

# Wylfa Newydd Project

## Horizon's Response to the Welsh Government's Deadline 4 Submission

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# 1 Response to Welsh Government's Deadline 4 Submission

## 1.1 Introduction

1.1.1 This report provides Horizon's response to the Post-hearing submissions submitted by the Welsh Government at Deadline 4 (17 January 2019) [REP4-053]. Horizon has endeavoured to respond to the key matters raised in this submission; however, where Horizon has not responded to a particular point or issue raised by the Welsh Government, this should not necessarily be taken as agreement with that point.

1.1.2 This report sets out Horizon's response to the following Appendices within the submission:

- Appendix A which comprises a note, jointly prepared by Isle of Anglesey County Council, Gwynedd Council, Conwy Council and Welsh Government, setting out the shared position on the level of availability of accommodation and bedspaces, and an assessment of the mitigation required;
- Appendix B which sets out Welsh Government's position on the s106 Agreement following the second DCO Issue Specific Hearing on 9 January and the quad-partite meeting on 14 January 2019; and
- Appendix C which sets out the comments made by Welsh Government in relation to the draft Development Consent Order (version 3.0, submitted at Deadline 2 (4 December 2018)), as well as further additional comments following the second DCO Issue Specific Hearing.

## 2 Response to the joint IACC and Welsh Government Housing Statement (Appendix A)

2.1.1 Horizon notes and welcomes the statements at 1.11 to 1.13 that there is agreement over the fundamental principles of its Workforce Accommodation Strategy, these being:

- i) A Site Campus of 4,000 workers;
- ii) Up to 3,000 workers being accommodated in the housing and tourism markets;
- iii) The Gravity Model provides a reasonable estimate of the distribution of those workers; and
- iv) That mitigation should follow the workers.

2.1.2 Horizon notes that i). and ii.) are subject to caveats over phasing/occupancy and the scale of mitigation. These are dealt with in greater detail below.

2.1.3 Horizon notes the statement at 1.14 that without mitigation there will be impacts on Anglesey, Gwynedd and Conwy, but does not agree fully. The ES has identified the potential for impacts on North Anglesey if there is no mitigation. Horizon's proposed Housing Fund is intended to provide mitigation for these effects.

2.1.4 Horizon's position is that there is uncertainty over supply and that the distribution may differ from that set out in the Gravity Model that could create localised impacts. Horizon also recognises that there are long-lead times with some interventions and that they cannot therefore be delivered immediately on identification of impacts and that there therefore needs to be an element of prior mitigation. Again, the proposed Housing Fund is intended to achieve this.

2.1.5 Horizon also notes the position set out in paragraphs 1.15-1.17 and shares the view that more empty homes should be delivered because they make best use of existing stock and can be delivered more quickly and cheaply than new build provision.

2.1.6 Horizon therefore believes that the parties should be able to reach agreement on all matters relating to accommodation.

2.1.7 Horizon notes the advice from Three Dragons provided to Welsh Government that suitable mitigation could be achieved for £17m. This was included as "Appendix 1: Wylfa Newydd – 'Housing Evidence & Mitigation Costs Report" of Conwy County Borough Council's Written Representation [REP2-289]. Horizon's total Housing Fund (comprising officer payments, annual payments, and capacity enhancement funding), as provided for in the 23/01/19 draft of the s.106 agreement is now a total of £16.6m.

2.1.8 However, Horizon remains concerned at the differences relating to existing capacity and therefore the scale of the mitigation required. At paragraph 1.6 the position paper states that different methodologies have arrived at the same conclusion that:

"all parties are agreed that at a best case it is unlikely to exceed 10% of turnover and could well be even more limited."

2.1.9 Horizon has a number of concerns about this statement as it seeks to bring together a number of mutually inconsistent methodologies and presents very different advice from that which was given to Horizon in advance of submission.

2.1.10 WG has put forward two assessments – one by Arc4 and one by Three Dragons.

2.1.11 The work WG commissioned from Arc4 (Appendix 5 of Gwynedd's LIR submission [REP2-297]) did not present any evidence to support a specific figure but made clear that 10% was a worst-case scenario and that 50% might also be reasonable. The position of WG's advisers is therefore not aligned with the statement that capacity is "unlikely to exceed 10%".

2.1.12 The work commissioned from Three Dragons said that there is no capacity, other than in long-term vacant homes.

2.1.13 The work commissioned by IACC in advance of the DCO submission suggested that 880 bed spaces in the PRS could be used on Anglesey alone. The later work commissioned from Cambridge University (Annex 8K to IACC's LIR [REP2-125]) has no methodology at all behind the assertion that capacity is 10%, referring to it simply as an assumption that "might be reasonable".

2.1.14 In addition, there are significant differences between the two reports that do cite 10% - the key issue being that they refer to 10% of different things. The Cambridge University document assumed 10% of sales and lettings whereas the Arc4 report used 10% to apply to lettings only.

2.1.15 Therefore paragraph 1.6 is wrong to state that there is a joint position between the parties agreeing on 10%. The submissions from WG and IACC indicate no common understanding of what 10% applies to, no agreement on whether it is a best or worst case, nor any evidence to support either assumption.

2.1.16 Para 1.8 sets out a number of flaws in Horizon's position. Each is responded to in turn:

- i) Horizon has put forward a new phasing strategy that delivers the first phase of the Site Campus before the non home-based (NHB) workforce exceed 2,200 (see below)
- ii) The focus has been on ensuring that the NHB workforce does not exceed 3,000 at any point. The new Site Campus phasing strategy ensures that is the case and the proposed s.106 Housing Fund is proposed to be released early so that capacity can be delivered well in advance of the peak
- iii) Horizon is not relying "entirely" on market forces. As set out in IACC's response to WQ10.1.28 [REP2-153], the market is already delivering significantly more housing than demographic need

requires. As IACC's witness said at the accommodation session of the ISH on 7th January, this is for people who want to move to Anglesey. That includes Wylfa workers. The higher housing target in the JLDP is specifically to accommodate workers on the Energy Island Project, the biggest of which is Wylfa Newydd. IACC's own evidence as set out on p.21 of the Oxford Economics Report Annex 3C of the LIR [REP2-103] shows that without the project there will be few additional jobs across Anglesey & Gwynedd. It is therefore entirely proper that the additional housing being delivered on top of the demographic need is considered capacity that is available to Wylfa workers. In addition, Horizon has proposed a Housing Fund which will be front-loaded so that it can stimulate higher and faster delivery through an expanded Empty Homes programme and through a co-ordinated approach to new build housing.

- iv) Horizon has set out the different kinds of workers that will be on the project at different points and the tenure split assumed between owner-occupation and PRS reflects that. Only those who are on the project for the longest periods are assumed to want to buy. The issue of dependents is addressed in sections 7.4 and 7.5 of Horizon's response to the IACC LIRs, with detail contained in paragraphs 7.4.5 and 7.4.6.
- v) The proposed Housing Fund is neither small (£16.6m) nor “after the event”, where the multi million pound capacity enhancement contributions are being paid on implementation, and then on first two anniversaries of implementation, and office and annual funding being provided annually. Horizon agrees that “the aim should be to prevent people from losing their homes, not to ‘mitigate’ these losses.” The proposed capacity enhancement contributions are front-loaded to ensure early delivery – in effect providing “pre-mitigation” prior to any impact being identified in recognition of the fact that there are long lead-times on some interventions. How much additional housing capacity can be provided depends on how efficiently it is spent. As set out in Horizon's response to IACC's LIR [REP3-004], the experience at Hinkley Point C (HPC) shows that very high levels of efficiency can be achieved. The various programmes there have achieved unit costs of between £1,100 and £5,500 per bedspace. Taking the upper end of that range, the £10m capacity enhancement proposed at Wylfa could deliver 1,800 bedspaces in the PRS and owner-occupied sectors – higher than the forecast demand of 1,500. Horizon acknowledges that costs may be higher in Anglesey. In October 2018 IACC suggested that each empty home costs around £20,000 to bring back into use and would deliver an average of 2.6 bed spaces per unit (Horizon believes the typical PRS unit is slightly larger at 2.9 bedspaces).

The equivalent for new-build was not explicit, but Horizon estimates it to be £40,000. This is in line with advice from Housing Associations and commercial developers on the maximum level of subsidy that would be required under current market conditions (those conditions are likely to improve with more demand from Wylfa workers). Smaller measures such as minor grants to improve properties (including latent accommodation) and to support the working of the wider market (such as support for people who want to down-size) could also add capacity. The following table is set out in Schedule 5 of the revised draft S106 (as issued 23.01.19 and submitted at Deadline 5 (12 February 2019)) and provides an indicative breakdown based on those figures that would deliver 1,745 bed spaces.

**Table 2-1 Housing Fund – Indicative Bedspace Delivery (Schedule 5, revised draft S106)**

	Share of spending	Spend per unit	Units	Bedspace
Empty Homes	£5,000,000	£20,000	250	725
Minor grants	£500,000	£1,000		500
Mkt efficiency	£500,000	£5,000	100	260
New build	£4,000,000	£40,000	100	260
<b>Total</b>	<b>£10,000,000</b>		<b>450</b>	<b>1,745</b>

### ***Site Campus Phasing***

- 2.1.17 Horizon agrees with paragraph 1.22 and has set out a revised phasing strategy linked to the number of NHB workers.
- 2.1.18 It has also proposed a site campus occupancy target of 85% in the draft s.106 agreement. Horizon's ability to deliver the Site Campus earlier is limited by a range of factors (further justification is provided in REP4-007, which was submitted at Deadline 4 (17 January 2019)).
- 2.1.19 Horizon's construction team has taken advice from potential contractors and estimates that both would take around two years. As a result, the phasing set out in Annex 1 of the IACC Deadline 4 (17 January 2019) response is not deliverable.
- 2.1.20 Paragraph 1.23 of the response states that they require urgent clarification that TWA provision on site would have to be reduced for ONR safety reasons once reactor 1 becomes operational.
- 2.1.21 Horizon wishes to clarify that ONR has not said that Horizon need to decommission the Site Campus after Unit 1 completion. Rather, ONR are referring to the decommissioning of the TWA prior to the operational phase of

the Wylfa Newydd Power Station i.e. prior to the commissioning of Unit 2. ONR consider that the siting criteria will be met as the re-purposing the Site Campus for residential use after completion of construction works is specifically excluded.

2.1.22 As per ONR's response to the Examining Authority's First Written Questions [REP2-354], *'in relation to the siting of nuclear installations adjacent to existing populations and residential developments etc., the UK Government policy is to make use of the "semi-urban" demographics criterion as the limiting values for the siting of modern reactors such as the UKABWR units proposed to be installed and operated at the Wylfa Newydd site.'* ONR's demographics assessment has concluded that the Wylfa Newydd site meets the "semi-urban" criterion.

2.1.23 The Site Campus is inherently a temporary form of development, as it is only required to house construction workers. Temporarily occupied buildings have not been included in ONR's demographics assessment. It should also be noted that ONR does not object to the grant of a DCO for Wylfa Newydd based on demographics considerations based on the existing text in the draft DCO.

2.1.24 The issue ONR has raised is that they want to ensure that the Site Campus will not be re-purposed in the future to some other purpose that does not fit in with ONR's siting criteria. Therefore, this can be resolved through a clear commitment to decommission the facility once the Power Station is operational. Horizon has committed that the Site Campus will be removed following construction and in accordance with a Decommissioning Scheme (as outlined in Requirement WN29). WN29 states that the Decommissioning Scheme must be submitted to IACC for approval no later than six months prior to the anticipated Unit 2 Commissioning Date.

2.1.25 Therefore, Horizon understand that there are no outstanding issues and await final confirmation from ONR.

### ***Owner-occupied and PRS Supply***

2.1.26 On owner occupied housing, Paragraph 1.25 of the response notes that the JLDP has allocated sufficient housing land to meet the jobs-led growth. However, it then questions whether house builders will deliver this and 1.27 suggests intervention will be needed to secure delivery.

2.1.27 No evidence is given to support these doubts over delivery, and Horizon has already responded to this in its response to IACC's LIR [REP3-004]. In practice, delivery is already exceeding base demographic need. The LIR noted average household growth forecast at 51 dwellings per annum (dpa), while the JLDP sets a target of 320 dpa. Delivery is already 151dpa (2011-2017).

2.1.28 Demand from Wylfa workers and the confidence this creates in the market, together with support from the Housing Fund, can increase housing supply further; but the fact is that supply of housing is already growing faster than the base demographic need, and this is not taken into account in the position taken by the parties in the joint statement.

2.1.29 On the supply in the Private Rented Sector (PRS), paragraph 1.28-1.29 suggests that increased demand will lead to displacement. Horizon has already responded to these point as part of the response to the LIR [REP3-004], and have already noted above the lack of evidence and agreement behind the 10% availability figure.

2.1.30 In addition, Horizon notes that the joint position misses any reference to void lengths in PRS – that is the gap in occupation that occur between lettings.

2.1.31 The IACC LIR notes that in a sparsely-populated rural market such as Anglesey void periods are likely to be high. Wylfa Newydd will mean increased demand from workers, together with better market co-ordination through the Workforce Accommodation Management Service. The joint statement by the parties has not taken account of the potential for this to significantly improve the performance of the local PRS market (a resulting fall in void rates would release additional capacity overall).

### ***Use of Tourist Accommodation***

2.1.32 Horizon has already responded on this matter in response to the WG Written Representation and IACC's LIR [REP3-034] and [REP3-004]. The estimated level of demand for workers in tourist accommodation is 450 in serviced accommodation and 650 in caravans. This is less than 2% of total supply, not 90% as the paper claims at paragraph 1.30.

### **3 Response to Welsh Governments Comments on the draft section 106 agreements (Appendix B)**

3.1.1 This section provides an update on the DCO s.106 agreement, with reference to the points raised by the Welsh Government in [REP4-053], Appendix B. References to paragraphs below are references to the paragraphs set out in Appendix B of [REP4-053].

3.1.2 In respect of paragraphs 1 to 9, Horizon has had productive calls and meetings with the Welsh Government, as well as with IACC. On 23 January 2019 Horizon circulated a revised draft DCO s.106 agreement to the Welsh Government and other stakeholders which contained significant drafting amendments.

3.1.3 In terms of the quantum, the financial commitments under the draft s.106 agreement now total over £78 million. In addition, Horizon's in kind costs for delivering obligations under the agreement exceed £43m, and a further c.£60m is allocated to the A5025 On-Line and Off-Line Highway Improvements. The total DCO s106 agreement and road package is therefore in excess of £181 million pounds. Horizon considers this is a very robust mitigation package.

#### **Schedule 1 – Welsh Language**

3.1.4 In response to both the Welsh Government's comments, the key changes to the Welsh language schedule are:

- Paragraphs 10-11 and 14 -18 have been largely included, although detailed drafting is under negotiation.
- Paragraph 13 misunderstands that the obligations in the s.106 replace the Welsh Language Strategy, by securing those matters directly. There is no separate strategy.

#### **Schedule 2 – Tourism**

3.1.5 Horizon disagrees that the tourism provision is inadequate (paragraphs 19 to 21). It is based on Horizon's environmental statement and careful consideration by its expert advisors; subsequent review of all materials provided by stakeholders has not changed Horizon's view on the appropriateness of this sum. Nevertheless, Horizon has removed the contingency element of the schedule and instead committed to this as an additional yearly payment to IACC, being the relevant authority in whose area it is considered that any tourism impacts would arise.

3.1.6 Horizon has also proposed in the revised draft s.106 agreement wording committing to provision of the visitor centre much earlier in the programme. This is a multi-million pound expense which will be borne by Horizon.

3.1.7 In respect of paragraph 22, a new obligation has been included for IACC to develop a Tourism Action Plan in consultation with other parties including the Welsh Government to strategize and plan expenditure of the contributions as well as other actions.

3.1.8 In respect of paragraph 23, the definition of Construction Period is considered appropriate. The works to decommission Dalar Hir and the Site Campus are minimal compared to the construction of the Project and do not justify an extended period of tourism payments, particularly where the annual tourism contribution already endures two years post operation of Unit 2, and the Welsh Government studies are funded for four years post operation of Unit 2.

### **Schedule 4 – Jobs and Skills**

3.1.9 Horizon has addressed the points raised in paragraphs 25 to 28 as follows:

- While it is disappointing that stakeholders are not content for the Jobs and Skills Implementation Plan (JSIP) and the Supply Chain Action Plan (SCAP) which Horizon thought had been agreed, or near agreed, prior to the January s.106 issue specific hearing (ISH) were not supported, Horizon has accepted that the Welsh Government and others are unlikely to agree these plans prior to the s.106 agreement being finalised. Accordingly the draft DCO s.106 agreement has been amended to provide a framework for the SCAP and the JSIP, with a post agreement approval mechanism to deliver final plans. As per WG and others' comments at the ISH, the final plans will include key performance indicators (KPIs), the key KPI being achieving 2000 home-based workers at peak. (Although targets can of course be higher.)
- The Skills Fund has been altered to a Jobs and Skills Contribution which delivers identified (front loaded) annual contributions, which are separated to IACC and to other training providers. A remedial action plan process is set up, with access to a £2 million contingency fund, if KPIs established in the JSIP are not being met.
- Pre-16 training has been separated out and moved to Schedule 6 (Education).

3.1.10 It is not agreed that the jobs and skills quantum is insufficient. This contribution has been carefully costed out and Horizon remains of the view that a £10 million fund, with £2 million contingency is appropriate mitigation.

3.1.11 In addition:

- The Jobs and Skills Engagement Group is constituted in this Schedule.
- Apprenticeship targets have been specifically included.

### **Schedule 5 – Accommodation**

3.1.12 The matters raised in paragraphs 29 – 32 have been addressed as follows:

- An occupancy target for the Site Campus has been agreed at 85% in response to the joint Welsh Government, IACC and Gwynedd Housing paper submitted at Deadline 4 (17 January 2019).
- Detailed allocation of the Capacity Engagement Contribution as between the types of interventions is established, as advised by Horizon's accommodation expert. The specific allocation is under discussion with IACC.
- The accommodation contingency fund has been increased to £5 million and objective triggers for its release have been set.

3.1.13 Horizon does not agree that the payments offered are insufficient. The payments relating to accommodation now total £16.6 million with specific commitments to earlier delivery of the Site Campus under the Phasing Strategy and Site Campus occupation targets; this reflects considerable movement on Horizon's part to meet the Welsh Government concerns. Horizon considers this quantum represents appropriate mitigation.

3.1.14 In addition, the WAMS Oversight Board is constituted in this schedule.

### Schedule 7 – Transport

3.1.15 In respect of paragraph 33, the Welsh Government submission indicates the list of matters is agreed by Horizon. This is not the case and the correct status of the matters is below.

**Table 3-1 The correct status of the matters**

Welsh Government statement	Position
<i>33. WG require the following to be secured, which it is understood have been agreed in principle with HNP at a meeting on 15th January 2019:</i>	
<ul style="list-style-type: none"> <li>• <i>To prevent construction and worker traffic flows over Britannia Bridge during peak hours (east bound in the morning and west bound in the evening);</i></li> </ul>	This was not agreed. Construction worker traffic is already controlled to occur outside of the peak hours on the Britannia Bridge via the shift timings which are secured in the Wylfa Newydd CoCP (including as updated at Deadline 5 (12 February 2019)). The Transport Assessment assesses the impact of construction delivery movements during the peak hour in the peak construction year based on only 60% of materials arriving by the MOLF, which leads to a conservative assessment of traffic. A note is being prepared on this topic

Welsh Government statement	Position
	for submission to the Examining Authority.
<ul style="list-style-type: none"> <li><i>Restrict HGV numbers.</i></li> </ul>	<p>HGV numbers are already restricted as per the caps set out in the Wylfa Newydd CoCP, including updates made at Deadline 5 (12 February 2019), which include commitments to lower HGV caps in the early years (pre-opening of the Off-Line Highway Improvements) in line with Transport Assessment. No further restrictions are proposed.</p>
<ul style="list-style-type: none"> <li><i>Provision of an Incident Management Plan, to include bad weather and issues with the bridge. This should include holding areas on both sides of bridge.</i></li> </ul>	<p>Details of how Horizon will respond in the event of an incident are contained in the Wylfa Newydd CoCP.</p> <p>Notwithstanding this, Horizon is offering a commitment to produce a Traffic Incident Management Scheme to be agreed by the Isle of Anglesey County Council in consultation with Gwynedd Council Welsh Government and North Wales Police.</p>
<ul style="list-style-type: none"> <li><i>Need a commitment to link delivery of the MOLF to phasing strategy and for this to be completed and operational before 1st pour of nuclear concrete.</i></li> </ul>	<p>The MOLF is secured and its delivery prior to the first nuclear construction of Unit 1 is committed to via the Phasing Strategy. Further, the cap on HGV movements prior to and post the delivery of the A5025 Off-Line Highway Improvements apply in order to limit traffic effects that assessed in the ES.</p>
<ul style="list-style-type: none"> <li><i>Commitments required in relation to use of the MOLF.</i></li> </ul>	<p>The MOLF is secured and its delivery committed to via the Phasing Strategy. The Wylfa Newydd CoCP commits to at least 60% of construction materials for the Wylfa Newydd DCO Project being supplied via the MOLF.</p>
<ul style="list-style-type: none"> <li><i>Commitments required in section 106 relating to use of Holyhead Port to provide resilience.</i></li> </ul>	<p>The agreed position is that if facilities at the port change in the future, and the need arises from the Project for the use of more port facilities (e.g. to</p>

Welsh Government statement	Position
	<p>reduce traffic impacts or because the MOLF is delayed), or if the Transport Engagement Group considers that there is a need for the use of more port facilities, Horizon will discuss the potential use of Holyhead Port at the relevant time.</p> <p>No commitments are given in the draft DCO s106 agreement.</p>
<ul style="list-style-type: none"> <li><i>Subject to port facilities being available, will use Holyhead port for freight operations to provide resilience.</i></li> </ul>	<p>The agreed position is that if facilities at the port change in the future, and the need arises from the Project for the use of more port facilities (e.g. to reduce traffic impacts or because the MOLF is delayed), or if the Transport Engagement Group considers that there is a need for the use of more port facilities, Horizon will discuss the potential use of Holyhead Port at the relevant time.</p> <p>No commitments are given in the draft DCO s106 agreement.</p>
<ul style="list-style-type: none"> <li><i>Additional Park and Ride/ Park and Share sites of WG to be used and HNP to run bus services from these, plus incentives for workers to use in accordance with details to be approved (subject to these facilities being available).</i></li> </ul>	<p>Horizon is confident that its DCO application contains all of the necessary parking (onsite and at Dalar Hir) to meet the requirements of the Wylfa Newydd DCO Project and minimise the traffic and transport impacts.</p> <p>However, Horizon will consider the use of the proposed Park and Share facilities (including as stops on the shuttle bus network, where demand exists) at Four Crosses, Gaerwen, Bangor and Caernarfon, on the basis that these Park and Share facilities are delivered by others, as a complementary component of the transport strategy for the Wylfa Newydd DCO Project.</p>
<ul style="list-style-type: none"> <li><i>Need an Abnormal Indivisible Load Management Plan, to be approved by IoACC in consultation with the North Wales Trunk Road Agency.</i></li> </ul>	<p>Details of how Horizon will manage road based AIL movements are contained in the Wylfa Newydd CoCP. Notwithstanding this, Horizon is</p>

Welsh Government statement	Position
	offering a commitment to produce an AIL Management Scheme to be agreed by the Isle of Anglesey County Council in consultation with Gwynedd Council Welsh Government and North Wales Police.
<ul style="list-style-type: none"> <li><i>Shadow Toll – WG has now received information from HNP and sent to Highways England to calculate costings relating to increased use. The basic position is HNP needs to indemnify WG under the section 106 for increased costs.</i></li> </ul>	There is no legal requirement for Horizon to indemnify the Welsh Government for use of the A55 which is part of the Strategic Highway Network and thus designed to facilitate freight movements.
<ul style="list-style-type: none"> <li><i>Traffic Orders – there is potentially a need for traffic regulation orders relating to the strategic highway. If so, the cost of these should be borne by the Applicant and this commitment secured in the s.106.</i></li> </ul>	At present Horizon does not agree with this position and requests that the Welsh Government clarify what TROs may be required. The transport mitigation contribution in the s106 agreement which is identified for onward payment to the Welsh Government can be used for such cost.
<ul style="list-style-type: none"> <li><i>Need provisions in the section 106 relating to monitoring and managing impacts relating to the strategic highway network. In the case of repeated infringement (such as inappropriate use of Britannia Bridge in breach of the restrictions above) then this should result in alternative solution to be agreed and penalties/ release of monies for transport mitigation fund in the event of breach (as per most Travel Plan arrangements under section 106 agreements). A detailed note on Travel Plan monitoring is being prepared and will be shared with the applicant with a view to reaching agreement on further details</i></li> </ul>	Horizon disagrees with this position. Suitable controls are contained in the Wylfa Newydd CoCP to limit traffic impacts to that assessed in the DCO Transport Assessment [APP-101]. Further controls, including more detail on construction worker and construction delivery monitoring and management are being added to the next version of the CoCP to be submitted at Deadline 5 (12 February 2019).

Welsh Government statement	Position
<i>required in the CoCP and section 106.</i>	

3.1.16 In addition, Horizon notes:

- Numerous other commitments have been included such as funding road surveys and initial/final repairs and funding a road safety campaign.
- Contingency funding has been removed and instead an annual additional mitigation contribution (or equivalent value) provided – allocated to IACC, and to IACC for onwards payment to WG.
- The Transport Engagement Group will be constituted under this schedule.

### Schedule 8 – Health

3.1.17 Horizon does not have any specific comments to the matters raised in paragraph 34. It is correct that there is ongoing discussion with BCUHB, although the parties are very close to agreement.

3.1.18 Horizon notes additionally that:

- The Health and Wellbeing Engagement Group is constituted in this schedule.
- The draft scope of onsite health services is secured as annex 1 to the schedule

### Schedule 11 – Heritage

3.1.19 In order to address the Welsh Government's concerns over the commitment to deliver a management plan for Cestyll Garden, while recognising that Horizon does not own the site and currently will not be pursuing a purchase of the site, Horizon's revised proposal is for a cascade provision which:

- Firstly, requires Horizon to deliver a management plan for the gardens, if it can purchase or otherwise obtain a relevant interest in the land enabling it to deliver that plan;
- Secondly, if that is not possible, Horizon is required to work with the landowner for the landowner to deliver that plan, where Horizon would fund its implementation up to £750,000; and
- Lastly, if neither of the two options above have been delivered by a backstop date, Horizon must provide IACC with a payment in lieu to deliver heritage upgrades elsewhere in the vicinity of the WNDA.

3.1.20 This represents the extent of commitment Horizon can give in practical terms as regards delivery of a management plan on land it does not have an interest in at this point in time.

3.1.21 Horizon notes additionally that:

- The tern warden payment has been increased in response to NWWT's submission at the hearing to meet its request for £10k p/a for tern wardening during the construction period
- Additional commitments to Felin Gafnan have been included

### **Restoration**

3.1.22 In terms of paragraph 39, a commitment to restoration security is not agreed. There is a DCO requirement already requiring restoration of the SPC works (SPC13). Non-compliance with a DCO requirement is a criminal offence. In addition, the costs and resourcing to discharge the Project Wide and SPC DOC requirements and otherwise comply with the obligations in the s106 which are required to be satisfied prior to commencing any works, are considerable. It is self-evident that such works would therefore not be undertaken lightly nor without proper funding in place.

3.1.23 This type of restoration security is not supported in policy nor in practice and is not required by the Planning Act 2008, DCLG Guidance or PINS' Advice Notes. We also note that the Examining Authority in its Hinkley Point C report stated: "We recognise that national policy does not require that infrastructure projects must insure themselves against the possibility of incomplete development. The draft DCO contains no requirement for such insurance, and would set no precedent for such a requirement to be imposed in future. We do not suggest that it should."

3.1.24 Although restoration security has been agreed under the draft SPC s.106 agreement, for the cost of those works (£7.66 Million), this was agreed by Horizon solely to address the risk of the works commencing under such planning permission and the DCO not being granted.

3.1.25 Any wider suggestion of restoration security is similarly not accepted. It should be noted that Horizon or an undertaker would have to be a nuclear site licensed company to build the nuclear power station; meaning that the company would have undergone a rigorous assessment by the Office for Nuclear Regulation (ONR) as to the competence of the organisation. ONR's guidance<sup>1</sup> states that before it is able to grant a nuclear site licence it would consult central government (previously DECC and currently BEIS) who would assess the company's financial standing. This is to ensure the company has the financial standing to perform its significant regulatory obligations under the nuclear site licence and confirm its nuclear liability insurance arrangements.,

3.1.26 Creating an obligation for restoration security in this s.106 agreement would establish a particularly difficult precedent, which if applied more widely would also adversely affect funding and delivery of other infrastructure projects.

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<sup>1</sup> Licensing Nuclear Installations 4<sup>th</sup> Edition: January 2015 <http://www.onr.org.uk/licensing-nuclear-installations.pdf>

3.1.27 In short, Horizon does not agree there is any justification or precedent for requiring it to do so.

3.1.28 In addition to SPC13 it is noted that standard protections for marine works are included in article 54 (Abatement of works abandoned or decayed) of the Draft DCO.

### **WNMPOP/Governance**

3.1.29 In light of both the Welsh Government's and IACC's differing but significant ongoing issues with the WNMPOP, and its fairly limited role under the draft s.106 agreement in any event, the agreement has been restructured to avoid the need for a WNMPOP. This has been achieved by:

- Avoiding the use of contingency funds where that is considered acceptable.
- Where contingency funds remain, providing specific and objective triggers for release so there is no discretion as to release – thus negating the need for an "independent" body recommending release.
- Restructuring all payments to be paid to IACC, with some identified as needing to be paid onwards to a third party (where a deed of covenant must first be entered into by IACC and the third party).

3.1.30 However, it is considered that a number of what were the "sub groups" to the WNMPOP perform a valuable role in making recommendations in relation to the targeting of mitigation, including related financial payments, or in disseminating information to stakeholders and through the Community Liaison Group to the local community. These have accordingly been retained as "Engagement Groups" as follows:

- The Welsh Language Engagement Group
- The WAMS Oversight Board. (This was already agreed as an entity, and its role has been expanded to cover the previously named Accommodation sub-group's roles – as there is little value in having two groups doing largely similar things).
- The Jobs and Skills Engagement Group
- The Transport Engagement Group
- The Health and Wellbeing Engagement Group
- The Emergency Services Engagement Group

3.1.31 It is proposed that these groups are constituted under the s106 agreement. The draft agreement will also set out who will be invited to participate and the roles and duties of the groups. The groups may also be referred to in DCO documents.

## 4 Response to Welsh Governments Comments on the draft DCO (Appendix C)

4.1.1 This section sets out Horizon's response to the Welsh Government's comments on the dDCO, as set out in Appendix C of its submission.

### ***Response to General Comments on the draft DCO***

4.1.2 The table 4-1 below provides a response to the general comments made by the Welsh Government's Deadline 4 (17 January 2019) submission.

**Table 4-1 Response to the general comments made by the Welsh Government's Deadline 4**

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
<b>Control Documents</b>	<ol style="list-style-type: none"><li>1. As drafted, the control documents do not provide sufficient controls or details and lack of precision for effective enforcement.</li><li>2. Key requirements should not be buried within lengthy generic documents as it lacks precision and enforceability.</li><li>3. WG prefers the detail of control documents to be agreed prior to DCO consent. Given there is very little time before end of examination, all efforts should be made to agree as much as possible, focusing on the key principles. However, WG is clear that:<ol style="list-style-type: none"><li>a. The control documents are not sufficiently robust to be in final form and DCO</li></ol></li></ol>	<p><b>Sufficiency of control documents</b></p> <p>Since the close of the Issue Specific Hearings in January 2019, Horizon has been working with Stakeholders, including the Welsh Government, to improve the content of the control documents. In addition, where content cannot be agreed by the parties, Horizon has agreed to include additional schemes that will require details to be submitted to the discharging authority for approval post-grant of the DCO. These include:</p> <ul style="list-style-type: none"><li>• An Abnormal Indivisible Load Management Scheme</li><li>• An Traffic Incident Management Scheme</li></ul>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>requirements should be included requiring submission and approval of relevant schemes.</p> <p>b. The CoCP does not secure WNMPOP, specific obligations and trigger relating to establishment and conduct of the Panel or obligations relating to funding/ resourcing. There should be obligations included in the section 106 agreement on these matters as set out below.</p>	<ul style="list-style-type: none"> <li>• An Overarching Construction Drainage Scheme for the WNDA</li> <li>• An Overarching Construction Lighting Scheme for the WNDA</li> <li>• An Archaeological Heritage Mitigation Scheme</li> <li>• An Operational Lighting Scheme for the WNDA and the Off-Site Power Station Facilities)</li> <li>• A Protest Management Scheme</li> <li>• Construction Lighting Schemes for each the Associated Development sites</li> </ul> <p>Horizon considers that with contentious matters being dealt with through additional schemes under the requirements and the additional detail being inserted into the updated CoCPs at Deadline 5 (12 February 2019), the CoCPs contain the necessary detail and therefore should be approved and certified under the DCO in their current form.</p> <p><b>WNPOP</b></p> <p>In light of both the Welsh Government's and IACC's differing but significant ongoing issues with the WNMPOP, and its fairly limited role under the draft s.106 agreement in any event, the agreement has been reviewed and restructured to avoid the need for a WNMPOP. This has been achieved by:</p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
		<ul style="list-style-type: none"> <li>Avoiding the use of contingency funds where that is considered acceptable.</li> <li>Where contingency funds remain, providing specific and objective triggers for release so there is no discretion as to release – thus negating the need for an "independent" body recommending release.</li> <li>Restructuring all payments to be paid to IACC, with some identified as needing to be paid onwards to a third party (where a deed of covenant must first be entered into by IACC and the third party).</li> </ul> <p>However, it is considered that a number of what were the "sub groups" to the WNMPOP perform a valuable role. These have accordingly been retained as "Engagement Groups" as follows:</p> <ul style="list-style-type: none"> <li>The Welsh Language Engagement Group</li> <li>The WAMS Oversight Board. (This was already agreed as an entity, and its role has been expanded to cover the previously named Accommodation sub-group's roles – as there is little value in having two groups doing largely similar things).</li> <li>The Jobs and Skills Engagement Group</li> <li>The Transport Engagement Group</li> </ul>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
		<ul style="list-style-type: none"> <li>• The Health and Wellbeing Engagement Group</li> <li>• The Emergency Services Engagement Group</li> </ul> <p>It is proposed that these groups are constituted under this s.106 agreement. The draft agreement will also set out who will be invited to participate and the roles and duties of the groups. The groups may also be referred to in DCO documents.</p>
<b>Phasing/ Temporary Worker Accommodation</b>	<ol style="list-style-type: none"> <li>1. A much more detailed and robust phasing strategy is required which ensures earlier delivery of the worker accommodation than indicated at the ISH by the applicant. A joint housing statement between IACC, Gwynedd Council, Conwy Council and WG can be found in Appendix A of WG's Deadline 4 (17 January 2019) Submission, including a proposed alternative phasing strategy for the TWA.</li> <li>2. WG require a specific early trigger point, which can be dealt with in either the s106 or DCO - as noted below, section 106 will need to deal with corrective and release of housing funds if there is a failure to deliver or if requisite occupancy levels are not achieved.</li> <li>3. Shutdown of TWA - further clarification of the timings in the phasing strategy are required.</li> </ol>	<p>At Deadline 4 (17 January 2019), Horizon submitted an updated Phasing Strategy [REP4-014] which provided greater clarity around the triggers for the delivery of the Site Campus.</p> <p>As noted below, the triggers for the Site Campus are now tied to the number of non-home based workers employed on the Project; rather than construction years.</p> <p>Horizon has received comments from the Welsh Government on the updates to the Phasing Strategy. Horizon is considering these comments and has already incorporated some of the requests within the updated version submitted at Deadline 5 (12 February 2019) (Revision 4.0). Horizon intends to respond formally to the Welsh Government on all comments shortly and will submit its response into Examination.</p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>4. As the SPC permission is delayed, further clarity is needed on what Yr 1 Qtr 1 means and any implications for phasing.</p>	<p>Horizon has provided a detailed response to the joint housing statement in section 2 of this document.</p>
<b>Devolution and Appellate Function</b> <b>WG</b>	<p>1. The draft DCO should fully respect the devolution settlement. The functions devolved to Wales (e.g. marine licensing, environmental permitting and planning generally) should not be transferred to the Secretary of State.</p> <p>2. Drafting of paragraph 4 of Schedule 18 should be amended so that appeals in respect of DCO Requirements are to be determined by Welsh Ministers rather than Secretary of State. This is because:</p> <p>a. WG continues to be the appellate body for planning appeals generally in Wales. Paragraph 99 of Schedule 7A in respect of legislative competence for nuclear energy does not mean the WG is prevented from being an appellate body for discharge of DCO requirements. The approach to DCO Requirements is analogous to planning conditions and this position is supported by the following:</p> <p>i. The wording of section 120 PA 2008;</p> <p>ii. "PINS Advice Notes 15, para 15.2 states that the law and policy relating to</p>	<p>Horizon's position remains the same as outlined by Counsel at the second DCO ISH (9 January 2019), that is that it 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.</p> <p>In relation to the points made by Welsh Government in its Deadline 4 (17 January 2019) submission, Horizon would like to make the following additional points:</p> <ul style="list-style-type: none"> <li>Welsh Government has no power to, and Horizon agrees that it is not seeking to, legislate in respect of nuclear installations or planning for an on-shore electricity station (as these are both reserved matters under paragraphs 99 and 184 of Schedule 7A of the Government of Wales Act 2006).</li> <li>Welsh Government has been granted functions under the Town and Country Planning Act 1990 ("TCPA") and is the appellate body in respect of any appeals under that legislation. These functions were granted by virtue of article 2 and paragraph 1 of Schedule 1 of the National</li> </ul>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>planning conditions, imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP".</p> <p>iii. IACC is discharging authority and the fees for discharge under Schedule 19 are based on planning regulations; and</p> <p>iv. The Swansea Bay Tidal Lagoon DCO which sets out an appeal procedure which treats appeals as though made under s.78 TCPA 1990.</p> <p>b. This is an established approach accepted previously by the Secretary of State in granting development consent for the Swansea Bay Tidal Lagoon. WG was not involved in the other Welsh DCOs the applicant referred to in the ISH that and Secretary of State as appeal body and thus this point was not specifically raised.</p> <p>c. The introduction of the reserved powers model has not done anything to disturb the reasonable position adopted on Swansea Bay. There has consequently been no change in substance to the legal position and there is no good reason for adopting a different approach</p>	<p>Assembly for Wales (Transfer of Functions) Order 1999/672.</p> <ul style="list-style-type: none"> <li>While the Welsh Government argues that it should have appeal body status due to it having planning functions in relation to TCPA applications (which it seeks as also applicable to DCOs), Horizon notes that Welsh DCOs have taken two approaches to identifying the appeal body under the DCO Requirements – either identifying the Welsh Ministers or the Secretary of State ("SoS") as the appeal body.</li> <li>Although Welsh Government stated at the DCO ISH that it has been identified in every Welsh DCO that it has been involved in, Horizon notes that in the North Wales Wind Farms Connection DCO, both the Examining Authority and the Secretary of State expressly declined the Welsh Government's request to be the appeal body within the DCO. In that DCO, the Secretary of State was named the appeal body. The North Wales Wind Farms Project, like Swansea Bay, is an electricity NSIP. (WE have attached the relevant extracts from those decisions where the Examining Authority and the SoS specially address the Welsh Government's request).</li> <li>For this reason, we do not think that it is a straightforward situation where the Welsh Government is always the appropriate body to be</li> </ul>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>to Wylfa Newydd just because it is for a nuclear project.</p> <p>d. Swansea Bay was an energy NSIP, and therefore fell within the legislative competence of the UK Parliament at that time. However, the DCO granted by the Secretary of State respected the devolved function of the WG in planning and hence prescribed that appeals under DCO requirements were to be treated as if they were appeals under the s.78 of the 1990 Act.</p> <p>e. Practically, this approach also makes complete sense. IACC as local planning authority is the discharging authority under the vast majority of DCO requirements and it logically follows that WG should be the appeal authority.</p> <p>f. The change from a conferred powers model to a reserved powers model does not have any particular relevance to this DCO application.</p> <p>g. Section 108A and Schedule 7A of the Government of Wales Act 2006 (as amended by the Wales Act 2017) relate to legislative competence. Reserved matters such as energy generation, transmission, distribution, nuclear energy and planning for NSIP's can only be legislated by UK Parliament. However,</p>	<p>the appeal body in respect of a Welsh DCO. For this reason, Horizon leaves the ultimate decision in the hands of the SoS.</p> <ul style="list-style-type: none"> <li>• In respect of the Welsh Government's reliance on section 120 of the Planning Act and Advice Note 15 to justify its position, Horizon notes that: <ul style="list-style-type: none"> <li>○ The wording of section 120 of the Planning Act 2008, Horizon notes that it is permissive in that it is "may" not "will". In addition, the wording of limb (a) states "<i>requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation ...</i>" Therefore, it is also wider than just conditions which could have been imposed on a planning permission. Finally, limb (b) envisages other types of requirements which require the approval of the Secretary of State.</li> </ul> </li> <li>• The Planning Inspectorate's website clarifies that "Advice notes which deal with the PA2008 process are non-statutory. They are published to provide advice and information on a range of issues arising throughout the whole life of the application process. Although in many cases they include recommendations from the Planning Inspectorate about the approach to particular matters of process, which applicants and others are encouraged to consider carefully, it is not a</li> </ul>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>WG is not seeking to legislate in respect of the project or a nuclear reserved matter. Instead, the WG is seeking to ensure that DCO respects the devolution arrangement.</p> <p>h. Pursuant to section 107(6) of the 2006 Act, UK Parliament will normally not legislate on devolved matters without the consent of the Assembly. Such devolved matters include, amongst others, marine licensing, environmental permitting, health, highways and planning generally.</p> <p>i. Paragraph 99 of Schedule 7A lists the following as a reserved matter in terms of legislative competence;</p> <p><b>"D4 Nuclear energy</b></p> <p>9 Nuclear energy and nuclear installations, including;</p> <ul style="list-style-type: none"> <li>(i) nuclear safety, security and safeguards, and</li> <li>(ii) liability for nuclear occurrences. 100 e Office for Nuclear Regulation"</li> </ul> <p>j. Equally, paragraph 96 (D1 Electricity) reserve the following to UK Parliament "Generation, transmission, distribution and supply of electricity". This is consistent with the position at the time the DCO was granted for Swansea Bay. Energy was not listed as one of the conferred powers under Schedule 7 of the Government of Wales Act 2006 and so nothing</p>	<p>requirement for applicants or others to have regard to the content of advice notes."</p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>of substance has changed since the decision of the Secretary of State to grant the Swansea Bay DCO.</p> <p>k. Paragraphs 96, 99 and 100 do not specifically relate to planning in respect of nuclear energy or energy projects generally. That is covered by paragraph 184 of Schedule 7A. Legislative competence in respect of planning generally is devolved (including in relation to energy projects) save for legislation in relation to the NSIP process (see paragraph 184 of Schedule 7A which refers to "Development and buildings"). The WG therefore cannot legislate in relation to the planning process for NSIP's and it is clearly not seeking to do this.</p>	
<p><b>Other Associated Development with particular reference to Item p of REP2-020 (Rev 3.0).</b></p>	<p>1. Work Item 12 and "Other Associated Development", as currently drafted, go beyond the scope of the works authorised under the SPC permission:</p> <p>a. includes "other associated works", which pursuant to "other Associated Development" includes excavations;</p> <p>b. inconsistent definitions used in the DCO (SPC Works and Work Item 12, which are not linked to the drawings under the SPC permission); and</p>	<p><b>Work No.12 and the article 5 mechanism</b></p> <p>Due to the call in by the Welsh Government, Horizon notified IACC on 5 February 2019 that it wished to withdraw its application for SPC planning permission. Given this, the Welsh Government's concerns regarding the differences between the work packages is no longer relevant.</p> <p>However, to provide for the situation where Horizon may, in future, wish to reapply for planning permission, article 5 of the dDCO has been retained.</p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p>c. the article 5 mechanism and draft section 106 agreements assume that the works authorised under the proposed SPC TCPA application are the same as Work Item 12. There is consequently a potential for gaps.</p> <p>2. Item (p) goes too far and should be deleted. If it is to be retained, the second part of the paragraph should be amended to ensure that any such works are limited to the parameters assessed in the ES.</p> <p>3. WG has concerns about the sewage treatment plant not being listed as a separate work number. WG expressed its view in Deadline 3 (18 December 2018) (in response to HNP response to FRWQ 1.0.3): <i>"As set out in its Deadline 2 response, Welsh Government raised concerns in its Written Representation (see Section 13.3) regarding the potential siting, odour and visual impact from the proposed temporary sewage treatment plant on Cestyll Registered Park and Garden. Previously raised concerns are maintained, and it remains the position of Welsh Government that, to ensure appropriate controls can be secured at the appropriate time, in relation to the package treatment plant Welsh Government would support it being a separate numbered work item within the Order. It would appear from Horizon's response that this package treatment plant relates to several different work numbers and</i></p>	<p>In the Deadline 5 (12 February 2019) update to the dDCO (Revision 4.0), Horizon has:</p> <ul style="list-style-type: none"> <li>Amended the defintion of "SPC permission" to refer to any future planning permission granted for site preparation works.</li> <li>Deleted Schedule 4 (Deemed Approval and Compliance) as there is no longer any conditions to be deemed approved or complied with for the purposes of the SPC requirements.</li> <li>Amended article 5 to provide that, where any works are consented and implemented under a planning permission, upon switching to Work No.12 the determination of whether documents, plans and works etc. under the SPC permission will be deemed approved for the purposes of Work No.12 will be agreed between IACC and Horizon.</li> </ul> <p><b>Schedule 1, item (p)</b></p> <p>Horizon does not agree with the Welsh Government's position on item (p) in Schedule 1.</p> <p>While Horizon has sought to provide certainty of what would be undertaken as other associated development under (a) to (o), it is entirely conceivable that it cannot identify every single work that will be required during the construction, operation and maintenance of a large and extremely</p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
	<p><i>therefore it is not clear how control or enforcement could be secured."</i></p>	<p>complex infrastructure project. To require Horizon to be confined to a defined list of "other associated development" would only result in Horizon being likely to have to seek post-grant changes through the statutory process for a work that may be extremely minor in nature but just wasn't anticipated at the DCO grant.</p> <p>To avoid these delays and costs, item (p) was included to enable Horizon to "future proof" its list of works <b>provided</b> that the works do not give rise to any materially new, or materially different, environmental effects from those assessed in the Environmental Statement. This is an important qualification and given the criminal liability for a breach of a DCO, Horizon will be very careful to ensure that any works under item (p) were within the scope of the Environmental Statement.</p> <p>In addition to this limitation, any works under item (p) would be subject to the controls within the articles and Requirements in Schedule 3 (including the parameters for the specific work).</p> <p>Horizon also notes that the use of this type of catch-all work is standard in other granted DCOs which is reflective of the complex and difficult nature of NSIPs compared to other types of development where the works can be more concretely defined.</p> <p><b>Treatment of the Sewage Treatment Plan</b></p>

Issue	Welsh Government's position at Deadline 4 (17 January 2019)	Horizon's position at Deadline 5 (12 February 2019)
		<p>Horizon's position on the inclusion of the temporary sewage treatment plant within Schedule 1 "other associated development" remains the same as outlined in its response to FWQ1.0.3 [REP2-375].</p> <p>As this temporary plant is being provided in connection with a number of work packages and for the construction of the authorised development, it has been included within "other associated development". This is the approach taken for works that provide a supportive function to the primary work packages.</p>

### ***Summary of parties' positions – Update of Appendix A of the Welsh Government's response***

4.1.3 The table below provides an update to Appendix A to DCO Post Hearing Note of Welsh Government dated 17 January 2019 (appended to Appendix C of the Welsh Government's Deadline 4 (17 January 2019) submission) to outline Horizon's position at Deadline 5 (12 February 2019) in response to the Welsh Government's concerns.

**Table 4-2 Summary of parties' positions – Update of Appendix A of the Welsh Government's response**

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
Marine Requirements-discharging and enforcing authorities	Await outcome of meeting between IACC, HNP, NRW and WG after which DCO will be amended.	Position remains as at 24.10.18 to address the technical issue. Further discussion required in relation to IACC's position regarding Mean Low Water.	At the second DCO ISH (9 January 2019) when asked by IACC's Counsel, NRW confirmed that it would be happy to be the discharging authority for the intertidal area.

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
			<p>Horizon awaits further confirmation from the parties as to their positions; however, its preference would be:</p> <ul style="list-style-type: none"> <li>• For NRW to be the discharging authority in respect of the intertidal area given its role in respect of the Marine Licence (which also applies to the intertidal area); and</li> <li>• To not be required to have two discharging authorities in respect of the intertidal area who will have different, and potential competing concerns and requirements. This could lead not only to delays in the discharge of the requirements but Horizon being placed in an impossible situation where it cannot discharge its obligation under either the Marine Licence or the DCO Requirements.</li> </ul>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<b>Application of Marine and Coastal Access Act 2009</b>	<p>HNP "happy to consider insertion if considered appropriate". HNP current view that the proposed article goes "beyond the scope of the corresponding article in Swansea Bay Tidal Lagoon and [HNP] query the need for such an article given section 149A of the Planning Act 2008 makes it clear that a Welsh DCO cannot include a deemed marine licence, and so this must be sought separately."</p>	<p>WG request inclusion of the provision so that the DCO is clear</p>	<p>In the Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon has inserted a new article modelled on the Swansea Bay Tidal Lagoon Order to make it clear that nothing in the dDCO prevents the need for a Marine Licence.</p>
<b>WG role as appellate body</b>	<p>HNP continuing to "undertake further research into this point and will revert once work completed"</p> <p>If WG is appeal body then wish to retain appeal provisions in existing DCO rather than basing on TCPA appeal provisions.</p>	<p>WG position remains as set out in detail to HNP on 12 November 2018 and detailed in the post hearing note.</p> <p>No justifiable reason provided for resisting this and HNP do not object in principle.</p> <p>Schedule 19(4) is acceptable as drafted if Welsh Ministers are named as the appeal body.</p>	<p>Please see response above in response to the Welsh Government's general comments in respect of the appeal body listed in Schedule 19.</p>
<b>Deemed approval provisions: WG has concerns over the current drafting of</b>	<p>HNP agreed in the DCO hearing on 9 January to remove deemed approval.</p>	<p>WG is pleased HNP has agreed to remove deemed approval in</p>	<p>Horizon acknowledges the Welsh Government's confirmation that it</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>the deemed approval provisions, particularly the case as it is likely that the relevant discharging authority will wish to consult with the other authorities.</b></p>	<p>The timescales for deemed approval in Schedule 18 provide that;</p> <ol style="list-style-type: none"> <li>1. 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 details requirements); and</li> <li>2. 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.</li> </ol> <p>In choosing these timescales, Horizon took into account the type of requirement and the timeframes that have been provided under other granted DCO, in particular Hinkley Point C. Given that the requirements differ in their level of detail and complexity, those requirements that related to the approval of design details or key document</p>	<p>response to IACC's request. WG has no further comments.</p>	<p>has no outstanding concerns on Schedule 19.</p> <p>For amendments made to Schedule 19 to resolve concerns raised by IACC, please refer to the Summary Table of Amendments of the draft DCO (Deadline 5 (12 February 2019) – Revision 4.0).</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>were classified as "major detailed requirements" and subject to the 8 weeks 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.</p> <p>While not available at the time of drafting, the standard schedule now appended to the Planning Inspectorate's Advice Note 15: Drafting Development Consent Orders (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) only provide 28 days for consideration of application.</p>		

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>Hedgerows (Article 75(4)):</b> 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 the 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 not prior engagement with Welsh Government on this issue.</p>	<p>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.</p> <p>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</p>	<p>See response to Q4.0.51 and WG Deadline 3 (18 December 2018) response - WG agree with the response of IACC to FRWQs at Deadline 2 (4 December 2018) as follows and request amendments to drafting to make more specific:</p> <p>"The Hedgerow Regulations require land managers, developers, etc to notify the Local Planning Authority (LPA) if they wish to remove a hedgerow (with reasons) and the LPA has 42 calendar days from receipt of the notification to give or refuse consent. It is a criminal offence for land managers, developers, etc to remove a hedgerow in contravention of the Regulations. In this case, Important Hedgerows to be removed are listed in Schedule 17 and shown on the plans identified in Schedule 17 (although see answer to Question 100 below), so the final DCO and plans will be the notification and, if granted, the DCO will provide the consent for</p>	<p>Please refer to Horizon's response to IACC's Written Representation at p.18-20 [REP3-019] on its proposed amendments to article 75.</p> <p>In the Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will amend article 75(4) to reflect IACC's and the Welsh Government's concerns in principle, although alternative wording is proposed to ensure that the consenting exemption in respect of normal hedgerows is retained.</p> <p>Horizon considers; however, that the amendments proposed will resolve the parties concerns.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>obtained (regulation 6(1)(e). However, "planning permission" does not extend to DCOs and 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)</p>	<p>the removal of these Important Hedgerows.</p> <p>However, as shown on the plans, in some locations it is only parts of these Important Hedgerows that need to be removed. The removal of any Important Hedgerow beyond what is shown as necessary on the plans should be avoided and under the regulations would be considered a criminal offence.</p> <p>Therefore, Article 75 (3) should be more specific. IACC suggest this is reworded with the additional words (in red) as follows:</p> <p>75 (3) The undertaker may, for the purposes of the authorised development:</p> <p>(a) subject to paragraph (2), remove any hedgerows <b>that are not important hedgerows</b> within the Order Limits that may be required for the purposes of carrying out the</p>	

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
		<p>authorised development; and</p> <p>(b) remove <b>only those sections of the important hedgerows identified in Schedule 17 (Removal of important hedgerows) and shown on the plans identified in Schedule 17.</b></p> <p>75 (4) The power conferred by paragraph (3) removes any obligation upon the undertaker to secure [any] consent under the Hedgerow Regulations 1997 for those sections of the Important Hedgerows in Schedule 17 and on the plans identified in Schedule 17, but does not remove the obligation upon the undertaker to secure consent under the Hedgerow Regulations 1997 for the removal of any other sections of Important Hedgerows."</p>	

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>DCO Requirements – Tailpieces</b> – 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 the ES. For example, DCO requirement WM15 limits the number of parking spaces during constructions 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.</p> <p>It is not appropriate for a DCO requirement to</p>	<p>Horizon 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 of the assessment under the Environmental Statement. Horizon considers that the tailpieces within the draft DCO are adequately contained by paragraph 4 of Schedule 3 which states:</p> <p>"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</p>	<p>Request amendment to paragraph 4 to prevent any changes going beyond the maximum parameters assessed in the ES and order limits. Otherwise risk of amendments going beyond the assessment in the ES</p>	<p>Horizon does not consider that the amendments proposed by Welsh Government to paragraph 4 of Schedule 3 are necessary as:</p> <ul style="list-style-type: none"> <li>• The authorised development can only be constructed, operated and maintained within the Order Limits (article 3) and so it is not necessary for the tailpiece to restrict changes to only those within the Order Limits.</li> <li>• Similarly, to allow development or a change to a control document that goes beyond the parameters assessed in the Environmental Statement would likely result in materially new or materially different environmental effects and therefore would be prohibited under the tailpiece limitation.</li> </ul>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p>allow for the possibility of this to be increased informally through tailpiece "unless otherwise agreed" wording. There is a statutory process should future amends be required to the DCO.</p>	<p>revisions) or agreement by the discharging authority is not to be given 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 agreement does not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement."</p>		
<p><b>DCO Requirements reliant on inadequate application documents/ control documents</b></p>	<p>As noted above, Horizon has acknowledged that the Wylfa Newydd CoCP and the sub-CoCP will continue to be developed and refined throughout the Examination and will be submitting updated versions at Deadline 4 (17 January 2019)</p>	<p>See Post Hearing Note.</p> <p>WG will provide details of commitments required to be addressed by the applicant in revised documents to be produced at D5. WG will also comment on revised docs once provided.</p> <p>Request clear specific DCO requirements with specific triggers on key issues and that the control docs are drafted with same precisions as DCO requirements</p>	

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<b>ADDITIONAL REQUIREMENTS</b>			
<b>Requirement that sets a maximum limit of HGV movements per day based upon that assessed in the ES.</b>	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.	Request this is included as a specific section 106 commitment together with other key transport commitments set out in the Post Hearing note. There will be a need for a monitor and manage approach to be included in the section 106 agreement.	<p>The updated Phasing Strategy submitted at Deadline 4 (17 January 2019) [REP4-014] includes restrictions on HGV Movements prior to the delivery of the A5025 Off-Line Highway Improvements of:</p> <ul style="list-style-type: none"> <li>• an hourly maximum of 22 HGV movements each way at Valley;</li> <li>• a daily maximum of 160 HGV movements each way at Valley and;</li> <li>• a monthly maximum of 2,500 HGV movements each way at Valley.</li> </ul> <p>These have also been secured in the updated Wylfa Newydd CoCP to be submitted at Deadline 5 (12 February 2019).</p>
<b>Requirement that sets the maximum number of workers allowed on site at any one time (in</b>	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	WG position unchanged.  The DCO should be linked to the maximum parameter assessed and so this should be included as a DCO requirement. 9,000	Horizon's position in respect of a requirement capping the total number of workers on site remains the same as in December 2018.

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>accordance with the ES). The DCO should define "worker" and "visitor" for clarity and monitoring purposes.</b></p>	<p>therefore a significant contingency has been included in 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 secure within the DCO requirements. Horizon is considering the request to define "workers" and "visitors" further and will revert shortly.</p>	<p>worked is a key maximum parameter for the purposes of mitigation requirements.</p> <p>If contingency has been built in, no reason for HNP not to agree to this</p>	<p>However, as noted below, Horizon has proposed definitions of "worker" and "visitor" which will be included within the Wylfa Newydd CoCP.</p>
<p><b>A DCO Requirement or Section 106 commitment 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</b></p>	<p>It is not clear what Travel Plan is being referred to within your letter.</p> <p>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</p>	<p>Not agreed.</p> <p>Further to recent meetings on transport, WG will set out the specific transport commitments required in the "control documents" and section 106 agreement to reflect agreed principles.</p> <p>WG maintain its view re control documents generally and as set out in response to Q4.0.55 at Deadline 3 (18 December 2018):</p>	<p>The Welsh Government has confirmed that the transport strategy is acceptable provided that the travel strategy monitoring process specified in section 5.10 of the Wylfa Newydd Code of Construction Practice [APP-414] is implemented and that sufficient funds are available to mitigate potential transport impacts.</p> <p>Amongst other measures, the Wylfa Newydd CoCP also includes a target construction worker vehicle share ratio of 2.0 per vehicle across the project in the peak year of construction, in line with ES</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>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 requirements.</b></p>	<p>as part of their employment contracts.</p> <p>In addition, Horizon has committed to a limited number of car [parking spaces] within the Wylfa Newydd Development Area (WNDA) and to care 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 provisions of an onsite 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.</p> <p>As noted above, Horizon has acknowledged that the Wylfa Newydd CoCP and sub CoCPs will continue to be developed and refined throughout the Examination and will be</p>		<p>assessments. The Deadline 5 (12 February 2019) version of the Wylfa Newydd CoCP has been updated to include construction worker mode share targets per year of construction, in line with ES assessments, which have been shared with Welsh Government.</p> <p>As part of the updated dDCO to be submitted at Deadline 5 (12 February 2019), Horizon has agreed to include a requirement for Horizon to prepare and submit a Traffic Incident Management Scheme and an AIL Management Scheme for approval.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>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).</p> <p>We trust these updates will resolve Welsh Government's concerns.</p>		
<p><b>Temporary Worker Accommodation</b> – a DCO requirement and robust phasing strategy is necessary to commit HNP to constructing all 4000 bed-spaces. This needs to be linked to either phases in construction programme and/or number of workers employed, with clear enforceable triggers.</p>	<p>Delivery of the Site Campus is provided for in the Phasing Strategy (APP-447). Horizon intends to provide an updated version of the 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.</p> <p>The proposed phasing for the Site Campus is;</p> <ol style="list-style-type: none"> <li>1. Phase 1 to deliver first 1,000 beds on or before Q8 post DCO grant; [HNP has since</li> </ol>	<ul style="list-style-type: none"> <li>• Currently no trigger for build and awaiting revised phasing strategy</li> <li>• Need specific trigger point can be dealt with in either s106 or DCO – as noted below, section 106 will need to deal with contingency measures if fail to deliver either construction or occupancy levels</li> <li>• Look forward to receiving phasing strategy – request HNP commits to the phasing referred to in letter of 4</li> </ul>	<p>Horizon notes that the revised Phasing Strategy [REP4-014] was submitted at Deadline 4 (17 January 2019).</p> <p>As set out in the updated Phasing Strategy, Horizon has committed to the following phasing for the Site Campus:</p> <ul style="list-style-type: none"> <li>• Deliver the first 1,000 beds of Site Campus prior to exceedance of 2,200 Non-Home Based workers.</li> <li>• Deliver further 1,000 beds prior to exceedance of 4,200 Non-Home Based workers and</li> </ul>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>clarified this is not this is not their intention]</p> <p>2. Phase 2 to deliver 1,500 beds on or before Q15; and</p> <p>3. Phase 3 to deliver final 1,500 beds on or before Q18.</p>	<p>December (Year 2 for first 1,000 beds)</p> <ul style="list-style-type: none"> <li>Occupation – s106 commitments required– if occupancy levels are not achieved then through a monitor and manage approach contingency measures need to be triggered (both for housing and potentially also other subject matters due to impacts if occupancy is not as assumed in the ES.</li> </ul>	<ul style="list-style-type: none"> <li>Deliver the final 2,000 beds prior to exceedance of 6,700 Non-Home Based workers.</li> </ul> <p>In addition, an occupancy target of 85% is also being secured separately through the draft DCO section 106 agreement and was reflected in the revised draft DCO s.106 agreement issued to IACC on 23 January 2019.</p> <p>As noted above, Horizon has received comments from the Welsh Government on the updates to the Phasing Strategy. Horizon is considering these comments and has already incorporated some of the requests within the updated version submitted at Deadline 5 (12 February 2019) (Revision 4.0). Horizon intends to respond formally to the Welsh Government on all comments shortly and will submit its response into Examination.</p>

**MINOR DRAFTING POINTS AND OTHER CLIENT COMMENTS ON DRAFT DCO REQUIREMENTS**

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>Definition of "Welsh Ministers"</b> - the Welsh Government has requested that after reference to the Wales Act 2006, Horizon insert "as amended by the Wales Act 2017"</p>	<p>Horizon made this amendment in the updated draft DCO submitted at Deadline 1.</p>	<p><b>Agreed</b></p>	<p>Horizon acknowledges the Welsh Government's agreement to the revised drafting of the definition of "Welsh Ministers".</p>
<p><b>Article 22 – Discharge of Water</b> - Welsh Government has requested that a new sub- paragraph (11) should be inserted providing that the articles does not authorise any groundwater or water discharge activity within the meaning of the Environmental Permitting Regulations 2010 as land drainage consent is a devolved function.</p>	<p>Article 22 already includes reference to the Environmental Permitting Regulations 2016 in paragraph (9):</p> <p>"Nothing in this article overrides the requirements for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016"</p> <p>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</p>	<p><b>Agreed</b></p>	<p>Horizon acknowledges the Welsh Government's agreement that no further amendments are required to the drafting of article 22.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>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.</p> <p>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.</p>		
<p><b>Requirement WN16:</b> If there are 850 operational staff, then why are 1,100 permanent parking spaces, plus 650 temporary spaces required?</p>	<p>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:</p> <ol style="list-style-type: none"> <li>1. 200 permanent parking spaces at the simulator and training building;</li> </ol>	<p><b>Agreed</b></p>	<p>Horizon acknowledges the Welsh Government's agreement to the revised drafting of Requirement WN16.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>2. 500 permanent parking spaces in northern car park, including a maximum of 200 temporary spaces for outages; and</p> <p>3. 800 temporary parking spaces in southern car park for outages.</p> <p>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 car park of 200 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 whilst training is ongoing.</p>		
<b>Requirement WN 18</b> – The requirement	Horizon does not consider that a requirement controlling	Health provisions of s.106 are under discussions. Unless	At Deadline 4 (17 January 2019), the updated Phasing Strategy [REP4-

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p>should also control occupancy until the health facility is actually provided not just that details have to be submitted.</p>	<p>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) under 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 Cadwaladr University Health Board and Public Health Wales are ongoing as part of the SOCG process</p>	<p>adequate provision can be secured (such as additional GP resource in existing centres) then there will be a need to set a level of occupancy that is permitted until the health facility is provided (either in the Phasing Strategy or DCO requirement)</p> <p>Clear phasing is required</p>	<p>014] provided the following trigger for the delivery of the Site Campus Medical Centre:</p> <ul style="list-style-type: none"> <li>• Phase 1 of the Site Campus (i.e. deliver the first 1,000 beds of Site Campus prior to exceedance of 2,200 Non-Home Based workers) to include a Centre at the Site Campus appropriate to the number of patients on site.</li> </ul> <p>Horizon will respond to any comments from the Welsh Government on the provision of the medical centre later in Examination.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p><b>Table WN20</b> – Query the 32m height parameter of the accommodation block. Understand from the ES that the maximum would be 7 storeys. Therefore 7x3m would equal height of 21 m.</p>	<p>The maximum parameter is based on storey height of:</p> <ol style="list-style-type: none"> <li>1. 3.5m (plus an extra 0.5m per floor tolerance); plus</li> <li>2. 3.5m for the plant room on the top of the 7<sup>th</sup> floor (with an extra 0.5m tolerance)</li> </ol> <p>Therefore 8 floors at 4m equates to 32m in total height.</p>	<p>WG requests clarification as to whether the visual assessment aspects of the ES reflect this</p>	<p>Horizon's landscape and visual expert has confirmed that a maximum height of 32m was used in the visual assessment of the Site Campus.</p>
<p><b>Requirement LC6 - Welsh Government – Deadline 3 Response</b></p> <p>Welsh Government, in its capacity as the strategic highway authority for the A55 request the following wording is added (in red) to requirement LC6:</p> <p>"(2) For the purposes of this requirement, an emergency would be an event that prevents or seriously impacts</p>	<p>(Not previously raised at Deadline 2 (4 December 2018))</p>	<p>Position awaited</p>	<p>In the Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will amend Requirement LC6 as requested by Welsh Government as well as in response to SWQ2.4.40.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
<p>on HGV movements on the A5025 or A55 (Junction 2 to Junction 3) to or from the Wylfa Newydd Development Area and results in HGVs remaining at the Logistics Centre until deliveries or movements can be resumed..."</p>			
<p><b>Requirement LC7;</b> As retaining the view is an important consideration for decommissioning, then WG suggest this should also be an important consideration when submitting detailed plans for layout and construction of the logistics centre.</p>	<p>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 LC3.</p> <p>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</p>	<p>WG request amendment to LC3 to provide that IACC must consult with CADW as the three points referred to all concern heritage matters</p>	<p>In Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will amend Requirement LC3 as requested by Welsh Government; however, Cadw's consultation role will be limited to heritage matters only.</p>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>design principles in the DAS state that:</p> <ol style="list-style-type: none"> <li>1. 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 of Scheduled Monuments.</li> <li>2. 3.4.18 The Design will minimise harm to the setting of, and retain intervisibility between the Ty Mawr Standing Stone and the Trefgarth Burial Chamber Scheduled Monument, as far as reasonably practicable within security and operational requirements;</li> <li>3. 3.4.23 the number, massing and siting of buildings which comprise the Logistics Centres will serve to reduce the impact on the Scheduled Monuments, as far as</li> </ol>		

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	practicable within security and operational requirements.		
<b>Requirement PW3 – replace "general accordance" with "accordance"</b>	<p>Requirement PW3(1) of the draft DCO provides that the 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.</p> <p>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).</p> <p>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 the construction of the project.</p>	<p>Not agreed. There is already sufficient flexibility built in through "unless otherwise agreed"</p> <p>Depending on the outcome of the discussions on Marine Requirements, the tailpiece in relation to Marine Works will need to be amended to clarify that any such approval shall be in consultation with Natural Resources Wales.</p>	<p>Horizon does not agree to the Welsh Government's proposal to amend Requirement PW3.</p> <p>As set out in response to NRW at Deadline 3 (18 December 2018) [REF3-035], Horizon made the following points in relation to "in general accordance":</p> <ul style="list-style-type: none"> <li>Only CMS refers to "in general accordance"; all other requirements require compliance "in accordance" with that control document.</li> <li>The purpose of seeking "in general accordance with the CMS" is to provide HNP with flexibility to accommodate any changes.</li> <li>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</li> </ul>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>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.</p> <p>The use of "in general accordance" in respect of compliance with certified documents has also been approved in other DCOs such as Hinkley Point C, Silvertown Tunnel and North Killingholme.</p> <p>"In general accordance" is also considered appropriate because the ability to deviate from the CMS has been clearly limited under the requirements.</p> <p>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</p>		<p>identified in the CMS cannot be implemented due to unforeseen engineering, geological or scheduling reasons.</p> <ul style="list-style-type: none"> <li>• "In general accordance" has been used in a number of other DCOs (i.e Hinkley (Nuclear and Connection), Silvertown and North Killingholme)</li> <li>• 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.</li> </ul>

Matters raised by WG at 24.10.18	Horizon response at 4.12.18	WG position at 9.01.19	Horizon position at Deadline 5 (12 February 2019)
	<p>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 ES.</p> <p>To ensure that Horizon is constructing "in general accordance" with the CMS and the ES, Horizon will need to monitor its activities in accordance with the Wyfla Newydd CoCP and Main Site Power Station sub CoCP.</p> <p>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.</p>		

Issue	WG position at Deadline 5 (12 February 2019)	Horizon position at Deadline 5 (12 February 2019)
<b>OTHER REQUIREMENTS</b>		
MOLF	<ul style="list-style-type: none"> <li>• Need a requirement to link delivery of the MOLF to phasing strategy</li> <li>• Must be completed and operational before 1st pour of nuclear concrete.</li> <li>• Commitments required in relation to use of this</li> <li>• Commitments required in section 106 relating to use of Holyhead Port to provide resilience</li> </ul>	<p>Horizon notes that the revised Phasing Strategy [REP4-014] was submitted at Deadline 4 (17 January 2019) and so it awaits any further comments from Welsh Government.</p> <p>As set out in the updated Phasing Strategy, Horizon has committed to delivering the MOLF prior to the first nuclear construction date for Unit 1.</p> <p>A commitment to use the MOLF has been secured under Requirement WN27 which states that Horizon must ensure that during construction of the authorised development at least 60% of all bulk materials required for the construction of the Power Station Works are delivered via the Marine Off-Loading Facility (Work No.1F). This commitment is also secured within the Wylfa Newydd CoCP.</p> <p>Paragraph 12.2.4 of the Transport Assessment (APP-101) provides the current position of Horizon. If facilities at the port change in the future, and the need arises from the Project for the use of more port facilities, (e.g. to reduce traffic impacts or because the MOLF is delayed), Horizon will discuss the potential use of Holyhead Port at the relevant time.</p>
PARK AND RIDE/PARK & SHARE	<ul style="list-style-type: none"> <li>• Dalar Hir –WG require a long term commitment to use WG alternative Park and</li> </ul>	<p>Horizon is confident that its DCO application contains all of the necessary parking (onsite and at Dalar Hir) to</p>

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	<p>Ride sites once available – to be secured in s.106.</p> <ul style="list-style-type: none"> <li>When Dalar Hir available, WG will require HNP to maintain service from WG Park and Ride sites (Which have now got planning permission).</li> <li>Need to control HGV/workers traveling to site via section 106/DCO requirement.</li> </ul>	<p>meet the requirements of the Wylfa Newydd Project and minimise the traffic and transport impacts.</p> <p>However, Horizon will, post-DCO grant, consider the use of the proposed Park and Share facilities (including as stops on the shuttle bus network, where demand exists) at Four Crosses, Gaerwen, Bangor and Caernarfon, on the basis that these Park and Share facilities are delivered by others, as a complementary component of the transport strategy for the Wylfa Newydd Project.</p> <p>As noted above, HGV movements (both pre and post-A5025 Off-Line Highway Improvements) have been secured under the Wylfa Newydd CoCP</p>
CONGESTION ON BRITANNIA BRIDGE	<ul style="list-style-type: none"> <li>Section 106/ DCO requirement needed to commit HNP to not use Britannia Bridge during peak time</li> <li>Section 106 obligations required as to consequences if fail to comply</li> </ul>	<p>Horizon does not agree with Welsh Government's position.</p> <p>The results of the Transport Assessment show that the Wylfa Newydd DCO Project does not have a significant impact on the operation of Britannia Bridge due to the implementation of mitigation measures such as the shuttle bus service and car sharing, which are secured via the Wylfa Newydd CoCP.</p> <p>Construction worker traffic is already controlled to occur outside of the peak hours on the Britannia Bridge via the shift timings which are secured in the CoCP. The Transport Assessment assesses the impact of construction delivery movements during the peak hour in the peak construction year based on only 60% of</p>

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		<p>materials arriving by the MOLF, which leads to a conservative assessment of traffic. A note is currently being prepared on this topic for submission to the Examining Authority.</p> <p>For this reason, Horizon does not consider that a section 106 obligation or DCO requirement which prohibits use of Britannia Bridge during peak times is necessary.</p>
ABNORMAL INDIVISIBLE LOADS	<ul style="list-style-type: none"> <li>Need an AIL Management Plan.</li> <li>Plan to be secured by DCO requirement/ section 106 requiring submission of Plan to be approved by IACC in consultation with the North Wales Trunk Road Agency.</li> <li>Requirement will state what that AIL Management Plan is to include</li> </ul>	<p>In Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will include a new requirement requiring submission of an AIL Management Scheme as requested by Welsh Government.</p> <p>This scheme will be submitted and approved by IACC (in consultation with the North Wales Police, Gwynedd Council and the Welsh Government) and will be in accordance with the principles in the Wylfa Newydd CoCP.</p>
ONSITE WORKERS	<ul style="list-style-type: none"> <li>The DCO should define "worker" and "visitor" for clarity and monitoring purposes.</li> </ul>	<p>Horizon has prepared definitions for "worker" and "visitor".</p> <p>As these relate to monitoring, it is considered more appropriate that they are included within the Wylfa Newydd CoCP, rather than the DCO, and so these definitions have been included in the Deadline 5 (12 February 2019) update of this control document.</p>

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DEFINITION "LOCAL" OF	<ul style="list-style-type: none"> <li>Need to define "local" for operational jobs</li> </ul>	<p>"Local" has already been defined in paragraph 1.5.118 of Chapter C1 of the Environmental Statement [APP-411] as "already resident within the Daily Construction Commuting Zone".</p> <p>The DCCZ is defined in Chapter B2 of the Environmental Statement as a 90-minute commute time from the Wylfa Newydd Development Area.</p>
HISTORIC ENVIRONMENT - PROVISION OF CONSERVATION MANAGEMENT PLAN	<ul style="list-style-type: none"> <li>CADW request a commitment to provide a conservation management plan for remainder of garden which determines what the S106 monies will be used for</li> </ul>	<p>The commitment to providing a conservation management plan for Cestyll Garden is secured through the draft DCO section 106 agreement.</p>
HISTORIC ENVIRONMENT - PROVISION OF PRESERVATION STRATEGY	<ul style="list-style-type: none"> <li>WG need a commitment from HNP to provide a tightly worded preservation strategy for all artefacts found on site. If they don't comply with that strategy HNP will be required to complete any excavation works prior to commencement of construction of the authorised development;</li> </ul>	<p>In the Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will include a requirement requiring the submission and approval of a Archaeological Mitigation Scheme.</p> <p>This scheme will be submitted and approved by IACC (in consultation with Cadw), must include a Written Scheme of Investigation (WSI), and will be in accordance with the principles in the Wylfa Newydd CoCP and details specified in the dDCO. Submission of this scheme is required prior to commencement of the authorised development within the WNDA.</p>
HISTORIC ENVIRONMENT - RECORDING/ASSE SMENT/ARCHIVING OF ARTEFACTS	<ul style="list-style-type: none"> <li>WG require a DCO requirement committing HNP to carry out assessment and analysis of any artefacts discovered (including appropriate recording/archiving etc. – which could take some years) and/or provide appropriate</li> </ul>	

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	<p>funding (or bond) in order for someone else to undertake such work;</p> <ul style="list-style-type: none"> <li>• The following proposed wording was put to HNP at Deadline 3 (18 December 2018);</li> </ul> <p><b>"Archaeology</b></p> <p><b>16.</b> (1) No part of the authorised development within the WDNA may commence until a written scheme of investigation for [that part] has been submitted to and, after consultation with CADW in its capacity as the relevant archaeological body, approved by IACC..</p> <p>(2) The scheme submitted and approved must be in accordance with [chapter X] of the environmental statement and contain a detailed programme of remaining excavation work of [that part].</p> <p>(3) The scheme must identify any areas where further archaeological investigations are required and the nature and extent of the investigation required in order to preserve by knowledge or in-situ any archaeological features that are identified.</p> <p>(4) The scheme must provide details of the measures to be taken to protect record or preserve any significant archaeological features that may be found.</p>	

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	<p>(5) Any archaeological investigations implemented and measures taken to protect record or preserve any identified significant archaeological features that may be found must be carried out-</p> <p>(a) in accordance with the approved scheme; and</p> <p>(b) by CADW</p> <p>in consultation with CADW unless otherwise agreed with the IACC.</p>	
<b>HISTORIC ENVIRONMENT</b> WN9 AND WN11	<ul style="list-style-type: none"> <li>Required to be re-drafted to include "approved by IACC in consultation with CADW"</li> </ul>	<p>Horizon disagrees that an amendment to WN9 and WN11 is required; however, in any event, IACC has the right to consult Cadw if it considers appropriate in accordance with the amended paragraph 1(3) of Schedule 19.</p>
<b>HISTORIC ENVIRONMENT</b> - WRITTEN SCHEME OF INVESTIGATION- SECTON 12 COCP	<ul style="list-style-type: none"> <li>Given the uncertainty in relation to the Written Scheme of Investigations (WSI), Welsh Government would expect there to be a DCO requirement which would prevent site preparation and clearance works commencing, until that detail is submitted</li> </ul>	<p>As noted above, the Deadline 5 (12 February 2019) update of the dDCO will include a requirement requiring submission and approval of a Archaeological Mitigation Scheme, which will include a WSI. Submission of this scheme is required prior to commencement of the authorised development within the WNDA.</p>
<b>DIGITAL INFRASTRUCTURE</b> -POSITION AS AT DEADLINE 3 - It is	<p>Should this assessment not be provided in that timescale, Welsh Government will require a DCO requirement to be included which:</p>	<p>In Deadline 5 (12 February 2019) update of the dDCO (Revision 4.0), Horizon will include a new Requirement which will require Horizon to undertake a technical assessment of the mobile and broadband capacity</p>

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<p>concerning to Welsh Government that there is currently no commitment for Horizon to provide WiFi across the site. HNP indicated at the hearings that it was in discussions and would come forward with a proposal, including one which looked a legacy benefit for the wider area</p> <p>The Welsh Government looks forward to receiving confirmation from Horizon that the technical assessment of the availability of mobile and broadband connectivity will be provided asap within the examination</p>	<p>(a) requires a full technical assessment of mobile and broadband availability across the site to be carried out prior to commencement of the authorised development;</p> <p>(b) requires the applicant to provide the results and conclusions of the assessment to IACC and WG;</p> <p>(c) requires the applicant to provide an implementation plan which clearly demonstrates how the Applicant is going to provide sufficient digital connectivity across the siteall workers</p>	<p>within the WNDA and submit an implementation plan to Welsh Government for information outlining the measures to be taken to ensure sufficient capacity during construction and operation.</p>

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