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**Subject:** EN010007 Wylfa Newydd - Welsh Government Deadline 6 submission  
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[19.02.19 Welsh Government Deadline 6 Submission.pdf](#)

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Hi Wylfa Case Team

Hope you are all well

On behalf of Welsh Government, please find attached Deadline 6 Submission. This includes Welsh Government's comments on Horizon's responses to the Further Written Questions.

Please could you confirm safe receipt of this email and it's attachment

Kind regards

Ruth

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Eich cyf/Your ref **EN010007**

FAO: Kay Sully  
National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

19 February 2019

Dear Ms Sully,

**EN010007 Wylfa Newydd Nuclear Power Station**

**Welsh Government (IP Number: 20011597) Deadline 6 Submission – 19 February 2019**

1.1.1 The Welsh Ministers (hereafter referred to as Welsh Government) formally registered on 10 August 2018 as an Interested Party to the Wylfa Newydd Nuclear Power Station Development Consent Order (DCO) Application, submitted by Horizon Nuclear Power (hereafter referred to as Horizon).

**2 Comments on Horizon's Responses to Further Written Questions**

2.1.1 Welsh Government provided responses to the Examining Authority's second round of written questions (issued on 30 January) at Deadline 5 (REP5-080) of the Examination process. Appendix A of this Deadline 6 submission comprises of Welsh Government's comments on Horizon's responses to the further written questions (REP5-002).

**3 Welsh Government comments on Control Documents**

3.1.1 Appendix B of this Deadline 6 submission comprises comments provided by Welsh Government to Horizon on 28 January 2019 regarding the Revision 2.0 of the Phasing Strategy (REP4-014). Welsh Government note that Horizon have submitted a further Revision 3.0 of the Phasing Strategy at Deadline 5 (REP5-039), and it would appear from initial review that Welsh Government's comments have not been incorporated.

3.1.2 Appendix C of this Deadline 6 submission comprises comments from Welsh Government regarding the Code of Construction Practice (CoCP) which was submitted at Deadline 5 (REP5-020).

**4 Statement of Common Ground**

4.1.1 Welsh Government have been engaging with Horizon in developing the Statement of Common Ground which will be submitted by the applicant at Deadline 6.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and responding in Welsh will not lead to a delay in responding.

## **5      Examination Timetable**

5.1.1 Welsh Government raised concern at Deadline 4 regarding the Examination timetable and the amount of time which has been available between Deadline 5 (12 February 2019) and this Deadline 6 (19 February 2019). In light of the number of documents which Horizon submitted at Deadline 5, which have included significant new material, Welsh Government considers that there may be further comments to highlight at later deadlines and at the Issue Specific Hearings in March, in particular in relation to the proposed Control Documents, and the draft S106 Agreement, which Horizon are due to submit at Deadline 6.

## **6      Crown Land**

6.1.1 Welsh Government wish to reiterate that consent has still not been given for the Crown Land interests that it holds.

Yours sincerely,

**James Hooker (MRTPI)**

Wylfa Newydd Spatial Planning Manager, Welsh Government

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## **Appendices**

Appendix A: Welsh Government's comments on Horizon's responses to Examining Authority's Further Written Questions

Appendix B: Welsh Government comments on Phasing Strategy (Version 2.0)

Appendix C: Welsh Government comments on the Code of Construction Practice (CoCP)

## **Appendix A**

Welsh Government's comments on Horizon's responses to Examining Authority's Further Written Questions

## **WYLFA NEWYDD NUCLEAR POWER STATION**

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### **Comments on Responses to Examining Authority's Second Round of Written Questions**

DEADLINE 6 – 19 FEBRUARY 2019

Question Number	Examining Authority's Question	Deadline 5 Response	Welsh Government Response
Q2.4.13	<p><b>PW2 – Wylfa Newydd CoCP</b></p> <p>In the event that agreement is not reached between the parties over the necessary level of details to be provided in the CoCP and sub-CoCPs, provide the drafting of new requirement(s) or an amended PW2 that would enable approval of Outline documents with approval later by the LPA in consultation with named relevant stakeholders.</p>	<p>Horizon considers that the Wylfa Newydd CoCP and sub-CoCPs provide enough detail that they can be approved through the DCO and vehemently disagrees with the suggestion that this document is effectively an outline CoCP.</p> <p>As set out in our response to Q2.4.12 Horizon acknowledges that there are discrete topics within the CoCP (i.e. lighting, traffic incident or AIL management) that do require further detail. However, that does not mean that the entire document (which includes a large number of agreed measures) should be treated as outline and subject to subsequent approvals.</p> <p>Horizon has proposed an amendment to Requirement PW7 to allow the detailed parts to be approved through the DCO, with further details being required under post-grant schemes. This approach to the CoCPs and schemes has been replicated within the site-specific requirements. The amendments to Requirement PW7 are set out in the draft DCO submitted at Deadline 5 (Revision 4.0) and explained in the accompanying Summary Table of Amendments.</p>	<p>Please refer to Appendix C of this submission which sets out Welsh Government's comments on the CoCP</p>
Q2.4.14	<p>IPs have expressed concern in relation to their ability to keep track of progress with the proposed development and any changes. Should a Register of Requirements be included in the DCO as for example, was included in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order as per text below:</p> <p>Register of requirements 22.—</p> <ol style="list-style-type: none"> <li>(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.</li> <li>(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.</li> <li>(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.</li> </ol>	<p>Horizon does not consider that the proposed requirement is necessary or appropriate. It is not appropriate for a private body to have to maintain a register when the local authority already has a system in place to track applications and approvals.</p> <p>Horizon notes that a requirement like the one suggested by the ExA has only been imposed in highway NSIPs and likely because Highways England (which is typically the discharging authority in those DCOs) does not have a public register of applications. In those instances, Horizon agrees that it may be appropriate to impose this requirement on the applicant; however, that is not the case in this DCO.</p> <p>Horizon notes that for the Hinkley Nuclear Power Station (among other NSIPs), both the Sedgemoor District Council and the West Somerset Council maintain DCO Project Pages where the community can view all discharge applications and decisions as well as other Project documents such as the section 106 agreement and details of advisory groups:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.sedgemoor.gov.uk/hpcplanning">https://www.sedgemoor.gov.uk/hpcplanning</a></li> <li>• <a href="https://www.westsomersetonline.gov.uk/Planning---Building/Planning/Hinkley Point">https://www.westsomersetonline.gov.uk/Planning---Building/Planning/Hinkley Point</a></li> </ul> <p>There is no reason why IACC should not take this same approach, rather than putting the onus on a private body who would be reliant on IACC providing the relevant inputs (which if it failed to do, Horizon could be held to be in breach of the requirement).</p>	<p>Welsh Government is aware that IACC does not currently have an online planning system that would allow public access to track applications and approvals.</p>

Question Number	Examining Authority's Question	Deadline 5 Response	Welsh Government Response
Q2.4.17	<p><b>PW8 – Code of Conduct</b></p> <p>IACC, WG, NWP, and others want this to be part of DCO and not 'for information'. WG states "Fundamental importance that the DCO requires all mitigation strategies and control documents to be submitted for approval by the relevant body in consultation with any other relevant body specified so that it covers the right detail to secure mitigation and to be implemented and enforced." It proposes that approval should be via IACC in consultation with GCC and CCBC on basis that some of the mitigation will fall within responsibility of those authorities in addition to IACC.</p> <p>The Applicants position is that this would be prepared in accordance with the Workforce Management Strategy which would be a certified doc.</p> <p>(1) Why does this approach not satisfy IACC, WG, NWP and others?  (2) Or should PW8 provide details of how the Code of Conduct should be approved, monitored and enforced including in consultation with North Wales Police?</p>	<p>(1) The concerns of Interested Parties around the proposal that Horizon is only providing the Code of Conduct for information and not approval stems from a misunderstanding of the CoC. Workforce behaviour will largely be governed through the terms of employment under which the workforce is engaged to work on the Project, which will be based on appropriate industry standard agreements (such as the National Agreement for the Engineering and Construction Industry (NAECI 2015) and the Construction Industry Joint Council (CIJC) Working Rule Agreement). Alongside this, the workforce will be required to sign a CoC, which Horizon will develop and agree with its supply chain and trade unions.</p> <p>It is important to note that this means that there will not be a single CoC that can be approved by stakeholders; there is likely to be multiple of iterations of CoCs for each individual contractor and subcontractor. It is therefore impossible (and would result in substantive delays for the Project) for the discharging authority to approve each and every single CoC.</p> <p>Therefore, the focus on Interested Parties during this Examination should be on ensuring that they are satisfied with the principles within the WMS as these will set the key parameters to guide and control workforce behaviour. Horizon has received comments on the WMS from Interested Parties and will submit any additional amendments as a result of those comments into Examination at a later deadline.</p> <p>In response to concerns from Interested Parties that Horizon would use the revision procedures under Requirement PW8 to address non-compliances, Horizon has amended Requirement PW8 to expressly provide that Horizon must ensure that construction of the authorised development is undertaken in accordance with the WMS, and that if it wants to revise any principle within the WMS during construction, then it must seek approvals from IACC, in consultation with North Wales Police. This amendment has been included in the Deadline 5 update to the draft DCO (Revision 4.0).</p> <p>(2) Additional amendments to PW8 to provide for approval, monitoring and enforcement of the CoC is not considered necessary for the following reasons:</p> <ul style="list-style-type: none"> <li>As noted above, Requirement PW8(1) has been updated to expressly provide that Horizon must ensure that construction is undertaken in accordance with the WMS. This will ensure that compliance with the WMS principles throughout the duration of construction and require Horizon to ensure that contractors sign up to a CoC flows through their contractual obligations.</li> <li>The WMS sets out monitoring and enforcement measures that must be followed and so, the requirement to comply with the WMS will mean that these measures must be implemented (PW8(1)).</li> <li>All Wylfa Newydd CoC(s) must be prepared in accordance with the WMS (PW8(3)) and implemented during construction. As the undertaker, it is Horizon's responsibility to ensure that the CoCs are prepared in accordance with the WMS and implemented by contractors during construction otherwise it will be in breach of PW8.</li> <li>As all Wylfa Newydd CoC(s) must be provided to IACC for information, IACC will be able to monitor that CoCs are in accordance with the WMS (PW8(3)).</li> </ul>	<p>If reliance is to be placed on Requirement PW8(1), then the WMS principles must be drafted precisely, so that they can be enforced. Welsh Government has previously, at Deadline 5, raised concerns about the ambiguity of the wording in the WMS.</p>
Q2.4.19	<p><b>PW11 – Community Safety Management Strategy (CSMS)</b></p> <p>NWP proposes an amendment to the requirement so that NWP is the body who approves the document and that this needs to be done within 2 months of receiving the draft document.</p> <p>An alternative approach would be that IACC approves the document in consultation with NWP.</p> <p>(1) Would IACC and NWP resist this proposal?  (2) Should the CSMS be included as a Certified document under Schedule 18?</p>	<p>As part of its Deadline 5 updates, Horizon has deleted Requirement PW11 and inserted the requirement for a Community Safety Management Strategy (now Scheme) that must be approved by IACC, in consultation with NWP, as part of Requirement PW7.</p> <p>In addition to this, Horizon also notes that under the Wylfa Newydd CoCP, NWP is part of the Emergency Services Engagement Group which has the role in agreeing the detailed CSMS with Horizon prior to it being submitted to IACC for approval in accordance with PW7.</p> <p>Horizon does not consider that the CSMS should be a certified document; as it will not be prepared or approved until after the grant of the DCO and so cannot be part of the list of certified documents in Schedule 18.</p>	<p>Welsh Government remain concerned that as the CSMS will need to cover Safeguarding issues, it is not appropriate for this to be agreed only by IACC, in consultation with NWP. Welsh Government has set out in Deadline 5 that the development of the CSMS needs to be undertaken through collaboration with both the Emergency Services Engagement Group and the Health and Wellbeing Engagement Group prior to submission for approval.</p>

Question Number	Examining Authority's Question	Deadline 5 Response	Welsh Government Response
Q2.4.31	<p><b>WN15 and WN16 Construction and Operational Car Parking</b> WG want Dalar Hir to be operational before construction commences and have 1,900 spaces by 2022.</p> <ol style="list-style-type: none"> <li>Should a new requirement be introduced, to provide minimum parking spaces linked either to phasing plan or increase in workers/ A specific maximum number /a commitment to a layout plan of the site allowing phased construction /and earlier occupation rather than waiting 18 months /EV charge points and various vehicle types</li> <li>Should parking provision be more precisely defined?</li> <li>Should design drawings be submitted for construction parking irrespective of whether these would be temporary facilities?</li> </ol>	<p>1) The Phasing Strategy, as updated at Deadline 5 (12 February 2019), includes details of the timing of the delivery of the Park and Ride facility at Dalar Hir. That is, the Park and Ride must be delivered prior to the first nuclear construction date for Unit 1, which is anticipated to occur early in Construction Year 3.</p> <p>In addition, the Code of Construction Practice, a revised version of which has been submitted at Deadline 5 (12 February 2019), includes the following at paragraph 5.10.1:</p> <p><i>"Horizon commits to manage, monitor and regulate the availability of car parking spaces to reflect the number of workers on the Wylfa Newydd DCO Project, balancing an overprovision of car parking (which could encourage car travel) with an under-provision of car parking (which could encourage fly parking)."</i></p> <p>It is proposed to build the Park and Ride facility at Dalar Hir in one phase, but to make the car parking spaces available in stages in line with the above statement in the CoCP.</p> <p>WN15 and WN16 already contain specified maximum number of spaces.</p> <p>As stated in the Design and Access Statement (DAS) for the Park and Ride facility at Dalar Hir (updated at Deadline 2 [REP2-030]), it is proposed that charging points for electric vehicles (including buses) are provided at the Park and Ride facility. This would facilitate the use of alternative fuel vehicles. The locations of the proposed electric charging spaces are shown at Figure 40 of the DAS [REP2-030].</p> <p>The CoCP has been further updated at Deadline 5 (12 February 2019) to include mode share targets for all construction workers for each year of the construction programme. The Phasing Strategy provides that prior to the opening of the Park and Ride, the percentage of construction workers travelling daily by car to the WNDA is not to exceed the mode share target for car travel specified in Table 5.1 of the CoCP. This provides further reassurance that traffic-related impacts will be kept within the levels assessed in the ES submitted as part of the DCO application.</p> <p>2) Horizon's position is that the current wording in WN15 and 16 is appropriately defined as it retains the need for flexibility in the delivery of car parking throughout the construction programme whilst noting the restrictions already in place with regards to the management and use of the car parking spaces as set out in the response to item 1) above.</p> <p>3) Horizon's position is that information on car park design and layout provided in the DCO application is appropriate given the need to maintain flexibility in the delivery of car parking across the Wylfa Newydd DCO Project. The numbers of car parking spaces are defined and spaces are allocated to specific work sites e.g. Wylfa Newydd Development Area or Park and Ride facility etc. The precise location of car parking spaces within the WNDA requires some flexibility to respond to changing requirements over the duration of the construction programme.</p>	<p>Welsh Government provided comments to Horizon on Version 2 of the Phasing Strategy (sent on 28 January 2019). Please see <b>Appendix B</b> of this Deadline 6 submission.</p> <p>It would appear from review of version 3.0 of the Phasing Strategy (submitted at Deadline 5, REP5-039) that Welsh Government's comments have yet to be incorporated and would welcome clarity on whether a further iteration of the Phasing Strategy will be submitted at a later deadline.</p> <p>Welsh Government has raised with the applicant the need for various controls and measures to be included in the section 106 agreement in relation to transport and Park &amp; Ride. These include the need for a robust monitor and manage approach in respect of travel plan and car share measures in view of the reliance placed upon these, together with penalty measures to be included in the section 106 agreement so as to incentivise good behaviours. This approach is common for strategic developments and should be adopted here. Welsh Government reserves the right to make further representations on receipt of the next draft documentation.</p>

Question Number	Examining Authority's Question	Deadline 5 Response	Welsh Government Response
Q2.4.43	<p><b>Schedule 19</b></p> <p>Does the Applicant wish to make any further comments regarding the proposal that the Welsh Government should be the appellate body as it is for planning applications?</p>	<p>Horizon's position remains the same as outlined by Counsel at the second DCO ISH (9 January 2019) [REP4-004], 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 submission [REP4-053], 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 Assembly for Wales (Transfer of Functions) Order 1999/672.</li> <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 ExA 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 the appeal body in respect of a Welsh DCO. For this reason, Horizon leaves the ultimate decision in the hands of the SoS.</li> <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 "requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation ..." 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> <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 requirement for applicants or others to have regard to the content of advice notes."</li> </ul> </li> </ul>	<p>The Welsh Government notes that the applicant does not object to inclusion of the Welsh Government as appeal authority. The Applicant also hasn't suggested it would be unlawful to do so, but has said it wishes to ensure the position is legally correct and reflects the devolution arrangements.</p> <p>Welsh Government has set out in detail why it is lawful, appropriate and respects the devolution arrangements to name Welsh Government as appeal authority in respect of DCO requirements in Wales.</p> <p>This point was expressly made and accepted in the Swansea Bay DCO. Welsh Government cannot understand why this simple amendment has not been made to this draft DCO on what is an important point for the Welsh Government and why the applicant appears to be leaving this matter to the Secretary of State.</p> <p>The applicant has referred to the decision of the North Wales Wind Farms Connection DCO. It should first be clarified that none of those involved in relation to this application were aware of that matter at the time of the DCO ISH. Indeed, the point appears to have only arisen indirectly in relation to a query raised within the Statement of Common Ground between the Welsh Government and SP Manweb. There appears to have been no further consideration or justification provided on the matter. In contrast, detailed representations have been made in respect of this application which fully justify the Welsh Government's position and the point was also expressly made and accepted in the Swansea Bay DCO.</p>

<b>Q2.4.55</b>	<p>In view of the current uncertainties about deliverability and funding, and as necessary providing a supplement to the Statement of Reasons, what is the justification for the compulsory acquisition request?</p>	<p>Hitachi's decision to move the company towards a suspended state by end of March 2019, as reported in the letter to the Examining Authority dated 21 January 2019, does not undermine Horizon's case for the Wylfa Newydd DCO Project as set out in the Statement of Reasons [APP-032] and the accompanying Oxera Report submitted as part of its DCO application.</p> <p>The fact remains that there is an urgent need for new nuclear power generation in the UK, and the Wylfa Newydd Project at Wylfa presents the best opportunity of delivering this as soon as possible, while at the same time deriving long-term, significant economic opportunities for Anglesey and in the wider North Wales region. Any resulting delay to the delivery of the Wylfa Newydd Project as a result of the recent suspension does not undermine this.</p> <p>It follows that the same must be said in respect of the compulsory acquisition powers being sought in the draft DCO to deliver the Wylfa Newydd DCO Project. As described in the Statement of Reasons, compulsory acquisition powers are justified on the basis that they are necessary to facilitate the construction, operation and maintenance of the Wylfa Newydd DCO Project. The use of such powers would be legitimate, necessary and proportionate to the Wylfa Newydd DCO Project and in the public interest; such that they satisfy section 122 of the Planning Act 2008. This is expanded on below.</p> <p>Section 122 of the Planning Act 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the following conditions are met.</p> <p><i>"(2) The condition is that the land:</i></p> <p><i>a) is required for the development to which the development consent relates;</i></p> <p><i>b) is required to facilitate or is incidental to that development; or</i></p> <p><i>c) is replacement land which is to be given in exchange for the order land under section 131 or 132;</i></p> <p><i>(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily."</i></p> <p>Also relevant is the Department for Communities and Local Government Guidance, Planning Act 2008: Guidance related to procedures of compulsory acquisition (updated 2013) (Guidance), and the European Convention of Human Rights which requires that affected persons must have a fair and public hearing by an independent and impartial tribunal.</p> <p>The land over which powers of compulsory acquisition are sought, is all land that is required for, or to facilitate the Wylfa Newydd DCO Project. The extent of the Order Land required for the Wylfa Newydd DCO Project has been determined according to the operational requirements of the proposed Power Station, and its associated developments supporting its construction, operation and maintenance, and to mitigate its effects. In appraising and selecting sites, and developing its design, Horizon has sought to limit, so far as practicable, the land take, the environmental impact and the loss of property.</p> <p>The Statement of Reasons Justification Table provided at Appendix 11-1 which is due to be updated at Deadline 6 details which compulsorily acquisition powers are sought in respect of which plots of land, and the corresponding works proposed for that land for which those powers are required. The table demonstrates that:</p> <ul style="list-style-type: none"> <li>the interest proposed to be acquired in that land is for a legitimate purpose, and is necessary and proportionate to the work proposed on that land; and</li> <li>Horizon has a clear idea of how it intends to use the land that it is proposing to acquire.</li> </ul> <p>To the extent possible, Horizon has sought to acquire all rights and interests in land necessary for the Wylfa Newydd DCO Project through private agreement on commercial terms. While Horizon has successfully acquired or obtained options and leases over a large number of land parcels and rights, powers to compulsorily acquire the remaining rights and interests are necessary to ensure delivery of the Wylfa Newydd DCO Project.</p> <p>Horizon maintains that there is a compelling case in the public interest for the land to be acquired compulsorily. As explained above, the Wylfa Newydd Project at Wylfa presents the best opportunity to meet the urgent need for new nuclear power generation and deliver this energy as soon as possible, while at the same time deriving long-term, significant economic opportunities for Anglesey and in the wider North Wales region. The public benefits that would be derived from the compulsory acquisition of land and interests in land for the delivery of the Wylfa Newydd DCO Project outweighs the private loss that would be suffered by those whose interests in land and/or rights over land are to be acquired. Without the power to acquire compulsorily the necessary interests in land and rights over land, Horizon would be unable to guarantee the delivery of the project.</p> <p>Accordingly, as contemplated by section 122(3) of the Planning Act 2008 and the Guidance, if powers of compulsory acquisition were included in any DCO granted for the Wylfa Newydd DCO Project, the use of such powers would be legitimate, necessary and proportionate for the purpose of constructing</p>	<p>Welsh Government recognises that Horizon will be updating its Statement of Reasons for Deadline 6. Welsh Government may wish to make further comment at later deadlines.</p>
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Question Number	Examining Authority's Question	Deadline 5 Response	Welsh Government Response
		<p>and operating the Wylfa Newydd Power Station in the public interest; and in satisfaction of section 122 of the Planning Act 2008, the Guidance and the European Convention of Human Rights.</p> <p>Horizon maintains that its Statement of Reasons remains appropriate. However, as indicated above, the Justification Table at Appendix 11-1 does require some minor amendments to reflect changes that have been made since it was submitted. Horizon is therefore revising its Statement of Reasons, including the Statement of Reasons Justification Table and will be submitting a revised Statement of Reasons at Deadline 6. Horizon notes that the changes being made to the Justification Table reflect minor amendments that Horizon has made to the compulsory acquisition powers it is seeking in respect of certain plots of land. These changes are as a result of further engagement with interested parties since the DCO application was submitted and/or to reflect further refinement to the design of the Wylfa Newydd DCO Project.</p>	

<p><b>Q2.4.56</b></p> <p>Without prejudice to any conclusions that the ExA may draw in making its recommendation, following responses to Q2.25.1 and Q2.25.2, and as necessary providing a supplement to the Funding Statement [APP-033]</p> <ol style="list-style-type: none"> <li>(1) What is the current estimate of the cost of the Wylfa Newydd project?</li> <li>(2) What is the current estimate of the cost of Compulsory Acquisition (CA), including compensation for Category 3 persons and repair of possible damage during construction?</li> <li>(3) What is the current estimate for decommissioning costs?</li> <li>(4) What is the source of project, CA and decommissioning funding and by what mechanism would it be secured and guaranteed through the dDCO and any planning obligations; noting that adequate funding should be available to enable the CA powers to be exercised within the statutory period following the order being made, as set out in Regulation 3(2) of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010.</li> <li>(5) What financial contingency measures are in place to ensure that, should the project be abandoned during or following the Site Preparation and Clearance Works or during the construction period, resources would be available to restore and secure the Wylfa Newydd site?</li> <li>(6) How would these contingency measures be secured; noting that Paragraph 1.2.14 of [REP – 024] states: the draft SPC s106 makes provision for a Parent Company Guarantee (PCG)/Escrow account and/or restoration bond to be secured in the event that the development consent is not implemented?</li> </ol> <p>1) Horizon's current estimate for the cost of the Wylfa Newydd DCO Project remains as set out in the Funding Statement [AP-033]. This estimate is based on previous work that Horizon has done with its delivery partners to determine the costs estimate for implementing the Wylfa Newydd DCO Project including costs of construction and the funding any additional land required.</p> <p>2) Horizon is currently working to update the estimate of the cost of Compulsory Acquisition (CA) and will provide this information at Deadline 6.</p> <p>3) The Power Station would be operational for approximately 60 years after which it would be decommissioned. Decommissioning would in accordance with any requirements imposed under the site's Nuclear Site Licence. Given this, it is difficult to estimate with any certainty how much decommissioning will cost. The Detailed Decommissioning and Waste Management Plan calculates a Base Cost (exclusive of risk and uncertainty) of £6.75B (at April 2016 values). The inclusion of estimating uncertainty and risk to the base cost value increases the estimate to £8.24B (at April 2016 values) at an 80% confidence level (P80). Further, Horizon notes that pursuant to the Energy Act 2008, a Funded Decommissioning Programme (FDP) approved by the Secretary of State making provision for the costs of decommissioning would be required to be in place before any construction works on the Wylfa Newydd DCO Project could begin. This is considered in more detail at part 4(c) of this response.</p> <p>4) (a) Project funding</p> <p>As set out in the Funding Statement [APP-033] Horizon expects the funding for the Wylfa Newydd DCO Project to require external financing, potentially from both equity and debt sources. Negotiations with the UK Government have been ongoing for some time but, as the Examining Authority will be aware, an agreement as to the funding structure has yet to be reached. The expectation is that ongoing engagement with the UK government will continue in order to develop a deliverable funding arrangement. The UK Government has confirmed its commitment to new nuclear development including at Wylfa.</p> <p>Pursuant to NPS EN-1, the Examining Authority need only consider that an assessment of the financial viability of a project has been carried out. Horizon refers to NPS EN-1, paragraph 4.1.9 which provides that: In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of Government interventions. Where the IPC considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant it is unlikely to be of relevance in IPC decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained). Horizon is not proposing to submit an update to the Funding Statement at this time. As noted in the recent suspension announcement, Horizon will continue to engage with the UK government to seek to develop arrangements that will enable the development of new nuclear build at Wylfa. It is still envisaged that the most likely sources for this funding would be a combination of debt and equity. With the right arrangements in place, it will be possible to develop a commercially viable project on the WNDA. Paragraphs 2.2.1 and 2.3.2 - 2.3.4 of the Funding Statement should be read in the context outlined above. A copy of Hitachi's consolidated accounts for the fiscal year ended 31 March 2018 can be provided if required. For the sake of completeness, the issued share capital of Horizon Nuclear Power Wylfa Limited specified in paragraph 2.1.1 of the Funding Statement now stands at £1,677,398,002</p> <p>4) (b) CA funding</p> <p>With respect to compulsory acquisition funding, Horizon appreciates the importance of there being adequate funding in respect of any exercise of compulsory acquisition powers to be included in the DCO. However, Horizon notes that the Examining Authority need only be satisfied that "there is a reasonable prospect of the requisite funds for acquisition becoming available" (see the DCLG Guidance on procedure for compulsory acquisition). The actual security for the value of the compulsory acquisition liability only needs to be in place at the time the compulsory acquisition power is exercised. Horizon will consider a requirement to be inserted into the draft DCO under which appropriate security for compulsory acquisition liability would need to be in place before the powers could be exercised.</p> <p>4) (c) Decommissioning funding</p> <p>It is accepted that operators of new nuclear power stations must meet the full costs of decommissioning, waste management and waste disposal for their proposals. The Energy Act 2008 sets out the framework for ensuring this. It requires operators of new nuclear power stations to have in place a FDP approved by the Secretary of State before nuclear-related construction may begin. An FDP must set out what financing arrangements the operator has in place to meet the full costs of decommissioning the power station and the costs of managing and disposing of waste generated by</p>	<p>Welsh Government has requested that the applicant includes the following in the section 106 agreement:</p> <ul style="list-style-type: none"> <li>• A restoration obligation should works commence but then cease prior to the first nuclear concrete pour;</li> <li>• an obligation preventing steps being taken to vest land by way of compulsory acquisition and commencement of works until evidence has been provided demonstrating "acceptable security" is in place for performance of the obligations under the section 106 agreement and to cover any CPO compensation. A definition of "adequate security" has been provided based on the drafting of other DCO's (e.g. protective provisions relating to National Grid for Rampion Offshore Wind Farm DCO). Welsh Government also notes that a parent company guarantee was provided in relation to the Rookery South DCO in respect of CPO compensation.</li> </ul> <p>The drafting provided by the Welsh Government to the applicant is reasonable as no form of security would need to be provided prior to works or the vesting of land. In addition, actual security would not be required if the company has suitable financial standing (i.e. funding) at the time works are commenced. It is to be anticipated that the applicant will not vest land or undertake significant works until funding has been secured and so the applicant should not be prejudiced by this. It is understood though that the applicant is currently resisting all of these requests.</p>
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		<p>the power station, and demonstrate that "prudent provision" has been made for these costs. As such, it is not necessary for Horizon to demonstrate detailed funding for decommissioning at this DCO application stage. A costed FDP will be prepared and submitted to the Secretary of State at the appropriate time.</p> <p>5) and 6) In the event that SPC Works had commenced and a decision is taken not to continue with the construction of the SPC Works or authorised development, Requirement SPC13 of the draft DCO requires that restoration of those parts of the WNDA affected by SPC Works must be undertaken in accordance with an approved restoration scheme and completed within 12 months. Failure to comply with the DCO is a criminal offence under the Planning Act 2008.</p> <p>Horizon considers that this is sufficient protection to ensure that any part of the site affected by the SPC works is appropriately restored and secured. As recognised by the Examining Authority during the Examination of the Hinkley Point C New Nuclear Power, national policy does not require that infrastructure projects must insure themselves against the possibility of incomplete development. [To impose an obligation for restoration security in the DCO or the DCO s.106 agreement would set a difficult precedent, which if applied more widely, would adversely affect funding and delivery of other infrastructure projects.]</p> <p>Although restoration security was agreed to by Horizon under the draft SPC s.106 agreement for the cost of those works (approximately £7.66 Million), this was agreed solely to address the risk of the works commencing under an SPC Works planning permission and the DCO not being granted. Horizon is not aware that any projects have required generalised security for works, even where funding for those DCO projects has not been secured.</p>	
Q2.4.57	In addition to the Statement of Reasons and Funding Statement, what application documents and plans would need to be updated to respond to current circumstances (in the light of the letter dated 21 January 2019) and when would the Applicant consider that this information will be available?	<p>For the reasons explained in Horizon's responses to Q2.4.55, Q2.4.56 and Q2.4.61, Horizon considers that its Statement of Reasons [APP-032] and its Funding Statement [APP-033] remain both valid and appropriate despite Hitachi's decision to move Horizon towards a suspended state by end of March 2019.</p> <p>Horizon is, however, proposing to submit an updated Statement of Reasons to reflect minor changes that have been made to the compulsory acquisition powers that Horizon is seeking in respect of certain plots of land. An updated Statement of Reasons will be submitted at Deadline 6. Updated Books of Reference and Land Plans will be submitted alongside this Statement of Reasons.</p> <p>Horizon does not consider that any other DCO application documents require updating following the Hitachi decision.</p>	See Welsh Government response to Q2.4.56 above.

<b>Q2.6.2</b>	<p>Provide an update at Deadline 6 on the following matters in relation to Cestyll Garden and nearby heritage assets addressed in Horizon's Response to the Welsh Government's WR [REP3-034]:</p> <ol style="list-style-type: none"> <li>(1) The commitment for Horizon to work with the landowners and other interested parties to consider appropriate enhancement measures such as greater interpretation, including on-site interpretation boards at the valley garden, enhanced public access to the valley garden, regular maintenance and restoration of the valley garden. (Para. 1.15.4)</li> <li>(2) The proposed a deed of covenant with NDC to develop and deliver a Conservation Management Plan for Cestyll Garden and whether agreement on heads of terms for acquisition of a number of land interests, including Cestyll Garden, has been reached.</li> <li>(3) The proposed provision of enhanced interpretation in the form of an additional interpretation board at Felin Gafnan.</li> <li>(4) The review of what could be practically achieved in relation to the possible reinstatement of the kitchen garden to its former location or an alternative location; including the possibility of reconfiguring proposed Mound D to the east of the Cestyll Garden driveway.</li> <li>(5) How making good damage to the following listed buildings would be secured; the level of financial resource to be reserved for the work and the mechanism to ensure the work would be carried out in accordance with Cadw and IACC guidance: <ol style="list-style-type: none"> <li>i. Grade II* Listed Felin Gafnan Corn Mill (Porth y Felin) (Asset 137);</li> <li>ii. Grade II Listed Corn-drying house at Felin Gafnan (Asset 141);</li> <li>iii. Grade II Listed Mill house at Felin Gafnan, Cylch-y-Garn (Asset 144); and</li> <li>iv. Grade II* Church of St Padrig (Llanbadrig) (Asset 26)</li> </ol> </li> </ol>	<p>(1) While Horizon has been in discussions with the NDA with regard to purchasing the valley garden, it will not be possible to complete the purchase of the valley garden before the end of examination. Horizon has therefore revised the draft DCO s.106 agreement as detailed below:</p> <p>5.1.1 <i>If the Developer owns Cestyll Garden, it will develop and thereafter implement a conservation management plan by Implementation.</i></p> <p>5.1.2 <i>If the Developer does not own Cestyll Garden, it will use reasonable endeavours to work with the landowner to develop and implement a conservation management plan by the first anniversary of Implementation, and will fund that up to a maximum of £750,000 (Indexed).</i></p> <p>5.1.3 <i>If despite using reasonable endeavours it has not been possible to achieve [5.1.1] by Implementation or [5.1.2] by the first anniversary of Implementation, then the Developer will allocate a financial contribution of £750,000 (Indexed) to the Council, for spending in consultation with Cadw, on enhancing other heritage assets in the vicinity of the WNDA.</i></p> <p>5.1.4 <i>The conservation management plan will:</i></p> <ol style="list-style-type: none"> <li>a) <i>set out required restoration works for Cestyll Garden;</i></li> <li>b) <i>require installation of interpretation boards;</i></li> <li>c) <i>establish a programme of maintenance for the duration of the construction period to the end of the Operational Period.</i></li> <li>d) <i>require and establish improvements to public access of Cestyll Garden.</i></li> </ol> <p>These clauses were shared with IACC and the Welsh Government on the 23 January 2019, and will be included in the revised draft DCO s.106 agreement which will be submitted at Deadline 6 (19 February 2019).</p> <p>(2) See 1) above.</p> <p>(3) The following clauses are included in the revised draft DCO s.106 agreement which will be submitted at Deadline 6 (19 February 2019):</p> <p><b>7. Felin Gafnan</b></p> <p>7.1 <i>The Felin Gafnan Interpretation Board Contribution will be paid by the Developer to the Council for onward payment to National Trust prior to Implementation and the Developer covenants that it will not implement the Wylfa Newydd DCO Project until this contribution has been paid.</i></p> <p>7.2 <i>The Council will require National Trust to apply the Felin Gafnan Interpretation Board Contribution to [providing/improving] interpretation boards at the Felin Gafnan Corn Mill, Mill House at Felin Gafnan, and the Corn-drying House at Felin Gafnan prior to the first anniversary of Implementation.</i></p> <p>These principles were shared with IACC and the Welsh Government on the 23 January 2019.</p> <p>(4) As noted in Horizon's Response to Written Representation - Welsh Government [REP3-034] due to the operational requirements of the Power Station it is unlikely that the kitchen garden can be reinstated at its former location. However, Horizon are reviewing what can be practically achieved, and will provide a response at Deadline 6 (19 February 2019). In addition, and as noted in Horizon's response to Interested Parties responses to the Examining Authority's First Round Written Questions [REP3-005], it is Horizon's view that the adverse effects on the Cestyll Garden need to be balanced against the function of Mound D which, as identified in paragraph 6.3.18 of the Landscape and Habitat Management Strategy [APP-424] include:</p> <ul style="list-style-type: none"> <li>• Helping to protect views into the site from the south which would include the spent fuel storage area;</li> <li>• Softening views of the Power Station Site from the west and south-west, including views from existing PRoWs and diverted Wales Coast Path;</li> <li>• Providing screen mitigation up to a height of approximately 8m above existing ground level.</li> </ul> <p>(5) The following clause will be included in the revised draft DCO s.106 submitted at Deadline 6 (19 February 2019):</p> <p>7.3 <i>In the event that the undertaking of the Wylfa Newydd DCO Project causes structural damage to Felin Gafnan Corn Mill, Mill House at Felin Gafnan, and the Corn-drying House at Felin Gafnan ("properties"), the Developer will meet the owner of properties' reasonable costs of making repairs.</i></p>	<p>This topic is an ongoing matter (as reflected by the Statement of Common Ground submitted at Deadline 6). Please see Welsh Government's response to Q2.6.3 at Deadline 5 (REP5-080).</p>
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Q2.6.5	When will the Cultural Heritage Mitigation Strategy referred to in Horizon's response to Interested Parties responses to ExAs First Written Questions [REP3-005] at FWQ6.0.8 be submitted to the Examination?	<p>Horizon will include a requirement in the DCO that prior to the commencement of the Power Station Works, a Cultural Heritage Mitigation Scheme for the WNDA will be submitted to and approved by IACC, in consultation with Cadw/GAPS. As such the Cultural Heritage Mitigation Scheme will be submitted post-consent of the DCO and prior to the start of construction.</p>	<p>Welsh Government welcome the commitment to introduce a requirement for a Cultural Heritage Mitigation Scheme. However, Welsh Government will reserve their position on this matter until detail has been provided by Horizon. Welsh Government would expect that such a requirement would set the parameters and key principles for what the Scheme will need to provide for approval.</p>
Q2.10.13	At the ISH on 7 January 2019 you raised concerns regarding the actual turnover/availability of stock in the private rented sector indicating you thought it was less than that suggested by the Applicant. What evidence do you have to support this claim?	<p>Horizon notes that reports by Cambridge University (Annex 8K to IACC's LIR [REP2-125]), Arc4 (Appendix 5 of Gwynedd's LIR submission [REP2-297]), and Three Dragons, has been submitted and that these include reference to possible levels of stock availability, however none of these reports include evidence in support a particular figure.</p> <p>In addition the IACC / Welsh Government / GC / CC Joint Post-Hearing Note on Housing and Accommodation Baseline Figures submitted at Deadline 4 ([REP4-034] and [REP4-054]) set out a claimed joint position of 10% capacity. Horizon challenges this claim – further detail is set out in Horizon's response to these submissions (to be submitted at Deadline 5).</p>	<p>At paragraph 2.1.7 of Horizon's response to Welsh Government's Deadline 4 submission (REP5-050), Horizon draw reference to a report submitted by Conwy County Borough Council (REP2-289) which appended the initial draft (and unapproved) version of the Three Dragons Mitigation Report (dated November 2018). Further work has been undertaken by Three Dragons in consultation with the local authorities culminating in the production of Welsh Government's Written Representation (REP2-367) and the Joint Housing Position Statement submitted at Deadline 4.</p> <p>The Arc4 survey (submitted by Welsh Government at Deadline 5) was undertaken first and concluded that letting to construction workers would displace local residents from the market. The Arc4 survey concluded with a number of 'Next Step' suggestions, which were considered further by Three Dragons.</p> <p>Paragraph 6.6 of the Arc4 Report states:</p> <p><i>The PRS in terms of numbers and prevalence in the location close to Wylfa Newydd is weaker. This means that people will probably have to travel to secure PRS accommodation and the proximity to the A55 the mainland will be potentially an attractive proposition due to the range of other services.</i></p> <p>In respect to Horizon's challenges (REP5-050) on the delivery of the TWA Phasing, Welsh Government request the ExA refers to Appendix B of this submission (comments on the Phasing Strategy).</p>
Q2.10.17	A number of IPs [e.g. REP2-295] have suggested that the Workers Accommodation Management Strategy (WAMS) needs to be secured in the DCO – how and where could this be achieved?	<p>The WAMS is secured by the draft s.106, see schedule 5 of the draft revised s.106 agreement provided at deadline 5.</p> <p>This obligation includes Horizon's key commitments to maintain the Worker Accommodation Portal, including requiring all non-home-based workers to register with the service, and to provide monitoring reports to the WAMS Oversight Board. Further detail is set out in response to Q2.10.14.</p> <p>Horizon does not understand that IACC or Welsh Government are concerned about securing the WAMS in the s.106 agreement.</p>	<p>Welsh Government has commented on the drafting of Schedule 5 of the revised S106 Agreement, to highlight that if there is not going to be a Housing and Accommodation Engagement Group, and reliance is solely on the WAMS Oversight Board, then Welsh Government should also be represented on the WAMS Oversight Board.</p>

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Q2.10.29	<p>What support and/or training could be provided for adults and those already in work to enable them to reskill to access job opportunities particularly during the operational phase?</p>	<p>The Jobs and Skills Contribution is a total of £10 million which is paid in set tranches (as set out in schedule 5 of the DCO s106 agreement) to (a) IACC, and (b) to IACC for onward payment to Grwp Llandrillo Menai and other training providers, to support reskilling and upskilling including for those already in work. The contribution is secured in the DCO s.106 Agreement.</p> <p>The draft DCO s.106 agreement sets out a number of requirements of the Jobs and Skills Implementation Plan ("JSIP"), including a commitment to agreeing a JSIP for the operational period. Horizon anticipates the JSIP will have two specific objectives relating to upskilling (construction and operational phases):</p> <ul style="list-style-type: none"> <li>i) Identify opportunities to upskill local construction workers for the Wylfa Newydd project by: <ul style="list-style-type: none"> <li>a. Identifying competencies within local construction sector that would benefit from additional training to access WN roles e.g. painters</li> <li>b. Work with training providers to design and fund upskilling courses from Jul-20 onwards</li> <li>c. Establish assessment and competency testing centres for roles with employers</li> </ul> </li> <li>ii) Work to identify those individuals within the workforce who would benefit from upskilling programmes to meet future skills needs by: <ul style="list-style-type: none"> <li>a. Identifying short-duration training for construction trade staff to upskill into higher level roles and develop skills valuable during the operational phase</li> <li>b. Consider how operative and labouring workforce can be deployed into plant operative roles through upskilling CPCS courses from year 3 onward</li> </ul> </li> </ul> <p>The response to further written question 2.10.22 sets out the basis for how the Jobs &amp; Skills Contribution quantum was determined. which includes [£2m] for upskilling.</p> <p>Specifically with regard to the operational phase, there are a number of routes into the operational utility for Wylfa Newydd:</p> <ul style="list-style-type: none"> <li>• From the open jobs market,</li> <li>• From the existing nuclear industry,</li> <li>• Transfer from the existing Horizon business,</li> <li>• Apprentices,</li> <li>• Graduates.</li> </ul> <p>Horizon has held numerous discussions with Magnox and has participated in a number of talks with teams at Wylfa and Trawsfynydd in order to educate the staff as to the standards required, timelines as to when jobs will become available and the nature of the technology to be used at Wylfa Newydd. Provision of career route maps, job profiles and other such information is freely available and widely distributed through attendance at open surgeries, county shows, Eisteddfod and other public facing events to encourage and educate the wider population as to the opportunities available at Wylfa Newydd. The DCO s106 agreement also commits to these types of activity.</p> <p>Horizon anticipates the JSIP will include a number of specific activities for the operational phase. These are:</p> <ul style="list-style-type: none"> <li>• Liaison with FE training providers on course content and timelines for recruitment into operational roles</li> <li>• Explore opportunities for engagement with HE in relation to bursary payments for degree courses linked to operational roles, as well as degree level apprenticeships in England</li> <li>• Input into WNESS pre-employment programme to maximise recruitment of candidates into operational roles</li> <li>• Define reskilling programme for demobilised construction workforce</li> <li>• Provide visibility of anticipated apprentice recruitment dates and competencies</li> </ul>	<p>Welsh Government welcome Horizon's anticipation for what the JSIP will cover, including some suggested timings. Welsh Government would welcome clarity on how these objectives will be secured (either through update drafting to the S106 or through DCO Requirements). Welsh Government has provided detailed comments to the applicant on the section 106 agreement in respect of Jobs and Skills and will review the revised draft to be submitted at deadline 6 by the Applicant. Welsh Government reserves the right to make further comments on this.</p>

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Q2.11.14	The IACC, GCC and WG have all raised concerns regarding the potential for 'fly parking'. How do you propose to deal with this matter?	<p>As set out in the Wylfa Newydd CoCP submitted at Deadline 5 (12 February 2019), Horizon commits to manage, monitor and regulate the availability of car parking spaces to reflect the number of workers on the Wylfa Newydd DCO Project, balancing an over-provision of car parking (which could encourage car travel) with an under-provision of car parking (which could encourage fly parking).</p> <p>If fly-parking does occur, the management of fly parking is considered in the Workforce Management Strategy [updated version submitted at Deadline 5]. This states in paragraph 2.4.4 that "<i>Any personnel found to be parking outside designated areas (or 'fly parking') will be disciplined.</i>" This principle will be included in the Code of Conduct that construction workers will be required to sign and adhere to during their employment on the Wylfa Newydd DCO Project.</p> <p>The updated version of the Wylfa Newydd Code of Construction Practice submitted at Deadline 5 states that all suspected incidents of fly-parking will be investigated by Horizon within 5 working days of the initial complaint being submitted to Horizon.</p> <p>Therefore, if construction workers are found to be fly-parking, this will be considered a breach of the Code of Conduct and they will be disciplined.</p>	Welsh Government recognise that IACC have raised concerns regarding the length of time to investigate suspected incidents of fly parking. Welsh Government would welcome clarification from Horizon as to why 5 days is necessary?

<b>Q2.14.4</b>	<p>(1) Could the port of Holyhead be used for moving bulk goods prior to the opening of the MOLF?  (2) Was this considered and if so why was it not included as an option?</p>	<p>Horizon did consider the use of the Port of Holyhead, both during the early years of the construction programme, i.e. pre Marine off-Loading Facility (MOLF); and as an alternative to the MOLF. Horizon is willing to discuss the potential use of Holyhead port in the future to supplement the delivery strategy but at this stage has no commercial plans to use the Port.</p> <p>To mitigate the potential impact of HGV movements prior to the MOLF, Horizon has committed to restrictions on the movement of HGVs on the key route to site, the A5025. This mitigation is set out in The Wylfa Newydd Project Phasing Strategy, submitted at Deadline 4, 17th January 2019 (Ref 8.29)</p> <p>Table 2-1 of the Phasing Strategy sets out the trigger for each key mitigation measure. Where appropriate this Phasing Strategy contains Horizon's commitment to relevant pre-delivery restrictions prior to the delivery of certain key mitigation. One of these triggers is the MOLF. These commitments are made to minimise environmental effects until the key mitigation is delivered and to provide assurances as to the timely delivery of such key mitigation. Reasons for each mitigation can be found in the Mitigation Route Map [REP2-038]</p> <p>The onsite MOLF is designed to mitigate road traffic impacts, this mitigation could not be provided if Holyhead were used as this would involve more road movements on the A55 and A5025 to transfer goods from Holyhead port to the WNDA.</p> <p>Notwithstanding the mitigation/ pre MOLF delivery restrictions identified above, Horizon reviewed potential alternative methods of transporting construction materials (appendix 10-1 of the Integrated Traffic and Transport Strategy [APP-107]), including sea and rail via Holyhead, then by road to site. Pertinent extracts from the study include:</p> <ul style="list-style-type: none"> <li>• The MOLF is an essential part of the freight transport infrastructure to import major reactor components, classed as AILs. "Alternative routing for a large proportion of these components is not possible due to constraining factors on the road network which provides connections to port or rail terminal facilities" (paragraph 10-1.1.2).</li> <li>• It is estimated that up to 800 AILs would arrive via the MOLF (section 7.6 of the Integrated Travel and Transport Strategy).</li> <li>• Transporting raw bulk materials by rail would require up to three trains per day during peak construction. A lack of existing rail infrastructure in the vicinity of Wylfa Newydd would also require onward transport to the WNDA via road (paragraph 10-1.1.8 of the Integrated Travel and Transport Strategy).</li> <li>• Transporting bulk materials by road would add substantial volumes of lorries to the road network; it is estimated that around 238,000 HGV deliveries would be required over the duration of the project to deliver the equivalent of the materials that could be delivered to the MOLF, once the MOLF is complete (paragraph 10-1.1.9 of the Integrated Travel and Transport Strategy).</li> <li>• Due to proposals by Network Rail to increase passenger services (trains per hour), night time deliveries would be relied upon, which could result in unacceptable noise levels for unloading and transporting of material (paragraph 10-1.1.15 of the Integrated Travel and Transport Strategy).</li> </ul> <p>In conclusion the use of the Port was considered inappropriate or unnecessary, even in the unlikely event that the MOLF is delayed, for the following reasons:</p> <ul style="list-style-type: none"> <li>• In order to reduce the impacts of the Project and to provide for the efficient delivery of construction materials, the MOLF was included within the Wylfa Newydd DCO Project design. The key benefit of the MOLF is that it will mitigate road traffic impacts and reduce reliance on the road network (including delivery delays due to adverse weather or accidents). This mitigation could not be provided if Holyhead Port was used as this would involve more road movements on the A55 and A5025 to transfer goods from Holyhead port to the WNDA. The inclusion of the MOLF also means that the use of the Port is not necessary.</li> <li>• Horizon cannot use the port to bring in the largest Abnormal Indivisible Loads as they are too large to then transport from the port to the WNDA via the road network.</li> <li>• Open market procurement requirements mean that Horizon (and indeed any developer) could not commit at the development stage of the project to utilising any port. Horizon will select partners/tier 1 contractors against the most economical advantageous submission.</li> </ul> <p>In addition to the above Horizon, as part of its work to support suppliers maximising opportunities, has been undertaking discussions with the Port of Holyhead as in addition to the MOLF there will be a need for a civilian port to support the needs of the project. This will support the transfer of mobiles/bulk materials from sea vessels to barges. Please note similar discussion have taken place with other civil ports within the region and UK. This work will be sourced competitively in line with the commitments made within the SCAP.</p>	<p>Welsh Government and Horizon have discussed the potential use of Holyhead Port through the Statement of Common Ground process (WG62). Welsh Government welcome that Horizon are willing to discuss the potential use of Holyhead Port in the future. However, Welsh Government is concerned as it understands there is currently no commitment at all in the DCO or section 106 to use Holyhead Port. This commitment would not need to be absolute as it will depend on other parties, but Welsh Government does wish to see a reasonable commitment included.</p>
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WSP

## **Appendix B**

Welsh Government comments on Phasing Strategy (Version 2.0)

# WYLFA NEWYDD NUCLEAR POWER STATION

## Welsh Government Comments on the Phasing Strategy (Version 2.0)

Page / Paragraph / Item	Welsh Government Comment
Securing Phasing Strategy	<p>Welsh Government consider that PW2 is not the right mechanism for securing the phasing strategy and suggest instead that the Phasing Strategy is annexed to the s106 agreement with a new schedule to include provisions to:</p> <p><b>Commit to the pre-delivery restrictions</b></p> <p><b>Commit to use reasonable endeavours to carry out and complete the Key Mitigation Measures in accordance with the Phasing Strategy</b></p> <p><b>Provide notification one month prior to commencement to construct each Key Mitigation Measure</b></p> <p><b>Provide notification of completion of construction of each Key Mitigation Measure</b></p> <p><b>Provide quarterly reports to IACC and Welsh Government on progress in carrying out and completing the Key Mitigation Measures</b></p> <p><b>A commitment that should a Key Mitigation Measure be delayed significantly beyond the duration shown in the Phasing Strategy (appropriate contingent period to be agreed) to notify IACC and Welsh Government and to propose action to reduce the delay so far as reasonably practicable having regard to the timely delivery of the project as a whole.</b></p> <p><b>A commitment to draw on contingency funding to deliver the action plan to reduce delay and mitigate any unforeseen consequences of the delay.</b></p>
Executive Summary	The Executive Summary and accompanying text needs to be clearer about how the Phasing Strategy will be implemented. Use of 'where appropriate' should be removed or criteria included to define what is agreed as appropriate.
1.1.2 Introduction	PW2 - as drafted does not require notification to LPA when mitigation has been delivered.
Figure 2.1	Note that this is marked as "indicative" therefore if this is to be a control document it must be capable of enforcement. Therefore, use of the term "indicative" is not appropriate. The sequencing between each item is not clear. Therefore, as a control document it provides no control about preventing other elements from commencing if a previous element is not complete (e.g. work on MOLF, Cooling Water, and Unit 1 & 2 all set to start prior to Dalar Hir completion and opening - therefore significant increase in workforce prior to a key and necessary mitigation measure being available).
Figure 2.1	Can 'Year 0' be defined? (i.e is it first spade in the ground?)
Figure 2.1	The timeline does not show the timescale for, or when the decommissioning activities for the Associated Development will take place.
Table 2.1	"First two dry seasons" - what is the definition of a dry season? Is this wording precise and enforceable? What defines a dry season in Wales?
Table 2.1	<b>Logistics Centre</b> Statement does not align with Figure 2.1, which shows logistic centre completion after the start of Unit1&2.
Table 2.1	<b>A5025</b> Clarification requested - should restriction just be at "Valley" or "A5025" due to impact on villages along route - if there is a requirement that controls all HGV movements via Valley and onto A5025 then current wording may be ok - but not sure if this control is secured?
Table 2.1	<b>Park &amp; Ride Facility</b> Again Figure 2.1 does not align with this statement. Also (as discussed on 23rd January 2019) there should be a pre-delivery restriction based on capacity of parking on site, which is linked to worker numbers [NB: it is also not clear (and we would welcome clarification from the Horizon Construction Team) why it would not be possible to deliver the 1,900 spaces in phases to allow an earlier opening of the P&R.]
Table 2.1	<b>Site Campus Phasing Strategy - requests for earlier delivery of TWA</b> This change to worker numbers has not brought the delivery of the TWA forward to earlier in the build programme. WG are still concerned that this is not early enough and see no reason why construction of the campus could not be completed sooner than Q1 year 5. Horizon's response to this query in their TWA Position Paper (Appendix 1-1 of Actions set at ISH 7 January) states that the current programme for Phase 1 of the TWA (including procurement, design, manufacturing and installation) is estimated as 22 months, which therefore equates to Y2Q4. 1st Phase would still allow 2,200 NHBW before any TWA units are made available (therefore 73% of off-site provision could be taken up before alternative accommodation choice is available - creating more demand and rental pressures on stock in the early years).
Table 2.1	<b>Site Campus Phasing Strategy - 'Essential Workers' for First Nuclear Construction (FNC)</b> It is also understood that at least 500 bed spaces are required onsite for 'Essential Workers' during nuclear concrete pour. According to Fig 2.1 this would be around Y3Q1, and not Y4Q1, which is when workforce predicted to hit 2,200.
Table 2.1	<b>Site Campus Phasing Strategy</b> The Phase 2 trigger is not appropriate as this could mean 3,200 NHBW in off site accommodation, which would be 200 more than assessed in the ES. The Phase 3 trigger is also not appropriate as this is too late, and given the potential for workforce numbers to be a total of 8,500 does not give any certainty of delivery (e.g. 2,000 HBW & 6,700 NHBW = 8,700). Suggest a simpler and more enforceable approach to set TWA as a ratio of NHBW (therefore 4,000 as ratio of 7,000 NHBW - 1.75, which would mean that for every 1,000 NHBW there should be 571 TWA bed spaces available. Therefore, to correspond with FNC (Y3Q1) there should be 571 bed spaces available [nb: HNP's PAC2 consultation identifies 500 spaces as be able to create critical mass], and then a further 571 bed spaces when NHBW reaches 2,000, 1,140 bed spaces when NHBW equals 4,000, and a further 571 at 5,000, with the remainder at 6,000. This would mean a phased and continual deliver with all units available ahead of peak).
Occupancy rates for the TWA	WG welcome the inclusion of a target for average occupancy rate of the Site Campus of 85%. However, it is unclear how this relates to the Phasing Strategy or over what period of time the average occupancy rate would be measured.

## **Appendix C**

Welsh Government comments on the Code of Construction Practice (CoCP)

# WYLFA NEWYDD NUCLEAR POWER STATION

## Welsh Government Comments on Code of Construction Practice

Item	Welsh Government response
General comments	<ul style="list-style-type: none"> <li>It is Welsh Governments preference to secure the necessary commitments by way of DCO Requirement, however, if Control Documents are to be used instead of DCO Requirements, then they must be drafted precisely, with clear triggers, in a similar way to how DCO Requirements would be drafted to be acceptable and agreeable to Welsh Government.</li> </ul>
Chapter 3: Communications and community / stakeholder liaison management strategy	<ul style="list-style-type: none"> <li>Section 3.2: The CoCP is not clear on the decision-making function the Engagement Groups will have.</li> <li>Section 3.2: Welsh Government want clarity on the membership/delegation of each Engagement Group.</li> <li>Section 3.2: It is not clear how the linear structure now proposed provides for an overarching forum/oversight group to consider the inter-relationships between these groups. Welsh Government are concerned that there is the potential for the Engagement Groups to operate in isolation of one another. For example, close links will be needed between the Emergency Services Engagement Group and the Health and Wellbeing Engagement Group as health will be treating those who are injured because of increases in anti-social behaviour, any incidents on site etc.</li> <li>3.2.14: Welsh Government request that all notifications <b>AND</b> Community Information Sheets are bilingual.</li> <li>3.2.17: Is it appropriate for the CoCP to be setting out some rather than all of the Welsh language mitigation commitments that Tier 1,2 and 3 contractors will be required to adhere to. Use of 'includes, but not limited to' is not an enforceable position.</li> <li>3.4.3: This sentence must be strengthened and be more precise by setting out the partners/members of the joint working group. As a minimum, this should be both the membership of the Health and Wellbeing Engagement Group and the Emergency Services Engagement Group.</li> <li>3.4.6: Horizon must work with both the Health and Wellbeing Engagement Group and the Emergency Services Engagement Group to monitor potential effects arising from the Wylfa Newydd DCO Project as it relates to community safety.</li> <li>3.4.9: Safeguarding protocol must also be prepared in consultation with the Health and Wellbeing Engagement Group and Gwynedd Council as safeguarding risks could extend into the wider KSA.</li> </ul>
Chapter 5: Traffic and transport management strategy	<ul style="list-style-type: none"> <li>5.2: There is still no provision regarding empty Heavy Goods Vehicles (HGV) departing from the Wylfa Newydd Development Area (WNDA).</li> <li>5.3.6: The current wording of this paragraph does not provide sufficiently precise and enforceable commitment that could be secured through a control document. In line with paragraph 1.2.2 of Appendix 1-5 of Horizon's response to DL5 ISH Actions [REP5-054], the CoCP should be amended to include the following sentence: "<i>Shuttle buses would use the park and share site proposed by others (e.g. site at Bangor proposed by Welsh Government) if they are available and demand arises.</i>"</li> <li>Section 5.3: Evidence from Hinkley Point C suggests that car parking at the Wylfa Newydd Development Area (WNDA) should be allocated only to those with accommodation on the Site Campus (long stay parking) to reduce the daily traffic movements near the WNDA. No long stay parking should be provided at Dalar Hir to maximise the available spaces for daily commuters. Daily (commuter) car parking at the WNDA should be reserved for disabled and essential workers only, managed using strict criteria that Horizon should detail and enforce. This approach simplifies parking management at the WNDA as there would be no need to monitor and enforce minimum vehicle occupancy. If long stay parking spaces are not required at Dalar Hir, then parking spaces at the park and ride site can be completely allocated to commuting shift workers with onward travel to the WNDA using the dedicated park and ride bus service.</li> <li>Section 5.3.7: Welsh Government requires all buses to be used on the Wylfa Newydd Project to meet the Euro VI standard for engines.</li> <li>Section 5.4.6: Whilst the commitment to provide an Abnormal Indivisible Load (AIL) Management Scheme is welcomed, Welsh Government are not satisfied that Site Preparation and Clearance activities are excluded from these works as this may include earthwork moving vehicles which may be classified as AIL. In addition, Welsh Government would like to see a commitment that ensures AIL movements along the trunk road network do not occur during peak periods.</li> <li>Section 5.4.6: Welsh Government request clarification as to whether an AIL Management Scheme will be prepared for the Associated Developments, and Site Preparation and Clearance Works (as these could also create AILs). The Draft DCO (Version 3.0) suggest that the AIL Management Scheme will only be prepared in advance of the Power Station Works and Site Campus.</li> <li>Section 5.8.14: <ul style="list-style-type: none"> <li>Welsh Government would welcome clarity on the times for HGV deliveries. The paragraph refers to 07.00 to 19.00, Welsh Government understood that Horizon had requested a non-material amendment to extend these hours.</li> <li>Several elements listed in this paragraph should not be classified as an exceptional circumstance. For example: inclement weather (including high winds), breakdown of a vehicle. The Examining Authority should note that in Welsh Government's response to Deadline 3 [REP3-061, comment on Horizon response to Q11.1.5], information has been provided on the number of times the Britannia Bridge has been closed due to high winds, this cannot be considered an exceptional circumstance and Horizon must provide alternative measure to ensure there is resilience to the traffic management strategy.</li> </ul> </li> <li>Section 5.8.15: If this section is to remain, the text needs to be updated to clarify the other routes will be agreed with the Transport Engagement Group.</li> <li>Section 5.10: Welsh Government welcome the additional information provided on monitoring measures.</li> </ul>
Chapter 9: Waste and material management strategy, including soils and land contamination	<ul style="list-style-type: none"> <li>Section 9.3: Welsh Government support the updated clarification provided regarding the project-wide Site Waste Management Plan (SWMP) and site-specific SWMPs.</li> </ul>
Chapter 12: Cultural heritage management strategy	<ul style="list-style-type: none"> <li>Section 12.2: It is evident that a robust mitigation strategy must be enforced to ensure archaeological assets within the WNDA are protected. To avoid any substantial harm (as described in EN-1) to archaeological assets within the WNDA, Horizon must provide: <ul style="list-style-type: none"> <li>Detailed Summary Reports for all excavation works completed on-site in a timely manner. Horizon must also commit to undertake a programme of analysis, reporting, archiving and dissemination commensurate with the results of the investigations. This will be developed based on the results of post-excavation analysis, reporting, archiving and dissemination.</li> <li>A Written Scheme of Investigation for the 18-remaining archaeological 'hot-spots'. The developer will be aware that where unexpected archaeological discoveries are of national importance, which is the case at Wylfa Newydd, the Welsh Ministers have the power to schedule the site. In the event of scheduling, Horizon will be required to seek separate scheduled monument consent before any further construction work can continue.</li> </ul> </li> <li>Section 12.2: Welsh Government recognise that within Schedule 3 and Schedule 21 of the Draft DCO, Horizon have included an archaeological mitigation scheme. Discussions are due to take place between Cadw, GAPS, and IACC on the 26 January 2019 to discuss Horizon's approach.</li> <li>Section 12.2.1: The CoCP is not precise or enforceable as the term "significant" has not been defined in respect to the discovery of "significant archaeological remains".</li> <li>Section 12.4: The Cestyll Gardens Registered Park and Garden (and associated Essential Setting) encompasses land within and outside the order limits (i.e. Kitchen Garden is within the Order Limits). Welsh Government would expect the mitigation of effects on the historic landscape will consider Cestyll Gardens in its entirety.</li> </ul>