

Ms K Sully
Infrastructure Planning Lead
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN
17th August 2018

Dear Ms Sully,

**Horizon Nuclear Power Wylfa Limited – Wylfa Newydd New Nuclear Power Station
- EN010007**

Response to Section 51 Advice

I write on behalf of Horizon Nuclear Power Wylfa Limited (“Horizon”) in respect of the accepted Wylfa Newydd application. The purpose of this letter and associated enclosures is to respond to the advice received from the Planning Inspectorate (“PINS”) on behalf of the Secretary of State in its letter dated 28 June 2018, in accordance with Section 51 of the Planning Act 2008 (as amended).

Habitats Regulations Assessment

The Planning Inspectorate (PINS) requested in its Section 51 advice, that Horizon takes into account the European Court of Justice Judgement, made on 12 April 2018, in respect of the interpretation of Article 6(3) of Council Directive 92/43/EEC relating to case C-323/17 People Over Wind, Peter Sweetman v Coillte Teoranta.

In response please find enclosed an electronic (PDF) copy of a Shadow Habitats Regulations Assessment Addendum Report which addresses the implications of the legal ruling for the assessment.

Land Plans

PINS requested updated Land Plans within its Section 51 advice and specified the matters that require addressing.

A single full set of amended Land Plans in hard and electronic (PDF) copy is enclosed.

The amended Land Plans address the matters raised in the Section 51 advice, and are summarised in turn below.

A Legend consistent with the description provided in the Book of Reference

The Legend on all Land Plans has been changed to correspond with paragraph 7.2 of the Book of Reference.

All relevant landmarks as described in Column 3 ('Description of Land') of the BoR for example A5025 highway, Tregele Service Station, Mynydd Ithel to be reflected on the relevant sheets associated to the Land Plans.

Land Plans have been amended to label relevant property names and highway references/numbers. This has been achieved by using the most up to date Ordnance Survey datasets. Where information on the Ordnance Survey datasets is inconsistent with the Description of Land, descriptions have been altered to match.

In the case of Tregele Service Station, please note that the Book of Reference has been amended to remove reference to this property in the "Description" column.

Insets where plots are difficult to decipher

Horizon has carried out a further full review of the Land Plans and has provided a number of new insets to enhance clarity for smaller plots. The new insets ensure that all plots of an area between 2m² and 10m² are now clearly shown. Please note that plots of less than 1m² in area or 1m width are unable to be shown.

Additionally, plot identification 'markers' have been reduced in 'weight' (thickness), which enables each plot to be clearly identified with no overlapping 'markers'.

A Legend that deciphers between the dotted, dashed and solid lines

The Land Plans have been amended so that the 'Order Limits' line has been increased in 'weighting' (thickness).

Following a review of all Land Plans it appears that lines are clearly seen as being 'solid' on the hard copies, however some can appear dashed on the PDF versions. Having investigated this matter, it has become apparent that the clarity of lines can depend upon the particular PDF viewer that is being used.

Increasing the weight of the Order Limit lines, and the use of a higher quality PDF converter, has increased the clarity of the lines on most PDF viewers.

Ensure all plots are clearly identifiable and have a plot reference

A review of all Land Plans has been carried-out to identify plots that could be made clearer. The Land Plans have subsequently been amended so that all plot boundaries are now 'solid' to enhance their clarity.

The additional insets provide further clarity to enable plots to be identified.

The review has also confirmed that all plots have a plot reference that accords with the Book of Reference. In order to avoid any misreading of the Land Plans, 'dumbbell' plots (i.e. single plots that have a pinch-point in the centre that may render them to look like two separate plots on the Land Plans) have been labelled with two leader lines to confirm the same plot reference. An example of this is shown for Plot 35 on Land Plan "Sheet 5".

Planning Act 2008 – Section 59

In accordance with Section 59 of the Planning Act 2008, please find enclosed the following:

- A notice pursuant to Section 59 of the Planning Act 2008, specifying the names, and other information as prescribed, of each affected person; and
- An updated Book of Reference (electronic PDF copy only).

For the avoidance of doubt, the updated Book of Reference is consistent with the persons notified of the accepted application in accordance with Section 56 of the Planning Act 2008.

Furthermore, the updated Book of Reference is consistent with, and must be read alongside, the updated Land Plans.

Explanatory Memorandum

Please find enclosed a revised Explanatory Memorandum (electronic PDF copy only) both as a clean and tracked-change version. The revised Memorandum responds in part to the Section 51 advice as summarised below.

The Section 51 advice letter stated that the Explanatory Memorandum "would benefit from additional justification as to why reliance on the Model Provisions in some places, still remains relevant and appropriate". Horizon also notes that, following submission of the Application, PINS' *Advice Note 15: Drafting Development Consent Orders* was updated to remove all reference to the Model Provisions and specify how an applicant should justify the powers and rights sought under the draft DCO.

In response to this clear change to the guidance and the Section 51 advice letter, and to assist during examination of the Application, we have made the following amendments to the Explanatory Memorandum:

- the introductory section has been amended to align with the updated Advice Note 15;
- references to the Model Provisions have been removed; and

- additional justifications have been provided for reliance on precedent Orders (including specifying departures from approved wording) or provisions of the Planning Act 2008; and
- minor typographical errors have been corrected.

We have also made amendments to clarify certain points within the Explanatory Memorandum including:

- the application of the Wales Act 2017 and the ability to include harbour powers within the draft Order. This clarification is in direct response to queries raised by PINS and Welsh Government.
- that Horizon's application for development consent is for a NSIP under sections 14 and 15(2) of the Planning Act 2008 (an on-shore Welsh generating station over 50MW). It is also an application for associated development under section 115(4A) of the Act because it comprises development that is associated with the construction of a generating station "that is (when constructed...)...expected to be within Section 15(3A)" of the Act. The reason for making this distinction is because Section 15(3A) of the 2008 Act is currently only in force for the purposes of enabling associated development under Section 115 of the Act, and does not yet alter the NSIP thresholds under Section 15 for a Welsh on-shore generating station to 350MW. It will come fully into force on 1 April 2019. We will make further clarifying changes in other related documents as they are amended through the examination process.

Certifying compliance with Section 56 of the Planning Act 2008

The supporting certificates attached to this letter (see Attachment Certificates of Compliance with Regulation 13, Section 56 and Section 59) confirm that Horizon has complied with Sections 56 and 59 of the Planning Act 2008 and Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 in relation to the Application (ref **EN010007**). The certificates are supported by an updated Book of Reference and other documents as set out below.

Horizon has diligently reviewed all cases where individuals may not have received the Notice of Acceptance, for example through failed delivery or error, and has reissued the Section 56 notification to the following organisations with a deadline for receipt of any Relevant Representations of 11:59pm on Tuesday 18 September 2018.

Horizon is confident that the notices will have reached the relevant contacts. Horizon believes that there is no reason to delay the commencement of Examination to accommodate the small number of extensions, but requests that the Planning Inspectorate takes into consideration any responses received from the organisations listed before the above-mentioned deadline.

National Director for Wales The Equality & Human Rights Commission	Mr Andrew Rose Homes & Communities Agency	Ministry of Defence Whitehall London
---	--	--

3 Crichton Street Cardiff CF10 5BT	2 Marsham Street Westminster London SW1P 4DF	SW1A 2HB United Kingdom
Highways England National Traffic Operations Centre 3 Ridgeway Quinton Business Park Birmingham B32 1AF	Network Rail (High Speed) Singlewell Infrastructure Maintenance Depot Henhurst Rd Gravesend DA12 3AN	NHS Dental Services 1 St. Anne's Road Eastbourne East Sussex BN20 9NJ

I would be grateful if you could confirm receipt of these enclosures. If we can be of any assistance in that regard, please do not hesitate to contact us on 0800 954 9516.

Yours sincerely



Kieran Sommers
Head of Planning
Horizon Nuclear Power Wylfa Limited