

National Infrastructure Planning
Temple Quay House
Temple Quay
Bristol
BS1 6PN

9 November 2018

By Email and post
Attention: Kay Sully

DCRM Ref. No: **HNP-HZDCO-PAC-LET-00012**

Dear Kay

EN010007 Wylfa Newydd Nuclear Power Station: deadlines for finalising the DCO s.106 agreement

1. This letter seeks clarification from the Examining Authority regarding the published deadlines for providing the finalised DCO s.106 agreement and the signed agreement to the Examining Authority.
2. Horizon notes that:
 - (a) Action item 23 in the "*Action Points from the Development Consent Order hearing Wednesday 24 October 2018*" published by the Examining Authority on 5 November 2018 requires a signed DCO s.106 agreement at Deadline 5 (12 February 2019); however
 - (b) the Rule 8 letter published by the Examining Authority on 6 November 2018 requires:
 - (i) provision of a draft DCO s.106 agreement at Deadline 3;
 - (ii) a finalised DCO s.106 agreement at Deadline 6; and
 - (iii) a signed DCO s.106 agreement at Deadline 8.
3. Although Horizon and the parties are committed to progressing matters as expeditiously as possible, Horizon wishes to ensure the parties have sufficient time to respond to matters raised in examination in finalising the DCO s.106 agreement.

4. To that end, Horizon is concerned that provision of a finalised s.106 DCO agreement at Deadline 6 would mean that it is not possible to capture further mitigation which may emerge from the March hearings (commencing 4 March 2019) – as these occur after Deadline 6 (which is on 19 February 2019). Additionally, Horizon considers that it would be optimal for the mitigation package to be considered and finalised in the round, and the deadline for the final DCO s.106 agreement is aligned with the deadline for the final DCO – i.e. Deadline 8.
5. Horizon notes that it, and the other parties, will need to ensure appropriate time to take a finalised agreement through their respective governance processes.
6. For these reasons Horizon requests that the timetable is amended so that Horizon is required to provide to the Examining Authority:
 - (a) a draft DCO s.106 agreement at Deadline 3 [*no change*];
 - (b) an updated draft DCO s.106 agreement at Deadline 5;
 - (c) a finalised DCO s.106 agreement at Deadline 8; and
 - (d) a signed DCO s.106 agreement at Deadline 10.
7. These revised timings would enable the Examining Authority to have sight of advanced drafts of the DCO s.106 agreement throughout examination, to have a final agreement in place approximately a month prior to close of examination alongside the final DCO, and to have a signed agreement prior to the close of examination. Horizon does not consider that the Examining Authority or other stakeholders would therefore be prejudiced by the proposed revised timeframe, and indeed considers that that a better s.106 agreement is likely to emerge by building in this additional time.
8. The principle of this letter is supported by IACC and the Welsh Government.
9. We would be grateful if this letter could be provided to the Examining Authority, and directions or actions issued as required accordingly.
10. At a minimum however if directions for this revised timetable are not agreed by the Examining Authority, Horizon requests confirmation that Action item 23 is superseded by the Rule 8 letter.
11. Please contact me if you would like to discuss the matters raised in this letter.

Yours sincerely

 Neil Burke

Head of Planning Consents & Permits

Copy to:

Dylan Williams – IACC, James Hooker – Welsh Government

