

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

For the Attention of Ms Kay Sully

4th December 2018

DCRM Ref. No: WN0902-HZDCO-PAC-REP-00052

Dear Ms Sully

Wylfa Newydd Project: Deadline 2 Matters

1. This letter sets out Horizon Nuclear Power Wylfa Limited's ("Horizon") response to matters allocated to the Applicant, in relation to Deadline 2, outlined in the Rule 8 – Notification of Timetable for the Examination letter published by the Examining Authority on 6 November 2018 ("Rule 8") (PD-010).

Matters contained within Horizon's Deadline 2 submission

2. In accordance with the Rule 8 letter, the requests made by the Examining Authority in its Action Points Letter (OD-004) and additional matters which have been identified by Horizon, Horizon is submitting the documents listed in Appendix 1 to the Examining Authority for Deadline 2. Further comments in respect of these documents are set out below.

HRA Matrices request

3. As the conclusions presented in the Shadow HRA Matrices submitted as part of the DCO application have not changed, Horizon has not sought to re-submit these matrices at Deadline 2. For the avoidance of doubt, the most recent version of these Matrices is provided in the Shadow HRW Addendum (AS-010) which was provided in response to the Examining Authority's section 51 advice dated 28 June 2018 (PD-002).

4. If the Examining Authority would like these Matrices published as a stand-alone technical document, Horizon would be happy to provide this.

Mitigation Route Map

5. Horizon acknowledges the need for a more specific Mitigation Route Map ("MRM") (APP-422). For the reasons set out in Horizon's response to the Examining Authority's First Written Question ("FWQ") Q4.0.113, Horizon proposes to submit two versions of the Schedule of Mitigation (one with the DCO section 106 agreement mitigation, and one without) at Deadline 5 (12 February 2019). This will enable Horizon to include any additional mitigation proposed in response to the Local Impact Reports and Written Representations to be submitted at Deadline 2.
6. In order to assist the Examiners, Horizon has submitted an excel and PDF version of the MRM at Deadline 2 (WN0902-JAC-PAC-REP-00009). The excel version of the MRM can be filtered by control document, geographical area, topic, and source assessment, and can be used to exclude the DCO section 106 agreement mitigation; making the MRM much more navigable and easier to understand. The MRM has also been updated to reflect additional mitigation proffered by Horizon at Deadlines 1 and 2.
7. In respect of the specific requests from the Examining Authority in regard to these Schedules, Horizon has provided comments in response to FWQ 4.0.113.

Draft Statements of Common Ground

8. As part of its Deadline 2 submission, Horizon has submitted copies of the Statements of Common Ground ("SoCG") prepared with the interested parties. These are listed in the Statement of Commonality, which is also submitted by Horizon at Deadline 2, including a statement on their status.
9. A number of the SoCGs are being submitted as drafts which are not yet jointly agreed drafts between parties. Each of the SoCGs explain how Horizon has proactively engaged with the relevant party on the preparation of the SoCG, which includes sharing iterative drafts of the document, having regular meetings and telephone calls to discuss drafting and progress. In most cases, the first draft of the SoCG was shared with the relevant parties over a year ago.
10. Therefore, notwithstanding that in some instances the documents are being submitted as drafts that are not jointly agreed, they are considered to be accurate drafts which are representative of the level of agreement reached with each of the SoCG parties.

11. Horizon will continue to work with the SoCG parties to develop the drafts throughout the examination period, so that agreed, final SoCGs can be submitted by Deadline 6 of the Examination.

Updated Control Documents and Plans

12. The following control documents and plans have been updated and are submitted at Deadline 2:
 - a. *The Wylfa Newydd Code of Construction Practice ("Wylfa Newydd CoCP") and sub-CoCPs and the Wylfa Newydd Code of Operational Practice* (WN0902-JAC-PAC-REP-00007 to 00008 and WN0902-JAC-PAC-REP-00019 to 00024). These updates reflect errata identified by Horizon following the submission of the DCO application, additional mitigation following discussions with stakeholders through the SoCG process and additional mitigation proffered by Horizon.
 - b. *The Land Plans, Work Plans and the Detailed Design Drawings for the Park and Ride Facility*. Updates to the Land and Work Plans have been made to reflect the removal of Plots 57 and 58 from the scope of acquisition and the detailed designs for the Park and Ride facility have been updated to include new flood mitigation measures.
 - c. *Design and Access Statement (Volume 3 – Associated Developments and Off-Site Power Station Facilities)*. Minor updates have been made to sections 2.12, 3.4.19 and Appendix B, along with general updates to the figures to reflect design development to incorporate the new flood mitigation measures as well as an update to the design principle relating to flood mitigation. Please note corresponding updates have also been made to Appendix F8-1 Dalar Hir – Flood Consequence Assessment to reflect the anticipated impact of these new flood mitigation measures.
 - d. *The Landscape Habitat Mitigation Strategy*. Minor updates have been made to this document to include revised design principles regarding the creation of an additional 40ha of habitat within the WNDA; the creation of nine wildlife ponds; and a drainage design to mitigate effects on Nant Cemaes. A management principle that was agreed with SP Manweb via the SoCG process has also been included.
13. Due to the maximum file size associated with electronic copies the following documents will be hand delivered:
 - a. Design and Access Statement (Parts 1 and 2);
 - b. Landscape and Habitat Management Strategy;

- c. Suggested Locations for Accompanied and Unaccompanied Site Inspections;
- d. Plans:
 - i. Land Plans;
 - ii. Work Plans;
 - iii. Rights of Way;
 - iv. Wylfa Newydd Development Area and Power Station Site Plans (Parts 1 and 2);
 - v. Park and Ride; and
- e. Book of Reference Parts 1-3 (both redacted and unredacted versions).

Response to the Welsh Government's submissions at Deadline 1

- 14. Following the DCO ISH, Horizon wrote to the Welsh Government on 2 November 2018 seeking confirmation of the devolution arrangements in respect of nuclear installations and the classification of its land as Crown Land. Horizon received a response from the Welsh Government on 13 November 2018 outlining its position in respect of devolution arrangements.
- 15. Horizon responded to the Welsh Government's letter on 4 December 2018 but believes further work and discussions with the Welsh Government are necessary in order for an agreed position to be reached. Horizon is committed to ensuring that the correct legal position relating to the devolution arrangements is reflected in the draft DCO and hopes to update the Examining Authority of the outcome of the further work and discussions shortly.
- 16. Horizon awaits a response from the Welsh Government in respect of their position on the various entities that hold land and the classification of such land as Crown Land.
- 17. Separately, Horizon has also responded to each of the points tabled by Welsh Government in respect of the DCO drafting at the Preliminary Meeting on 23 October 2018 (EV-013). A copy of this letter has been attached as Appendix 2.

Response to IACC submissions at Deadline 1

- 18. As part of its Deadline 1 submission, IACC has made two submissions:
 - a. REP1-018 which provides a summary of IACC's oral submissions at the DCO Issue Specific Hearing ("ISH") (24 October 2018); and

- b. REP1-019 which responds to the Examining Authority's Action Points letter (OD-004) which sought clarification from IACC regarding the identification of highway land within the draft DCO and requested alternative wording to address paragraph (o) in Schedule 1 of the draft DCO.

19. Horizon's response to the points raised in these submissions are set out in Appendix 3.

Responses to written and oral submissions received

- 20. Horizon has responded to the oral submissions made at the Open Floor Hearings held on 25 October 2018 and written submissions (WN0902-HZDCO-PAC-REP-00054). These documents respond to the submissions received from Roger Dobson (and Llanbadrig Community Council), Felin Honeybees, and John Urquhart (Zencity Limited) (REP1-034, 039 and 035).
- 21. Given that the written summaries associated with the submissions on behalf of Roger Dobson and Llanbadrig Community Council are identical, Horizon has provided a single response to both submissions. It should be noted that, following the Open Floor Hearing, Horizon has met with Llanbadrig Community Council ("LLCC") regarding drafting an independent SoCG to focus on locally specific issues that do not necessarily relate to the broader views of the community councils which make up the North Anglesey Council's Partnership.
- 22. Land and Lakes also lodged a submission from the Open Floor Hearing (REP1-043). However, due to the reasons set out in paragraphs 31 and 32, Horizon was unaware it had been submitted. However, Horizon considers that a number of the key points raised in the submission have been responded to as part of Horizon's response to FWQs 10.1.2 and 10.1.5. Horizon will also provide a full response to Land and Lakes' Written Representation at Deadline 3.
- 23. Similarly, the oral submissions for NWP were uploaded on 28 November 2018 (although are dated for Deadline 1) (REP1-096). Horizon notes that these submissions pre-date the latest draft of the SoCG between Horizon and NWP¹ which now addresses a number of the issues raised in the submission, except for its comments in relation to the cumulative impacts and section 106 obligations that are still subject to discussion. NWP's comments in respect of tailpieces have been responded to as part of Horizon's response to FWQ 4.0.56. For this reason, Horizon has not submitted a separate response to NWP's submission as this is dealt with in the SoCG itself.

¹ WN0902-HZDCO-PAC-REP-00017

24. It is noted that Frances Shaw, Martin Williams, Dylan Morgan (representing People Against Wylfa B (PAWB)), Neil Crompton (PAWB), and Phil Scott (Destination Anglesey Partnership) also made an oral case at the Open Floor Hearing; however, no written summaries of these submissions were provided at Deadline 1. However, Horizon will respond at Deadline 3 to any Written Representations submitted by these parties at Deadline 2.
25. No response is proposed in response to the submission of Dr Jonathan Dean (REP1-096) as his concerns relate to the Examination process. Similarly, as Urdd Gobaith Cymru' submission (REP1-030 – 032) only seeks to append copies of policy and Council documents, no response has been provided.
26. The submissions of NRW (REP1-027 to 029), Welsh Government (REP1-024/025) and Cyngor Gwynedd Council (REP1-040), in response to the Examining Authority's Action Points Letter (OD-004), raise issues in respect of the content of the control documents and the terms or processes under the draft DCO section 106 agreement.
27. As discussion on this draft agreement is ongoing between the parties, Horizon considers that it would be more appropriate to respond to the queries on the terms or processes under this draft agreement as part of that process and through the next iteration of the agreement. The response to IACC (in Appendix 3) in respect of control documents also applies to points raised by NRW and Cyngor Gwynedd Council.

Other submissions submitted at Deadline 1

28. A number of other submissions were received by the Examining Authority at Deadline 1. Horizon considers that, given a number of these submissions appear to relate to the Blasting and Vessel Movement Change Requests² or are more of a Written Representation³ in nature, rather than issues raised at the DCO ISH or Open Floor Hearings, it would be more appropriate to provide a response at Deadline 3 (18 December 2018) when Horizon provides its comments on Written Representations or in response to comments on the information submitted on these Change Requests.
29. In respect of the submission of Margaret Eluned Treacy (REP1-037) relating to Horizon's engagement, Horizon would like to note:

² Submissions of Michael Cominetti (REP1-036) and *Margaret Eluned Treacy* (REP1-037)

³ Submissions of R E & J A Roberts (AS-036), Katherine Jones (AS-035) and J Chanay (REP1-038)

- a. Mrs Treacy is included in the Book of Reference (APP-034 to 036) ("BoR") as a Category 3 person (Part 2 of the BoR) as a person that could make a relevant claim (seek compensation) as a consequence of the Authorised Development;
 - b. Section 3 of Part 2 of the BoR explains what types of persons are classified as Category 3 and summarises the pre-consultation that Horizon carried-out;
 - c. Horizon is not seeking to compulsorily acquire Mrs Treacy's land; and
 - d. Horizon have therefore written to Mrs Treacy as a Person with an Interest in Land throughout the process, but not with regard to the compulsory acquisition of her land.
30. It should be noted that Mrs Treacy may have been written to by IACC as part of the Compulsory Purchase Order process in connection with the A5025 On-line Highways Improvements. Mrs Treacy is included within the IACC BoR under reference Parcel ID 417, Plan Ref 7/8A. The CPO Inquiry has been held on this matter and a decision is awaited (from Welsh Ministers).

Publication on the Project website

31. Horizon notes that the RSS feed on the Project website does not appear to work as a number of documents have been uploaded without notification. This has meant that there has been a lack of transparency of when submissions have been uploaded (or if they have been uploaded late) and Horizon has not been aware of when documents have been made available. For example, the North Wales Police's ("NWP") oral submissions that were submitted at Deadline 1 were not uploaded until 28 November 2018, which provided Horizon with very limited time to consider its response once it identified they were available.
32. Horizon would like to ask that the Planning Inspectorate ensures that all documents are uploaded promptly and that the RSS feed notifies all parties of any uploads to the Project website.

Attendance and representation at January Hearings

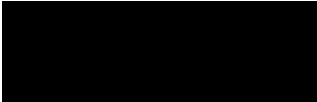
33. Horizon confirms that it will attend the Issue Specific Hearings ("ISHs") on Socio-Economic Matters and Traffic and Transport, the draft DCO and Biodiversity/HRA/Flood Risk (Marine and Terrestrial) scheduled for 7-11 January 2019 at the Trearddur Bay Hotel, Trearddur Bay, Isle of Anglesey. The following people will represent Horizon at the hearings:
- a. *Socio-Economic Matters and Traffic and Transport Issue Specific Hearings (7-8 January 2019)*: Michael Humphries QC (FTB Chambers), who will be the principal speaker, Nigel Howorth, Elizabeth Hardacre and Mark Mulholland (Clifford Chance

LLP), Kieran Somers (DCO Expert Witness), Ben Cave (Socio Economics Expert Witness), Andy Hunt (Socio Economics Expert Witness), Stef O’Gorman (Socio Economics Expert Witness), Sioned Edwards (Socio Economics Expert Witness), Sarah Price (Socio Economics Expert Witness), John Lennon (Socio Economics Expert Witness), Dave Bowers (Traffic & Transport Expert Witness), Sam Williams (Noise Expert Witness) and Steve Byrne (Air Quality);

b. *Draft DCO ISH (9 January 2019)*: Michael Humphries QC, who will be the principal speaker, Nigel Howorth and Katie Kempthorne (Clifford Chance LLP) and Kieran Somers (DCO Expert Witness); and

c. *Biodiversity/HRA/Flood Risk (Marine and Terrestrial) ISHs (10-11 January 2019)*: Michael Humphries QC, who will be the principal speaker, Kieran Somers (DCO Expert Witness), Nigel Howorth, Elizabeth Hardacre and Mark Mulholland (Clifford Chance LLP), Rob Bromley (Marine Environment and Mammals Expert Witness), Sian John (HRA Expert Witness), Nick Clark (Terrestrial Ecology Expert Witness), Phil Raynor (Surface Water and Flood Risk Expert Witness), Karen Young (Soils, Geology and Land Contamination Expert Witness) and John Ferry (Groundwater Expert Witness).

34. 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.



Kieran Somers

Head of Planning

Horizon Nuclear Power Wylfa Limited

Appendix 1 – Matters contained within Horizon’s Deadline 2 submission

Document Title	Horizon Reference	Rev
Guide to Application		
1.3 Guide to the Application (Deadline 2 submission)	WN0902-HZCON-PAC-REP-00001_English	3.0
1.3 Guide to the Application (Welsh language) (Deadline 2 submission)	WN0902-HZCON-PAC-REP-00001_Welsh	3.0
Statement of Common Ground		
Statement of Common Ground Position Statement (Statement of Commonality of SOCG) and appendices	WN0902-HZ-PAC-REP-00009	2.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Isle of Anglesey County Council and appendices	WN0902-HZDCO-PAC-REP-00046	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Welsh Government and appendices	WN0902-HZDCO-PAC-REP-00007	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and NRW and appendices	WN0902-HZDCO-PAC-REP-00008	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Gwynedd County Council and appendices	WN0902-HZDCO-PAC-REP-00009	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Conwy County Council and appendices	WN0902-HZDCO-PAC-REP-00010	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and National Trust and appendices	WN0902-HZDCO-PAC-REP-00011	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Wildlife Trust and appendices	WN0902-HZDCO-PAC-REP-00012	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Royal Society for the Protection of Birds and appendices	WN0902-HZDCO-PAC-REP-00013	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Betsi Cadwaladr University Health Board and appendices	WN0902-HZDCO-PAC-REP-00014	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Public Health Wales and appendices	WN0902-HZDCO-PAC-REP-00015	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Welsh Ambulance Service and appendices	WN0902-HZDCO-PAC-REP-00016	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Police and appendices	WN0902-HZDCO-PAC-REP-00017	1.0

Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Wales Fire and Rescue Service and appendices	WN0902-HZDCO-PAC-REP-00018	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and National Grid and appendices	WN0902-HZDCO-PAC-REP-00019	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Dwr Cymru Welsh Water and appendices	WN0902-HZDCO-PAC-REP-00020	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Magnox and appendices	WN0902-HZDCO-PAC-REP-00021	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and North Anglesey Councils Partnership and appendices	WN0902-HZDCO-PAC-REP-00022	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Destination Anglesey Partnership and appendices	WN0902-HZDCO-PAC-REP-00023	1.0
Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and the Nuclear Decommissioning Authority and appendices	WN0902-HZDCO-PAC-REP-00024	1.0
Land		
Compulsory Acquisition Objections Schedule	WN0902-HZDCO-PAC-REP-00050	1.0
Crown Land Schedule	WN0902-HZDCO-PAC-REP-00049	1.0
Schedule of Statutory Undertakers and Special Category Land	WN0902-HZDCO-PAC-REP-00048	1.0
Book of Reference		
Book of Reference (Part 1/3)	WN0902-BRK-PAC-REP-00001	3.0
Book of Reference (Part 2/3)	WN0902-BRK-PAC-REP-00001	3.0
Book of Reference (Part 3/3)	WN0902-BRK-PAC-REP-00001	3.0
Plans		
Land Plans	WN0902-HZDCO-LPN-DRG-00001 to WN0902-HZDCO-LPN-DRG-00018	3.0
Work Plans	WN0902-HZDCO-WPN-DRG-00001 to WN0902-HZDCO-WPN-DRG-00020	2.0
Rights of Way Plans	WN0902-HZDCO-ROW-DRG-00001 to WN0902-HZDCO-ROW-DRG-00033	2.0

Wylfa Newydd Development Area and Power Station Site Plans (Part 1 of 2)	WN0902-HZDCO-MSB-DRG-00001 to WN0902-HZDCO-MSP-DRG-00012	2.0
Wylfa Newydd Development Area and Power Station Site Plans (Part 2 of 2)	WN0902-HZDCO-MSB-DRG-00001 to WN0902-HZDCO-MSP-DRG-00012	2.0
Park and Ride - Dalar Hir Plans	WN0902-HZDCO-ADV-DRG-00033 to WN0902-HZDCO-ADV-DRG-00047	2.0
Mitigation Route Map		
Mitigation Route Map - Reacting to developments/concessions through examination (PDF and Excel versions)	WN0902-JAC-PAC-REP-00009	2.0
Written Responses		
Horizon's responses to ExA's First Written Questions (Deadline 2 - 4 December 2018)	WN0902-HZDCO-PAC-REP-00030	1.0
Horizon's responses to ExA's First Written Questions (Deadline 2 - 4 December 2018) – Appendices	WN0902-HZDCO-PAC-REP-00031	1.0
Response to post-hearing documents including any written submissions of oral case (Deadline 2)	WN0902-HZDCO-PAC-REP-00054	1.0
Horizon Written Representation	WN0902-HZDCO-PAC-REP-00044	1.0
Site Inspections		
Suggested Locations for Accompanied and Unaccompanied Site Inspections	WN0902-HZDCO-PAC-REP-00045	1.0
Draft Wylfa Newydd (Nuclear Generating Station) Order		
Summary Table of Amendments to the draft Development Consent Order (Revision 3.0)	WN0902-HZDCO-PAC-REP-00053	1.0
3.1 Draft Development Consent Order (Track change version - Revision 3.0 against Revision 1.0 APP-029)	WN0902-HZDCO-PAC-REP-00042	1.0
3.1 Draft Development Consent Order (Track change version - Revision 3.0 against Revision 2.0)	WN0902-HZDCO-PAC-REP-00043	1.0
3.1 Draft Development Consent Order (Clean version - Revision 3.0)	WN0902-CLC-PAC-REP-00004	3.0
3.3 Explanatory Memorandum (Clean version - Revision 4.0)	WN0902-CLC-PAC-REP-00005	4.0
3.3 Explanatory Memorandum (Track change version - Revision 4.0 against Revision 1.0 APP-029)	WN0902-CLC-PAC-REP-00005	4.0
3.3 Explanatory Memorandum (Track change version - Revision 4.0 against Revision 3.0)	WN0902-CLC-PAC-REP-00005	4.0
HRA Stage 3 and 4		
Supplementary information on coastal processes to support Wylfa Newydd EIA and Shadow HRA	WN0902-HZDCO-PAC-REP-00025	1.0
Design and Access Statement		

Design and Access Statement - Volume 1 - Project-wide	WN0902-QUD-PAC-REP-00004	2.0
Design and Access statement – Volume 2 - Power Station Site	WN0902-QUD-PAC-REP-00005	2.0
Design and Access Statement Volume 3 Associated Development and Off-site Power Station Facilities	WN0902-QUD-PAC-REP-00016	2.0
Dalar Hir FCA Addendum – (Mitigation required to have a design compliant with TAN 15)		
6.6.16 ES Volume F - Park and Ride App F8-1 - Dalar Hir - Flood Consequence Assessment (Addendum) (Rev. 2.0)	WN0902-JAC-PAC-APP-00037	2.0
Landscape and Habitat Management Strategy		
Landscape and Habitat Management Strategy (Part 1/2)	WN0902-HZ-PAC-REP-00008	2.0
Landscape and Habitat Management Strategy (Part 2/2)	WN0902-HZ-PAC-REP-00008	2.0
CoCPs and CoOP		
8.6 Wylfa Newydd Code of Construction Practice	WN0902-JAC-PAC-REP-00007	2.0
8.7 Main Power Station Site sub-CoCP	WN0902-JAC-PAC-REP-00019	2.0
8.8 Marine Works sub-CoCP	WN0902-JAC-PAC-REP-00020	2.0
8.9 Off-site Power Station Facilities sub-CoCP	WN0902-JAC-PAC-REP-00021	2.0
8.10 Park and Ride sub-CoCP (Dalar Hir sub-CoCP)	WN0902-JAC-PAC-REP-00022	2.0
8.11 Logistics Centre sub-CoCP (Parc Cybi sub-CoCP)	WN0902-JAC-PAC-REP-00023	2.0
8.12 A5025 Off-line Highways Improvements sub-CoCP	WN0902-JAC-PAC-REP-00024	2.0
8.13 Wylfa Newydd Code of Operational Practice	WN0902-JAC-PAC-REP-00008	2.0
Other Consents Licences and Agreements		
Details of Other Consents Licences and Agreements	WN0902-HZCON-PAC-REP-00009	2.0

Appendix 2 – Letter to the Welsh Government responding to DCO drafting requests

By email

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4 December 2018

Dear Mr Gordon

Wylfa Newydd: Application by Horizon Nuclear Power Wylfa Limited for a Development Consent Order

1. We refer to your note, tabled at the Preliminary Hearing on 23 October 2018, which set out the Welsh Government's key drafting points on Horizon Nuclear Power Wylfa Limited's ("**Horizon**") draft DCO for the Wylfa Newydd DCO Project.
2. As part of its updates to the draft DCO, Horizon has considered each of the points raised in your note. Horizon's response to each of these points is set out in **Appendix 1** of this letter, with the exception of:
 - (a) Point 1: Marine Requirements – Discharge and Enforcing Authorities;
 - (b) Point 2: Application of the Marine and Coastal Access Act 2009
 - (c) Point 3: Appeal Authority.
3. These points are dealt with below.

Point 1: Marine Requirements – Discharge and Enforcing Authorities and Point 2: Application of the Marine and Coastal Access Act 2009

4. We understand that a meeting has been scheduled this month between Horizon, Welsh Government, IACC and NRW to further discuss the appropriate discharge authority in

respect of the marine requirements. Pending the outcome of those discussions, we hope the parties will reach an agreement on this issue and the draft DCO can be updated to reflect this agreement.

5. In respect of the proposed article relating to the application of the Marine and Coastal Access Act 2009 (Point 3), our client would be happy to consider such an insertion if it is appropriate. However, our client notes that the proposed article goes beyond the scope of the corresponding article in the Swansea Bay Tidal Generating Station Order 2015/1386 and we query the need for such an article given section 149A of the Planning Act 2008 makes it clear that at Welsh DCO cannot include a deemed marine licence, and so this must be sought separately.

Point 3: Appeal Authority

6. As noted in our letter dated 4 December 2018 concerning devolution, we are continuing to undertake further research into this point and we will revert once this work has been completed. We reiterate that our client has no particular preference as to the body which has the appellate role but it wishes to ensure the position is legally correct and reflects the devolution arrangements.
7. We would appreciate confirmation from your client on the above matters and those set out in Appendix 1 so that this can inform Horizon's consideration of any amendments to the draft DCO.
8. We are attaching a copy of this letter to our Deadline 1 submissions in order to ensure the Examining Authority has a copy of our response to the points raised in your note.

Yours sincerely



Nigel Howorth

Appendix 1 - Horizon's response to requests by Welsh Government on DCO drafting

Matters raised in letter dated 23 October 2018	Horizon's response
4. Deemed Approval (Schedule 18): WG has concerns over the current drafting of the deemed approach provisions. Whilst it is accepted that deemed approval mechanisms are commonly used in DCO's, the timescales are too short for a project of this scale. This is particularly the case as it is likely that the relevant discharging authority will wish to consult with other authorities. WG therefore request that the time periods are extended.	The time scales for deemed approval in Schedule 18 provide that: • in respect of an application under Schedule 18, the discharging authority is deemed to have granted the application if it does not respond within 5 weeks (for minor detailed requirements) or 8 weeks (for major detailed requirements); and • in respect of a request for further information, if the discharging authority does not make a request within 21 days, it is deemed that the application contains sufficient information. In choosing these timeframes, Horizon took into account the type of requirement and the timeframes that have been provided under other granted DCOs, in particular the Hinkley Point C (Nuclear Generating Station) Order 2013/648. Given that the requirements differ in their level of detail and complexity, those requirements that related to the approval of design details or key documents were classified as "major detailed requirements" and subject to the 8 week approval period. Those that were considered more localised or simpler (such as enhancement area approvals or boundary detail designs) were classified as "minor detailed requirements" and subject to a 5 week (35 day) approval period. Therefore, this follows the approach and timing taken in the Hinkley Point C Order . While not available at the time of drafting, the standard schedule now appended to the Planning Inspectorate's <i>Advice Note 15: Drafting Development Consent Orders</i> (July 2018) provides for a 6-week (42 days) approval process. In this respect, the timeframes for major detailed requirements under the draft DCO are more generous. Similarly, other DCOs (such as Thames Tideway Tunnel Order 2014/2384) only provide 28 days for consideration of applications.

	Horizon therefore considers that the timeframes for approval, and when approval will be deemed, are appropriate and reflect the nature and complexity of the requirements.
5. Statutory Nuisance (Article 10): The Environmental Protection Act 1990 is devolved in Wales. Welsh Government note that the immunity granted under article 10(1)(a)(iii) goes beyond that used in other DCOs. Welsh Government is considering this in further detail, but is concerned to ensure that any DCO to be granted by the Secretary of State does not go too far in providing immunity under the Environmental Protection Act 1990. As noted below, Welsh Government also currently has concerns over the high-level nature of key documents such as the CoCP which would provide immunity under article 10 based on the current drafting.	Horizon has included these sub-sections of section 79 of the Environment Protection Act as they are anticipated effects resulting from the construction of the Wylfa Newydd DCO Project. Despite the blanket immunity under section 158 of the Planning Act 2008, Horizon has provided that it will only have a defence against a nuisance claim if it has been acting in accordance with: • a notice served under section 60 of the Control of Pollution Act 1974; • a consent served under section 61 of the Control of Pollution Act 1974; or • the controls and measures in the Codes of Construction Practices ("CoCPs"). or the effect cannot be reasonably avoided. Therefore the immunity sought by Horizon is much more limited than what it could obtain under the Planning Act 2008.

	As noted at the DCO Issue Specific Hearing (24 October 2018), the Wylfa Newydd CoCP and the sub-CoCPs will continue to be developed and refined throughout the Examination and Horizon is submitting updated versions of these documents with greater controls at Deadline 2 (4 December 2018) and is proposing to submit further updated versions at Deadline 4 (17 January 2019).
6. Hedgerows (Article 75(4)): Powers under the Hedgerow Regulations 1997 are devolved to Welsh Ministers. Whilst the applicant's desire to include as many consents as possible in the one order is noted, Welsh Government are not currently satisfied that disapplication of the requirements under these regulations by the Secretary of State is justified. The wording is not in the model provisions and there has been no prior engagement with Welsh Government on this issue.	The disapplication of the Hedgerow Regulations 1997 is a standard article and has been provided in a number of granted DCOs. Whilst planning and environmental functions have been devolved to the Welsh Government, Horizon considers that it is essential for the delivery of the Wylfa Newydd DCO Project (and to achieve the purpose of the Planning Act 2008) that it can undertake construction efficiently, without the need to obtain additional approvals. The key intention of this article is to ensure that Horizon has the same rights under the DCO as it would if it had applied for planning permission under the Town and Country Planning Act 1990. Regulation 6 of the Hedgerow Regulations 1997 provides that hedgerows can be removed for the purposes of carrying out development for which a planning permission is granted – without the need for consents to be obtained (Regulation 6(1)(e)). However, "planning permission" does not extend to DCOs and so article 75 extends this exemption to the draft DCO. As part of the DCO application, Horizon has provided details of the existing hedgerows on site and submitted plans showing the extent of clearance proposed. In addition, Horizon has limited its ability to remove "important hedgerows" to only those that are identified in Schedule 17 and on the Important Hedgerow Removal Plans in Schedule 2 (Approved Plans).
7. DCO Requirements – Tailpieces: Welsh Government is concerned by the number of tailpieces included within the draft DCO requirements which have the potential to take the project beyond the parameters assessed within	Horizon has set out its comments in respect of the tailpieces in response to the Examining Authority's First Written Question 4.0.59. As noted in that response, both the Courts and the Planning Inspectorate consider that the tailpieces can be appropriate, provided they contain sufficient limitations to ensure that variations or additional works do not go outside the scope of the assessment under the

the ES. For example, DCO Requirement WM15 limits the number of parking spaces during construction to 1,900. This is consistent with the maximum parameter assessed in the ES and is fundamental to the assessment of impacts and mitigation required. It is not appropriate for a DCO requirement to allow for the possibility of this to be increased informally through tailpiece "unless otherwise agreed" wording. There is a statutory process should future amendments be required to the DCO.	Environmental Statement. Horizon considers that the tailpieces within the draft DCO are adequately constrained by paragraph 4 of Schedule 3 which states: <i>"Where an approval of details or other document is required under the terms of any Requirement or where compliance with a document contains the wording "unless otherwise agreed" by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to minor or immaterial changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement."</i>
8. DCO Requirements reliant on inadequate application documents	As noted above, Horizon has acknowledged that the Wylfa Newydd CoCP and the sub- CoCPs will continue to be developed and refined throughout the Examination and will be submitting updated versions of these documents with greater controls at Deadline 2 (4 December 2018) and is proposing to submit further updated versions at Deadline 4 (17 January 2019).
9. Additional necessary DCO Requirements	
Requirement that sets a maximum limit of HGV movements per day based upon that assessed in the ES.	The Wylfa Newydd CoCP at paragraph 5.8.3 provides that HGV movements will not exceed a maximum of 40 HGV deliveries (80 movements) per hour and 160 HGV deliveries (320 movements) per day. This is based on the transport assessment as utilised in the Environmental Statement.
Requirement that sets the maximum number of workers allowed on site at	As part of the DCO application, the Environmental Statement assessed a maximum of 9,000 workers on site as part of the worst-case scenario and therefore a significant contingency has been included in

any one time (in accordance with the ES). The DCO should define "worker" and "visitor" for clarity and monitoring purposes.	the environmental impact assessment. For this reason, Horizon does not consider that a maximum number of workers on site at any one time is required to be secured within the DCO requirements. Horizon is considering the request to define workers and visitors further and will revert shortly.
A DCO Requirement requiring compliance with key travel plan commitments on which the ES and mitigation plan are based. The commitments in the current travel plan are not considered sufficiently precise and enforceable. The DCO requirements should either therefore require approval of a new travel plan and detail the specific obligations to be included and/ or set out key obligations which must in any event be complied with on the face of the DCO requirement. One of these key commitments should be to limit access to on-site construction car parking unless there are at least 3 "workers" per vehicle. This is consistent with the submitted Travel Plan but the wording of the requirement needs to be much more precise and enforceable.	It is not clear what travel plan is being referred to within your letter. Under the Wylfa Newydd CoCP, Horizon must comply with the controls set out in the Traffic and Transport Management Strategy which apply to construction and workforce traffic. Compliance with this strategy will be secured under Requirement PW7 and workforce use of transport facilities will also be secured through the Code of Conduct (Requirement PW8) which contractors will sign up to as part of their employment contracts. In addition, Horizon has committed to a limited number of car within the Wylfa Newydd Development Area ("WNDA") and to car-sharing requirements within the Wylfa Newydd CoCP and, as part of the DCO application includes various elements to ensure construction worker transport is managed effectively (i.e. the Park and Ride Facilities, the provision of an on-site Site Campus, and provision of shuttle buses). The Transport Assessment included in the DCO application assessed a Project-wide average car sharing ratio of 2.0. This average ratio has been secured in the Wylfa Newydd CoCP. As noted above, Horizon has acknowledged that the Wylfa Newydd CoCP and the sub-CoCPs will continue to be developed and refined throughout the Examination and will be submitting updated versions of these documents with greater controls at Deadline 2 (4 December 2018) and is proposing to submit further updated versions at Deadline 4 (17 January 2019). We trust these updates will resolve Welsh Government's concerns.

Temporary Worker Accommodation – a DCO requirement is necessary to commit HNP to constructing all 4,000 bed-spaces. This needs to be linked to either phases in construction programme and/ or number of workers employed, with clear enforceable triggers.	Delivery of the Site Campus is provided for in the Phasing Strategy (APP-447). Horizon intends to provide an updated version of this Phasing Strategy at Deadline 4 (17 January 2019) which will provide more detailed triggers for the delivery of all key mitigation, including the Site Campus. The proposed phasing for the Site Campus is: • Phase 1 to deliver first 1,000 beds on or before Q8 post DCO grant; • Phase 2 to deliver 1,500 beds on or before Q15; and • Phase 3 to deliver final 1,500 beds on or before Q18.
10. Minor drafting points and other client comments on the draft DCO Requirements	
<i>Definition of "Welsh Ministers"</i> : the Welsh Government has requested that after reference to the Wales Act 2006, Horizon inserts "as amended by the Wales Act 2017".	Horizon made this amendment in the updated draft DCO submitted at Deadline 1 (13 November 2018) (REP1-004).
<i>Article 22 – Discharge of water</i> : Welsh Government has requested that a new sub-paragraph (11) should be inserted providing that the article does not authorise any groundwater or water discharge activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010 as land drainage consent is a devolved function.	Article 22 already includes reference to the Environmental Permitting (England and Wales) Regulations 2016 in paragraph (9): <i>"Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016."</i> Regulation 12(1)(b) provides that a person must not, except under and to the extent authorised by an environmental permit cause or knowingly permit a water discharge activity or ground water activity. Under the regulations, an environmental permit must be obtained from a regulator, which is defined as NRW under regulation 32, or any other party appointed by a direction by an appropriate authority (in the case of Wales, the Welsh Ministers) under Regulation 33.

	Article 22(9) confirms that Horizon will have to obtain a discharge permit under the Regulations. Please confirm whether, and why, this paragraph does not address the concerns set out in your note.
<i>Requirement WN16:</i> if there are 850 operational staff then why are 1,100 permanent parking spaces, plus 650 temporary spaces required?	Requirement WN16 has been amended in the draft DCO to be submitted at Deadline 2 (4 December 2018) to provide that permanent operational parking at the Power Station Site must not exceed 700 permanent car parking spaces comprising: • 200 permanent parking spaces at the simulator and training building; • 500 permanent parking spaces in northern carpark, including a maximum of 200 temporary parking spaces (for outages); and • 800 temporary parking spaces in southern carpark (for outages). This means that there will be 700 permanent parking spaces for operation and 1,000 temporary parking spaces provided for outage events. As the simulator and training building is located some distance from the Power Station Site, it has been provided with its own carpark of 200 parking spaces for those running and attending the training facility. This provision has been calculated on the requirements of the building, with a contingency provided to accommodate people arriving and departing while training is ongoing.
<i>Requirement WN18:</i> The requirement should also control occupancy until health facility is actually provided not just that details have to be submitted.	Horizon does not consider that a requirement controlling occupancy of the Site Campus until the health facility is provided is required. This is because Horizon is currently discussing the provision of an initial payment to the National Health Service to deal with workforce health requirements in the initial years of construction (in addition to the mobile emergency medical services on the Power Station Site) until sufficient construction workers are residing at the Site Campus for the on-site health facility to be provided. The health facility will be designed in phases and staffing will scale up or down in size in response to resident numbers. Discussions with Betsi Cadwalder University Health Board and Public Health Wales are ongoing as part of the SoCG process.

<i>Table WN20:</i> Query the 32m height parameter of accommodation block. Understand from ES that maximum would be 7 storeys. Therefore 7x3 metres would equal a height of 21m.	The maximum parameter is based on storey height of: • 3.5m (plus an extra 0.5m per floor tolerance); plus • 3.5m for the plant room on top of the 7th floor (with an extra 0.5m tolerance). Therefore, 8 floors at 4m each equates to 32m in total height.
<i>Requirement LC7:</i> As retaining the view is important consideration for decommissioning then WG suggest this should also be an important consideration when submitting detailed plans for layout and construction of logistics centre.	In the event that Horizon chooses not to construct the Logistics Centre in accordance with the approved plans in Schedule 2 of the DCO, it may submit new detailed designs to IACC for approval in accordance with Requirement LC3. Requirement LC3 provides that such designs must be prepared in accordance with the design principles relating to the Logistics Centre in volume 3 of the Design and Access Statement (part 2/2) (APP-410) and the parameters set out in LC4. Three of the design principles in the DAS state that: • 3.4.9. Buildings (with the exception of the security kiosk and driver instruction point) and the HGV parking area will be sited to the north half of the Logistics Centre site to maintain the sight line between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments. • 3.4.18. The design will minimise harm to the setting of, and retain intervisibility between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments, as far as reasonably practicable within security and operational requirements. • 3.4.23. The number, massing and siting of buildings which comprise the Logistics Centre will serve to reduce the impact on the Scheduled Monuments, as far as reasonably practicable within security and operational requirements.
<i>Requirement PW3</i> – replace “general accordance” with “accordance”.	Requirement PW3(1) of the draft DCO provides that construction of the Power Station Works, Site Campus Works, and Marine Works must be carried out in general accordance with the phasing and methodology parameters set out in Construction Method Statement (“CMS”), unless otherwise

	approved by IACC. Reference to "phasing" under Requirement PW3(1) refers to the phasing of construction activities in the CMS which are not subject to the Phasing Strategy (which covers the delivery of key mitigation). The purpose of seeking "in general accordance" is to provide Horizon with the necessary, but proportionate, degree of flexibility to accommodate any schedule or methodology changes during construction of the Project. This flexibility is considered appropriate given the scale and complexity of the Project and avoids the potential situation where particular construction methodologies and/or phasing identified in the CMS cannot be implemented due to unforeseen engineering, geological or scheduling reasons. The use of "in general accordance" in respect of compliance with certified documents has also been approved in other DCOs such as the Hinkley Point C (Nuclear Generating Station) Order 2013/648, the National Grid (Hinkley Point C Connection Project) Order 2016/49, the Silvertown Tunnel Order 2018/574 and the North Killingholme (Generating Station) Order 2014/2434. "In general accordance" is also considered appropriate because the ability to deviate from the CMS has been clearly limited under the Requirements. Requirement PW3(2) provides that Horizon will only be acting in general accordance with the CMS where the proposed construction methodologies and phasing does not result in any materially new or materially different effects from those assessed in the ES. This effectively limits Horizon's ability to modify the construction methodologies and phasing so long as they are within the scope of the Environmental Statement. To ensure that Horizon is constructing "in general accordance" with the CMS and the Environmental Statement, Horizon will need to monitor its activities in accordance with the Wylfa Newydd CoCP and the Main Site Power Station sub-CoCP .
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	If proposed construction methodologies or phasing did not fall within the scope of the Environmental Statement, Horizon would need to request a change to the DCO (that is, an amendment to a certified document under article 76) under Schedule 6 of the Planning Act 2008.
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Appendix 3 – Response to comments raised by IACC

1. This appendix sets out Horizon's responses to the matters raised in IACC's oral submissions at the DCO ISH on 24 October 2018 (REP1-08) and in response to the Examining Authority's Action Points letter (OD-004) (REP1-019).

Article 5 of the draft DCO and mis-alignment between TCPA and DCO SPC Works

2. IACC's submissions at the DCO ISH note that article 5, as submitted, would enable pre-existing breaches to be nullified and that there is a fundamental mis-alignment between the scope and controls of the SPC works under the proposed site preparation and clearance ("SPC") planning permission and the draft DCO.
3. As noted in response to FWQs 4.0.2 and 4.0.4, Horizon has made the following amendments to the draft DCO and Explanatory Memorandum to provide clarity on the interface between the draft DCO and the SPC planning permission:
 - a. Article 5(1)(b) has been amended to clarify that any breaches that occurred prior to notice being served under article 5 will be enforceable under the SPC planning permission.
 - b. The diversion works under Work No.12 of the draft DCO have been removed and inserted within the "other associated development" in Schedule 1. This amendment has been made to ensure that the only difference between Work No.12 and the SPC works under the SPC planning permission relates to the area of land (with the land area for Work No.12 being 10 hectares less than that under the SP planning permission, as Tre'r Gof SSSI is excluded).
 - c. Schedule 4 has been rationalized to include only those conditions under the SPC planning permission that will have deemed approval or compliance under the DCO following notice being served under article 5.
 - d. A new table (Appendix 1) has been inserted into the Explanatory Memorandum (Revision 4.0) (WN0902-CLC-PAC-REP-00005) which identifies the corresponding conditions and requirements and clearly specifies which will be in force following notice being served under article 5. It was considered to be more appropriate to include this within the Explanatory Memorandum, rather than as a new schedule to the DCO, as this would enable Horizon to provide more explanatory comments than it could if it was within the statutory instrument and is more aligned with the purpose of an Explanatory Memorandum.
 - e. The SPC Requirements in Schedule 3 of the draft DCO have been updated, where necessary, to correspond to the final set of draft conditions under the SPC planning permission (as the DCO application was based on draft conditions available at submission) as well as to ensure there is no duplication with the existing controls within the control documents.
4. Horizon considers that these amendments will ensure that there is a clear interface and alignment between the SPC planning permission and the DCO. These amendments are set out in the updated draft DCO (Revision 3.0) (WN0902-HZDCO-PAC-REP-00043) and in the DCO Amendment Table submitted at Deadline 2.

5. Horizon would appreciate any comments from IACC on these amendments at the next appropriate Examination deadline.

Detail within control documents

6. Horizon notes IACC's concerns with the level of detail within the Wylfa Newydd CoCP and the sub-CoCPs. As noted above in the cover letter, Horizon has submitted updated Wylfa Newydd CoCP and sub-CoCPs as part of its Deadline 2 submission and intends to provide further updates of these documents at Deadline 4 (17 January 2019) to ensure that these documents contain an appropriate level of detail to control anticipated effects and activities.

Relationship between the Wylfa Newydd CoCP and the DCO section 106 agreement

7. In response to IACC's concerns regarding the role of the Wylfa Newydd Main Permissions Oversight Panel ("WNMPOP"), Horizon considers that the proposed ring fencing of funds as set out in the second draft of the DCO section 106 agreement should allay any concerns IACC may have regarding the control of monies within the funds. Horizon is committed to continuing to discuss the role of WNMPOP and in respect of the Community Fund to ensure it is appropriate. This position was set out in Horizon's letter accompanying the draft DCO section 106 agreement on 30 November 2018.

Compulsory Acquisition of Highways

8. Horizon notes IACC's objection to the inclusion of areas of the public highway and its verge within the scope of compulsory acquisition and the scope of the temporary possession rights proposed in the draft DCO.
9. Horizon has sought to engage with IACC regarding its concerns about the scope of compulsory acquisition and public highways land. Horizon was seeking a meeting with IACC in December 2018 to work through these concerns with the objective of reaching a resolution and believes that this is achievable. However, following an email received from IACC on 3 December 2018, we understand that IACC's current position is that they prefer to deal with these issues within the DCO examination process.
10. Horizon would be happy to update the Examining Authority on the progress of any further discussions between the parties at Deadline 4 (17 January 2019).
11. Horizon reiterates that it intends to seek to negotiate voluntary agreements with all landowners, including IACC, before seeking to exercise its compulsory acquisition powers under the DCO.

Schedule 1 – other associated development

12. Both IACC's submissions note their concerns with the inclusion of paragraph (o) due to its wide nature and its application to any land within the Order Limits.
13. The drafting of Schedule 1 follows the approach in a number of other recent DCOs, such as East Anglia THREE, Eggborough, Thames Tideway Tunnel, and A14 Cambridge¹ (as well as a number of off-shore windfarm DCOs Galloper, Triton Knoll and Dogger Bank

¹ East Anglia THREE Offshore Wind Farm Order 2017/826, Eggborough Gas Fired Generating Station Order 2018/1020, Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014/2384, A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016/547

Creyke). These DCOs all include a similar catch-all provision to paragraph (o) of Schedule 1 which enables the undertaker to undertake any other works within the Order Limits that may be necessary or expedient (other than those already identified), provided they fall within the scope of the works assessed by the environmental statement. Therefore, the inclusion of a similar catch-all is relatively standard.

14. The need for a catch-all provision is pertinent to large-scale, complex NSIPs which have long construction and operational periods (in the case of Horizon, over 70 years). The reason for this is that the undertaker must ensure that all works, even those not presently foreseen but ultimately required for implementing the NSIP when detailed design has been completed, can be undertaken. This would mean that future works, which may arise due to technological advances, emergencies, legislative requirements or design changes can be undertaken, despite not having been explicitly referenced in Schedule 1. As noted in the Explanatory Memorandum (APP-031), Horizon is only seeking approval for detailed designs for a limited number of Work No.s.
15. While Horizon appreciates IACC's request for certainty, Horizon considers there is a danger in seeking to be too prescriptive. The works that could be undertaken pursuant to paragraph (o) are already significantly limited by the fact that they must not give rise to any materially new, or materially different, environmental effects from those assessed in the environmental impact assessment recorded in the Environmental Statement. The inclusion of the catch-all in paragraph (o) of Schedule 1 is considered reasonable and ensures that Horizon can deliver the Wylfa Newydd DCO Project in an efficient manner and in accordance with the intention of the Planning Act 2008.
16. In response to IACC's proposed restrictions on paragraph (o) at paragraph 3.7 of its letter, Horizon has the following comments:
 - a. *Restriction to Wylfa Newydd Development Area only:* Horizon does not consider this is restriction would be appropriate as it needs the power to undertake catch-all works on all land related to the authorised development, not just the Wylfa Newydd Development Area (for example, the Off-Site Power Station Facilities site).
 - b. *Restriction where temporary use has ceased:* The catch-all only applies to the "construction, operation and maintenance of the authorised development" and "in connection with a specified work" and so would not enable future works on or use of a site that had been decommissioned and is no longer in use for that purpose (i.e. temporary facilities such as the Park and Ride and the Site Campus). Horizon is considering drafting to make it clear that paragraph (o) will not apply to:
 - i. any Work No. that has been identified as temporary once that Work No. has been decommissioned (i.e. the Site Campus); or
 - ii. any temporary work, building or use relating to the construction phase of the Wylfa Newydd DCO Project once the Power Station is operational (excluding any maintenance or outage related works)
 - c. *Restriction where landscaping has commenced:* Horizon does not consider that this restriction would be appropriate as it would prevent any use of the catchall for future maintenance works in and around the Power Station.

Section 106 Agreement

17. Draft Heads of Terms for the DCO section 106 agreement were referenced within the Planning Statement submitted as part of the DCO application [APP-406] following discussions with IACC pre-application. The Status Note submitted at Deadline 1 [REP1-010] provides details on the draft terms and status of the DCO section 106 agreement.
18. Since the DCO ISH, the parties have continued to discuss the terms of the draft DCO section 106 agreement. Horizon provided a first draft to IACC and Welsh Government for review on 26 October 2018. A second draft of the agreement was issued by Horizon on 30 November 2018 to IACC and Welsh Government following comments received from IACC and Welsh Government on the first draft. The second draft was accompanied by an issues tracker which sets out and responds to the points Welsh Government and IACC have raised in previous correspondence on the draft DCO section 106 agreement