

# **Wylfa Newydd Project**

## **Development Consent Order Section 106**

### **Agreement Status Note**

PINS Reference Number: EN010007

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19 February 2019

Revision 2.0  
Examination Deadline 6

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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## 1 DCO S.106 Agreement Status Note

### 1.1 Deadline 6 updated draft s.106 agreement

- 1.1.1 This note provides an update to the Examining Authority on the current draft of the DCO s.106 agreement, as submitted at Deadline 6, and the status of negotiations.
- 1.1.2 At Deadline 5 Horizon provided its revised draft s.106 agreement dated 23 January 2019. Since the issue of that version, Horizon has received detailed comments from IACC and the Welsh Government. It has also had extensive engagement with IACC on all schedules, and engagements including through the statements of common ground process with other stakeholders.
- 1.1.3 Those comments, meetings and discussions have informed the further draft agreement now submitted at Deadline 6.
- 1.1.4 For avoidance of doubt, this version of the agreement submitted at Deadline 6 represents the current position of Horizon, and the table below sets out a high level overview of material issues not yet agreed on the s106 agreement with IACC and the Welsh Government. (For avoidance of doubt this table does not list each outstanding issue, but focuses on the main areas/themes not yet agreed.)
- 1.1.5 In terms of ongoing negotiations, further meetings are being scheduled including with IACC, Welsh Government and Gwynedd Council for the week commencing 25<sup>th</sup> February.
- 1.1.6 Horizon notes the revised timetable for provision of final (Deadline 8) and signed (Deadline 9) versions of the s.106 agreement and is committed to working with stakeholders to meet those deadlines.

	<b>Topic</b>	<b>Applicant Position</b>	<b>IACC Position</b>	<b>WG Position</b>
1.	Security for financial obligations and restoration of works	There is no justification requiring security for the financial obligations and restoration for works. SPC restoration dealt with below	Security for financial obligations and restoration of works (other and SPC works – see below) not presently sought.	Security for financial obligations and works undertaken is sought.
2.	Deed of covenant (DoC)	It is appropriate that as well as IACC and the relevant third party, the Developer should be a party to the (DoCs). Or in the alternative should have a right of enforcement.	The DoC should be between IACC and the relevant third party; the Developer should rely on IACC's rights of enforcement.	A DoC in a set form must be entered into at the latest 3 months after the DCO is granted. The DoC should be between IACC and the relevant third party; the Developer should rely on IACC's rights of enforcement.
3.	Schedule 1 (Welsh language)	There is no need for a further Welsh language strategy; the commitments including to prepare a competency framework and undertake annual reviews are secured directly in the schedule	A commitment to producing a Welsh language strategy is sought	A commitment to producing a Welsh language strategy is sought. Reviews should be quarterly not annually
4.	Schedule 1 (Welsh language)	The Welsh Language contributions are appropriate and robust. The additional contributions sought by IACC do not meet the CIL Regulation tests.	New and increased contributions are sought.	Increased contributions are sought.

	<b>Topic</b>	<b>Applicant Position</b>	<b>IACC Position</b>	<b>WG Position</b>
5.	Schedule 1 (Welsh language)	The Council should not have approval rights/an oversight role over Developer's internal policies and management groups	Approval rights/an oversight role is sought	Not specifically raised
6.	Schedule 2 (Leisure Facilities)	The contributions are appropriate and robust.	An increased contribution is sought.	-
7.	Schedule 3 (Tourism and Public Rights of Way)	The Tourism and PRoW contributions are appropriate and robust. The additional contributions sought do not meet the CIL Regulation tests.	New and increased contributions are sought.	Increased contributions are sought.
8.	Schedule 3 (Tourism and Public Rights of Way)	It is not agreed that the developer should need to bond/otherwise put up security for delivery of the visitor centre in advance of it being delivered.	Security is sought	-
9.	Schedule 4 (Jobs and Skills)	Final details of the Jobs and Skills Implementation Plan, Supply Chain Action Plan and remedial action plan processes are under discussion	See Applicant column	See Applicant column
10.	Schedule 4 (Jobs and Skills)	The level of officer contribution is appropriate and robust.	A larger contribution is sought	Increased contributions are sought generally (not just officer).
11.	Schedule 4 (Jobs and Skills)	It is appropriate to set targets for apprentices but not set levels	Requirements to achieve set percentages sought	Not specifically raised

	<b>Topic</b>	<b>Applicant Position</b>	<b>IACC Position</b>	<b>WG Position</b>
12.	Schedule 4 (Jobs and Skills)	It is appropriate to set targets for home based members of the operational workforce, but not set levels	Requirements to achieve set percentages sought	Not specifically raised
13.	Schedule 5 (Accommodation)	Final agreement over what will trigger a release of the contingency fund is under discussion	As per Applicant column	As per Applicant column
14.	Schedule 5 (Accommodation)	Final allocations of the capacity enhancements between IACC and other councils (not disagreed but not yet settled)	As per Applicant column	Increased capacity enhancement sum is sought.
15.	Schedule 5 (Accommodation)	The level of officer contribution is appropriate and robust.	A larger contribution is sought	Increased contributions are sought generally (not just officer).
16.	Schedule 6 (Education)	The quantum of the overall education contribution are appropriate and robust.	An increased education contribution is sought.	-
17.	Schedule 7 (Transport)	The quantum of the overall transport contribution are appropriate and robust and additional works proposed can be covered by existing contributions. Specific responses to WG D4 responded to by HNP at D5.	An increased transport contribution is sought for additional items.	Multiple additional obligations sought as set out in WG D4 representative
18.	Schedule 7 (Transport)	Pre-release of additional funding for mitigation based on the updated further	An increased transport contribution is sought for additional items.	Multiple additional obligations sought as

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		monitoring plans and monitoring in updated COCP is appropriate and robust.		set out in WG D4 representative
19.	Schedule 8 (Health)	Safeguarding commitments and mitigations are appropriately managed across the Project documentation and there is no justification as a result of the project for additional financial contributions	Contributions for safeguarding are sought	Approval rights sought over dentistry and pharmacy proposals and an indemnity over pharmacy costs sought
20.	Schedule (Emergency services)	9 No issues presented to Developer at this time	-	-
21.	Schedule 10 (Construction Noise Mitigation)	Materially agreed	-	-
22.	Schedule 11 (Environment and Heritage)	The quantum of the overall environment and heritage contributions are appropriate and robust.	Additional and increased contributions are sought	-
23.	Schedule 11 (Environment and Heritage)	It is not agreed that the developer should need to bond/otherwise put up security for delivery of the Cestyll Garden conservation management plan.	Security is sought	Detailed comments on Cestyll Garden to be provided. Additional funding where CMP not secured appears likely to be sought

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	<b>Topic</b>	<b>Applicant Position</b>	<b>IACC Position</b>	<b>WG Position</b>
24.	Schedule 11 (Environment and Heritage)	Allocation of the voluntary funds should be by the Developer in consultation with NRW	Allocation of the voluntary funds should be by the Council	-
25.	Schedule 11 (Community Fund)	Materially agreed. No counter-proposal received on quantum	-	-
26.	Schedule 13 (Community Involvement Officers)	Materially agreed	-	-
27.	Schedule 14 (Site Preparation and Clearance)	Inclusion of a restoration bond for SPC works is not agreed as necessary having regard to DCO requirements	Security is sought	See line 1 for general position on security
28.	Schedule 15 (Monitoring)	Quantum of operational monitoring contribution is robust and appropriate.	An increased contribution is sought.	-