

From: [GRANT Beth](#)
To: [Wylfa Newydd](#)
Cc: [POCOCK Michael](#); [HEGGIE Francesca](#)
Subject: Wylfa Newydd DCO - Land and Lakes (Anglesey) Limited - Deadline 2 submissions [PM-AC.FID1867548]
Date: 04 December 2018 22:15:06
Attachments: [PML+ Ms F. Fernandes - Wylfa Newydd DCO - Land and Lakes \(Anglesey\) Limited - Deadline 2 Submissions.PDF](#)
[Land and Lakes Written Submissions \(Front Part – Final\).PDF](#)
[Land and Lakes \(Anglesey\) Limited Response to ExA's - Relevant Questions.PDF](#)

Dear Sirs

Please see attached letter containing a link to Land and Lakes (Anglesey) Limited's Deadline 2 submissions in respect of the above matter. A copy of the front part of the submissions and response to the Ex'As Relevant Questions is also attached to this email.

If you have any difficulties accessing the documents, please contact Mike Pocock (cc'd above).

Kind regards

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4. Development Consent Order				
Q4.0.60	The Applicant and IACC	Q	PW8 – the Wylfa Newydd Code of Conduct would appear not to need to be submitted to or approved by IACC. Has this been discussed and agreement reached between the Applicant and IACC? If not, why not.	<p>PW8 provides for a Wylfa Newydd Code of Conduct to be prepared in accordance with the principles set out in the Workforce Management Strategy and implemented throughout the construction of the authorised development.</p> <p>L&L ask the ExA to note the provisions within the L&L scheme's s.106 Agreement. This document has already been scrutinised and approved by IOACC and the Site was considered suitable to locate 3500 workers without unacceptable impacts.</p>
Q4.0.73	IACC	Q	<p>WN19 – requires the submission and approval of the detailed design of the site campus.</p> <p>This appears to be the only requirement that seeks to secure the design/provision of the site campus.</p> <p>Is IACC satisfied that, with particular reference to the noise generated from plant; drainage (management and control); hours of use of the MUGAs; external lighting, parking and floodlighting etc, the requirement adequately</p>	<p>There is a lack of detail provided/secured in respect of the worker campus proposed under the DCO. This is in direct contrast to the scheme secured under the Extant Permission and associated section 106 Agreement.</p>

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			secures these matters? If not, why not?	
Q4.0.76	The Applicant	Q	<p>WN23 - this does not appear to provide a trigger date/activity for the submission of the decommissioning strategy and therefore as currently worded, could the site campus facility be permanently retained?</p> <p>As the site campus is defined as a temporary facility, how should the requirement be amended to include a trigger for the submission of these details?</p>	<p>WN23 of the draft DCO relates to the Site Campus Decommissioning Strategy. The draft DCO requires amendment as the site campus must not be allowed to be permanently retained given the scale of impacts and the ES's reliance upon the temporary nature of this development.</p> <p>WN23 should include a defined trigger that is in line with the ES, either 9 years from commencement or upon the number of construction workers employed on site falling below a threshold, whichever is sooner.</p> <p>The L&L Section 106 Agreement is drafted to ensure that (a) the Worker Accommodation is neither commenced nor decommissioned until an appropriate time and (b) to ensure that such accommodation has beneficial legacy uses.</p>
Q4.0.103	IACC	Q	Schedule 19 Part 1 (Article 80) proposes exclusion, modifications, etc to Public General Legislation.	The reason why the Site Campus, as temporary development would not be liable for CIL is rooted in Regulation 5(2), not Regulation 6.

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			<p>(a) Is IACC as highway authority content with the disapplication of sections 141, 169, 171A and 173 of the Highways Act 1980 and that in the absence of these powers there is adequate control in application documents such as Wylfa Newydd CoCP, A5025 Off-line Highway Improvements sub-CoCP and the DAS?</p> <p>(b) Is IACC as planning authority content that it is appropriate that for the purposes of the CIL Regulations, any building within the authorised development will fall within the exemption under regulation 6 and will not to be considered as “development” for the purposes of levying CIL?</p> <p>(c) Is IACC as highway authority content with the disapplication of Sections 56(1), 56(1A), 56A, 61(1), 62(2), 62(4), 63(1), 64, 66, 71 to 74A, 77, 78, 82(1) to 84, 86, 87 to 106 and Schedule 3A of the 1991 Act and that it is appropriate to disapply and/or that adequate controls are provided in application documents such as the Wylfa Newydd CoCP, Wylfa Newydd CoOP and/or relevant sub-CoCPs?</p> <p>(d) Is IACC as planning authority content that it is sufficient to apply section 57(2) of the 1990 Act so that (without any further controls) the</p>	L&L make no comment in relation to the position for the other parts of the development.

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			<p>"specific associated development" Work No. 3A (Site Campus), 6 (the Park and Ride Facility at Dalar Hir) and Work No. 7 (the Logistics Centre at Parc Cybi) revert to their original use following construction and that planning permission will not be required for the resumption of the purpose for which that land was normally used before the development consent was granted?</p> <p>(e) Is IACC as planning authority, and for the purposes of enforcing any section 106 agreement by ensuring that it binds all of the land and interests in it, content that the undertaker is to be deemed to be a person interested in the Order Land or any part of it when entering the agreement (notwithstanding the fact that the applicant may not have an interest in all of the land) and that any transferee is to be treated as a person deriving title (section 106 (3))?</p> <p>(f) Does IACC have any comments on the applicant's proposed application of section 239 of the Town and Country Planning Act 1990?</p> <p>(g) Does IACC as local authority have any comments on paragraph 6 of Schedule 19 which ensures that IACC must take into account the thresholds outlined in the Wylfa Newydd CoCP</p>	

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			<p>and any relevant sub-CoCPs before issuing a notice under section 60(5) and that any underground tunnelling works must be regulated by sections 60 and 61 of the Control of Pollution Act 1974?</p> <p>(h) Is IACC as planning authority content with the applicant's proposed disapplication of section 42 of Local Government (Miscellaneous Provisions) Act 1976?</p>	
Q4.0.107	The Applicant and GCC	Q	[RR-021] questions the ability of DCO Requirements to ensure high levels of site campus occupancy and thus, reduce pressures on other areas. Would the draft DCO ensure high levels of campus occupancy and why?	<p>L&L has considerable concerns in this regard (a) in relation to the reduced likelihood of there being high levels of campus occupancy due to it being an undesirable place to live and (b) the likely effects on tourism etc in the event that there are not high levels of campus occupancy.</p> <p>The ExA is referred to L&L's Appendices 2, 4, 5, 6 and 7 in this regard.</p>
9. Noise and Vibration				
Q9.0.6	The Applicant	Q	Table D6-18 (on Page D6-41) of ES document D6 Noise and vibration [APP-125] presents the	L&L have identified further discrepancies in the Noise Assessment [APP-125] as set out within the

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			<p>predicted significance of construction noise effects at residential receptor groups A – H in terms of the number of dwellings that may be affected according to each magnitude of change criterion (large to negligible). The subsequent information summarises the results, however there appear to be some omissions/discrepancies:</p> <ul style="list-style-type: none"> • no reference is made to receptor group C, although of the 5 groups for which there would potentially be a large magnitude of change it contains the second highest number of dwellings (8), resulting in a major significant effect; • within the table, 416 dwellings (the largest number affected in any one location) are identified in receptor group H as experiencing a moderate significant effect due to a small magnitude of change, although it is stated that the assessment will focus mainly on additional mitigation for properties in groups B and F on the basis that the greatest improvements might be made at those locations; • in paragraph 6.5.12, 814 dwellings in total appear to be anticipated to experience a 'moderate significant' effect due to a 	<p>evidence of Mr Maclagan [L&L Appendix 7]. Including, the failure to properly assess the baseline conditions for the Site Campus residents. There is likely to be an under-assessment of these effects and it is unclear whether the adverse effects can practically be mitigated to acceptable levels in line with WHO Guidelines.</p>

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			<p>small magnitude of change, although 815 are identified in the table; and</p> <ul style="list-style-type: none"> in paragraph 6.5.15, 44 dwellings in total are anticipated to experience a minor effect (not significant) due to a negligible magnitude of change, although 43 are identified in the table. <p>Please could the Applicant explain/clarify these apparent discrepancies and any implications for the assessment, particularly in terms of the need to mitigate any significant effects?</p>	
Q9.0.11	The Applicant	Q	<p>The predicted significant noise and vibration residual effects are set out in Table D6-35 in Section 6.7 (Pages D6-77 to D6-82) of ES document D6 Noise and vibration [APP-125]. Para 6.7.2 states that no significant residual effects were identified for the operational or decommissioning phases, however this conflicts with the information contained in Table D6-35, which identifies a major effect during the decommissioning phase. The significant residual effects are identified as follows:</p> <ul style="list-style-type: none"> a major effect at 321 and a moderate effect at 850 residential properties from 	<p>As identified in Mr Maclagan's evidence [L&L Appendix 7] there are likely to be significant effects as the requisite mitigation vibration in order to reduce the likely effects to acceptable levels may not be achievable in practice. In relation to vibration, the ES accepts that mitigation is required but is not secured [APP-125 table D6-32].</p>

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			<p>exposure to construction noise (mainly in receptor groups B and H);</p> <ul style="list-style-type: none"> • a major effect at 1 hotel and a moderate effect at 4 hotels from exposure to construction noise; • a moderate effect at 1 school from exposure to construction noise; • a moderate effect at 1 place of worship from exposure to construction noise; • a moderate effect at 1 commercial property and 5 offices from exposure to construction noise; • a moderate effect at residential properties, and other buildings discussed in (ES D6) Section 6.5.29 onwards, which are in close proximity to the WNDA from exposure to construction vibration; and • a major effect on residential properties, schools and hotels during the decommissioning phase from exposure to decommissioning noise. <p>In respect of the sixth bullet above in relation to construction vibration, the pre-mitigation effect is described for all receptors as major, which is reduced to moderate for all receptors following additional mitigation. However, in Section 6.5 the</p>	

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			pre-mitigation effects for a number of the receptors are predicted to be moderate. It is unclear to which receptors it refers. Please could the Applicant identify the specific receptors for which a significant residual effect is predicted in respect of construction vibration and the level of significance of the effect?	
10. Socio Economic				
10.1 Accommodation				
Q10.1.2	IACC	ADA	Do you consider that the proposed site campus would comply with policy PS 10 of the JLDP? If not, why not?	As set out within the evidence of Mr Suckley MRTPI [L&L Appendix 3], the Site Campus is contrary to key policies including PS10. In short, PS10(1) requires HMP to demonstrate that the need for TWA "cannot be met" through the use of new permanent buildings such as those proposed by L&L, before the policy permits any consideration of purely temporary structures. This is a very high test, however, it is the clear wording of PS10 and has not been addressed by HNP within the Planning Statement [APP- 406] or other application documents. The Site Campus is therefore contrary to this policy as Horizon have not, and are unable to, demonstrate that the need for TWA "cannot be met" by the use of

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				<p>permanent buildings.</p> <p>Mr Suckley's evidence should be read in full for a full explanation of why the Site Campus is contrary to key policies in the JLDP including PS10.</p>
Q10.1.3	The Applicant	ADA	<p>Respond, with evidence, to IACC's [RR-020] concerns that:</p> <p>(a) There is insufficient justification of the need to accommodate up to 4000 workers on site;</p> <p>(b) Why alternative locations for the temporary accommodation, including other potential sites within the NWDA and those elsewhere have been rejected;</p> <p>(c) The on and off-site leisure and other facilities are insufficient for a workforce of 9000?</p>	<p>L&L's submissions provide a suite of evidence to address issues (a) and (b) and should be read in full; the impacts of accommodating 4000 workers on the NWDA are unacceptable and contrary to policy. The rationale given by HNP to rejecting alternatives such as the L&L scheme are entirely unconvincing and at times simply factually wrong. As such, there is no proper reason for pursuing the Site Campus as a more harmful option and this part of the scheme should be rejected.</p>
Q10.1.4	The Applicant	ADA	<p>Paragraph 4.3.14 of the Planning Statement [APP-406] refers to the site campus being provided in a 'phased manner' and the ES [APP-088– paragraph 1.4.9 and APP-122 – paragraph 3.4.6] refers to the bed spaces becoming available once workforce thresholds have been met as set out in the DCO requirement.</p> <p>Can the applicant</p>	<p>There are undoubtedly adverse effects that would ensue from the failure to deliver or delays in the delivery of the Temporary Worker Accommodation.</p> <p>L&L's Appendix 5 (the Arcadis report) sets out the work undertaken to date to ensure the L&L scheme is deliverable. Detailed surveys including for grid connection and other infrastructure have</p>

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			<p>(a) Indicate where in the submitted documentation further information on this can be found or provide further details as to how this phasing will work and whether it would be linked to the WAMS?</p> <p>(b) Indicate which is the relevant requirement and where are the thresholds referred to?</p> <p>(c) What the workforce numbers would be prior to the need for the site campus being triggered and what the accommodation arrangements for these workers would be?</p> <p>(d) Why there is a 5 year build programme for the site campus.</p> <p>(e) When in the build programme/phasing the health and social facilities element (including the MUGAs) of the site campus would be delivered and if this is not in the first phases what alternative arrangements would be made for workers health and social needs during this period.</p>	<p>already taken place and have confirmed capacity should the development be implemented. Appendix 5 demonstrates that the scheme could also be delivered to the appropriate timescale.</p>

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Q10.1.5	IACC and Applicant	ADA	<p>Reference has been made in the RR [RR-020] to an extant planning permission (LPA ref: 46C427K/TR/EIA/ECON) for accommodation for 3,500 workers at Cae Glas and Kingsland Sites in Holyhead.</p> <p>(a) Can the IACC provide a copy of the decision notice and committee report for this planning permission and any comments they may wish to make on this scheme; and</p> <p>(b) Can the applicant expand further their reasons (Section 2.2 APP-122] as to why they have chosen to provide an on-site campus for workers rather than use the consented sites which are available now in planning terms and would deliver a long term legacy?</p>	<p>A copy of the relevant documentation appears at [REP1-042].</p> <p>For the reasons set out within L&L's Submissions document and supporting evidence, the reasons given for rejecting the L&L Site are unconvincing and inaccurate and present a flawed basis for pursuing the Site Campus as a solution.</p>
Q10.1.16	The Applicant	ADA	<p>The Workforce Management Strategy [APP-413] indicates that there would be a range of social, leisure and sporting facilities on the site campus in order to occupy workers during their free time. Can the Applicant confirm:</p>	<p>The L&L section 106 secures leisure facilities which will be available for use by construction workers and local residents. They will remain and be available as a legacy benefit to local residents of Holyhead and surrounding areas.</p>

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			<p>(a) What facilities would be provided on site.</p> <p>(b) Whether these facilities would be free and if not whether they would be subsidised.</p> <p>(c) Whether home-based workers would be eligible to use the facilities</p> <p>(d) Indicate how they have calculated that they have sufficient facilities to meet the needs of the proposed 4,000 or 9,000 workers (if they are to be open to home based workers).</p> <p>(e) Indicate whether or not they would be available for use by the wider community (paragraph 2.3.1 BP18).</p> <p>(f) Indicate whether any consideration has been given to whether the social facilities could be constructed in such a way that they could be retained during operation as a legacy benefit for the operational workforce/local community?</p>	A summary of the key obligations appears at L&L's Appendix 3.
Q10.1.19	The Applicant	Q	Whilst the availability of accommodation has been looked at with regard to affordability has any assessment of the suitability of accommodation for workers been undertaken? If so what criteria were used?	L&L's evidence demonstrates that the overriding concern for HNP has been the costs of providing off-site TWA. L&L consider that the costs are overestimated and come with considerable benefits whilst not jeopardising the viability of

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				<p>the project as a whole.</p> <p>Specifically, Mr Seaton [Appendix 6] explains, from experience, that work camps have been proven to be hugely problematic and not fit for purpose.</p> <p>And Mr Maclagan of Watermans demonstrates that the noise impacts for residents of the Site Campus would be likely to make it an undesirable location to live [Appendix 7].</p> <p>In contrast, the permitted scheme has been designed in concert with Sodexo who assisted in ensuring, again based upon their extensive experience, that the accommodation is sufficient for workers' needs [Appendix 10]</p>
Q10.1.26	The Applicant	Q	Paragraph 2.1.1 of the WAMS [APP-412] sets out three overarching aims for the WAMS and this includes 'providing a positive legacy'. Can the applicant advise how this would be achieved through the site campus which is a temporary facility?	The temporary Site Campus is a missed opportunity to provide meaningful (or any) legacy benefits to Anglesey as required by local policy.
Q.10.28	IACC	Q	The ES [APP-088] refers to the fact that the number of houses being built on Ynys Môn has decreased by 60% since 2008-2009.	L&L's Kingsland Site will provide a legacy of 350 new homes, 50% of which are affordable. It should be noted that these benefits will not be

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			<p>Can the IACC provide the following information:</p> <p>(a) Did the IACC have five years' worth of housing land supply during this period? If so what was it and was it met?</p> <p>(b) provide an update on the current 5 year housing land supply position?</p> <p>(c) advise whether it is a supply side issue (ie a lack of planning consents) or a delivery issue (ie developers are not implementing planning consents) for any shortfalls?</p>	<p>realised absent the intermediate, temporary use as worker accommodation. The Permission and 106 are structured in such a way as to make the provision of these homes and all other facilities contingent upon their initial use as TWA for the Wylfa scheme. As such, the housing and leisure facilities are not lawful and are not likely to come forward absent the Site's inclusion within the Wylfa project.</p>
Welsh Language				
Q10.6.10	The Applicant, IACC and GCC	Q	<p>The ES Non-Technical Summary [APP-401] states that (paragraph 3.3.8) a Community Infrastructure Fund would be set up to provide additional resource to manage or offset effects during construction that cannot yet be predicted and therefore mitigated including impacts on community facilities and education.</p> <p>(a) If they cannot yet be predicted how has the amount needed for the fund been calculated?</p>	<p>The uncertainty highlighted by the ExA contrasts with the L&L scheme where means of mitigation against the impacts of Nuclear Workers occupying the development and figures/formulae for calculating payments have already been scrutinised and agreed with the Council and determined as being CIL compliant.</p>

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			<p>(b) Are the IACC and GCC satisfied that there would be sufficient money in the fund to cover the necessary mitigation?</p> <p>(c) Who will be monitoring the need for this fund? and</p> <p>(d) How will payments be agreed and paid?</p>	
Q10.6.11	The Applicant and NWFR	Q	Apart from backfilling positions (Paragraph 1.6.6 of the ES [APP-088]) what other measures are proposed to ensure that there would be sufficient trained volunteers or full time fire and rescue officers available to provide sufficient cover for Ynys Môn?	The L&L s106 secures Fire Services Contribution to contribute towards the cost of meeting additional demand on the fire service and mitigating against the impact on fire service capacity as a result of the increase in population arising from the Nuclear workers during their occupation of the development.
Q17.0.14	IACC	Q	Several references have been made regarding the need for the application to deliver a long term legacy for Ynys Môn. Can the IACC explain where this aspiration is set out in adopted policy such as the JLDP and whether in their opinion the proposal would comply with such a policy and if not, why not?	Mr Suckley's evidence sets out a full application of PS9 and PS10 within the JLDP to the proposed Site Campus and the L&L scheme. Both policies within the JLDP and the Wylfa Newydd Supplementary Planning Guidance 2018 provide express requirements and support for proposals that provide for long term legacy uses for local residents. The L&L proposal complies with relevant requirements to demonstrate legacy benefits by providing leisure facilities and new

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				homes, including 50% affordable provision as well as a suite of contributions via the s.106 agreement to enhance existing local services.