



Wylfa Newydd Project

Horizon's Deadline 5 Responses to Actions set
in Issue Specific Hearing on 7 January 2019

PINS Reference Number: EN010007

12 February 2019

Revision 1.0

Examination Deadline 5

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[This page is intentionally blank]

Contents

1	Horizon Deadline 5 responses to actions set in Issue Specific Hearing on 7 th January 2019	1
1.1	Introduction	1
1.2	List of responses to actions provided at Deadline 4.....	1
1.3	Hearing Action points.....	1
1.4	Summary of Deadline 5 responses to actions recorded by Horizon	2
	<i>Progress on Safeguarding discussions with stakeholders</i>	2
	<i>Response to North Wales Police</i>	2
1.5	Action responses planned for subsequent Examination Deadlines	2

Appendices

Appendix 1-1	Progress on Safeguarding discussions with stakeholders
Appendix 1-2	Relevance of R (Langley Park School for Girls) v Bromley LBC [2009] EWCA Civ 734 to the Wylfa Newydd DCO Project
Appendix 1-3	Application of a Welsh Language Skills Competency Framework During Construction and Operation
Appendix 1-4	Securing Mechanism and Programme for Delivery of the Permanent Visitor's Centre

List of Tables

Table 1-1	Status of actions assigned to 'Applicant'	1
-----------	---	---

[This page is intentionally blank]

1 Horizon Deadline 5 responses to actions set in Issue Specific Hearing on 7th January 2019

1.1 Introduction

- 1.1.1 This document contains Horizon Nuclear Power Wylfa Limited's ("Horizon") responses to actions outlined by the Hearing Action Points issued by the Examining Authority [OD-005] on 25th January 2019.
- 1.1.2 It also contains Horizon's responses to actions it recorded during the Issue Specific Hearing on 7th January 2019 and committed to responding to in its Deadline 4 submission [REP4-007].
- 1.1.3 A summary of other actions set at the Issue Specific Hearing on 7th January 2019 provided at Deadline 4 or planned for subsequent deadlines is also provided.

1.2 List of responses to actions provided at Deadline 4

- 1.2.1 Temporary Workers Accommodation Position Paper
- 1.2.2 Post-hearing note – Health Services
- 1.2.3 Post Hearing Response Note - Tourism

1.3 Hearing Action points

- 1.3.1 The below table outlines the status of responses to actions recorded by the Examining Authority in document reference OD-005.

Table 1-1 Status of actions assigned to 'Applicant'

Ref	Action	Deadline	Status
1	Provide a phasing strategy for accelerating the provision of all phases of the Temporary Worker Accommodation (TWA).	Deadline 4	Provided in Appendix 1-1 of REP4-007
2	Provide a copy of the broadband and telecoms study.	Deadline 6	Horizon plan to respond at Deadline 6.
3	Provide comments in response to the Langley Park School for Girls V Bromley LBC, Court of Appeal (Civil Division) 31 July 2009.	Deadline 5	Provided in Appendix 1-2 of this document.
7	Comment on the possibility of early patterns of behaviour in relation to the use of rented accommodation being	Deadline 5	Responded to this action within Horizon's Response to Welsh

Ref	Action	Deadline	Status
	established prior to the TWA being provided and the effect that this may have long term on workers accommodation choices.		Government's Deadline 4 submission and Horizon's Response to IACC's Deadline 4 submission submitted at Deadline 5.
5 (8)	Provide a PHN setting out a shared understanding of the Levels 1 to 5 Framework for Welsh Language, what levels would be required by construction and operational workers and the implication for Welsh speakers in future years.	Deadline 5	Provided in Appendix 1-3 of this document.
7 (10)	Provide update on proposals to bring forward a permanent Visitor Centre and possible viewing platform.	Deadline 5	Provided in Appendix 1-4 of this document.

1.4 Summary of Deadline 5 responses to actions recorded by Horizon

Progress on Safeguarding discussions with stakeholders

- 1.4.2 A note covering Horizon's continued engagement on safeguarding issues as requested by the Examining Authority in the Issue Specific Hearing. Included in Appendix 1-1 of this document.

Response to North Wales Police

- 1.4.3 A standalone response to matters raised by North Wales Police has been provided as part of Horizon's wider Deadline 5 submission.

1.5 Action responses planned for subsequent Examination Deadlines

- 1.5.1 There are no further action responses, above those noted in section 1.3 that are planned for subsequent deadlines.



Wylfa Newydd Project

Appendix 1-1 Progress on Safeguarding discussions with stakeholders

PINS Reference Number: EN010007

12 February 2019

Revision 1.0

Examination Deadline 5

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[This page is intentionally blank]

Contents

1	Progress on Safeguarding discussions with stakeholders	1
1.1	Context	1
1.2	Horizon approach	1
	<i>Horizon measures that are relevant to safeguarding</i>	<i>1</i>
	<i>Section 106 agreement commitments</i>	<i>3</i>

[This page is intentionally blank]

1 Progress on Safeguarding discussions with stakeholders

1.1 Context

- 1.1.1 An action arising from the Law & Order Issue Specific Hearing, on 7th January 2019, was to hold a meeting to discuss Safeguarding issues and to assess whether an agreement can be reached surrounding a number of issues raised in the Isle of Anglesey (IACC) Local Impact Report (LIR) (REP2-066) ahead of Deadline 5 (12 February 2019).
- 1.1.2 In a meeting, on 24th January 2019, between Horizon, the Welsh Government and North Wales Police it was agreed that safeguarding would be covered by the Community Safety Management Strategy (CSMS) which will be developed collaboratively with the Emergency Services Engagement Group.
- 1.1.3 There are ongoing detailed negotiations on the s106 currently on all matters including funding of services. Further, updated draft COCPs have been provided to IACC and the Welsh Government for further engagement this will pick safeguarding matters as appropriate.
- 1.1.4 An updated summary of the safeguarding measures that Horizon will implement is provided below.

1.2 Horizon approach

- 1.2.1 Safeguarding is a key issue relating to the development and the construction workforce. Horizon agrees with IACC that the construction personnel will be well behaved and law-abiding (para 1.1.4, chapter 6, REP2-066).
- 1.2.2 In its response to the IACC LIR Horizon (at REP3-004, ch 6) notes that it does not accept the IACC analysis. Horizon's response sets out measures that it will take.
- 1.2.3 During the issue specific hearing on 7th January 2019 (REP4-002) and in its Post Hearing Note (REP4-007) Horizon confirmed that:
 - it has controls in place to ensure safeguarding; and
 - it is in the process of agreeing financial settlements via the s.106 agreement with public sector bodies, as well as funding IACC officers in topic areas which are related to safeguarding.
- 1.2.4 The controls that are in place are summarised from paragraph 1.2.5 below. Provisions in the draft s.106 agreement that are directly applicable to safeguarding are summarised from paragraph 1.2.10 below.

Horizon measures that are relevant to safeguarding

- 1.2.5 As a responsible employer Horizon will (where there is the potential for likely significant effects due to the Wylfa Newydd DCO Project) work with safeguarding partners to enable them to fulfil their statutory duties with regard to safeguarding.

- 1.2.6 Horizon will also take reasonable steps to safeguard the welfare of its employees and those acting on behalf of the company and its supply chain. Where it is appropriate Horizon will take reasonable steps to safeguard the welfare of the general public, such as the steps described in this paragraph. Prior to, and throughout the construction of the Wylfa Newydd Power Station appropriate dialogue will be maintained between Horizon, the contractor, the supply chain and local safeguarding agencies, including North Wales Police. Discussions will include any individual or coordinated measures appropriate to avoiding risks to vulnerable groups, for example in relation to human trafficking and direct or indirect sex work. Safeguarding protocols will be prepared by Horizon in consultation with North Wales Police, and IACC, and reviewed annually. An appropriate number of Horizon and supply chain staff will be trained in safeguarding issues so that, for example, security staff who conduct site and/or vehicle inspections will be aware of signs of illegal activity such as human trafficking.
- 1.2.7 Horizon will implement measures, such as the following, that are of direct relevance to safeguarding.
- Horizon is preparing a CSMS which would be agreed collaboratively with the Emergency Services Engagement Group, which is being constituted under the s106 agreement). This will include monitoring against community safety indicators, including data on anti-social behaviour and crime, and which may propose changes to practical ways of working (this is secured in the draft s106, schedule 9: Emergency Services).
 - Horizon will take such actions as it can to guide the behaviour of its construction workforce, both on-site and off-site, through the implementation of the Workforce Management Strategy (WMS) (APP-413) and the principles which it outlines in respect to the development of a Code of Conduct (REP2-031). The principles relate to compliance with a Code of Conduct, compliance with relevant behavioural standards, procedures and legislation, training provision and completion, as well as enforcing the use of certain Project facilities and services.”
 - All personnel working with, or for, Horizon at site and who will access offices where Sensitive Nuclear Material (SNI) is held, or who require access to SNI, Nuclear Material, Other Radioactive Material or access the Site Licence Site will require a minimum of Baseline Personnel Security Standard (BPSS) pre-employment check. This is in accordance with regulations under ONR and as written in the Management requirements for the contractor.
 - Separate to BPSS checks, Horizon staff who will work with children, such as STEM ambassadors, or with vulnerable adults will receive an enhanced DBS check. This will be co-ordinated through Human Resources.

- Horizon policies: Horizon's Modern Slavery Act Statement (2018)¹ sets out a robust response to the risk of modern slavery and maintains a clear focus on developing policies, process and internal capability to understand and manage future risks. This includes existing policies, principles and standards including whistleblowing procedure and a supply chain charter; a proactive approach to risk; a robust due diligence approach and training and awareness raising.
 - Adaptive monitoring: Horizon will establish an external stakeholder group (hereafter Health and Well-being Engagement Group) (secured through the Wylfa Code of Construction Practice (REP2-031). If appropriate the Group will discuss the need for additional mitigation or follow-up investigation. To facilitate this process, a set of key topics and indicators will be agreed. The topics will be expected to include safeguarding [with regard to vulnerable adults and children].
- 1.2.8 Horizon will also put in place measures that indirectly contribute to safeguarding by improving relations with the local community and reducing the potential for adverse effects on community cohesion: Welsh language; access to services; employment opportunities for local residents; business opportunities for local enterprises and community issues (REP3-004).
- 1.2.9 Community Involvement Officers both appointed by Horizon and IACC (funded by Horizon) will be a key interface between the local community, key stakeholders and Horizon management.

Section 106 agreement commitments

- 1.2.10 The commitments to funding public bodies and funding IACC officers, both of which deliver safeguarding, are secured in the draft s.106 agreement. A revised version of that agreement was circulated to IACC and the Welsh Government on 23 January 2019, and to North Wales Police on 24 January 2019. Horizon has had a number of positive meetings with IACC on agreeing the s.106 agreement, and continues to engage including via statements of common ground meetings with other stakeholders.
- 1.2.11 The revised draft s106 agreement (dated 23.01.19, a track change version of which is provided at Deadline 5 (12 February 2019) sets out provisions which relate to safeguarding:
- In Schedule 5 (Worker Accommodation) of the draft s106 agreement Horizon commits to funding IACC for the employment of up to three Accommodation Officers during the Construction Period. Amongst other duties, it is proposed that these officers will monitor and manage via engagement with the WAMS Oversight Board and with the Developer the placement of non-home based members of the Workforce to ensure that

¹ available at [www.horizonnuclearpower.com/files/downloads/our-policies/Modern-Slavery-Act-Transparency-Statement%20\(2018](http://www.horizonnuclearpower.com/files/downloads/our-policies/Modern-Slavery-Act-Transparency-Statement%20(2018)

placement with vulnerable persons is avoided and other safeguarding measures are appropriately considered.

- In Schedule 6 (Education) of the draft s106 agreement, Horizon has proposed that the Council may utilise the Education (Contingency) Fund for, amongst other purposes, associated support services for Local Schools in respect of matters relating to safeguarding.
- In Schedule 8 (Health and Wellbeing) of the draft s106 agreement, Horizon proposes constitution of a Health and Wellbeing Engagement Group. A duty of that group is to monitor health and wellbeing matters against a set of indicators including safeguarding vulnerable adults and children.
- In Schedule 9 (Emergency Services), the draft s106 agreement provides £8 million in funding to the emergency services, including £6.1 million specifically for the police to create a neighbourhood policing unit. This will inevitably have a key safeguarding role.
- In Schedule 14 (Community Involvement Officers) the draft s106 agreement provides that Horizon will:
 - Employ two Community Involvement Officers(CIOs); and
 - pay a Community Involvement Officer Contribution to the Council. The Council undertakes to use the Community Involvement Officer Contribution to fund the employment of two or more CIOs to work with the two CIOs employed by the Developer.

The roles and duties of the CIOs include delivery of a Community Impact Joint Work Plan which will set out how the CIOs will deliver a number of actions, including, supporting the Council and associated services in terms of Safeguarding matters arising from the Wylfa Newydd DCO Project.

- 1.2.12 Horizon remains of the view that safeguarding is appropriately managed and funded and that no separate additional funding is required.



Wylfa Newydd Project

Appendix 1-2 Relevance of R (Langley Park School for Girls) v Bromley LBC [2009] EWCA Civ 734 to the Wylfa Newydd DCO Project

PINS Reference Number: EN010007

12 February 2019

Revision 1.0

Examination Deadline 5

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[This page is intentionally blank]

Contents

1	Relevance of <i>R (Langley Park School for Girls) v Bromley LBC</i> [2009] EWCA Civ 734 to the Wylfa Newydd DCO Project.....	1
1.1	Introduction	1
1.2	Summary of the judgment in <i>Langley</i>	1
1.3	Applicability to the Wylfa Newydd DCO Project	2
	<i>Relevance to applications for an Energy NSIP</i>	2
	<i>Langley was not an 'alternative site' case</i>	3
	<i>No clear planning objections</i>	3
	<i>Outcome in Langley</i>	4
1.4	Conclusion	4

[This page is intentionally blank]

1 Relevance of *R (Langley Park School for Girls) v Bromley LBC* [2009] EWCA Civ 734 to the Wylfa Newydd DCO Project

1.1 Introduction

- 1.1.1 At the First Issue Specific Hearing on Socio-Economic Matters on 7 January 2019, the Examining Authority asked Horizon to consider the relevance of the judgment in *R (Langley Park School for Girls) v Bromley LBC* [2009] EWCA Civ 734 to Horizon's DCO application for the Wylfa Newydd DCO Project. This request was made in the context of the temporary workers' accommodation sites at Cae Glas and Kingsland being promoted by Land and Lakes Ltd as an alternative to Horizon's proposal for the Site Campus.

1.2 Summary of the judgment in *Langley*

- 1.2.1 This judgment was in respect of an appeal against an order dismissing the Langley Park School for Girls (the "**Girls School**") application for judicial review of a grant of planning permission under the Town and Country Planning Act 1990 by the London Borough of Bromley ("**LBB**") to the Langley Park School for Boys (the "**Boys School**") for the construction of a new secondary school at the Boys' School. The Boys School was situated on land designated as Metropolitan Open Land ("**MOL**") in the Bromley Unitary Development Plan ("**UDP**").
- 1.2.2 The Court allowed the appeal and quashed the planning permission. The decision to grant planning permission was found to be seriously flawed on the basis that LBB:
1. gave inadequate consideration to the severe injury the proposal would cause to the openness and visual amenity of the MOL. This was in the context of Policy G2 in the UDP, which stated that: "*Within Metropolitan Open Land (MOL) as defined on the Proposals Map, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.*"¹; and
 2. failed to consider whether the injury to the MOL could be greatly reduced if the layout was revised through an alternative scheme on the site. This was in the context of objectors submitting that an alternative option, considered at the feasibility stage but not taken forward, would have a less harmful effect on the openness of the MOL.
- 1.2.3 The Court found that "*where there are clear planning objections to a proposed development... the more likely it is that it will be relevant, and may*

¹ At (6).

in some cases be necessary, to consider whether that objection could be overcome by an alternative proposal.”²

1.3 Applicability to the Wylfa Newydd DCO Project

Relevance to applications for an Energy NSIP

- 1.3.2 The judgment in *Langley*, which was in respect of an application for planning permission under the Town and Country Planning Act 1990, is not directly applicable to the Examining Authority's consideration of the DCO application for the Wylfa Newydd DCO Project. This is because the decision on the DCO application will be made under the Planning Act 2008, rather than the Town and Country Planning Act 1990.
- 1.3.3 The different approach under the Planning Act 2008 is illustrated by the decision of the High Court in *R (Thames Blue Green Economy Limited) v Secretary of State for Communities and Local Government* [2015] EWHC 727 (Admin). In that case the Court held that:
- “41. [Counsel for the Claimant]’s submissions prayed in aid a conventional planning argument that where a proposal does harm it will be relevant to the consideration of its merits to consider whether or not there is an alternative way of achieving the same ends with lesser impact somewhere else. That is a conventional planning approach which has become familiar over the years, never mind for the moment precisely what level of harm has to be shown before consideration of alternatives becomes permissible.*
- 42. That is not the process which Parliament has set out in the 2008 Act for dealing with nationally significant infrastructure projects.”*
- 1.3.4 Furthermore, section 4.4 of NPS EN-1 sets out a specific policy framework for the consideration of alternatives in respect of application for an order granting development consent for an Energy NSIP.
- 1.3.5 As set out in the Planning Statement [APP-406], NPS EN-1 and NPS EN-6 form the primary policy basis for a decision made on this application. The Planning Statement considers the Wylfa Newydd DCO Project against these policies, and finds that the DCO application is compliant (see section 6.3, in particular).
- 1.3.6 While the Site Campus is 'associated development', NPS EN-1 is clear at paragraph 4.5.3 that *"EN-1, in conjunction with the relevant technology-specific NPS, will be the primary basis for [Planning Inspectorate] decision making on associated development."* Section 4.4 is therefore applicable in respect of the Site Campus for the Wylfa Newydd DCO Project.
- 1.3.7 Paragraph 4.4.1 of NPS EN-1 states clearly that *“From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option.”*

² At (45).

- 1.3.8 Thus it is important to note that the decision in *Langley* was not taken in the context of the Planning Act 2008 or, indeed, section 4.4 of NPS EN-1.

Langley was not an 'alternative site' case

- 1.3.9 In any event, the judgment in *Langley* is of limited relevance because it related to an alternative lay-out within a site, rather than an alternative site (as with Land and Lakes' proposals). The judgment in *Langley* notes:

"37. ... Before Wyn Williams J. the respondent submitted that "Alternative sites or schemes are only potentially a material consideration and then only in exceptional circumstances". In support of that submission two authorities were relied upon: R. (on the application of J (A Child)) v North Warwickshire BC [2001] EWCA Civ.315 and R. (on the application of Kilmartin Properties (TW) Ltd) v Tunbridge Wells BC [2003] EWHC 3137 (Admin); see [58] and [59] of the judgment of Wyn Williams J.

*38. Both the North Warwickshire and the Tunbridge Wells cases were "alternative site" cases, i.e. the objectors were contending that the need for the development could and should be met on a site other than the application site. **This was not an "alternative site" case.** ..."* (emphasis added)

- 1.3.10 The findings of the *North Warwickshire* and the *Tunbridge Wells* cases, cited by the judgment in *Langley*, found that alternative sites or schemes are only potentially a material consideration and then only in exceptional circumstances. There are no such exceptional circumstances in respect of the Wylfa Newydd DCO Project.

No clear planning objections

- 1.3.11 Furthermore, even if *Langley* were applicable, the judgement is clear that alternative proposals are more likely to be relevant where there are 'clear planning objections'. In that case, there was 'severe injury' to the Metropolitan Open Land, and clear policy direction in Policy G2 in the local UDP that *"permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm."*
- 1.3.12 There are no such clear planning objections in respect of the Wylfa Newydd TWA Site Campus; the Site Campus is acceptable in planning terms.
- 1.3.13 The Planning Statement [APP-406] at Appendix C assesses the Site Campus in respect of NPS EN-1, NPS EN-6, and national and local policy. It concludes that the Site Campus proposal is appropriate in planning terms in its own right, and is supported by local planning policy including Strategic Policy PS 10 of the JLDP. The Planning Statement explains that the facility is also integral to the delivery of the Wylfa Newydd DCO Project and its associated benefits and should be considered in the context of the urgent need for nuclear power.
- 1.3.14 It should be noted that in providing significant efficiencies compared to transporting workers from multiple locations, the Site Campus is particularly important in order to be able to deliver an efficient construction project which

is capable of delivering the Wylfa Newydd Power Station as early as possible, in accordance with NPS EN-1 and NPS EN-6.

- 1.3.15 Further consideration of the Site Campus against JLDP Policies PS9 and PS10 are summarised in Section 3.3 of Horizon's Written Representation [REP2-003] (submitted at Deadline 2 (4 December 2018)) and also set out in Horizon's response to FWQ10.1.2 of the Examining Authority's FWQ10.1.2 [REP2-002] (submitted at Deadline 2 (4 December 2018)).

Outcome in Langley

- 1.3.16 It should be noted *Langley* does not provide precedent for an alternative scheme being 'subbed-in' to a planning permission by a decision-maker. Rather, the planning permission in *Langley* was quashed. As made clear at the issue specific hearings during week commencing 7 January 2019, the Applicant's Environmental Statement does not assess the environmental effects of the Wylfa Newydd DCO Project with the Land and Lakes project 'subbed in' for part of the proposed on-site TWA and nor does the Applicant have any commercial agreement to use the Land and Lakes development for temporary workers accommodation.

1.4 Conclusion

- 1.4.1 NPS EN-1 sets clear requirement framework for the consideration of alternatives in respect of application for an order granting development consent for an Energy NSIP. The DCO application for the Wylfa Newydd DCO Project is compliant with these policies.
- 1.4.2 The judgment in *Langley* is not directly applicable to the Wylfa Newydd DCO Project DCO, and is of limited relevance to the Examining Authority's consideration of the DCO application. This is especially the case given that the Site Campus is acceptable in planning terms.



Wylfa Newydd Project

Appendix 1-3 Application of a Welsh Language Skills Competency Framework During Construction and Operation

PINS Reference Number: EN010007

12 February 2019

Revision 1.0

Examination Deadline 5

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[This page is intentionally blank]

Contents

1	Application of a Welsh Language Skills Competency Framework During Construction and Operation	1
1.1	Background	1
1.2	Horizon’s commitment in DCO documentation	1
1.3	Amendments to the draft s106 commitments	2
1.4	How the Welsh language skills competency framework will be developed	2
1.5	How the Welsh language skills competency framework will be implemented ..	7

List of Tables

Table 1-1	Example structure for Horizon’s Welsh language skills competency framework	5
-----------	--	---

[This page is intentionally blank]

1 Application of a Welsh Language Skills Competency Framework During Construction and Operation

1.1 Background

- 1.1.1 Following the issue specific hearing on socio-economic issues on 7th January, Horizon agreed to develop a post-hearing reactive note regarding the parties (Horizon, Welsh Government, IACC and Gwynedd Council) shared understanding of the Welsh Language skills competency framework and levels, and how this might be applied to construction and operational workforce, as well as how such a framework could be implemented over the next 50 years.
- 1.1.2 Since Deadline 3, Horizon has met with and had calls with IACC, the Welsh Government and Gwynedd Council including on Welsh Language commitments in the draft DCO Section 106. These discussions have led to amendments to the draft DCO Section 106 which relate to the development of the Welsh Language skills competency framework and levels (see Section 1.3 below).
- 1.1.3 This document sets out Horizon's commitment to develop a Welsh language skills competency framework and how this would be implemented.

1.2 Horizon's commitment in DCO documentation

- 1.2.1 Horizon has committed to developing a Welsh Language skills competency framework in its DCO application. This directly commits the equivalent measure in the Welsh Language and Culture Mitigation and Enhancement Strategy (WLCMES), Appendix 1 of the Welsh Language Impact Assessment [APP-432]. Measure 8 of the WLCMES notes that: *"Horizon will develop and adopt a Welsh language skills competency framework and a Welsh language skills assessment tool for recruitment processes. Horizon will provide relevant recruitment managers with training to use tools to determine the language requirements of construction and operational roles"*.
- 1.2.2 This is secured in Schedule 1 of the draft DCO Section 106. The version of the draft DCO Section 106 submitted at Deadline 3 [REP3-042] committed to the following in respect of the Welsh Language skills competency framework:
 - "1.1.2 The Welsh Language and Culture Coordinator will prior to Commencement and for the duration of the Construction Period:
 - (a) establish a Welsh language skills competency framework and assessment tool;"
 - "2.1 The Developer will use the Welsh language skills competency framework and assessment tool established pursuant to Paragraph [1.1.2(a)] until the end of the Operational Period to:

2.1.1 Enable it to assess the Welsh language skills requirements for job roles when developing construction and operational job profiles at Wylfa Newydd.

2.1.2 Provide relevant recruitment managers with training to use the Welsh language skills competency framework and assessment tool to determine the language requirements of construction and operational roles.

2.1.3 Record the level of Welsh language skills required for each post as part of the recruitment process and will include this information within the advertised job profile.”

1.3 Amendments to the draft s106 commitments

1.3.1 Since Deadline 3, Horizon has met with and had calls with IACC, the Welsh Government and Gwynedd Council including on Welsh Language commitments.

1.3.2 Horizon has proposed to amend the commitment to the Welsh Language skills competency framework to:

- develop it in consultation with IACC, Gwynedd Council and the Welsh Government;
- develop it utilising the emerging Welsh Government Diagnostic Toolkit (being produced by the National Centre for Learning Welsh);
- follow the Council's 5-level workplace Welsh Language Skills Strategies document;
- identify job roles which require Welsh language skills and the skill level or range of levels required;
- identify those job roles which require level 3 or above Welsh Language Skills (for example identified public facing roles, the Community Involvement Officers); and
- identify periodic timings for updates in consultation with IACC and the Welsh Government.

1.3.3 Although this wording is still under discussion with IACC and others, Horizon is confident that these changes reflect the specific requests made by IACC and others in respect of the Welsh Language skills competency framework.

1.4 How the Welsh language skills competency framework will be developed

1.4.1 Horizon will develop and implement a Welsh language skills competency framework drawing on a recognised model such as the Association of Language Testers in Europe (ALTE) levels. Several organisations in Wales (e.g. North Wales Police, local authorities, Local Health Boards) have developed Welsh language skills competency frameworks (sometimes

referred to as a Welsh language skills matrix), based on the ALTE levels. This is consistent with the commitments above.

- 1.4.2 Horizon's Welsh language skills competency framework will take the form of a matrix, setting out levels of competence from 0-5 against various Welsh language oral and written skills (speaking, listening, reading and writing). Short descriptors would be developed against each of these oral and written skills to set out the type of competencies individuals at each level would be expected to have. These would be set out in a format similar to that presented in Table 1-1 below.
- 1.4.3 North Wales Police's ALTE framework provides an example of this type of an approach and ranges from level 0 (no appreciable Welsh language skills) to level 5 'proficient' (competent, confident and willing to use Welsh with the public in the course of duties). Level 1 skills typically enable individuals to demonstrate linguistic courtesy e.g. understand/use greetings on a reception desk or telephone, pronounce personal/place names.
- 1.4.4 Horizon's Welsh language skills competency framework will draw on good practice from other organisations (e.g. North Wales Police, local authorities, NHS Wales) and will enable Horizon to define and record the Welsh language skill level required for relevant posts at Wylfa Newydd. Horizon will seek the advice of stakeholders including Welsh Government, IACC, Gwynedd Council, Welsh Language Commissioner and the National Centre for Learning Welsh in developing this framework. Through this process, Horizon will take account of the Welsh Government Diagnostic Toolkit (being produced by the National Centre for Learning Welsh and utilise this in the framework.
- 1.4.5 Horizon considers that a recognised framework such as ALTE is preferable to labelling the Welsh language skills requirements of posts as 'essential' or 'desirable'. Horizon considers that specifying levels of written and oral competence provides applicants with greater clarity whereas simply using the terms 'essential' or 'desirable' could dissuade those who may, for example, be confident Welsh speakers but have lower Welsh written skills.

[This page is intentionally blank]

Table 1-1 Example structure for Horizon's Welsh language skills competency framework

Level	Speaking	Listening	Writing	Reading
0	No skills			
1 (basic)	Descriptors of expected competencies to be defined and included for each level 1-5 (e.g. at Level 1: Able to conduct a general conversation [greetings, names, saying, place names])	Able to understand basic enquiries in Welsh ["Ble mae...?", "Ga i siarad â...?"]	Able to write basic messages - "Diolch am y llythyr, Dyma gopi o'r map"	Able to read basic words and phrases, e.g. signs or short and simple notes
2	Able to answer simple enquiries involving work	Able to understand a basic social conversation in Welsh	Able to answer simple correspondence with assistance	Able to read basic material involving work (slowly)
3	Able to converse with someone else, with some hesitancy, regarding routine work issues	Able to follow routine conversations involving work between fluent Welsh speakers	Able to draft routine text, with editing assistance	Able to read routine material with a dictionary
4	Able to speak the language in the majority of situations using some English words	Able to follow the majority of conversations involving	Able to prepare the majority of written material related to the area, with some assistance in	Able to read the majority of material in own area

Level	Speaking	Listening	Writing	Reading
		work including group discussions	terms of revision.	
5 (high level of proficiency)	Fluent – able to conduct a conversation and answer questions, for an extended period of time where necessary	Able to understand all conversations involving work	Skilled – able to complete written work without the need for revision.	Able to understand all material involving work

1.5 How the Welsh language skills competency framework will be implemented

- 1.5.1 Horizon will also develop a Welsh language skills assessment tool alongside the Welsh language skills competency framework. The Welsh language skills assessment tool would be used to formally assess the Welsh language skill level needs of posts at Wylfa Newydd. This would then be recorded as part of the job profile and recruitment materials. This is committed to in the draft s.106 at schedule 1, paragraph 2 which requires Horizon to use the Welsh language skills competency framework and assessment tool to:
- Enable Horizon to assess the Welsh language skills requirements for job roles when developing construction and operational job profiles at Wylfa Newydd.
 - Provide relevant recruitment managers with training to use the Welsh language skills competency framework and assessment tool to determine the language requirements of construction and operational roles.
 - Record the level of Welsh language skills required for each post as part of the recruitment process and include this information within the advertised job profile.
- 1.5.2 Horizon will seek the advice of stakeholders including Welsh Government, local authorities and the National Centre for Learning Welsh in developing this tool and draw on good practice from assessment tools used by other organisations (e.g. Grŵp Llandrillo-Menai, Carmarthenshire Council).
- 1.5.3 Horizon's Welsh language skills assessment tool will be used in conjunction with the Welsh language competency framework to plan what level of Welsh language skills are required for a post. The Welsh language skills assessment tool will involve a series of questions such as:
- 'Does the post involve regular contact with members of the public, either face to face or over the phone?';
 - 'Does the post involve liaison with local agencies and stakeholder organisations?';
 - 'Does the percentage of Welsh speakers in the team/department enable the provision of Welsh language services that meet the Welsh language needs of the public/workforce/stakeholders that engage with the team/department?'
- 1.5.4 Horizon will use questions such as the above to inform decisions about the level of Welsh language skills required for each role. For example, questions can be presented in a flowchart format, with responses leading to actions in terms of the Welsh language skills requirements of a post. Alternatively, responses to questions can be scored and the overall score provides an indication of the level of Welsh language skills required for a given post.

1.5.5 During the operational phase, the implementation of the Welsh language skills competency framework and assessment tool will enable Horizon to:

- Record the Welsh language skills level requirements of each post and thereby monitor what percentage of posts require Welsh language skills at different levels;
- Maintain a record of the Welsh language skills of staff. This would be recorded on employee records, enabling Horizon to monitor the percentage of the workforce with Welsh language skills at each level;
- Enable Horizon to record the progress of staff who are participating in Welsh language skills training e.g. by updating staff records during appraisal meetings.
- Over a longer period (e.g. 50 years), Horizon could track the above annually and report on how Welsh language workforce requirements and skills levels have developed over time.



Wylfa Newydd Project

Appendix 1-4 Securing Mechanism and Programme for Delivery of the Permanent Visitor's Centre

PINS Reference Number: EN010007

12 February 2019

Revision 1.0

Examination Deadline 5

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

[This page is intentionally blank]

Contents

1	Securing Mechanism and Programme for Delivery of the Permanent Visitor's Centre	1
1.1	Introduction	1
1.2	DCO commitment	1
1.3	Updated DCO commitment.....	1

[This page is intentionally blank]

1 Securing Mechanism and Programme for Delivery of the Permanent Visitor's Centre

1.1 Introduction

- 1.1.1 This note explains the original DCO position on the Visitor Centre and the changes to this now proposed.

1.2 DCO commitment

- 1.2.1 The Visitor Centre was not included in the DCO application although there was a commitment to a separate planning application being submitted. See paragraph 1.5.134 from the Environmental Statement, Volume C - Project-wide effects C1 - Socio-economics [APP-088]:

"Horizon has committed to provide a Visitor and Media Reception Centre near the Power Station Site. This will form part of a separate planning application and so is not part of the DCO application. The design and facilities contained within the centre will be subject to discussion with key stakeholders in advance of planning permission being submitted. There is an opportunity for this centre to provide facilities for tourists and local visitors to gain a greater understanding of the Wylfa Newydd Project and the Energy Island Programme, and for the centre to act as a community resource with a café and children's play area. The centre could also be used to showcase local produce (e.g. food and crafts) and boost the associated brand for this produce. This centre would provide a focal point in the north of the island for tourist to visit and potentially for communities to gather. While it is not part of this application and its construction will not reduce positive effects nor increase adverse effects outlined within the socio-economic analysis presented here, it is considered to be consistent with the measures outlined later to mitigate and enhance tourism locally."

- 1.2.2 It was confirmed at the Issue Specific Hearings (ISH) on 7/1/19 that more information on the changes to the commitments for the Visitor Centre would be provided.

1.3 Updated DCO commitment

- 1.3.1 Horizon has circulated to IACC and others on 23 January 2019 an updated commitment in respect of the Visitor Centre. This is secured in Schedule 3 (*Tourism*) paragraph 6 of the revised draft section 106 agreement.
- 1.3.2 That updated commitment in the draft section 106 agreement defines "Visitor Centre" as: *"means the permanent visitor centre associated with the Wylfa Newydd DCO Project to be located in the vicinity of the Wylfa Newydd Development Area which will include: main exhibition space including room for an audio-visual element; a Café with food preparation facilities; a multipurpose stakeholder room; education facilities; visitor centre staff facilities/offices and small meeting room; an outside play area; restrooms; and car parking."*

- 1.3.3 The updated draft section 106 agreement requires that:

6. Permanent Visitor Centre

6.1 The Developer will apply for planning permission for a Visitor Centre within three months of Implementation of the Wylfa Newydd DCO Project or as soon as reasonably possible thereafter, and subject to paragraph 6.2 to 6.4 below will implement such planning permission in order to target opening of the Visitor Centre within two years from the grant of permission.

6.2 If the application for the Visitor Centre is refused by the Council, the Developer will, to the extent reasonably possible, submit amendments to the application in order to meet the reasons for refusal and will progress such amended application in order to secure the planning permission for the Visitor Centre.

6.3 If a permission granted for the Visitor Centre is challenged by way of judicial review, the Developer will support the Council in defending such proceedings.

6.4 If despite complying with its obligations in paragraphs 6.1 to 6.3 the Developer is unable to obtain a permission for the Visitor Centre within 24 months from the first application for planning permission (or such other date agreed with the Council) then the Developer will meet with the Council to agree alternative provision which may include an equivalent financial contribution or delivery, or a mix thereof.

6.5 The Developer will, as part of the Visitor Centre site selection and design process, consider and aim to:

6.5.1 include a viewing area/ facilities for viewing the WNDA;

6.5.2 include opportunities to link the Visitor Centre to the PRow Network.

- 1.3.4 Horizon considers that this provides sufficient commitment to the delivery of the Visitor Centre, while recognising that a further planning permission is required and it cannot be assumed that it will be granted.

- 1.3.5 For avoidance of doubt, Horizon does not propose to include the Visitor Centre as a new work package in the Development Consent Order; there is insufficient design and parameters detail available in order to be able to do this, and it would not have been consulted on as part of the pre-application process. Further, Horizon considers that doing so would unduly restrict design development with the Council to create a lasting legacy facility.