

Wylfa Newydd Project

Horizon's Deadline 5 Responses to actions set in Issue Specific Hearing on 9 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's Deadline 5 Responses to actions set in Issue Specific Hearing on 9 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	Additional detail on action responses	3
	<i>Action 2</i>	3
	<i>Action 5</i>	3
	<i>Action 6</i>	3
	<i>Action 7</i>	3
	<i>Action 9</i>	4
	<i>Action 14</i>	4
	<i>Action 15</i>	4
1.5	Action responses planned for subsequent Examination Deadlines	5

List of Tables

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

[This page is intentionally blank]

1 Horizon's Deadline 5 Responses to actions set in Issue Specific Hearing on 9 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-008] on 25th January 2019.

1.2 List of responses to actions provided at Deadline 4

1.2.1 None.

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-008.

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

Ref	Action	Deadline	Status
2	Response from Applicant to Rep D3-307 regarding the definition of 'maintain'.	Deadline 5	Horizon has requested further information on this action from the Examining Authority so that a full response can be made, however a short note is contained in section 1.4.
4	Request from ExA going forward that the numbering in the draft Development Consent Order (dDCO) is not changed when information removed from the dDCO. Further advice will be provided by the ExA at which point the dDCO should be renumbered.	N/A	This has been noted by Horizon.
5	Applicant to look at whether there would be another mechanism that could deliver the proposed changes to Nant Porth-y-Pistyll (including landscaping) rather than through 'other associated development'. If it is to be	Deadline 5	Responded to in section 1.4.

Ref	Action	Deadline	Status
	retained as currently proposed then to explore whether the Explanatory Memorandum would need to be amended.		
6	Applicant to provide further clarity regarding how under Schedule 19 they would consult with the IACC.	Deadline 5	Response provided in section 1.4.
7	Applicant to work with IACC, GCC, WG, NRW and NWP to look at how they could deliver further detail now and thus reduce the need for further approvals.	Deadline 5	Update provided in section 1.4
8	Updated dDCO and updated control documents.	Deadline 5	Updated dDCO and updated control documents have been provided as part of Horizon's Deadline 5 submission. Refer to the submission covering letter for more information.
9	PW11 and all other relevant requirements in dDCO to be amended to include reference to submitted and approved by IACC.	Deadline 5	Summary of response provided in section 1.4.
12	Applicant to submit a new phasing strategy including trigger points.	Deadline 4	Submitted at Deadline 4. Clean version REP4-014, track change version REP4-015.
14	Applicant to provide an update on protective provisions.	Deadline 4	Submitted at Deadline 4 reference REP4-024.
15	Applicant to engage with GCC on the S106 as to what the differences remain between them and whether they can be resolved.	Deadline 5	Update provided in section 1.4.

1.4 Additional detail on action responses

Action 2

- 1.4.2 Although it is not clear to Horizon what representation the ExA has referred to, Horizon understands that the ExA is satisfied that Horizon addressed this action in its Deadline 4 responses.
- 1.4.3 Horizon notes that in its Deadline 4 submission, IACC has proposed amendments to the definition of "maintain". Horizon has provided its comments on the proposed amendments in its response to this submission submitted at Deadline 5.

Action 5

- 1.4.4 As requested by the ExA, Horizon has considered whether the diversion works could be secured by some other mechanism in the draft DCO, rather than through being included as 'other associated development' in Schedule 1.
- 1.4.5 Horizon proposes that these works are secured through a new work number (Work No.16) which will cover the specific location of these works. This Work Area has been included in the updated draft DCO submitted at Deadline 5 (Revision 4.0) and updated Work Plans will be provided at Deadline 7 to show this area.
- 1.4.6 Work No.16 has also been included within the definition of "Power Station Works" so that it is subject to the Requirements that apply to those works.

Action 6

- 1.4.7 It is not clear to Horizon exactly what the ExA is seeking as there is no consultation process between the discharging authority and the applicant under Schedule 19 (Procedure for approvals, consents and appeals); however, Horizon understands that the ExA is satisfied that Horizon addressed this action in its Deadline 4 responses.
- 1.4.8 At the second DCO ISH, Horizon advised that it would amend Schedule 19 to make it clear that in determining any application under the DCO, IACC could consult any statutory consultee it considered relevant, regardless of whether or not that consultee had been listed within the requirements or articles of the DCO. This was to give comfort to IACC, and other Interested Parties, that IACC had the right to seek views of other statutory consultees.
- 1.4.9 This amendment has been reflected in the updated draft DCO submitted at Deadline 5.

Action 7

- 1.4.10 Since the submission of its application for development consent order, Horizon has been working diligently with key stakeholders through the Statement of Common Ground (SoCG) process. Specific details of these meetings are set out in either section 1 or section 2 of the respective IACC, GCC, WG, NRW and NWP SoCGs, the final versions of which will be submitted at Deadline 6. The ongoing stakeholder engagement has facilitated the identification of

additional mitigation measures and further detailed development of mitigation measures already identified which is reflected in the various updated DCO documents submitted throughout Examination and in the draft section 106 (s.106) agreement.

1.4.11 Following further stakeholder engagement, a number of DCO control documents have been updated and are submitted with this document at Deadline 5, including the Code of Construction Practice, Code of Operational Practice and amended Requirements in the updated draft DCO - this will all be summarised in an updated Mitigation Route Map at Deadline 6. In addition, a DCO s.106 agreement Position Statement will also be submitted at Deadline 5.

Action 9

1.4.12 The updated draft DCO submitted at Deadline 5 amends the wording within the Requirements to make it clear that works cannot commence until documents have been submitted to and approved by the discharging authority.

Action 14

1.4.13 In addition to the update provided at Deadline 4 [REP4-024], in accordance with Advice Note 15, Horizon has inserted the latest drafts of the protective provisions into the draft DCO submitted at Deadline 5 (Revision 4.0). Horizon will continue to negotiate with statutory undertakers to agree these provisions and has noted within the draft DCO which provisions are agreed and which are still subject to negotiations.

Action 15

1.4.14 A telephone call between Horizon, IACC, the Welsh Government, Gwynedd Council and their respective legal and expert advisors was held on Monday 14 January between 10am and 4pm.

1.4.15 The key outcomes of this call were:

- Agreement in principle that the WNMPOP was unlikely to be accepted by all parties. This directly led to the restructuring of the draft s.106 agreement to dispense with the need for the WNMPOP.
- Agreement that all payments could be paid to IACC, and IACC would enter into deeds of covenant with those third parties.
- Broad agreement as to the areas of interest for each of the parties.
- A broad agreement as to next steps, which saw the revised draft s.106 agreement being issued to IACC and the Welsh Government on 23 January 2019, and other parties including Gwynedd shortly thereafter.

1.4.16 Following the issue of the revised draft s.106 agreement on 23 January 2019, engagement has largely been with IACC on direct drafting, with the intention that detailed engagement with the Welsh Government and Gwynedd occurs upon a further revised draft being ready following receipt of IACC's detailed drafting.

1.5 Action responses planned for subsequent Examination Deadlines

1.5.1 There are no further action responses at subsequent deadlines planned for 9th January 2019 Issue Specific Hearing.

[This page is intentionally blank]