



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Cynllunio Seilwaith Cenedlaethol
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Cwsmeriaid: Wylfa@pins.gsi.gov.uk
e-bost:

Mr Kieran Somers
Pennaeth Cynllunio
Horizon Nuclear Power

Eich Cyf:

Ein Cyf: EN010007

(Trwy e-bost)

Dyddiad: 28 Mehefin 2018

Annwyl Mr Somers

Deddf Cynllunio 2008 (fel y'i diwygiwyd) – Adran 51

Cais gan Horizon Nuclear Power am Orchymyn sy'n Rhoi Caniatâd Datblygu ar gyfer cais Wylfa Newydd

Cyngor yn dilyn cyhoeddi'r penderfyniad i dderbyn y cais i'w archwilio

Ar 28 Mehefin 2018, penderfynodd yr Ysgrifennydd Gwladol fod y cais ar gyfer Gorsaf Bŵer Niwclear arfaethedig Wylfa Newydd yn bodloni'r profion derbyn o dan adran 55 Deddf Cynllunio 2008. Mae Rhestr Wirio Derbyn yr Arolygiaeth Gynllunio a dogfennau cais yr Ymgeisydd wedi cael eu cyhoeddi ac ar gael ar dudalen y prosiect ar ein gwefan. Gweler y ddolen isod:

<https://infrastructure.planninginspectorate.gov.uk/cy/projects/gorsaf-bwer-niwclear-wylfa-newydd/?ipcsection=docs>

Wrth wirio yn ystod y cam derbyn, gwnaeth yr Arolygiaeth rai sylwadau mewn perthynas â'r cais. Mae'r llythyr hwn yn cynnwys cyngor i'r Ymgeisydd a roddir o dan adran 51 Deddf Cynllunio 2008. Dylai'r Ymgeisydd roi sylw i'w gynnwys, ac ystyried camau priodol i'w cymryd mewn ymateb.

Asesiad Rheoliadau Cynefinoedd

Gallai'r Ymgeisydd ddymuno ystyried y canlynol mewn perthynas â Blwch 31 y rhestr wirio; Yn dilyn cais am ddyfarniad, cyhoeddodd Llys Cyfiawnder Ewrop farn ar 12 Ebrill 2018 ynglŷn â dehongli Erthygl 6(3) Cyfarwyddeb 92/43/EEC y Cyngor ar gadwraeth cynefinoedd naturiol ac anifeiliaid a phlanhigion gwyllt ('y Gyfarwyddeb Cynefinoedd'). Cyfeirnod yr achos yw C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta.

Mae'r dyfarniad yn ymwneud â'r cam pryd y dylid ystyried mesurau lliniaru wrth gynnal asesiad o dan Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017 (y

Rheoliadau Cynefinoedd). Cynghorir yr Ymgeisydd i ystyried, trwy drafod â Cyfoeth Naturiol Cymru, p'un a oes gan y dyfarniad unrhyw oblygiadau i'r asesiad Rheoliadau Cynefinoedd a gynhaliwyd mewn perthynas â'r Datblygiad Arfaethedig. Os oes angen, dylai'r Ymgeisydd ddarparu matricesau sgrinio a chyfanrwydd diwygiedig hefyd.

Cynlluniau Tir

Nodir yn y rhestr wirio (Blwch 30, Rheoliad 5(2)(i)) fod rhai anghysondebau mewn perthynas â'r Cynlluniau Tir. Rhoddir arweiniad ychwanegol ar y mater hwn yng Nghynlluniau'r Adran Cymunedau a Llywodraeth Leol (DCLG) ar Ddeddf Cynllunio 2008 ynglŷn â'r gweithdrefnau ar gyfer caffael tir yn orfodol (Atodiad C).

Gofynnir i chi ddarparu Cynlluniau Tir wedi'u diweddarau sy'n cynnwys:

- Allwedd sy'n cyd-fynd â'r disgrifiad a roddir yn y Llyfr Cyfeirio
- Dangos yr holl dirnodau perthnasol fel y'u disgrifir yng Ngholofn 3 ('Disgrifiad o'r Tir') y Llyfr Cyfeirio, er enghraifft priffordd yr A5025, Gorsaf Betrol Tregale, Mynydd Ithel, ar y dalenni perthnasol sy'n gysylltiedig â'r Tir Cynlluniau
- Mewnosodiadau lle mae lleiniau'n anodd eu dehongli
- Allwedd sy'n gwahaniaethu rhwng y llinellau dotiog, toredig a solet, a
- Sicrhau bod modd adnabod pob llain yn glir a bod cyfeirnod llain wedi'i roi i bob un ohonynt

Unigolion a ragnodir o dan Adran 42(1)(a)

Mae'r Arolygiaeth Gynllunio wedi sylwi nad yw'r rhestr o ymgynghoreion a ragnodir yn yr Adroddiad Ymgynghori yn cynnwys yr ymgynghoreion canlynol:

- Y Comisiwn Cydraddoldeb a Hawliau Dynol
- OFGEM
- Fforwm Cydnerthedd Lleol Gogledd Cymru
- E.ON UK Plc
- Wales and West Utilities Ltd
- Yr Awdurdod Datgomisiynu Niwclear

Mae'r Arolygiaeth Gynllunio wedi amlygu'r partïon canlynol, yn seiliedig ar ddehongliad rhagofalus o'r rheoliadau, nad ymgynghorwyd â nhw o dan a42:

- Transport Focus
- Y Pwyllgor Ymgynghorol ar Gludiant Pobl Anabl
- Y Swyddfa Rheilffyrdd a Ffyrdd
- Network Rail Infrastructure Ltd
- Network Rail (High Speed) Ltd
- Ofwat
- NATS En-Route Safeguarding
- Royal Mail Group

- Cadent Gas Limited
- Indigo Pipelines Limited
- Energy Assets Network Limited
- Energy Assets Power Networks
- Fulcrum Electricity Assets Limited
- G2 Energy IDNO Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited
- Utility Distribution Networks Limited

Mae'r Arolygiaeth Gynllunio o'r farn y gallai'r cynigion effeithio ar fuddiannau'r sefydliadau anstatudol canlynol hefyd:

- Cadw
- Comisiynydd y Gymraeg
- Trafnidiaeth Canolbarth Cymru (TraCC)
- Y Tîm Rheoli Trafnidiaeth, Cyfarwyddwyr yr Amgylchedd ac Adfywio Deddwyrain Cymru (SewDER)
- Sefydliad Cenedlaethol Brenhinol y Badau Achub

Oni bai bod rheswm da ym mhob achos pam yr ydych yn hyderus nad yw'r cyrff hyn yn berthnasol i'r datblygiad arfaethedig, fe'ch cynghorir i'w cynnwys, neu eu hollynwyr priodol, yn eich ymarfer hysbysu a56 oni bai bod cyrff wedi'u nodi yn y rheoliadau CFfGR nad ydynt yn gweithredu mwyach.

Memorandwm Esboniadol

Byddai'r Memorandwm Esboniadol sy'n cyd-fynd â'r Gorchymyn Caniatâd Datblygu drafft yn elwa o gyfiawnhad ychwanegol ynglŷn â pham mae dibyniaeth ar y Darpariaethau Model mewn rhai mannau yn parhau i fod yn berthnasol ac yn briodol.

Hyderaf fod y cyngor hwn yn ddefnyddiol i chi ac y bydd yn eich cynorthwyo i baratoi ar gyfer archwilio'r cynllun.

Os bydd gennych unrhyw gwestiynau am gynnwys y llythyr hwn, cysylltwch â mi ar bob cyfrif.

Yn gywir

Kay Sully

Kay Sully
Rheolwr Achos

Nid yw'r cyfathrebiad hwn yn gyfystyr â chyngor cyfreithiol.
Darllenwch ein [Hysbysiad Preifatrwydd](#) cyn anfon gwybodaeth i'r Arolygiaeth Gynllunio.



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Mr Kieran Somers
Head of Planning
Horizon Nuclear Power

Your Ref:

Our Ref: EN010007

(By e-mail)

Date: 28 June 2018

Dear Mr Somers

Planning Act 2008 (as amended) – Section 51

Application by Horizon Nuclear Power for an Order Granting Development Consent for the Wylfa Newydd Project

Advice following issue of decision to accept the application for examination

On 28 June 2018 the Secretary of State decided that the application for the proposed Wylfa Newydd Nuclear Power Station satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's Acceptance Checklist and the Applicant's application documents have been published and made available on the project page of our website. See link below:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/wylfa-newydd-nuclear-power-station/?ipcsection=docs>

In undertaking checks at the acceptance stage, the Inspectorate did make some observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008. The Applicant should pay attention to its content, and consider how appropriate action might be taken in response.

Habitats Regulations Assessment

The Applicant may wish to consider the following in relation to Box 31 of the checklist; Following a request for a ruling, the European Court of Justice issued a judgement on 12 April 2018 about the interpretation of Article 6(3) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive'). The reference of the case is C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta.

The judgement concerns the stage at which mitigation measures should be taken into account when undertaking an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Applicant is advised to consider, in discussion with Natural Resources Wales, whether the judgement has any implications for the Habitats Regulations assessment that has been undertaken in respect of the Proposed Development. If necessary the Applicant should also provide updated screening and integrity matrices.

Land Plans

It is noted in the checklist (Box 30, Regulation 5(2)(i)) that there are some discrepancies in relation to the Land Plans. Further guidance on this issue can be found in DCLG's Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land (Annex C).

Please provide updated Land Plans which include:

- A Legend consistent with the description as provided in the Book of Reference
- All relevant landmarks as described in Column 3 ('Description of Land') of the BoR for example A5025 highway, Tregle Service Station, Mynydd Ithel to be reflected on the relevant sheets associated to the Land Plans
- Inserts where plots are difficult to decipher
- A Legend that deciphers between the dotted, dashed and solid lines, and
- Ensure all plots are clearly identifiable and have a plot reference

Section 42(1)(a) persons prescribed

The Planning Inspectorate notes that the list of prescribed consultees in the Consultation Report does not include the following consultees:

- Equality and Human Rights Commission
- OFGEM
- North Wales Local Resilience Forum
- E.ON UK Plc
- Wales and West Utilities Ltd
- The Nuclear Decommissioning Authority

The Planning Inspectorate has identified the following parties based on a precautionary interpretation of the regulations that have not been consulted under s42:

- Transport Focus
- Disabled Persons Transport Advisory Committee
- Office of Rail and Road
- Network Rail Infrastructure Ltd
- Network Rail (High Speed) Ltd
- Ofwat

- NATS En-Route Safeguarding
- Royal Mail Group
- Cadent Gas Limited
- Indigo Pipelines Limited
- Energy Assets Network Limited
- Energy Assets Power Networks
- Fulcrum Electricity Assets Limited
- G2 Energy IDNO Limited
- Leep Electricity Networks Limited
- Murphy Power Distribution Limited
- Vattenfall Networks Limited
- Utility Distribution Networks Limited

The Planning Inspectorate considers that the interests of the following non-statutory organisations may also be affected by the proposals:

- Cadw
- Welsh Language Commissioner
- Trafnidiaeth Canolbarth Cymru (TraCC)
- Transport Management Team, South East Wales Directors of Environment and Regeneration (SewDER)
- Royal National Lifeboat Institution

Unless there is a good reason in each case on the basis of which you are confident that these bodies are not relevant to the proposed development, you are advised to include these bodies, or their appropriate successors, in your s56 notification exercise unless there are bodies remaining on the APFP regulations that no longer function.

Explanatory Memorandum (EM)

The EM accompanying the draft Development Consent Order would benefit from additional justification as to why reliance on the Model Provisions in some places, still remains relevant and appropriate.

I trust that this advice is useful to you and that it will aid your preparation for the examination of the scheme.

If you have any questions about the content of this letter, please do not hesitate to contact me.

Yours sincerely

Kay Sully

**Kay Sully
Case Manager**

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