TCPA application to undertaking the works under the corresponding provisions in the DCO.</p>

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
3	<p>European Protected Species Licences</p> <p>Licences may be required for works which could result in an offence relating to bats and Great crested newts (GCN) prior to construction.</p>	Conservation of Habitats and Species Regulations 2017	NRW	<p>Draft licences will be submitted with the DCO and then finalised, if needed, following the DCO grant (or TCPA grant in the case of SPC works).</p> <p>Pre-construction surveys for bats will be undertaken after the licence has been submitted to NRW. Pre-construction surveys for GCN have already been undertaken.</p>
4	<p>Conservation Licences</p> <p>A licence may be required for translocation of water voles (if identified through pre-construction surveys) prior to construction.</p>	Wildlife and Countryside Act 1981	NRW	<p>If pre-construction surveys identify the need for water vole translocation, a conservation licence would need to be obtained from NRW.</p> <p>Draft licences will be submitted with the DCO and then finalised following the DCO grant (or TCPA grant in the case of SPC works) if required.</p>
5	Water abstraction licence(s) for the abstraction of water during construction	Water Resources Act 1991	NRW	Water Abstraction Licence(s) is anticipated to be required for the construction works in the WNDA. Horizon is in discussions with NRW and an application is being drafted and will be submitted post the DCO submission.
6	Water impoundment licences for the abstraction of water during construction	Water Resources Act 1991	NRW	Water Abstraction Licence(s) is anticipated to be required for the construction works in the WNDA. Horizon is in discussions with NRW and an application is being drafted and will be submitted post the DCO submission.
7	Environmental	Environmental	NRW/IACC	

Consents/Licences/Agreements	Key Legislation	Consenting Authority	Status
<p>Permits (EPs)</p> <p>EPs will be required for the construction of the WNDA Development and some aspects of the Associated Development. These permits are required for the following:</p> <ul style="list-style-type: none"> <li>• Water discharge activity (surface water drainage, main construction site treated sewage)</li> <li>• Construction for certain plant and generators and dewatering activities.</li> <li>• Flood Risk Activity Permits (FRAP) generally required for construction activities within 8m/16m of a (non-tidal/tidal) main river or within the floodplain of a main river.</li> <li>• Local Authority Pollution Prevention and Control (LAPPC) Part B EPs where construction activities cause emissions to air.</li> </ul>	<p>Permitting (England and Wales) Regulations 2016</p>		<p>Permit applications are to be made (where necessary) by Horizon or the nominated contractor following the submission of the DCO.</p> <p>FRAPs will be submitted by Horizon or nominated Contractor where relevant.</p> <p>Nominated contractors will be required to obtain LAPPC Part B EPs prior to construction for activities such as use of mobile crushers, soil treatment and for the use of large mobile generators over 20MWth.</p> <p>Waste permits are likely to be required for works associated SPC and A5025 On-line Highway Improvements.</p> <p>It has been confirmed with the Waste and Materials Oversight Group (WaMOG) that remediation processes during SPC will require a bespoke hazardous waste permit. This will be secured by the nominated contractor prior to any remediation works.</p> <p>It is likely that a waste permit is required for the processing of coal tar at the temporary recycling facility for the A5025 On-line Highway Improvements. This is being discussed with NRW and IACC (through the WaMOG) and the requirement is to be confirmed. This</p>

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
<ul style="list-style-type: none"> <li>• Waste Permits</li> </ul>				would be secured by the nominated contractor prior to processing activities.
8	<p>Foul Water Sewer Requisition</p> <p>This would enable the connection of the Site Campus and Power Station Site to Dŵr Cymru/Welsh Water's existing foul water drainage network.</p>	Water Industry Act 1991 and the Water Act 2003	Dŵr Cymru/Welsh Water	<p>Dŵr Cymru/Welsh Water will submit the application relevant to the Site Campus. Horizon will submit the application relevant to the Power Station Site.</p> <p>Both applications to be made to Dŵr Cymru/Welsh Water after the DCO has been submitted prior to the construction of the Site Campus and Power Station.</p>
9	<p>Request for Non-domestic Water Supply</p> <p>This is required as part of the need for increased capacity of the existing network of water mains and sewers.</p>	Water Industry Act 1991	Dŵr Cymru/Welsh Water	Application to be made to Dŵr Cymru/Welsh Water after the DCO has been submitted prior to the construction of the Power Station.
10	<p>Ordinary Watercourse Consents</p> <p>Consents from IACC are required for any in-channel works or construction activities that may effect flow of an Ordinary Watercourse i.e. ditch, drain, stream etc.</p>	Land Drainage Act 1991	Lead local flood authority (IACC)	Applications to be made following the submission of the DCO.
11	Construction-related Health and Safety consents	Health and Safety at Work Act 1974 and	Health and Safety	Applications to be made by nominated contractor prior to commencement of construction.

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
	This is required to ensure, so far as is reasonably practicable, the health, safety and welfare at work e.g in relation to safe operation of plant, safe handling of dangerous substances etc.	subsidiary legislation (including the Pressure Systems Safety Regulations 2000)	Executive (HSE)	
12	<p>Permit for transport of Abnormal Indivisible Loads Permits for delivery by road of loads that fall outside standard practice.</p> <p>The MOLF will be utilised as far as possible (Current estimates are approximately 60% to 80% of all construction materials (by weight), including the majority of Abnormal Indivisible Loads (AILs), would be delivered via the MOLF).</p>	<p>The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988.</p>	<p>Department for Transport, Highways Agency, Local Highway Authority (IACC), Police and bridge owners (if any) as appropriate.</p>	Applications to be made by nominated contractor prior to commencement of construction on the Power Station Site.
13	<p>Section 61 Prior Consent.</p> <p>This is required in relation to control of noise on construction.</p>	Control of Pollution Act 1974	IACC	Applications will be made by the nominated contractor a minimum of 28 days before all construction commences (including for SPC works).
14	Coastal Station Radio Technically Assigned	Wireless Telegraphy Act 2006	OfCom	Consent is required prior to use during construction of the Power Station.

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
	<p>This is a required licence in relation to the harbour powers that will be secured through the DCO for any installation or use of radio apparatus to enable coast (base) stations on shore to communicate with vessels.</p>			
15	<p>Control of Major Accident Hazards (COMAH) Notification associated with water treatment chemicals and back up fuel.</p> <ul style="list-style-type: none"> <li>- Major Accident Prevention Policy (MAPP)</li> <li>- Safety Report</li> </ul>	Control of Major Accident Hazards Regulations 2015 (as amended)	Office for Nuclear Regulation (ONR)/HSE/NRW	<p>Depending on the tier category either a COMAH notification, MAPP or Safety Report will be required. Discussions to date with ONR/HSE/NRW have indicated that a COMAH notification will be required. The COMAH notification is currently being prepared in discussion with the competent authority and will be submitted at least 3 months prior to construction.</p>
16	<p>Notification of Construction Project</p> <p>A construction project is notifiable if the construction work is expected to:</p> <ul style="list-style-type: none"> <li>• last longer than 30 working days and have more than 20 workers working at the same</li> </ul>	Construction (Design and Management) Regulations 2015	HSE	<p>Prior to construction commencing by nominated contractor.</p>

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
	<p>time at any point on the project or</p> <ul style="list-style-type: none"> <li>• exceed 500 person days</li> </ul>			
17	<p>Article 41</p> <p>Article 41 of the Euratom Treaty requires that Horizon notify the European Commission (EC) of their intention to construct and operate the twin UKABWR, Wylfa Newydd power station on the Isle of Anglesey.</p>	European Atomic Energy Community (Euratom) Treaty	European Commission	An Article 41 submission was made to the European Commission in February 2017. Horizon has now received and is currently addressing comments.
18	<p>Nuclear Site Licence</p> <p>This is required to assure the safety of nuclear installations in the UK.</p>	Nuclear Installations Act 1965	ONR	The Site Licence Application was submitted to the ONR on 31 March 2017 and is scheduled for grant in 2019.
19	<p>Planning (Hazardous Substances) Consent</p> <p>The hazardous substances consent process is required to ensure that necessary measures are taken to prevent major accidents and limit their</p>	Planning (Hazardous Substances) Act 1990, Planning (Hazardous Substances) (Wales) Regulations 2015	IACC	Application to be made prior to construction of the Power Station commences.

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
	consequences to people and the environment.			
20	<p>Section 31 Notice</p> <p>Section 31(6) of the Highways Act 1980 enables Horizon as a landowner to deposit with IACC, a map showing the extent of land ownership, and a statement indicating the Public Rights of Way (PRoW) that they recognise over it. This is going to be used to help demonstrate an intention not to dedicate any additional PRoW during construction or operation of the power station.</p>	Highways Act 1980	IACC	The Section 31 Notice was submitted in August 2017.
<b>Operation</b>				
21	<p>Operation- related Health and Safety consents</p> <p>Places duties on employers to eliminate or control the risks from explosive atmospheres in the workplace.</p>	Health and Safety at Work Act 1974 and subsidiary legislation including the Pressure Systems Safety Regulations 2000 and the Dangerous Substances and	HSE	Applications to be made by nominated contractor prior to commencement of operation.

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
		Explosive Atmospheres Regulations 2002		
22	Electricity generation licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Obtained 9 May 2011.
23	EPs to allow operation of the Power Station. The main EPs include: Radioactive Substances activities; Combustion installation activities; and Water discharge activity (operational phase).	Environmental Permitting (England and Wales) Regulations 2016	NRW	<p>To be submitted at the same time as the DCO application. The operational water discharges activity includes the operation of the water intake system including Fish Deterrence, Recovery and Return system. This is also relevant to combustion activity and small scale use/accumulation of radioactive substances for operations.</p> <p>As well as the main EPs listed there will be a number of minor EPs required for Off-Site Power Station Facilities in relation to minor water discharges, and flood risk. Discussions have commenced with NRW. These minor EPs will be submitted at a later date after the DCO application has been submitted either by Horizon or the nominated contractor.</p>
24	Permit to emit CO2  This is to ensure plant operator complies with monitoring and reporting obligations.	Greenhouse Gas Emissions Trading Scheme Regulations 2012	Environment Agency (regulator in England and Wales)	Horizon will apply for this permit in advance of starting commissioning and, once the Power Station is operational, annual greenhouse gas emissions will be reported as required by the Greenhouse Gas Permit.

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
				The permit is specifically required before operation of the combustion plant.
25	Building Regulation approval  Construction of buildings are required to meet minimum standards for design, constructions and alterations to buildings.	Building Regulations 2010	IACC	At completion of construction, relevant certificate/s will be sought. This could be phased as buildings are complete.
26	Hazardous waste producer registration	Hazardous Waste (Wales) Regulations 2005	NRW	Prior to commissioning. Wylfa Newydd Site has a Hazardous waste producer registration code (CA120) that Horizon request nominated contractors to use via the contract documents / Code of Construction Practice.
27	Planning permissions for any element of the Project not within the scope of the DCO (i.e. permanent Visitor Centre)	Town and Country Planning Act 1990	IACC	Horizon are committed to building a permanent visitor centre on site within 5 years of the end of construction. This would be consented outside of the Wylfa Newydd DCO Project by planning permission through the Town and Country Planning Act regime. The design and facilities contained within the centre will be subject to discussion with key stakeholders in advance of planning permission being submitted. This is in addition to works related to any temporary viewing area, if required during construction.
28	Article 37 Positive Opinion (for the operation of two UK ABWRs with associated on-site	Euratom Treaty	European Commission (DBEIS [as the UK	Horizon is scheduled to provide the submission documentation to DBEIS in October 2017 who will then make the submission to the EC. Hearings will be held

Consents/Licences/Agreements		Key Legislation	Consenting Authority	Status
	storage of Spent Fuel and Radioactive Waste)		competent body])	3 months after submission. Receipt of positive opinion between 6-12 months following submission.
29	Marine Licences  Marine Licences are required prior to some maintenance activities e.g. Dredging of the marine facilities.	Marine and Coastal Access Act 2009	Natural Resources Wales (NRW)	Where required, a Marine Licence will be applied for prior to maintenance activities.
<b>Agreements</b>				
30	Bilateral Construction Agreement  To set out the construction programme and the responsibilities for the connection including upgrades to the transmission system.	N/A - Commercial Agreement	N/A - Agreement with National Grid Electricity Transmission PLC	The Construction Agreement was initially signed in 2008, novated into Horizon in 2011 and updated in 2014.
31	Bilateral Connection Agreement  This Agreement will enable the Power Plant to connect and export and import electricity to and from the electricity Transmission network.	N/A - Commercial Agreement	N/A - Agreement with National Grid Electricity Transmission PLC	The Connection Agreement was initially signed in 2008, novated into Horizon in 2011 and updated in 2014.

- 2.1.3 Discussions with the relevant regulatory bodies for the consents and licences above are ongoing, and any specific progress will be detailed in Statements of Common Ground (SoCG).
- 2.1.4 Details of the organisations that Horizon is currently in discussions on SoCGs with are set out in the Statement of Common Ground Position Statement (Document Reference 8.25) submitted with the DCO. Further details on progress with each party is set out in the SoCG Position Statement. Where appropriate, the SoCGs will include areas of agreement and disagreement in relation to other consents, licences and agreements.
- 2.1.5 Horizon does not consider that there are any impediments to obtaining these consents and licences following grant of the DCO, and does not regard the need for other consents as a material risk to the delivery of the Wylfa Newydd Project.