

# Wylfa Newydd Project

## Statement of Common Ground between Horizon Nuclear Power Wylfa Limited and Nuclear Decommissioning Authority

PINS Reference Number: EN010007

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Revision 2.0

Examination Deadline 6

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Planning Act 2008

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

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## 1 Introduction

### 1.1 Status of this SoCG

- 1.1.1 This Statement of Common Ground (hereafter referred to as the ‘SoCG’ is being submitted to the Examining Authority by Horizon to reflect the position of Horizon and North Wales Police (NWP) at Deadline 6, in accordance with the examination timetable.
- 1.1.2 The document represents an accurate reflection of the matters discussed between the two parties. It is not however being submitted as a document endorsed by the NDA.
- 1.1.3 It is noted that where this SoCG relies on documents which are due to be submitted at later deadlines in the examination (or submitted at Deadlines 5 and 6 and, because of the timetable, have not been fully reflected in this final draft), this is noted where relevant and may change the status of issues recorded in this version of the SoCG.

### 1.2 Purpose of this document

- 1.2.1 This SoCG is a final draft document that has been prepared by Horizon Nuclear Power (hereafter referred to as ‘Horizon’) and the Nuclear Decommissioning Authority (hereafter referred to as ‘NDA’). It has been prepared in accordance with the guidance published by the Department of Communities and Local Government (hereafter referred to as ‘DCLG Guidance provided on the Planning Inspectorate’s website’)<sup>1</sup> and example SoCG documents provided on the Planning Inspectorate’s website<sup>2</sup>.
- 1.2.2 Paragraph 58 of the DCLG Guidance states:

*“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence”*
- 1.2.3 The aim of this SoCG is to therefore to provide a clear position of the state and extent of discussions and agreement between Horizon and the NDA on matters relating to the Wylfa Newydd Project.

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<sup>1</sup> Planning Act 2008: Guidance for the examination of applications for development consent (March 2015) paragraphs 58 – 65  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418015/examinations\\_guidance-\\_final\\_for\\_publication.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-_final_for_publication.pdf)

<sup>2</sup> <https://infrastructure.planninginspectorate.gov.uk/application-process/example-documents/>

- 1.2.4 This SoCG has evolved through a series of iterative drafts. These drafts have been informed by on-going meetings between Horizon and the NDA. The first draft of this SoCG was provided by Horizon on 27 October 2017, for input and comment by the Horizon and the NDA.
- 1.2.5 The purpose of the SoCG is to set out agreed factual information about the application for development consent made by Horizon for the construction and operation of a new nuclear power station at the Wylfa Newydd Development Area (hereafter referred to as 'WNDA') together with on and off-site associated development (hereafter referred to as 'the Wylfa Newydd DCO Project').
- 1.2.6 This SoCG is being submitted to the Examining Authority in relation to the application by Horizon under section 37 of the Planning Act 2008 (the Act) for an order granting development consent for the construction of the Wylfa Newydd DCO Project.

## **1.3 Description of Development**

### ***The Wylfa Newydd Project***

- 1.3.1 The Wylfa Newydd Project includes:

### ***The Enabling Works***

- 1.3.2 The Enabling Works comprise the Site Preparation and Clearance Proposals (SPC Proposals) and the A5025 On-line Highway Improvements.
- 1.3.3 Horizon has submitted applications for planning permission for the Enabling Works under the Town and Country Planning Act 1990 to the Isle of Anglesey County Council (IACC) as local planning authority. The On-line Highway Improvements were granted planning permission on 13th July 2018 (ref: 27C106E/FR/ECON). The planning authority resolved to grant the SPC application subject to the signing of a legal agreement on the 5th September 2018. The Welsh Government wrote to the IACC on 13 December 2018 directing that the SPC application should be determined by the Welsh Ministers (referred to as a call-in). Horizon has now written to IACC and Welsh Government to confirm that it is withdrawing the SPC application and that all works included within the SPC application have also been applied for as part of the DCO application.
- 1.3.4 In order to maintain flexibility in the consenting process for the Wylfa Newydd DCO Project, the SPC Proposals have also been included in the DCO application. The A5025 On-line Highway Improvements are not part of the DCO application.

### ***The Wylfa Newydd DCO Project***

- 1.3.5 The Wylfa Newydd DCO Project as promoted and applied for by the Applicant comprises those parts of the Wylfa Newydd Project which are to be consented by a DCO, namely:

## The Nationally Significant Infrastructure Project (NSIP)

- **Power Station:** the proposed new nuclear power station, including two UK Advanced Boiling Water Reactors, the Cooling Water System, supporting facilities, buildings, plant and structures, radioactive waste and spent fuel storage buildings and the Grid Connection;
- **Other on-site development:** including landscape works and planting, drainage, surface water management systems, public access works including temporary and permanent closures and diversions of public rights of way, new Power Station Access Road and internal site roads, car parking, construction compounds and temporary parking areas, laydown areas, working areas and temporary works and structures, temporary construction viewing area, diversion of utilities, perimeter and construction fencing, and electricity connections;
- **Marine works comprising:**
  - Permanent Marine Works: the Cooling Water System, the Marine Off-loading Facility, breakwater structures, shore protection works, surface water drainage outfalls, waste water effluent outfall (and associated drainage of surface water and waste water effluent to the sea), fish recovery and return system, fish deterrent system, navigation aids and Dredging;
  - Temporary Marine Works: temporary cofferdams, a temporary access ramp, temporary navigation aids, temporary outfalls and a temporary barge berth;
- **Off-site Power Station Facilities:** comprising the Alternative Emergency Control Centre (AECC), Environmental Survey Laboratory (ESL) and a Mobile Emergency Equipment Garage (MEEG); and

## Associated Development

- the Site Campus within the Wylfa Newydd Development Area;
- temporary Park and Ride facility at Dalar Hir for construction workers (Park and Ride);
- temporary Logistics Centre at Parc Cybi (Logistics Centre);
- the A5025 Off-line Highway Improvements;
- wetland habitat creation and enhancement works as compensation for any potential impacts on the Tre'r Gof Site of Special Scientific Interest (SSSI) at the following sites:
  - Tŷ Du;
  - Cors Gwawr;
  - Cae Canol-dydd

1.3.6 The Power Station will be operational for approximately 60 years after which it will be decommissioned. The buildings will be removed from the site and all spent fuel and radioactive waste managed. The end state of the site will be agreed with the regulators.

### **Licensable Marine Activities**

1.3.7 The Licensable Marine Activities comprise the Marine Works and the Deep Disposal (i.e. the disposal of material from dredging at the Disposal Site at Holyhead North). The Licensable Marine Activities will be consented under a Marine Licence; however the Marine Works would also be consented under the DCO.

1.3.8 A more detailed description of development is contained at Chapter 4 of the Planning Statement (APP-406).

## **1.4 The Role of the NDA**

1.4.1 Under the provisions of the Energy Act 2004 the NDA are responsible for the safe decommissioning and cleaning up of nuclear facilities, including ensuring that all waste products, both radioactive and non-radioactive, are safely managed. The NDA owns the Existing Power Station and works closely with its site licence company, Magnox, which lease the site from NDA, to ensure the safe and timely decommissioning of the original Existing Power Station.

1.4.2 Horizon acknowledges the importance of working closely with the NDA (as well as Magnox) to ensure that activities associated with the construction and operation of the proposed Wylfa Nuclear Power Station does not impact NDA/Magnox operations.

1.4.3 A separate SoCG for Magnox has been prepared by Horizon.

## 2 Consultation with the NDA

2.1.1 Horizon has undertaken a period of engagement with the NDA at points through the pre-application period and following the submission of the DCO application.

2.1.2 The preparation of this SoCG has been informed by a programme of discussions between Horizon and the NDA. Horizon met with the NDA to discuss and document common ground on the following dates:

**Table 2-1 Record of SoCG Meetings (Horizon/NDA)**

Meeting Date	Attendees	Purpose of Meeting
23rd August 2017	Horizon Magnox NDA DWD Atkins	<p>Kick off meeting with Magnox and NDA, Magnox presented position statement. The statement set out Magnox's key queries in the following sections:</p> <ul style="list-style-type: none"><li>• Site access</li><li>• Car parking</li><li>• Site emergency plan</li><li>• Magnox water main and other services</li><li>• Highway works</li><li>• Magnox Drainage</li><li>• Dewatering operations</li><li>• Cestyll Gardens and surrounding land</li><li>• 400kV easement</li><li>• Future use of the site</li><li>• Land occupied by contractors car park</li></ul>
22 <sup>nd</sup> September 2017	Horizon NDA	<p>Meeting to develop NDA position statement. The NDA listed out some addition and some overlapping queries (with Magnox's), these were set out as follows:</p> <ul style="list-style-type: none"><li>• Cestyll Gardens and surrounding land</li></ul>

Meeting Date	Attendees	Purpose of Meeting
		<ul style="list-style-type: none"> <li>• 400kV easement</li> <li>• Cooling water outfall</li> </ul>
11 <sup>th</sup> October 2017	Horizon Magnox NDA	Meeting held to discuss draft DCO document review process with Magnox and NDA.
30 <sup>th</sup> November 2017	Horizon NDA	Meeting to discuss the NDA's comments on the draft SoCG and discuss the draft DCO document review process.
9 <sup>th</sup> August 2018	Horizon NDA	Review, update and identify actions to progress SoCG topics.
19 <sup>th</sup> September 2018	Horizon Magnox NDA	Review, update and identify actions to progress SoCG topics. Update both Magnox and the NDA on SoCG timescales.

### 3 Current Position

#### 3.1 Current position with this SoCG

- 3.1.1 Horizon has engaged proactively with the NDA to develop this SoCG. Details of this engagement are set out in Table 2.1.
- 3.1.2 This SoCG has been developed through drafts prepared by Horizon to reflect its understanding of the NDA's position expressed verbally at meetings or through correspondence and is to its knowledge an accurate reflection of agreed, disagreed and ongoing matters. The final version being submitted for Deadline 6 has not been formally endorsed by the NDA as a jointly agreed draft. Horizon will however continue to work with the NDA to resolve outstanding matters and will update the Examining Authority on these discussions as appropriate.

#### 3.2 Position of Horizon Nuclear Power and the NDA

- 3.2.1 The following schedule sets out the position of the NDA alongside Horizon's position.
- 3.2.2 The NDA requires protective provisions to protect its statutory obligations and duties and accordingly, does not agree with the powers in the draft DCO that affect its land and interests until the protective provisions are agreed.

#### 3.2.3

It sets out matters by topic area and illustrates topics which are marked green if matters are 'agreed' or 'ongoing' (amber) if work is to continue between the two parties

**Table 3-1 Statement of Common Ground between the NDA and Horizon**

Topic	Sub topic	SOGC ID	Issue	Position between the parties	RAG	Actions required to progress discussion on the topic
CW Outfall	Contamination of Wylfa CW outfall and apron	NDA02	Horizon's CW outfall design will interact with the existing Magnox CW outfall and apron. Under current laws, the polluting party is liable for the cost of removing any contamination (conventional and radiological). The NDA is concerned that there will be no way of ascertaining where the contamination has resulted from when it's time to remove the structure if Horizon decided to build over them, leading to a possible dispute in the future. It should be noted that there is also an existing EA license for the area.	Both parties are committed to a collaborative approach to investigate the incorporation of the existing structures into the Horizon scheme of works and the transfer and amendment of legal rights necessary to facilitate this.	Ongoing	Surveys have been commission to establish a baseline level of contamination. This is not currently agreed however Horizon will continue to work with the NDA to develop a solution.  A number of options have been looked at with regard to existing EA licence and Horizon will continue to work with Magnox/NDA/NRW on the options to allow a suitable EA license is available to operator of the site
CW Outfall	CW outfall Crown Estate interface	NDA06	The NDA has an easement across Crown Estate land which they have a right to discharge over, within the easement there is an apron structure. In order for the NDA to cease their agreement with the Crown Estate, they need to 'reinstate' the foreshore. At present, the definition of what work is required to 'reinstate' the foreshore is not agreed between the parties.	Both parties are committed to working together to find a solution which works for all parties including the Crown.	Ongoing	This is not currently agreed however Horizon will continue to work with the NDA to develop a solution.
400kV Land Area	Leasing/acquisition of 400kV land area	NDA04	The NDA has questions of commerciality regarding the potential easement or partial purchase of the 400kV area which would leave them with a package of land that this difficult to sell/would result in management issues. The NDA also want to make sure their interests are protected e.g. long-term car parking.	Horizon is committed to compliance with the NDA's requirements and commercial arrangements as agreed between the two parties. The parties agree that Horizon will operate in the area under LC3 lease with Magnox until such time as the land is de-designated at which time the agreed land deal will be exercised. This will be captured in the land deal and discussed through the land acquisition process.	Ongoing	This is not currently agreed however Horizon will continue to work with the NDA to develop a solution.
Protective Provisions	Protective Provisions	NDA05	In order to protect their interests, the NDA have requested that protective provisions are developed,	Horizon are in agreement that protective provisions are needed which reflect the protective provisions to be agreed with Magnox and also cover the issues relating to the NDA's land interests.	Ongoing	This is not currently agreed however Horizon will continue to work with the NDA to develop a solution.
Cestyll Garden	Cestyll Garden Conservation	NDA08	Maintenance and long-term access to remaining parts of Cestyll Garden	Both the NDA and Horizon agree to produce and implement a Conservation Management Plan for Cestyll Garden, this is secured through the Section 106. This will identify specific measures to meet the aims of greater interpretation, better public access, regular maintenance and repair, and restoration to meet the overall aim of enhancement of the valley garden.  A revised private means of access has been agreed with NDA to gain access to Valley Gardens (Cestyll Garden) This is shown in DCO drawing ref	Ongoing	Horizon and the NDA are currently exploring the option of a voluntary agreement for Horizon to acquire Cestyll Garden. Should this not materialise Horizon will seek to agree an alternative arrangement to ensure the maintenance of the garden.

Topic	Sub topic	SOGC ID	Issue	Position between the parties	RAG	Actions required to progress discussion on the topic
				'WN0902-HZDCO-ROW-DRG-00020 WYLFA NEWYDD DEVELOPMENT AREA RIGHTS OF WAY DURING CONSTRUCTION SHEET 2' (APP-012).		In the event of either above land options, a draft Conservation Management Plan will be produced by Horizon. In advance of the full plan being produced, the policies will be agreed with relevant stakeholders including Welsh Government (Cadw).

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