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Dyddiad / Date: 10th April 2019

Dear Kay,

Wylfa Newydd DCO Examination EN010007 - Deadline 9 Submission

IACC has reviewed Horizon's Deadline 8 submission and has the following comments;

1. Development Consent Order – REP8-029

Definition: definition of commence

The IACC notes the amendment to the definition of commence to limit the size of structures to a maximum height of two storeys on specified works. The IACC welcomes some limitation but is concerned regarding the broadness of this particularly in relation to the Park and Ride at Dalar Hir and questions why two storeys would be necessary on this site given the repeated assurance from Horizon that the workforce in this location would be very small. The IACC asks that the definition is amended to secure that the maximum height of structures on the specified works is limited to one storey.

Definition: definition of maintain

The IACC notes that Horizon maintains its position on this definition and the IACC does likewise. The IACC continues to submit the definition should be restricted in order to protect communities and ensure enforceability. The IACC continues to request that the definition should be amended as set out in REP4-034 to:

"maintain" includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish, or replace any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, or vary the authorised development as described in Schedule 1 (Authorised development), and any derivative of "maintain" must be construed accordingly and subject to the following:

For Work Nos [1 and 4] maintain shall also include the relaying, extending or enlarging of any part of those Works; and Where Works are of a temporary nature and decommissioning or restoration of such Works has begun, no works shall be carried out as maintenance which are not required for the purposes of carrying out decommissioning or restoration.

Definition: definition of discharging authority and marine works consultee

The IACC accepts the delineation of authority at MHWS subject the clarification on the definition of marine works consultee to reads as follows:

means either or both IACC and NRW where IACC should be consulted in respect of any Marine Work Requirements relating to land seaward of the MHWS and NRW should be consulted in respect of works relating to land above the MHWS.

Article 10 defence to proceedings in respect of statutory nuisance

The IACC notes Horizon's position that the CoCPs have been made more specific and therefore that Article 10(1)(a)(iii) should be retained. The IACC maintains its position as previously expressed on this that this defence is too wide given the level of detail in the CoCPs and the lack of specification of detail in those documents and requests that Article 10(1)(a)(iii) is deleted.

Article 27 compulsory acquisition of rights

The IACC welcomes the reintroduction of paragraph 6 as agreed in the hearings.

Article 31 acquisition of subsoil only

In the DCO outstanding issues register (REP8-004), Horizon notes that IACC had previously requested that it identified what subsoil it is acquiring. This was in relation to compulsory acquisition affecting highways where the rationale for inclusion of public highway proposed by Horizon was that Horizon required the acquisition of the subsoil of public highway in order to undertake their works.

Given the satisfactory progression of the protective provisions in favour of the IACC as local highway authority, the Council is no longer pursuing this clarification as its interests are now appropriately protected.

Article 74 operational land for purposes of 1990 Act

The Council continues to maintain the position as previously set out that the associated development sites should not be considered as operational land for the purposes of the electricity generating undertaking as they are not used or required for the purposes of generating electricity. They are required only for the construction of the power station and to allow them to benefit from permitted development rights for generation of electricity is unreasonable.

Article 83 Guarantees in respect of payment of compensation and Article 84 Funding for implementation of the authorised development

In respect of guarantees for compensation and funding for the development, as set out by IACC in the Issue Specific Hearings in March, the IACC is taking no issue with these articles.

Schedule 3 - Requirement PW2 phasing strategy

The IACC is satisfied with the wording of requirement PW2 including the requirement to consult the Welsh Government. The IACC however makes separate representations on the content of the draft phasing strategy at Section 9 of this letter.

Schedule 3 - Requirement PW3 construction method statement

The IACC notes that it has no objection to NRW being a specified consultee on the Construction Method Statement. The IACC considers that given the statement covers the power station works and site campus works as well as the marine works, it is appropriate for it to be discharged by IACC.

Schedule 3 - Requirement PW8 Wylfa Newydd workforce behaviour

The IACC welcomes the amendment to this requirement to require consultation with IACC and North Wales Police.

Schedule 3- Requirement PW12 Digital Infrastructure Plan

The IACC welcomes the revisions made to the requirement which now allows the Council to receive the

assessment carried out under this requirement. The Council also welcomes that the scope of the technical assessment and subsequent Digital Infrastructure Plan has been amended and now includes consideration of mobile and broadband capacity across North Anglesey.

Schedule 15 - Protective provisions part 8: Protection for highways

The IACC notes that the protective provisions in favour of it as a highway authority and lead local flood authority were not agreed at Deadline 8 and that the version submitted at deadline 8 has since been amended. That amended version has now been agreed. A copy of the provisions as agreed by the IACC are included in Annex B.

Schedule 19 procedure for approvals, consents and appeals

- Fees

The IACC notes that Horizon is again referencing the fees to be provided to the Council under the section 106 agreement. The Council again directs the Examining Authority to the section 106 which provides that none of these fees are payable until implementation of the development. This will be some time after the bulk of requirements are required to be discharged and all of the work in doing so has been undertaken. The s106 fees are not designed to cover the work of discharging requirements.

The conflation of the fees for monitoring the development and the work required to discharge the requirements ahead of commencement of development is misleading. The suggestion that IACC could simply reallocate these fees to cover work already undertaken, which it has already had to fund, ignores the fact that these fees are already allocated for a purpose and are not able to be used twice.

Following recent discussions at the ISH, the Council have drafted a revised Fee Proposal for discharging requirements. A copy of this proposal is included in Annex C.

Given the volume and complexity of the matters to be discharged under major requirements, the IACC considers that fees reflecting the level set out in the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 provide an appropriate guide and the proposed fees have been aligned to these. This is because the matters which will be considered under major requirements are complex, require specialist input and need to be properly considered to ensure the impacts are managed appropriately. The matters to be considered under these requirements cannot be properly determined by a planning officer and the input of various departments of the Council and specialist consultants will be required. Given that the demand on officers across the Council to consider and respond to these applications in the short period allowed means that appropriate resource for that demand must be provided and the caps proposed by HNP were considered insufficient. For example, £2,028 for category 2 would be substantially insufficient to consider detailed design relating to landform, landscaping lighting and planting including the impact on the AONB and Heritage Coast, communities and heritage assets.

The IACC therefore submits that the fee caps proposed by Horizon are so low as to be unfit for purpose. Requirement WN1 requires the submission for approval of inter alia schemes for Archaeological Mitigation, Overarching Construction Drainage Scheme, SSSI Hydro-ecological Monitoring and Mitigation and the Overarching Construction Lighting Scheme. These could be submitted as one application for discharge with a capped fee at £2,028; the area fee before application of the cap would however be £952,380 (4070 0.1ha units x £234). For applications under requirement WN3, just one building could exceed the fee cap proposed by Horizon. As an example, the parameters for the maintenance building (0-226) allow this be 100m x55m (per table WN4A), creating floorspace of 5,500sqm. Assuming this is a single story only (despite the height parameter of 20m), the fee cap would be reached on this one building. This is because, where the floor space created exceeds 3,750sqm, the fee which would be due is £22,859 plus £138 per additional 75sqm up to the cap of £100,000; therefore the maximum floorspace which can be charged before cap applies is 4,309sqm. All of that floorspace could be created in just one building, demonstrating that the caps are disproportionately small for the scale of the development.

Given that these are discharges are not new applications the fee caps proposed by IACC have been limited to approximately 2/3 of the application caps as this is considered to better reflect the scale and complexity of these applications.

On minor requirements, while these may be 'minor' in terms of this scheme again these are in the normal course very large applications, they require considerably more work and consideration than would be resourced under a fee of £234. That fee would be imposed on the signing of a minor detail on a single dwellinghouse – in terms of scale and complexity minor requirements for this project will be of an entirely different magnitude and that requires to be reflected in the fee.

- Timescales

The IACC continues to consider that the timescales proposed for the discharge of requirements is too short given the level of material and complexity which would be involved in some of these requirements.

The IACC has previously proposed alternative timescales (IACC's Written Representation REP2-218 Section 8.3).

The IACC does not consider Hinkley to be a fair comparison where work on discharging requirements was supported by the developer outside of the DCO and resources were therefore allocated to undertaking this work. Horizon has made no such proposal in this case and the resources will have to come from the Council to supplement the very small fees currently proposed by Horizon. The Council is therefore being asked to undertake work within a very short timeframe without any funding to secure specialist input or external assistance.

The IACC requests that the time for consideration is amended from 35 days to 8 weeks for minor requirements and from 56 days 12 weeks for major where further environmental information is not required and 16 weeks where further environmental information is required. These timescales are predicated on each requirement being subject to an application and fee individually and it not being possible to submit multiple major discharges under one application with one fee as that approach would not support the resource needed to respond to such applications within the time allowed.

The IACC further maintains that the time period for determination should not run where the discharging authority advises Horizon that there is an EIA or habitats concern which needs to be resolved before discharge of the application can be progressed. This was set out in detail in section 9 of the IACC's Written Representation [REP2-218]. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 provide that applications made in pursuance of a DCO requirement which have to be approved before all or part of the development can begin are subsequent applications. Where a subsequent application is received the relevant authority (in this case IACC) must be satisfied that it has adequate information before it to properly assess the application. If the relevant authority is not satisfied the regulations provides that the authority "must suspend consideration" of the application until the requirements of the regulations are met, at which time the 16 week period can run. The IACC therefore maintains that it must be able to pause the clock on applications where supplementary EIA is required to allow it to be produced, reviewed, and publically consulted on in order to secure compliance with the regulations.

Objections to compulsory acquisition

As discussed at the hearings, many of the IACCs objections to compulsory acquisition were capable of being removed following agreement of suitable protective provisions.

On the condition that protective provisions in the form included in Annex B of this letter are included within the DCO, the IACC hereby formally withdraws all objections to the use of compulsory acquisition powers over any land in which it has an interest within the DCO.

2. Code of Construction Practice

The IACC has reviewed the revised Code of Construction Practice's (Revisions 4) submitted by HNP at Deadline 8 and can confirm that following the discussions between IACC and HNP during the week of the March ISHs significant progress has been made on the content and substance of the CoCPs.

Confirmed below are the Council's outstanding concerns, which can be resolved through further amendments to the CoCPs.

- *Car Parking Phasing Strategy*

The IACC confirms that it is satisfied that it can approve and thereby secure the minimum numbers of car parking at each phase of the project under DCO Requirement PW7. IACC is satisfied with the scope of the Car Parking Phasing Strategy as confirmed in Part 1 of Schedule 21.

The IACC is satisfied that paragraph 5.3.9 of the Wylfa Newydd CoCP (REP8-047), confirms that the Strategy will be reviewed on a quarterly basis throughout the duration of the construction period.

IACC is requesting that the CoCP is amended to require that any revisions to the strategy are submitted for IACC approval with IACC being able to consult with the Transport Engagement Group.

- *Traffic and Transport Management Strategy – Enforcement*

IACC remains unsatisfied with the detail included in the Wylfa Newydd CoCP relating to investigating fly-parking and 'rat running' incidents.

Paragraph 5.12.4 of the CoCP confirms that 'Investigation of all suspected incidents related to fly-parking and rat-running will be commenced within 48 hours of the initial complaint being submitted to Horizon, and a final report completed within five working days.

The IACC requires confirmation in the CoCP upon receipt of the initial complaint, the matter should be investigated within 48-hours by Horizon and any appropriate disciplinary action to have been identified and implemented within 5 days. IACC also requires that all incidents and investigations are reported to the IACC.

- *Safeguarding*

IACC accepts that requirement PW7 requires a Construction Safety Management Scheme (CSMS) to be submitted for approval to IACC prior to commencement of authorised development. Schedule 1 confirms that the CSMS will be prepared in accordance with section 3.4 of the Wylfa Newydd CoCP in consultation with North Wales Police, Betsi Cadwaladr University Health Board and Welsh Ambulance Service.

However, as previously confirmed whilst the IACC welcomes the inclusion of safeguarding as a topic in the CoCP and the commitment to work collaboratively on the development of the a community safety management scheme, the IACC continues to consider that much of the detail required to address the wider safeguarding issues has not been included.

Included in Annex A is the Council's required insertions to the Wylfa Newydd CoCP and Workforce Management Strategy in order to ensure that the CSMS will be drafted in a manner that gives the required attention to issues relating to safeguarding

- *Reptiles*

IACC acknowledges the submission of the survey details within the Technical Survey Report (TSR) (e.g. the area surveyed; the density of tiles; etc.) submitted by Horizon at Deadline 5 (Appendix 1-2) (REP5-056).

However, there are several constraints in each survey year, and earlier surveys do not appear to entirely reflect the contemporaneous guidance on survey effort or timings and weather conditions. The later surveys are more robust, and so the size-class assessment may be accurate, but the IACC do not think the data are as solid as suggested and that a precautionary approach to this aspect is consequently warranted.

The LHMS does have the potential to ensure that reptile (principally adder) populations increase, and have increased resilience, over the long-term. However, the IACC consider that a more robust monitoring programme will be required to ensure that the uncertainties over populations are understood and that the theoretical benefits provided by the LHMS are realised. IACC believes that more detailed population monitoring surveys are appropriate, particularly given the residual uncertainties in the current survey data.

IACC therefore consider that capture-mark-recapture (CMR) techniques would be appropriate to allow the population size and dynamics to be more reliably estimated (principally adders, as these techniques are often

less successful for lizard species).

IACC require the following amendments to be made to the Main Power Station Site sub-CoCP;

11.5.1 Pre-construction surveys will be carried out under the supervision of an ECoW. These will include for capture-mark-recapture (CMR) and will be carried out across the development site and receptor area, prior to site clearance, to ensure a robust baseline for the translocation.

Dependent on the results of those surveys, one or more of the following three approaches will be employed which are in line with relevant good practice guidance [RD11]:

- *active trapping and translocation of individuals (likely to be employed in areas of high quality reptile habitat, and known hotspots for reptiles);*
- *destructive search of habitats by an ECoW (likely to occur in complex habitats such as drystone walls and cloddiau, and in high quality reptile habitat); or*
- *supervision of habitat clearance by an ECoW. Following relocation/displacement the CMR techniques will be employed:*

1. *Biennially at and near the receptor site and displacement areas for the duration of the construction period.*
2. *Biennially at the above areas and at restored habitats / key corridors for the post-construction monitoring period (10 years minimum).*

IACC is also requesting that for the logistics centre site, Translocation and Habitat Manipulation is used to ensure that reptiles are removed from the site prior to commencement of construction.

- *Notable Mammals*

IACC has requested the insertion of the following text into the Wylfa Newydd CoCP to include further mitigation for notable species.

Further mitigation measures will be employed during the process of construction to ensure that any mammals which may remain, or which may return to the site(s) are adequately protected. These measures will include:

- speed limits to avoid harming wildlife;
- measures to avoid creating wildlife refugia during construction;
- measures to control waste (operational and construction) to avoid increases in vermin;
- covering and sealing (e.g. using sand) excavations or providing a means of escape for trapped animals.

3. Construction Method Statement – REP8-042 – Additional detail on Mounding

The IACC welcomes the additional information included in the Construction Method Statement (CMS) regarding the mounding.

Referring to Mound B, the approach set out in the revised CMS would be acceptable to the Council as it will result in permanent 1:3 slopes (instead of 1:2 and 1:1), around 10m high (+/- 2 metres in places), alongside the A5025, which can be seeded and planted at an early stage in the construction phase and would not need to be disturbed again.

HNP's Deadline 8 response confirms that as discussed at ISH on 4 March a worst case scenario using Construction Zone 3 max height parameters would be that parts of Mound B could be 50m AOD against 23m AOD along some sections of A5025 i.e. 27m high Mound B during construction period. It is noted that HNP "intend" to keep maximum height of construction period Mound B to 38m AOD which would result in Mound B being 14.5m high in views from south west Tregele and 12m high in views from north-west Tregele. Only the lower 7m of construction period Mound B would be planted and the upper sections would be reprofiled at the end of the construction period. This was not apparent previously, however the reprofiling could facilitate the detailed design of the final Mound B to be more varied than shown in the photomontage from Viewpoint 18 in

At detailed design stage, the IACC will be seeking further information on the design, location and appearance of the 2m high 'environmental barriers'. This detail will be important as it will impact upon the likely ecological and visual effectiveness of proposed planting on the lower outer slope as shown on photomontage in Annex 1-2 and potentially upon users of the temporary and permanent diversion of WCP which will be routed in narrow strip between toe of Mound B and A5025 as clarified in response.

- IACC consider the Examining Authority should require confirmation that Horizon will modify Mound D and retain and enhance the route of the original driveway to Cestyll Garden.
- IACC consider the Examining Authority should require confirmation that Horizon is committing to completing the earthworks, soiling and seeding of the western and northern slopes of Mound E at an early stage in the construction phase, to limit impacts on National Trust land.

4. Pre-commencement Surveys

- Horizon's Deadline 8 Responses to Actions set in Issue Specific Hearings on 4-8 March 2019 –(REP8-011) - Appendix 1-4 Post Hearing Note on Pre-commencement surveys - IACC requests a copy of the aerial photography for the WNDA which is referred to.
- Horizon's Deadline 8 Responses to Actions set in Issue Specific Hearings on 4-8 March 2019 – (REP8-011) Appendix 1-4 Post Hearing Note on Pre-commencement surveys and Appendix 1-5 Post Hearing Note on A5025 Tree Surveys – the IACC requests that Horizon are committed to reviewing and updating existing hedgerow surveys for the Park and Ride and A5025 off-line highways through amendment of the CoCPs.

5. Maintenance and replacement of planting

- The Off-Site Power Station Facilities sub-CoCP (REP8-053) needs to be updated to accord with DCO requirement OPSF3 [A] sub-paras 4) and 5) which refers to maintenance and the replacement of planting "for the duration of the operational period of the Off-Site Power Station Facilities" (i.e. not just for 10 years as referred to in the CoCP).
- Wylfa Newydd CoCP (REP8-047)/Main Power Station Site Sub CoCP (REP8-049) - Protective fencing should be used to demarcate all buffers around all retained trees, scrub and hedgerows within each site. This fencing needs to be in place at the beginning of the SP&C/construction phase
- LHMS (REP8-063) – IACC recommends, for the avoidance of doubt, that local and regional provenance is defined. The IACC suggests the following definition;

Plants of local provenance are plants grown from seed collected from healthy plants growing near to and in similar environmental conditions as the planting site. Ideally, the parent plants should also be of local origin (i.e. indigenous to the local area, not planted using imported stock), where this can be established. The source area should include those parts of Anglesey and Northwest Wales that are within Local Provenance Zone 303. The plants should be grown near to and in similar environmental conditions as the planting site for at least 2 years prior to planting on the site to ensure that the plants are acclimatised to the local conditions

- LHMS (REP8-063) –Habitat Creation – Table 4.1 has been amended. Section 6.5 should be amended to be consistent with Table 4.1

6. Horizon's Deadline 8 Response to Written Submissions of Oral Case relating to Open Floor Hearings on 5 March 2019 (REP8-012) –

- Bwlch Turn Off (Junction 23a/24) to WNDA Roundabout - Paragraph 2.9.1 confirms that provision is included in the Online TCPA to create a construction area alongside the A5025 for the future provision of a combined Cycleway/footway to link NCN566 (Copper Trail) with the new WNDA Power Station Access. The construction of this section of footway will be undertaken and completed as part of the

IACC is not clear how this is consented, controlled or secured as the path is outside the order limits. This Cycleway/footway should be added to the Public Rights of Way plans and its delivery secured by requirement.

- New WNDA Roundabout to Tregele and Cemaes – Paragraph 2.10.1 confirms that within the Wylfa Newydd Code of Construction Practice reference 8.6 Paragraph 6.2.11, is a commitment to provide a dedicated cycleway/footpath between the existing NCN566 (Copper Trail) at Cemaes and Nanner Road Crossing. This section of Cycleway/footpath will follow the route of the diverted North Wales Costal Path, south to the Power Station Access Roundabout, completing the connection to the diverted NCN566 from the Bwlch Junction. Horizon is required to comply with the Wylfa Newydd Code of Construction Practice throughout construction of the authorised development (Requirement PW7) and so would be obliged to construct this dedicated cycleway/footpath. IACC requests that this commitment is included in the Public Right of Way Plans.

7. Storage and Processing of the Excavated Archaeological finds/remains

IACC welcomes the submission of the Archaeology Summary Reports and Plans by HNP at Deadline 8.

The IACC confirms that following the March Issue Specific Hearings, it has received confirmation from Horizon that all archaeological finds have been brought back to storage facilities on the Island, which will be inspected regularly. The Council is hoping to arrange a visit to the facilities in short course to confirm that they offer the required environments for the storage of the finds.

HNP have confirmed that it will now contract archaeologists to process, archive and assess all of the archaeological finds, including human remains in accordance with recognized Chartered Institute for Archaeologists (CIfA) Standards and Guidance. It is understood that HNP aims to complete this work by October 2019.

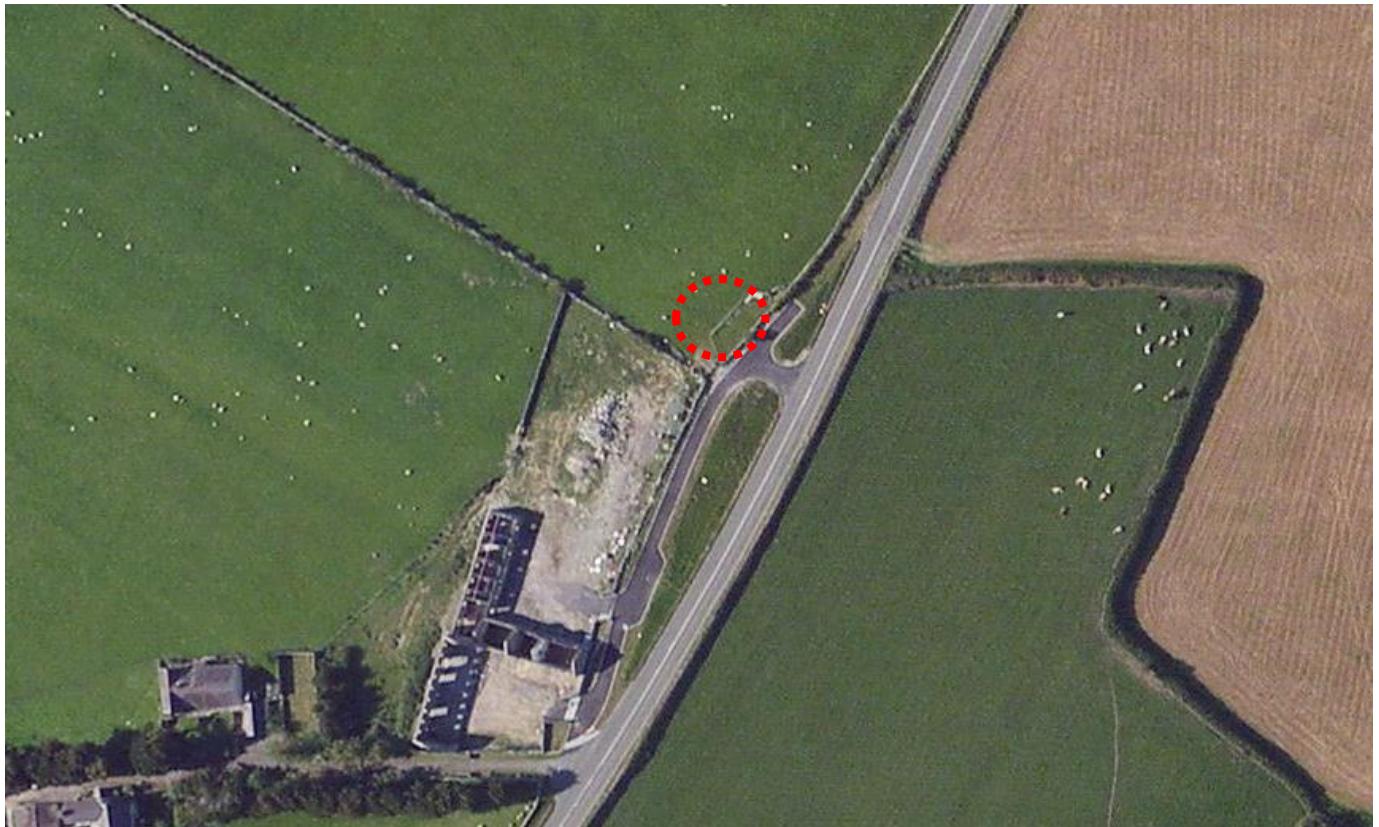
The Council is reassured that the finds have now all been brought back to the Island for storage and that contracts are being put in place for processing, archiving and assessing the finds in accordance with practice guidance and standards. The IACC is now seeking to engage further with Horizon in order to agree the programme for completing this work which will include assessment, analysis, reporting, publication, archiving and dissemination of the finds.

This detail is required to provide clarity and certainty on the archaeological field work undertaken across the Wylfa Newydd Development Area, and aligns with HNP's previous written assurances and Written Schemes of Investigation which were guided by the standards laid down by the Chartered Institute for Archaeologists.

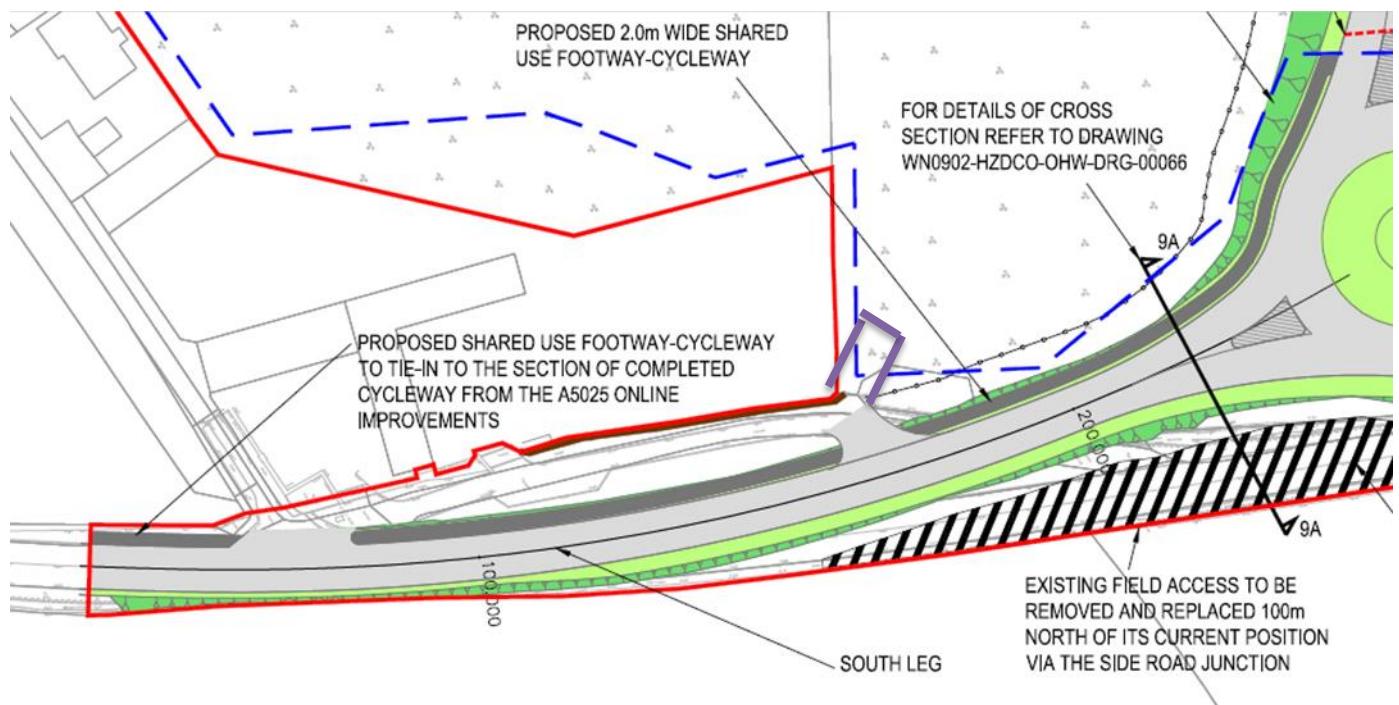
The Council is committed to continued engagement and collaboration to achieve a satisfactory outcome that ensures that harm to these heritage assets is avoided.

8. WNDA Junction Access Arrangement – loss of existing vehicular turning area

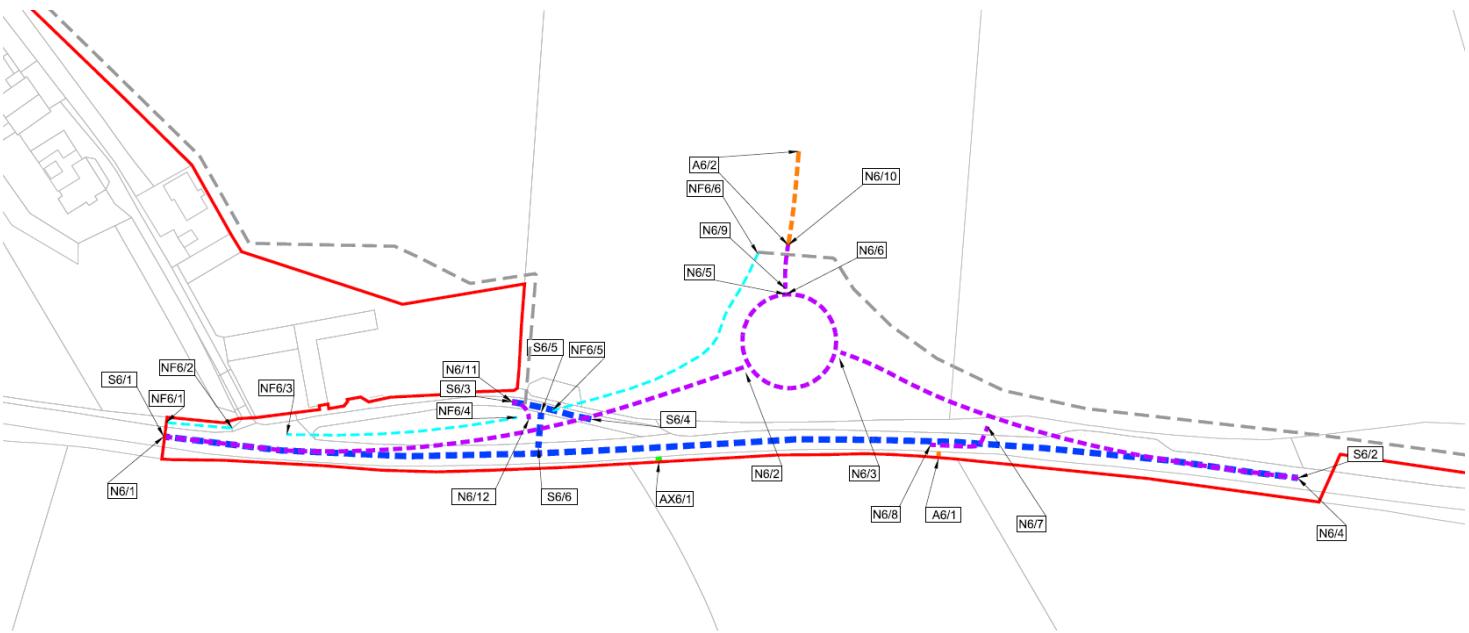
As a direct consequence of implementing the WNDA junction access arrangement, the existing vehicular turning area (circled red below) will be lost.



To mitigate for this loss, the IACC seeks the provision of a new (alternative) vehicle turning area adjacent the existing layby as part of the WNDA junction access arrangement works. The proposed location of the new vehicle turning area is shown below.



To enable this proposed turning head to be dedicated as public highway, the purple dashed line (Centreline of Proposed highway) would require extending on the Rights of Way plan.



Discussions have progressed between IACC and HNP regarding this matter and agreement has been reached which is consistent with the above proposal.

IACC were expecting the relevant plans including A5025 Off Line Highway Improvements Section 9- Power Station Access Road Junction Proposed General Alignment WN0902-HZDCO-OHW-DRG-00063 Revision 4.0 (2.6.1 WNDA – Power Station Sire Plans REP8-027) and A5025 Off-line Highway Improvements Section 9 – Power Station Access Road Junction Right of Way WN0902-HZDCO-ROW-DRG-00030 (2.4 Right of Way Plans Revision 3.0 REP8-024) to have been updated by HNP in their Deadline 8 submission in order to allow the DCO to consent this proposal.

IACC are requesting that the plans referred to above and any other relevant plans are revised accordingly to accommodate this proposal.

9. Phasing Strategy

IACC confirms that it had a telecom with HNP on the 2nd April 2019 to discuss the Council's concerns with the Phasing Strategy submitted at Deadline 8 (REP8-069).

HNP acknowledged the Councils concerns and recognized that as drafted, there are some discrepancies in the Phasing Strategy in particular between the indicative phasing (figure 2-1) and the proposed triggers. With regards to the delivery of the Site Campus, the indicative phasing plan shows the campus to be delivered much earlier than what is required for delivery by the confirmed triggers to meet the demand.

It was agreed following the telecom that Horizon would further revise the Phasing Strategy for submission at Deadline 9. The Council expects the revised version to include clear milestones (years and quarters) for each of the key mitigations to ensure that they are delivered on time to mitigate the impacts.

The Council confirms that it will review the revised version once available at Deadline 9 and comment at Deadline 10.

10. S106 update

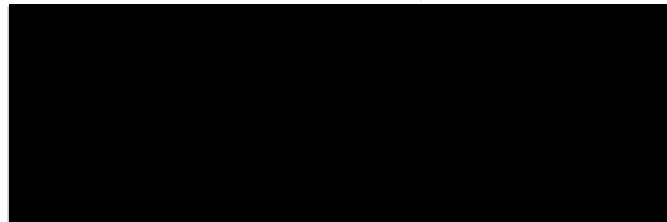
The IACC acknowledges the significant effort and amount of time that has been given to the S106 in recent weeks. HNP has engaged extensively with the IACC and stakeholders and the S106 has progressed in terms of detail.

11. Rule 17 – Request for Further Information

The Council's response to the Rule 17 is included in Annex D.

Welsh versions will be submitted as soon as translations are available.

Yn Gywir / Yours Sincerely



DYLAN J. WILLIAMS

Pennaeth Gwasanaeth – Rheoleiddio a Datblygu Economaidd
Head of Service - Regulation and Economic Development

Annex A – Council’s required insertions to the Wylfa Newydd CoCP and Workforce Management Strategy in order to ensure that the CSMS will be drafted in a manner that gives the required attention to issues relating to safeguarding;

Amendment of paragraph 3.4.9 as follows;

3.4.9 Prior to, and throughout the construction of the Wylfa Newydd Power Station appropriate dialogue will be maintained between Horizon, the supply chain and local safeguarding agencies, including North Wales Police. Discussions will include any individual or coordinated measures appropriate to avoiding risks to vulnerable groups, for example in relation to human trafficking and direct or indirect sex work. Safeguarding protocols will be prepared by Horizon in consultation with North Wales Police and the IACC, and reviewed annually. An appropriate number of Horizon and supply chain staff will be trained in safeguarding issues so that, for example, security staff who conduct site and/or vehicle inspections will be aware of signs of illegal activity such as human trafficking.

Horizon recognise that whilst Safeguarding and Community Safety are related they are not one and the same. Community Safety duties derive from the Crime and Disorder Act 1998, which places a duty on the police and local authorities to ensure local agencies work together to protect local communities from crime and help people feel safer. This includes considering how best to deal with local issues, such as anti-social behaviour, hate crime, substance misuse, and working collaboratively to formulate and implement local crime reduction strategies.

Safeguarding derives mainly from the Children’s Act 1989, Social Services and Wellbeing Act (Wales) 2014 and relates to the protection (and prevention of) of individuals who are unable to protect themselves. Contributory factors may involve some Community safety matters but is not limited to this.

New paragraph 3.4.10 to 3.4.14 of the Wylfa Newydd CoCP to read as follows:

3.4.10 The vast majority of the Wylfa Newydd Project workforce will present no threat whatsoever to the local population. However, inevitably, with a workforce and that size there will be contained within it an element that present some risk to those on the island especially to those who are already at risk. The presence of that workforce may also attract elements that are more of a risk to the local population. Horizon is committed to working with the Local Authority and other key safeguarding agencies. Therefore in this Wylfa Newydd Code of Construction Practice Horizon has set out its approach to community safety and how it will protect the welfare of the public in general, and vulnerable groups in particular.

3.4.11 Workforce Management Strategy –

3.4.11.1 Horizon accepts that Safe Workforce is a core element of an organisation’s safeguarding approach: and will take a number of actions prior to commencement of the project and during the project.

Horizon will ensure the provision of adequacy facilities and services in the site campus, as mitigation increasing demand for such services in the communities. Appropriate distribution of workers through the WAMS will also act to reduce the likelihood of community safety and safeguarding issues arising.

3.4.11.2 Horizon accepts that Safe Workforce is a core element of an organisation’s safeguarding approach. Horizon will establish a policy framework to regulate workforce conduct: and to extend this to our supply chain. Horizon commits to ensuring that their workers are expected to discharge their functions reasonably and according to the law. The Workforce Management Strategy included a Code of Conduct and this will be developed further to include measures in relation to:

- Duties to the employer
- Duties to the public
- Duty of care for safeguarding, wellbeing, health and safety
- Raising concerns and whistleblowing policy
- Managing relationships in work
- Corruption

- *Awarding contracts*

3.4.11.3 *Horizon will show leadership in this area to mitigate risks by, developing its Corporate Safeguarding Framework. To include:*

Corporate Leadership and governance:

- *High-level support, policies and reporting procedures within the Organisation to ensure that our safeguarding commitments are delivered;*
- *Safeguarding Champion/Coordinator will be appointed.*

Communication and Awareness:

- *Our workforce will be made aware of key areas of an ongoing basis of their duties in relation to prevention of exploitation/abuse.*

Safe and Skilled Workforce:

- *A workforce equipped to discharge their safeguarding duties effectively –through safeguarding training at a level commensurate with their roles and responsibilities;*
- *A workforce recruited and managed in full compliance with statutory requirements and with robust Recruitment and Selection Policy, DBS Policy and Safer Recruitment Policy.*

Effective Support and Interventions:

- *Relevant Processes, Procedures and Systems in place that reflect current legislation, statutory guidance and expectations and accepted best practice so that workers are clear what must or may be done in specified circumstances and define the limits of professional discretion.*

Supply Chain:

- *Procurement Strategy and Contract Management Strategy aligns with the Welsh Government's Code on Ethical Employment in Supply Chains;*
- *Institutionalises safeguarding impact assessments in the procurement and contracting processes;*
- *Ensuring safe practices in the supply chain and that all providers exercise their safeguarding responsibilities effectively;*
- *Horizon commits to engaging with IACC and other safeguarding agencies in developing, approving, monitoring implementation and reviewing these procedures/polices including the Code of Conduct.*

3.4.11.4

Horizon will engage with the local communities to ensure the Code of Conduct makes clear their expectations of their workforce and to allow a forum for the communities to raise any concerns.

1. *Amendment of the Workforce Accommodation strategy section of the overarching CoCP to read as follows:*

3.4.12 Workforce Accommodation Strategy

Horizon has considered the Local Authority's concerns in relation to the use of latent accommodation and will ensure that safeguarding considerations are in place to address this. These will include a process of checks and controls to ensure that any workers accessing latent accommodation where there are children or vulnerable adults have been assessed as being suitable for that environment.

3.4.13 Prevention Strategy

Exploitation of adults and children cannot be solely mitigated by managing the workforce. Horizon will in provide, investment to develop the range and capacity of programmes and systems to promote well-being in Ynys Mon and education and support programs on a preventative basis in the communities that could be mostly affected. The proactive investment for Prevention Strategy will also be captured in the s.106.

3.4.14 Monitoring and Engaging

Horizon will establish a Safeguarding Steering Group to bring together key partners with the key

responsibility to:

- *Monitor the impact of the safeguarding and protection impact of the development over the construction period:*
- *Monitor the impact of the mitigation actions agreed:*
- *Review and take corrective action where required*

SCHEDULE 15
PART 8
PROTECTIONS FOR HIGHWAYS
CHAPTER 1
FOR THE PROTECTION OF HIGHWAYS AND TRAFFIC

84. The provisions of this Part of this Schedule have effect unless otherwise agreed in writing between the undertaker and the relevant highway authority.

85. In this Part of this Schedule—

"A5025 Off-Line Highway Improvements" means Works No.8; No.9; No.10 and No.11 that form part of the authorised development to be carried out in the areas identified on the A5025 Off-Line Highway Improvements Detailed Design Drawings identified in Part 6 of Schedule 2;

"A5025 Off-Line Highway Tie-in" means any elements of the A5025 Off-line Highway Improvements which are necessary to connect the new highway to be constructed to the existing public highway, in so far as those works take place within the boundary of the existing public highway only;

"Design and Access Statement" has the same meaning as in Part 1 of the Order;

"Detailed Design Drawings" has the same meaning as in Part 1 of the Order;

"Detailed Design and Construction Information" means to the extent relevant for the particular works to the public highway the following drawings, specifications and other information which must be in accordance with the relevant Detailed Design Drawings and the Design and Access Statement:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs and road markings;
- (i) road lighting (including columns and brackets);
- (j) electrical work for road lighting and traffic signs;
- (k) highway structures;
- (l) landscaping, planting and any boundary features that will form part of the highway;
- (m) utility diversions within the boundaries of the highway;
- (n) a schedule of timings for the works, including dates and durations for any closures of any part of the public highway;
- (o) traffic management proposals including any diversionary routes;
- (p) construction traffic management proposals including any provision for wheel washing; access and egress routes; and time restrictions, the scope of which shall be agreed between the undertaker and the relevant highway authority prior to this information being submitted for approval;
- (q) a schedule of condition of any affected public highway;
- (r) a schedule of any departures from the standards set out in the relevant sections of the Design Manual for Roads and Bridges; and
 - (i) where highway is occupied under this Order in connection with any works but is not itself subject to works, specification of the condition in which the occupied parts of that highway will be returned post occupation.

"Fisherman's Access Road and Carpark" means the replacement Fisherman's carpark and associated access road providing access to the carpark from the A5025 secured through the Landscape and Habitat Management Strategy;

"highway" has the same meaning as in the 1980 Act and for the avoidance of doubt includes the A5025 Off-line Highway Tie-in;

"relevant highway authority" in relation to a highway, means the highway authority for the area in which the highway is situated.

86.(1) The undertaker shall allow and facilitate an appropriately qualified officer of the relevant highway authority to participate in the design process for any work authorised by this Order which involves interference with a highway and shall have reasonable regard to any views of that officer in finalising the Detailed Design and Construction Information prior to any element reaching design fix or freeze provided always that it shall be the decision of the undertaker whether it implements such views and for the avoidance of doubt any such views shared by officer shall not be an instruction, requirement or authorisation under this Order.

(2) Any involvement by the relevant highway authority (or its appropriately qualified officer) under sub-paragraph (1) shall be at the cost of the relevant highway authority.

87.(1) Before commencing the construction of, or the carrying out of any work authorised by this Order which involves interference with a highway (including interference with the use by the public of a highway), the undertaker shall submit to the relevant highway authority for its approval Detailed Design and Construction Information relating to the interference, and the works shall not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) shall be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19 (Procedure for approvals, consents and appeals).

(2) The relevant highway authority will consult the North Wales Police and may consult any other person on all applications for approval of Detailed Design Information submitted under sub-paragraph (1) before issuing any approval.

(3) If within 28 days after the Detailed Design Information and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it shall be deemed to have approved the Detailed Design Information as submitted.

88. (1) Before commencing the construction of the Fisherman's Access Road and Carpark authorised by this Order, the undertaker shall submit to the relevant highway authority for its approval Detailed Design and Construction Information for the works, and the works shall not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) shall be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19.

(2) The relevant highway authority may consult any person on any application for approval of Detailed Design and Construction Information submitted under sub-paragraph (1) before issuing any approval.

(3) If within 28 days after the Detailed Construction Drawings and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it shall be deemed to have approved Detailed Construction Drawings as submitted.

89.(1) Any officer of the relevant highway authority duly appointed for the purpose may at all reasonable times, on giving to the undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the authorised development which —

(a) is in, over or under any highway, or

(b) which may affect any highway or any property of the relevant highway authority,

during the carrying out of the work, and the undertaker shall give to such officer all reasonable facilities for such inspection and, if he shall be of the opinion that the construction of the work poses danger to any highway or to any property of the relevant highway authority on or under any highway, the undertaker shall adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway.

(2) The testing of materials used in any works affecting public highways shall be carried out to the requirements of the relevant highway authority and at the expense of the undertaker. The relevant highway authority shall receive copies of all test certificates and results which have been requested by it in writing as soon as reasonably practicable. The relevant highway authority may in its reasonable discretion reject any materials plant or workmanship which is reasonably and properly found to be unsatisfactory or improper on the basis of test certificates, results or testing. The undertaker shall as soon as practicable replace or repair any materials plant or works which have been found unsatisfactory with such as shall reasonably satisfy the relevant highway authority.

90.(1) The undertaker will not, except with the consent of the relevant highway authority, deposit any soil, subsoil or materials, or stand any plant, on or over any highway (except on so much of the highway as is for the time being temporarily stopped up or occupied under the powers conferred by

this Order or within the street works approved under article 12(2) of the Order or for which consent to interference with that part under paragraph 87 of this Schedule has been granted) so as to obstruct the use of the highway by any person, or, except with the like consent, deposit any soil, subsoil or materials on any highway outside a hoarding, but if within 28 days after request for it any such consent is neither given nor refused it shall be deemed to have been given.

(2) Provision shall be made in accordance with the relevant highway authority's reasonable requirements at the site of the works to prevent mud and other materials from being carried on to the adjacent highway by vehicles and plant. The highway in the vicinity of the site of the works shall be swept as reasonably required to ensure its proper and continued use as a public highway.

91. The undertaker shall not, except with the consent of the relevant highway authority, erect or retain on or over a highway to which the public continues to have access any scaffolding or other structure which obstructs the highway.

92.(1) The undertaker shall not alter, disturb or in any way interfere with any property of the relevant highway authority on or under any highway, or the access thereto (except to the extent authorised under the powers conferred by this Order), without the consent of the relevant highway authority, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary shall be made by the relevant highway authority or the undertaker as the relevant highway authority thinks fit, and the expense reasonably incurred by the relevant highway authority in so doing shall be repaid to the highway authority by the undertaker.

(2) If within 28 days after a request for consent has been submitted the relevant highway authority has not given or refused such consent, it shall be deemed to have consented to the request as submitted.

93.(1) Except in an emergency or where necessary to secure the safety of the public no direction or instruction may be given by the relevant highway authority to the contractors, servants or agents of the undertaker regarding any highway operations without the prior consent in writing of the undertaker.

(2) Where, at any time it appears to the relevant highway authority that the Works are being carried out in any manner which constitutes or is likely to constitute a danger to any person or class of persons or to affect the stability or integrity of any structure or apparatus including the highway it may give notice to the undertaker, requiring the immediate cessation of the execution of all or any part of the works pending agreement as to the appropriate method of proceeding. If such agreement is not reached within 4 hours of giving of such notice then the undertaker shall make such arrangements as are necessary to restore the works to a safe and acceptable manner or for the expeditious completion of the works or for the affected structure or apparatus including the highway to be restored to a safe and acceptable condition.

94.(1) In exercising the powers conferred by the Order in relation to any highway the undertaker shall have regard to the potential disruption of traffic which may be caused, shall seek to minimise such disruption so far as is reasonably practicable and shall at no time prevent or unreasonably impede access by emergency service vehicles to any property.

(2) The undertaker must, if reasonably so required by the relevant highway authority, provide and maintain during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the authorised development, temporary ramps for vehicular or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with chapter 8 of the Traffic Signs Manual as may be necessary to prevent undue interference with the flow of traffic in the highway.

95.(1) The undertaker may not acquire compulsorily any relevant highway authority interest in any highway vested in the relevant highway authority under section 263(1) of the Highways Act 1980 which is to remain public highway maintainable at the public expense post completion of the works.

96.(1) The undertaker shall, if reasonably so requested by the relevant highway authority, execute and complete a transfer to the relevant highway authority any land and rights within the highway compulsorily acquired by the undertaker pursuant to articles 25, 27 and 31 of the Order for the construction, operation and maintenance of the highway or to facilitate it, or as is incidental to it, with full title guarantee and at nil consideration PROVIDED THAT the undertaker has completed all necessary works within the highway for which that land and rights were compulsorily acquired.

(2) Sub-paragraph 96(1) above does not apply in relation to any land within the highway compulsorily acquired by the undertaker that has been or is proposed to be permanently stopped up and rights extinguished pursuant to article 14 of the Order.

97.(1) Where the undertaker carries out any works to any highway it shall make good any defects in those works notified to it by the relevant highway authority within the period of twelve (12) months after the date of its removal from occupation of that area of highway to the reasonable satisfaction of that relevant highway authority.

(2) The carrying out of any remedial works required under sub-paragraph (1) are works under this Order.

(3) The carrying out of any remedial works required under sub-paragraph (1) shall require the submission for approval under paragraph 87 of such items of Detailed Design Information as the undertaker deems to be reasonable in the circumstances but always including a description of the works to be carried out, a schedule of timings for the works, including dates and durations for any closures of any part of the public highway and traffic management proposals.

(4) The undertaker may, at its sole discretion and in place of carrying out any works to remedy any defects under sub-paragraph (1), pay to the relevant highway authority a sum equal to the reasonable cost to the relevant highway authority of carrying out the required works (including time of its officers). The relevant highway authority must apply any funds received under this provision to remediation of the defects for which they were paid.

(5) The undertaker shall notify the relevant highway authority of the date of its removal of occupation from any area of highway within 5 working days of such removal.

98. Subject to article 19(4) the undertaker will hold the relevant highway authority harmless and indemnified from and against any liability, loss, cost or claim arising out of or incidental to the carrying out of the works under this Part A (other than those arising out of or in consequence of any negligent act, default or omission of the relevant highway authority) provided that no claim shall be settled or liability accepted by the highway authority without first obtaining the written approval of the undertaker, such approval not to be unreasonably withheld or delayed; Any difference arising between the undertaker and the relevant highway authority under this Part of this Schedule (other than in difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 78 (arbitration).

99. Where any consent, permission, agreement or approval is required and is to be given by the relevant highway authority under Chapter 1 of this Schedule in respect of any part or parts of the works and/or the Detailed Design Information and/or the execution thereof such consent, permission, agreement or approval will not be unreasonably withheld or delayed.

CHAPTER 2
FOR THE PROTECTION OF IACC IN RESPECT OF THE A5025 OFF-LINE
HIGHWAY IMPROVEMENTS

100. (1) The following provisions shall apply for the protection of the Isle of Anglesey County Council as the relevant highway authority in respect of the A5025 Off-Line Highway Improvements, unless otherwise agreed in writing between the undertaker and IACC.

101. In this Part of this Schedule—

"A5025 Highway Land" means the land comprising the A5025 Off-Line Highway Improvements;
"A5025 Off-Line Highway Improvements" means Works No.8; No.9; No.10 and No.11 that form part of the authorised development to be carried out in the areas identified on the A5025 Off-Line Highway Improvements Detailed Design Drawings identified in Part 6 of Schedule 2;

"A5025 Off-Line Highway Tie-in" means any elements of the A5025 Off-Line Highway Improvements which are necessary to connect the new highway to be constructed to the existing public highway, in so far as those works take place within the boundary of the existing public highway only.

"Detailed Design and Construction Information" means to the extent relevant for the A5025 Off-Line Highway Improvements the following drawings, specifications and other information which must be in accordance with the relevant Detailed Design Drawings and the Design and Access Statement:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs and road markings;
- (i) road lighting (including columns and brackets);
- (j) electrical work for road lighting and traffic signs;
- (k) highway structures;
- (l) a schedule of all assets which will transfer to the relevant highway authority including structures, drainage features, noise barriers and any boundary features that will form part of the highway;
- (m) a schedule of timings for the works;
- (n) a schedule of any departures from the standards set out in the relevant sections of the Design Manual for Roads and Bridges;
- (o) proposed speed limits and their extents; and
- (p) construction traffic management proposals including any provision for wheel washing; access and egress routes; and time restrictions, the scope of which is to be agreed between the undertaker and the relevant highway authority prior to this information being submitted for approval.

"Director" means the Head of Service (Highways, Waste and Property) or any successor post responsible for the highway authority function of the Isle of Anglesey County Council;

"Final Certificate" means the final certificate issued by the Director for each phase of the highway works in accordance with paragraph 23;

"Maintenance Period" means 12 months from the date of issue of the provisional certificate;

"Provisional Certificate" means the provisional certificate of completion issued by the Director for any section of the highway works in accordance with paragraph 106;

"highway" has the same meaning as in the 1980 Act;

"relevant highway authority" in relation to, A5025 Off-Line Highway Improvements means Isle of Anglesey County Council being the highway authority for the area in which the A5025 Off-line Highway Improvements are situated.

Finalisation of Detailed Design and Construction Information

102.(1) The undertaker shall allow and facilitate an appropriately qualified officer of the relevant highway authority to participate in the design process for the A5025 Off-Line Highway Improvements and shall have reasonable regard to any views of that officer in finalising the Detailed Design and Construction Information prior to any element reaching design fix or freeze provided always that it shall be the decision of the undertaker whether it implements such views and for the avoidance of doubt any such views shared by officer shall not be an instruction, requirement or authorisation under this Order.

(2) Any involvement by the relevant highway authority (or its appropriately qualified officer) under sub-paragraph (1) shall be at the cost of the relevant highway authority and paragraph 117120 of this Part of this Schedule does not apply.

Approval of Detailed Design and Construction Information

103.(1) Before commencing the construction of, or the carrying out of any A5025 Off-Line Highway Improvements authorised by this Order, the undertaker shall submit to the relevant highway authority for its approval Detailed Design and Construction Information for the works, and the works shall not be carried out except in accordance with the Detailed Design and Construction Information submitted to and approved by the relevant highway authority or as otherwise agreed between the undertaker and the relevant highway authority. The submission and consideration of the Detailed Design and Construction Information (or any part thereof) shall be accompanied by a fee payable by the undertaker to the relevant highway authority in accordance with Schedule 19.

(2) The relevant highway authority may consult any person on any application for approval Detailed Design and Construction Information submitted under sub-paragraph (1) before issuing any approval.

(3) If within 28 days after the Detailed Design and Construction Information and the relevant fee has been submitted to the relevant highway authority the relevant highway authority has not approved or disapproved them, it shall be deemed to have approved Detailed Design and Construction Information as submitted.

Provisional Certificate

104. The undertaker must apply to the Director in writing for a Provisional Certificate.

105. Within fifteen (15) working days following receipt of a written application from the undertaker for the issue of a Provisional Certificate, the Director or any officer of the relevant highway authority duly appointed for the purpose shall inspect the works to which the application relates.

106. When and so soon as the A5025 Off-Line Highway Improvements have been completed including such road safety audits as required in accordance with paragraph 123 to the reasonable satisfaction of the Director, the Director must issue a Provisional Certificate, such certificate not to be unreasonably withheld or delayed.

107. The undertaker may apply to the Director for a Provisional Certificate for any part of the A5025 Off-Line Highway Improvements, and subject to paragraph 123 the Director may issue a separate Provisional Certificate for that part of the A5025 Off-Line Highway Improvements.

Maintenance period

108.(1) The undertaker shall for a period of twelve (12) months after the date of the issue of the Provisional Certificate make good any defects in the A5025 Off-Line Highway Improvements to the reasonable satisfaction of the Director.

(2) The carrying out of any remedial works required under sub-paragraph (1) are works under this Order.

(3) The carrying out of any remedial works required under sub-paragraph (1) shall require the submission to and approval by IACC of a description of the works to be carried out, a schedule of timings for the works, including dates and durations for any closures of any part of the public highway and traffic management proposals prior to any such works commencing.

(4) The undertaker may, at its sole discretion and in place of carrying out any works to remedy any defects under sub-paragraph (1), pay to the relevant highway authority a sum equal to the reasonable cost to the relevant highway authority of carrying out the required works (including time of its officers). The relevant highway authority must apply any funds received under this provision to remediation of the defects for which they were paid.

Final certificate

109.(1) The Director shall issue a Final Certificate at the expiration of the Maintenance Period referred to in paragraph 108 in respect of the A5025 Off-Line Highway Improvements or any part of the A5025 Off-Line Highway Improvements as the case may be provided that:

- (a) any defects arising during the Maintenance Period have been made good to the reasonable satisfaction of the Director;
- (b) any works identified by any road safety audit as being required in accordance with paragraph 123 have been completed;

- (c) a commuted sum towards the reasonable maintenance costs of any structures and assets that will form part of the highway but excluding the road surface in the amount agreed by the parties has been paid by the undertaker to the relevant highway authority; and
- (d) any grant of easements under paragraph 110 of this schedule has been completed

(2) From the date of issue of any Final Certificate for the A5025 Off-Line Highway Improvements or for any part of the A5025 Off-Line Highway Improvements, the A5025 Off-Line Highway Improvements or that part of the A5025 Off-Line Highway Improvements as the case may be, becomes highway maintainable at the public expense.

Grant of easements

110. Before the Director issues a Final Certificate, the undertaker shall, without cost to the highway authority, execute and complete or procure the execution and completion of:

- (a) any deeds of easement that are necessary to secure for the highway authority full drainage rights to such parts of the surface water drainage system of the A5025 Off-Line Highway Improvements within the Order Land;
- (b) access rights to all sections or sides of new highway structures built as part of the A5025 Off-Line Highway Improvements (including overbridges, underpasses and culverts) and to surface water attenuation ponds (including ancillary features), all with such vehicles or machinery as is required to maintain the same; and
- (c) any other deeds of easement required by the highway authority for the future maintenance by the highway authority of any street furniture relating to the A5025 Off-Line Highway Improvements within the Order Land.

Transfer of A5025 Highway Land

111. When and so soon as the Director issues a Final Certificate, the undertaker shall without delay and at its own cost, execute and complete a transfer to the highway authority of any land and rights within the A5025 Highway Land acquired by the undertaker pursuant to articles 25, 27 and 31 of the Order for the construction, operation and maintenance of the A5025 Off-Line Highway Improvements with full title guarantee and at nil consideration.

112. The undertaker shall assist in any application to the Chief Land Registrar for the registration of the highway authority with title absolute with respect of any A5025 Highway Land transferred pursuant to paragraph 111.

Indemnity

113. The undertaker must indemnify the highway authority from and against all costs, loss or claim arising out of or incidental to any breach or non-observance of the undertaker's obligations in respect of the design, carrying out and maintenance of the A5025 Off-Line Highway Improvements provided that—

- (a) the foregoing indemnity must not extend to any costs, expenses, liabilities, damages, loss or claims caused by or arising out of the negligent act, default or omission of the highway authority or its officers, servants, agents or contractors or any person or body for whom the relevant highway authority is responsible;
- (b) the highway authority must notify the undertaker straight away upon receipt of any claim;
- (c) no claim shall be settled, or liability accepted by the highway authority without first obtaining the written approval of the undertaker, such approval not to be unreasonably withheld or delayed;
- (d) upon acceptance of any claim in accordance with paragraph 113(1)(c), the highway authority must notify the quantum of the claim to the undertaker in writing and the undertaker must within 14 days of the receipt of such notification pay to the highway authority the amount specified as the quantum of such claim.

Construction (Design and Management) Regulations 2015

114. The undertaker shall ensure that the A5025 Off-Line Highway Improvements are carried out in accordance with the Construction (Design and Management) Regulations 2015 (S.I. 2015/51) and in particular to ensure that all obligations imposed on the client (as defined in those Regulations being "the person for whom the project is carried out") are satisfied and must indemnify the highway authority against any breach of the undertaker's obligations in respect of this.

Privately and publicly owned apparatus

115. For the avoidance of doubt it is expressly declared that the undertaker in carrying out the A5025 Off-Line Highway Improvements must at its own expense divert or protect all or any pipes, wires, cables

or equipment belonging to any person having power or consent to undertake street works under the 1991 Act as may be necessary to enable such works to be properly carried out or may be reasonably directed by the Director and all alterations to existing services must be carried out to the reasonable satisfaction of the appropriate persons, authorities and statutory undertakers.

Traffic and safety control

116. In carrying out A5025 Off-Line Highway Improvements in or adjoining the public highway the undertaker must comply in all respects with chapter 8 of the Traffic Signs Manual.

Inspection

117. The undertaker must permit and must require any contractor or sub-contractor engaged on the A5025 Off-Line Highway Improvements to permit at all reasonable times persons authorised by the highway authority whose identity has been previously notified to the undertaker to gain access to the site of the highway works for the purpose of inspection to verify compliance with the provisions of this Schedule in accordance with the highway authority's inspection policy.

118. While carrying out any inspection under paragraph 117, the highway authority officer shall comply with any reasonable health and safety requirements notified to them by the undertaker.

119. During construction of the A5025 Off-Line Highway Improvements, a highway authority officer may in his reasonable discretion and to the extent reasonably necessary require the undertaker to open up or expose any of the works that have been covered up without previously being inspected by a highway authority officer. If the undertaker unreasonably fails to comply with any such request, the highway authority may take up or expose the relevant part of the works causing as little damage or inconvenience as possible to or in respect of any other part or parts of the works. The undertaker shall be the highway authority's reasonable and proper costs of such taking up, exposure and reinstatement.

Works fees reimbursement

120.—(1) The undertaker must reimburse the highway authority all proper and reasonable works fees incurred by it acting as a highway authority (including without limitation all reasonable and proper costs of the highway authority's professional advisors) in relation to the following:

- (a) the making of any necessary traffic regulation orders in relation to the A5025 Off-Line Highway Improvements; and
- (b) checking, inspecting and testing of the A5025 Off-Line Highway Improvements.

Power to execute works in default or emergency

121. Nothing in this Part of this Schedule prevents the relevant highway authority from carrying out any work or taking such action as deemed appropriate forthwith without prior notice to the undertaker in the event of an emergency or danger to the public, the cost to the highway authority of such work or action being chargeable to and recoverable from the undertaker.

Insurance

122. The undertaker must, prior to commencement of the A5025 Off-Line Highway Improvements, ensure that there is in place public liability insurance with an insurer against any legal liability for damage, loss or injury to any property or any persons as a direct result of the execution and maintenance of the A5025 Off-Line Highway Improvements or any part of them by the undertaker or its contractors.

Road Safety Audits

123. The undertaker shall have procured that an independent safety auditor has undertaken road safety audit stages 1, 2, 3 and 4 on the A5025 Off-Line Highway Improvements in accordance with DMRB Volume 5 Section 2 Part 2 (GG 119) or any replacement or modification of that standard.

Disputes

124. Any difference arising between the undertaker and the relevant highway authority under this Part of this Schedule (other than in difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 78 (arbitration).

Consent

125. Where any consent, permission, agreement or approval is required and is to be given by the relevant highway authority under Part B of this Schedule in respect of any part or parts of the works and/or the Construction Drawings and/or the execution thereof such consent, permission, agreement or approval will not be unreasonably withheld or delayed.

CHAPTER 3

FOR THE PROTECTION OF LEAD LOCAL FLOOD AUTHORITY

126. The provisions of this Part of this Schedule have effect unless otherwise agreed in writing between the undertaker and the Isle of Anglesey County Council as Lead Local Flood Authority.

2. In this Part of this Schedule—

"A5025 Highway Land" means the land comprising the A5025 Off-Line Highway Improvements; "A5025 Off-Line Highway Improvements" means Works No.8; No.9; No.10 and No.11 that form part of the authorised development to be carried out in the areas identified on the A5025 Off-Line Highway Improvements Detailed Design Drawings identified in Part 6 of Schedule 2;

127. (1) Where it is proposed to connect into an existing ordinary watercourse for any part of the drainage design for the A5025 Highway Land or the A5025 Off-Line Highway Improvements the undertaker must obtain the approval of the Lead Local Flood Authority before commencing the construction of, or the carrying out of any work which would drain to that existing ordinary watercourse.

(2) If within 28 days after an application for approval is made under sub-paragraph (1) the Lead Local Flood Authority has not approved or disapproved that application, it shall be deemed to have approved it.

Annex C – IACCs Fee Proposal for Discharging Requirements

Schedule 19

Fees

3.—(1) Where an application is made to the discharging authority for agreement or approval in respect of a Requirement, a fee must be paid to that authority as follows— (a) where the application relates to a major detailed Requirement, fees must be calculated in accordance with the following table—

<i>Category</i>	<i>Criteria</i>
Category 1	<p>The erection of buildings—</p> <ul style="list-style-type: none">a) where no floor space is to be created by the development, £234 £380;b) where the area of gross floor space to be created by the development does not exceed 40 metres, £234 £380;c) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £462 £760;d) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £462 £380 for each 75 square metres of that area;e) where the area of gross floor space to be created by the development exceeds 3750 square metres, £22, 859 £380; and an additional £138 £380 for each 75 square metres. <p>Total Cap: £100,000 £200,000</p>
Category 2	<p>The carrying out of any operations not coming within Category 1, £234 £190 for each 0.1 hectare of the site area, up to a maximum of £2,028 £100,000</p>

(b) where an application is made for discharge of a major detailed Requirement (“current application”) in respect of which an application has been made previously, the fee payable in respect of the current application must be ~~£462~~ £1,250; and

(c) where the application relates to a minor detailed Requirement, £2,500 for each application.

(2) For the purpose of the calculation of fees pursuant to paragraph 3(1)(a)—

- (a) the area must be taken as consisting of the area of land to which the application relates;
- (b) where the application relates to development within Category 1, the area of gross floor space created by the development must be ascertained by external measurement of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building;
- (c) where the application relates to development within Category 1 and the gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 must be treated as being 75 metres;
- (d) where the application relates to development within Category 2 and the site area exceeds 0.1 hectares and is not an exact multiple of 0.1 hectares, the area remaining after division of the total number of hectares by the figure of 0.1 hectares must be treated as being 0.1 hectares; and
- (e) the fee payable is payable for each requirement for which approval is sought and not per application made.

(3) Any fee paid under this Schedule must be refunded to the undertaker within 8 weeks of the application being rejected as invalidly made.

(4) The fees prescribed in this paragraph 3(1) may be amended from time to time in accordance with any proportional changes to fees made in any amendments to or replacements of The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015.

Interpretation of this Schedule

5.—(1) In this paragraph—

“the appeal parties” means the discharging authority, the Requirement consultee and the undertaker;

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(a);

“major detailed requirements” means Requirements PW7; PW10; WN1; WN3; WN6; WN8; WN9; WN10; WN11; WN19; WN21; WN23; WN25; WN[C]; OPSF2; PR3; PR[A]; LC3; LC[A]; OH3; OH5 and OH8;

“minor detailed requirements” means Requirements, other than major detailed requirements, which require any agreement or approval of a discharging authority or permit the discharging authority to agree or approve matters otherwise than provided for in the Requirement; and

Requirement consultee” means statutory consultee consulted by the discharging authority in discharge of a Requirement which is the subject of an appeal.

Annex D – Response to Rule 17 - Request for Further Information

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
R17.1	Biodiversity			
R17.1.1	NRW	D9	Is NRW content that monitoring and mitigation schemes for Tre'Gof and Cae Gwyn SSSIs are now secured in the dDCO [REP8 – 029]	
R17.1.2	NRW	D9	Is NRW content that Section 7.6 of [REP8-049] provides clarity on how dust will be monitored in real-time on site and how appropriate management, where needed, will be initiated to manage dust exceedances? If not, what changes would it suggest?	
R17.1.3	Applicant	D9	Can the Applicant explain why it considers that Ecological Compliance Audits are not necessary to demonstrate that mitigation measures have been implemented appropriately?	
R17.1.4	Applicant	D9	Is the Applicant proposing to include in the Park and Ride SCoCP the requirement proposed by NRW [REP7-012, 4.2.2] for newt grids across access points for the site?	
R17.1.5	Applicant	D9	In [REP7-001, App 1-2] the Applicant provided confirmation of ringfenced funding for baseline monitoring. However, this covers groundwater and surface water monitoring only. In the Post Oral Hearings Summaries for Monday 4 March 2019 [REP7-001] at 5 (e) (i) the Applicant states that it intends to continue reptile monitoring at Tre'r Gof, where is this secured?	
R17.2	Development Consent Order			
R17.2.0	IACC WG NRW	D9	DO IPs wish to respond to the matters raised in REP8-004 DCO Outstanding issues Register	The IACC is generally in agreement that this document reflects the outstanding issues that IACC is aware of. In addition to the points covered elsewhere in these questions the IACC also set out further commentary in its Deadline 9 cover letter.
R17.2.1	Applicant	D10	Provide an updated final dDCO and any necessary updates to consequent documents, incorporating any amendments made since the submission of Deadline 8 dDCO [REP8-029].	
R17.2.2	NRW	D9	Can NRW confirm that it is now content that there is clarity in the draft DCO regarding the discharging authority roles, requirements that it considers relevant to the marine works, and procedural matters arising from Schedule 19, as requested in [REP7-012, 3.1.2].	
R17.2.3	Applicant	D9	Provide a track change version of the Funding Statement	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			submitted at D8 [REP8-038].	
R17.2.4	Applicant	D9	<p>Provide any comments in response to the Legal Opinion provided by Land & Lakes Limited [REP8-076], regarding the proposed use of a Grampian-style condition/requirement that would prevent development until a scheme had been submitted to IACC in relation to temporary worker accommodation. With particular reference as to whether the provision of the TWA off-site would threaten the viability of the scheme to such an extent that there would be no realistic prospect that the scheme could be implemented – please support with evidence.</p>	
R17.2.5	Applicant	D9	<p>Some general comments on DCO drafting</p> <p>In advance of preparing the final DCO, please take note of the advice in <i>Advice note fifteen: Drafting Development Consent Orders</i> e.g. it is recommended that:</p> <ul style="list-style-type: none"> • “shall” is avoided – therefore consider the use of “shall” in the dDCO and either replace the word with an acceptable alternative or confirm that it is appropriate drafting and does not raise ambiguity about its meaning. • archaisms are avoided (note the use of “aforesaid” in paragraph 45 of Part 5) therefore ensure that any archaisms are removed and replaced with appropriate modern drafting. 	
R17.2.6	Applicant IACC NRW	D9	<p>Article 2 - Interpretation</p> <p>(c) What is the process by which the Applicant is to be consulted on the contents of a Memorandum of Understanding between the parties in respect of the arrangements for the ‘discharging authority’? [REP8-004] DCO Outstanding Issues Register]</p> <p>(d) Should there be an agreed timescale/mechanism for obtaining agreement?</p>	<p>There is no intention to consult the Applicant on this agreement, and the Applicant has never been told that there was. The Applicant has inserted this provision without discussion of it with the IACC.</p> <p>The discharging authority proposal should not and cannot be subject to the undertaker being a party to such an agreement. It is noted that Horizon originally suggested a split of responsibilities between NRW and IACC and that is the position the parties have arrived at following discussion between them.</p> <p>The working arrangements between two public sector bodies are not the undertaker’s concern. The MoU is a purely administrative arrangement which does not need to be controlled by the DCO and which the Applicant has no proper role in. The draft MoU under discussion between the parties simply sets out how and when they will share information, when meetings are required, key points of contact and how concerns are</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>escalated. The parties are entirely capable of agreeing these processes and undertaking their functions without the Applicant's input.</p> <p>The IACC and NRW already have in place between them a MoU that sets out how they are working together on the Wylfa project, this new MoU will follow on from that existing agreement to any post consent phase. A draft MoU (which does not and will not) include HNP is already under discussion between IACC and NRW and will be finalised if the DCO is granted. There is no role for the Applicant in that process and the attempt to make itself a party is inappropriate and entirely rejected.</p> <p>The IACC objects to the insertion of the new paragraph 4 in Schedule 19 and requests that the Examining Authority delete this.</p>
R17.2.7	Applicant IACC NRW	D9	<p>Article 2 - Interpretation / Schedule 19 A new clause has been added by the Applicant to Schedule 19:</p> <p><i>(4) Where an application is made in relation to a Work that has more than one discharging authority, the discharge of those applications will be managed in accordance with a memorandum of understanding agreed between the undertaker, IACC and NRW. [REP8-004 DCO Outstanding issues Register]</i></p> <p>If agreement cannot be reached between the parties, should provision be made for an arbitration mechanism to take effect?</p>	<p>As set out at 17.2.6, the IACC objects to the Applicant being a party to this MoU. This is proposed entirely as an administrative agreement which sets out how the public authorities will interact – it is not a matter which requires to be or should be controlled through the DCO.</p> <p>There is no realistic prospect of IACC and NRW failing to reach agreement given that there is already a MoU in place between them for the DCO stage (which the Applicant is not a party to) and that a draft MoU for the post-consent phase has already been drafted and discussed and no principle issues of disagreement have been identified. The only reason why an MoU would be likely not to be agreed in short course is if the Applicant was included.</p> <p>Arbitration would be inappropriate as that could result in a process which is unacceptable to one of the public authorities being imposed on them.</p>
R17.2.8	Applicant IACC WG	D9	<p>Article 5 – Effect of the Order on the Site Preparation Permission The Applicant explains why in its view it would not be appropriate to alter the definition of SPC Works [REP8-004 DCO Outstanding Issues Register]</p> <p>(c) Is IACC as the discharging/enforcing authority, content with this drafting?</p> <p>(d) If not, why not and what alternative drafting would IACC propose?</p>	The IACC is content.
R17.2.9	Applicant Magnox / NDA	D9	<p>Article 9 – Consent to transfer the benefit of the Order (c) Does Magnox/NDA have any further comment on the Applicants D8 response at para 1.2.24? [REP8-004 DCO</p>	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			<p>Outstanding Issues Register]</p> <p>(d) Would inclusion of the proposed amendment to Article 9 as proposed by Magnox/NDA be another consideration which could impinge upon the SoS's discretion to approve a transfer?</p>	
R17.2.10	Applicant Magnox / NDA	D9	<p>Article 9 – Consent to transfer the benefit of the Order</p> <p>The Applicant proposes a bespoke clause in the protective provisions with NDA as follows:</p> <p><i>29. The undertaker must not exercise any power under this Order on any part of the NDA Site, unless the undertaker has entered into a co- operation agreement with NDA and Magnox to facilitate the decommissioning and delicensing of the NSL Site and fulfilment of any statutory requirements. [REP8-004-DCO Outstanding Issues Register]</i></p> <p>(a) What is meant by the term "cooperation agreement"; what would it ordinarily include and should the term be defined? (b) Is the purpose of a cooperation agreement accurately represented by the wording "facilitate decommissioning and delicensing of the NSL Site"? (c) Is it clear to all parties what a "cooperation agreement" is? (d) Would arbitration come into effect if there was a stalemate over negotiations?</p>	
R17.2.11	Applicant IACC WG NRW	D9	<p>Article 9 – Consent to transfer the benefit of the Order</p> <p>An amendment to Article 9 is proposed by the Applicant:</p> <p><i>(4) Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer an equivalent guarantee or alternative form of security to that in place at the time of the transfer under article 83 of this Order.</i></p> <p>(a) What would prevent the 'alternative' being less robust than the 'equivalent form of security'? (b) Who would decide whether an 'alternative' form was satisfactory? (c) What is to stop the 'alternative' being less robust? (d) There appears to be no limitations on what an alternative</p>	<p>The IACC consider that any alternative form of security should be subject to the approval of the Secretary of State in the same manner that the original was.</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			<p><i>could be. Who would decide whether the alternative is satisfactory?</i></p> <p>(e) <i>Would the drafting set out below provide greater clarity?</i></p> <p>9. [...] (4) Unless otherwise approved by the Secretary of State, the transferee approved under paragraph (1) is required to put in place at the time of the transfer a guarantee or form of security equivalent to that in place at the time of the transfer under Article 83 of this Order.</p>	
R17.2.12	Applicant IACC	D9	<p>Art 18 (3) 'The undertaker must maintain Work Nos 8,9,10 and 11, and any street' [...].</p> <p>With the removal of the text regarding the requirement for maintenance to be carried to a reasonable satisfaction of the highway authority, how can it be assured that the maintenance is satisfactory/or the what type of maintenance that could reasonable be required?</p>	This matter has been covered to the IACC's satisfaction in the agreed protective provisions.
R17.2.13	Applicant	D9	<p>Article 19 Review the numbering and use of headings in this Article.</p>	
R17.2.14	Applicant	D9	<p>Article 28 - Time limit for exercise of authority to acquire land compulsorily Article 31 - Acquisition of subsoil only Article 33 - Modification of the 1965 Act</p> <p>REP7-035 seeks an additional period for the commencement of the proposed development from 5 to 6 years, but longer (5 to 8 years) for the implementation of the Compulsory Acquisition ('CA') powers sought. While the proposed additional time for CA may enable those with land and rights to keep them longer, it may also prolong any sense of uncertainty and delay completion of the acquisitions.</p> <p>Is there evidence to indicate that affected persons would wish a longer period until CA is carried out?</p> <p>In addition, why is a longer extension being sought for the implementation of CA in comparison to the additional year now sought [also through REP7-035] for commencement of the development proposed?</p>	
R17.2.15	Applicant	D9	Article 35 - Temporary use of land for carrying	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			out the authorised development Please confirm the scope of the type and use of the '...buildings...' referred to in dDCO Article 35 (1)(b) & (c) and Article 35 (4)(a)?	
R17.2.16	Applicant	D9	<p>Article 84</p> <p>(d) Given the particular circumstances around the Wylfa Newydd project, as well as the proposed obligation to 'provide information to enable the Secretary of State to be satisfied that the authorised development is likely to be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding'; should Article 84 be further strengthened by the addition of a requirement that the undertaker provide the Secretary of State with evidence of sufficient financial standing to be able to source/secure the necessary funding at a later stage in order to implement the scheme and if not why not?</p> <p>(e) Suggest how Article 84 (1)(a) might be revised to make such change; and</p> <p>(f) Set out the information that would be required to provide sufficient evidence of the required financial standing and where this might be secured within the dDCO.</p>	
R17.2.17	Applicant IACC	D9	<p>Schedule 1 – Other Associated Development</p> <p>(c)"expedient" – Can the Applicant provide any examples of judicial authority (in other contexts) which would give some indication of the limits which might be applied to the term "expedient". [REP8- 004 DCO Outstanding Issues Register]</p> <p>(c) IACC may wish to comment.</p>	The IACC continues to submit that 'expedient' should be deleted from item (p) as it introduces a level of uncertainty and creates a significant risk to enforceability.
R17.2.18	Applicant	D9	<p>Schedule 1 – Other Associated Development</p> <p>With reference to the revised wording for Work No 12 in Schedule 1 Authorised Development, provide a reference for a drawing or alternative description to enable identification of the boundary of the Kitchen Garden to be secured.</p>	
R17.2.19	Applicant	D9	<p>Schedule 3- Requirements</p> <p>(c) Should the term 'Archaeological Mitigation Scheme' be defined in the dDCO and if not why not?</p> <p>(d) If it should be defined, include suitable wording including an outline of the issues it should address.</p>	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
R17.2.20	IACC NRW WG	D9	Schedule 3 – Requirements In response to discussions, a number of changes have been made to the requirements in the dDCO at Deadline 8. [REP8-010-Summary table of amendments to the DCO] (d) Are parties' content with the drafting as set out at Deadline 8? (e) If not, provide an explanation of why not. (f) If appropriate, provide an alternative form of words for consideration, or signpost where previous drafting has been provided.	The IACC is content with the drafting of the requirements however it continues to have concerns with the drafting of some of the plans secured under them. These concerns are set out in the covering letter for these responses.
R17.2.21	Applicant WG	D9	SPC8 Archaeological written scheme of investigation Should SPC8 refer to the requirement for an Archaeological Mitigation Scheme as well as an Archaeological Written Scheme of Investigation? If so, provide revised wording and if not, explain why not? Welsh Government may wish to comment.	
R17.2.22	Applicant IACC	D9	WN1 [A] Phased construction drainage plans and WN1 [B] Phased construction lighting plans: (d) Provide an explanation for these additions as they do not appear to be explained within REP8- Summary Table of Amendments to the DCO. (e) Is IACC content that this would allow revisions to the plans to be made provided they are submitted for information two months in advance of the change, and are compatible with the relevant overarching scheme? (f) Should any changes be submitted for approval by IACC? (g) Should work be prevented from being carried out unless approval is given by the local planning authority?	(d) – (e) The IACC is content with the drafting of the requirements. (f) Yes (g) Yes, work should be prevented from being carried out unless approval is given
R17.2.23	Applicant IACC	D9	PR1 Dalar Hir Park and Ride sub-CoCP schemes This states that construction may not begin until the Park and Ride Archaeological Mitigation Scheme and the Park and Ride Lighting Scheme has been submitted for approval, and these must be in accordance with details in sched 21 (Control Documents and Schemes). (b) Should construction not commence until the schemes have been approved by IACC (as opposed to be only being submitted for approval).	Yes, work should be prevented from being carried out unless approval is given.
R17.2.24	IACC	D9	LC3 (4) Logistics Centre detailed design approval Is IACC content with 20 working days to decide whether	The IACC notes this is a very short timescale however in view of the limited matters to be considered the Council has accepted it.

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			plans, details and samples relating to the construction of the Logistics Centre are to be approved and deemed approval will take place if no response is received within this time frame.	
R17.2.25	Applicant	D9	LC 7 (1) Logistics decommissioning scheme (c) What is meant by 'commencement of the Logistics Centre'? Should it be 'commencement of the <i>decommissioning</i> of the Logistics centre'? (d) The commentary in REP8- Summary Table of Amendments to the DCO mentions commencement of the Park and Ride facility and not the Logistics Centre, is this correct?	
R17.2.26	IACC	D9	OH2 Detailed Design Drawings – Work No.s 8, 9A, 10 and 11 Is IACC content with 20 days to give approval, with deemed approval taking place if no response is received within that timeframe.	The IACC notes this is a very short timescale however in view of the limited matters to be considered the Council has accepted it.
R17.2.27	NGET SPEN/SPManwe b Welsh Water IACC NDA Magnox Network Rail Applicant	D9	Schedule 15 – Protective Provisions (c) Confirm which matters remain unresolved with regard to the protective provisions that should be included within Schedule 15. (d) Provide your final position in relation to those matters or, confirm in which Examination document your final position in relation to those matters can be found.	The IACC notes that the protective provisions in favour of it as a highway authority and lead local flood authority were not agreed at deadline 8 and that the version submitted at deadline 8 has since been amended. That amended version has now been agreed. A copy of the provisions as agreed by the IACC are attached to our D9 submission as Annex B.
R17.2.28	Applicant	D9	Provide written confirmation from APs of all CA objection withdrawals.	
R17.2.29	Applicant	D9	Schedule 21 – Control Documents and Schemes In what circumstances would a scheme not be in "general accordance with" the principles set out in the control documents and schemes?	
R17.2.30	Applicant	D9	Schedule 21 – Control Documents and Schemes With reference to the Wylfa Newydd Development Area Cae Gwyn SSSI Hydro-ecological Monitoring Scheme the dDCO states: <i>The scheme will be prepared in line with the principles set out in Sections 10 and 11 of the Main Power Station Site subCoCP ...</i>	
R17.3	Habitats Regulation Assessment			
R17.3.1	NRW	D9	NRW in its SoCG with the Applicant [REP6-047, NRW130]	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			advises that an adverse effect on site integrity for the Passage Sandwich Tern feature of the Dee Estuary SPA cannot be ruled out. However, at NRW68 and NRW79 NRW states that the proposed Off-Site Power Station Facilities is unlikely to adversely affect any SAC, SPA or Ramsar site in Wales. Do NRW's concerns about the integrity of the Dee Estuary SPA also apply to the Dee Estuary Ramsar site? If not, why not?	
R17.3.2	NRW	D9	Is NRW content with the Applicant's revised mitigation zone for Minke whale of 800m from construction activity, as described in the draft MMMP supplied to NRW as part of the Marine Licence Request for Information?	
R17.3.3	NRW	D9	The Applicant has provided material [REP8-043] to be considered under Article 4(7) in respect of benthic invertebrates in relation to the Skerries. Is NRW content, if not what additional information is required?	
R17.3.4	NRW	D9	Do NRW have remaining concerns about mitigation to deal with potential impacts on Ynys Môn secondary groundwater body, in the light of the Applicant's revised Schedule 21, Part 2 of the dDCO [REP8- 029]?	
R17.3.5	Applicant	D9	Without prejudice, can the Applicant provide a securing mechanism in the dDCO for the compensation proposals that would be required in the event that the Secretary of State concludes an adverse effect on site integrity when undertaking an Appropriate Assessment?	
R17.3.6	Applicant	D9	Without prejudice, can the Applicant make contingent provision within the s106 Agreement for delivery of SPA compensation should the Secretary of State deem it to be required.	
R17.3.7	Applicant	D9	In the sHRA [APP-050, 5.6.4] the Applicant states "At the end of decommissioning, the site will be restored to an agreed end state that is intended to be net positive." How would this be secured?	
R17.4	Historic Environment			
R17.4.1	Applicant	D9	(d) In relation to the post-excavation archaeological works for those archaeological investigations already completed at WNDA and the Archaeology Site Summary Reports and Plans submitted at D8; has a Recovery Plan for completion of the full programme of works, including post-excavation assessment, analysis, reporting, publication archiving, and	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			<p>dissemination as agreed with Cadw and GAPS in a Written Schemes of Investigation submitted to IACC, GAPS, and Cadw, in June 2017 and August 2018 been secured?</p> <p>(e) If this is not the case, how and when would the matter be resolved?</p> <p>(f) How would it be funded and secured? Para. 3.1.5 [REP7-003]</p>	
R17.4.2	WG/Cadw	D9	<p>(d) Provide a key to the plans provided in respect of:</p> <ul style="list-style-type: none"> iii. Summary plan identifying the location of the three nationally important archaeological sites within the WNDA; and iv. Summary plan identifying the location of the three nationally important archaeological sites in relation to the Project Design. <p>(e) In the light of the Archaeology Site Summary Reports and Plans submitted at D8, is there any further action that should be taken to ensure the nationally important archaeological sites are adequately investigated and recorded in accordance with the Written Schemes of Investigation submitted to Isle of Anglesey County Council (IACC), GAPS, and Cadw, in June 2017 and August 2018 and best practice?</p> <p>(f) Is there an intention to schedule these sites and, if so, what are the implications for the Wylfa Newydd project and any consequential changes to the DCO? Para. 3.1.7 [REP7-003]</p>	
R17.4.3	Applicant	D9	<p>Waste Water Treatment Plant</p> <p>(d) How would the visual, noise and odour impacts of the construction, operation and decommissioning of the proposed waste water treatment plant be mitigated in relation to the following heritage assets:</p> <ul style="list-style-type: none"> v. Cestyll Registered Historic Park and Garden – including the kitchen garden (HLT2) vi. Grade II* Listed Felin Gafnan Corn Mill (Porth y Felin) (Asset 137), vii. Grade II Corn Drying House (Felin Gafnan) (Asset 141), viii. Grade II Mill House (Felin Gafnan, Cylch-y-Garn) (Asset 144) <p>Provide a cross section through Mill House (Felin Gafnan, Cylch-y-Garn) (Asset 144), the Cestyll Valley Garden,</p>	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
			<p>proposed laydown area and proposed waste water treatment plant to show differences in levels and any proposed screening.</p> <p>(f) Action point 35 from the ISH on 4 March 2019 requests a visualisation of WNDA from AONB across Port-y-pistyll, including view of the package waste water treatment plant and the altered shoreline in order to understand the relationship between proposed building materials and their colour within the landscape. Notwithstanding the time constraints on producing these images within the Examination they will be helpful in the consideration of the WNDA Overarching Construction Drainage Scheme referenced in Schedule 21 (to be 4) of the dDCO; so, the Applicant is requested to:</p> <ul style="list-style-type: none"> iii. Prepare the images requested; and iv. Explain when they will be available, either within or post- Examination. <p>(e) Confirm that drawing number Fig. 1-1 in Appendix 1-1 Horizon's Response In Relation to Construction Waste Water Treatment Plant Elevation submitted at D7 [REP7-001] shows a 'package' waste water treatment plant as the documentation refers only to a 'waste water treatment plant'. Explain any differences between the two types of installation.</p>	
R17.4.4	Applicant/WG	D9	<p>In relation to the following topics, which appear not to have been agreed with WG; provide a status update and explanation about how any outstanding disagreements could be resolved:</p> <p>(d) the potential direct effects of overshadowing on the Cestyll Garden because of the revised design to the Power Station and supporting earthworks.</p> <p>(e) removing and reinstating the Kitchen Garden in order to mitigate and enhance a designated heritage asset of national importance.</p> <p>(f) The approach to the proposed conservation management Plan around the Essential Setting of Cestyll Garden and the adequacy of the funding to be made available in the DCO Sec. 106 Agreement.</p>	

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
R17.5	Landscape and Visual			
R17.5.1	Applicant	D9	<p>Planting procurement</p> <p>(c) Has an assessment been made of the capacity of the Anglesey horticultural economy to provide the scale and range of planting (with particular reference to the provision of native/indigenous plant species) that the Wylfa Newydd project will require?</p> <p>(d) If the required capacity is not available can the undertaker take direct responsibility for providing the necessary plant stock and how might this be secured in the DCO?</p> <p>Horizon's Deadline 7 Responses to Actions set in Issue Specific Hearings on 4 - 8 March Para. 1.7.1 [REP7-001]</p>	<p>Throughout both the pre-application and Examination process IACC has confirmed the need for all new planting (both plants and trees) to be of local and regional provenance. We are satisfied that the DCO application following revision now confirms this requirement.</p> <p>The Council fully recognises the local opportunity to provide the scale and range of local and regional planting that will be required to supply the landscaping and planting schemes for the development.</p> <p>As there is a long lead time to establish both a supplier and supply, the Council is keen to pursue this matter further with Horizon with the aim of establishing a local venture that will benefit the horticultural economy on Anglesey. Initially a Feasibility Study needs to be undertaken in order to review the existing availability and to identify the scale of the supply that is required. It is important that this Study also consider the supply that will be required to implement landscaping scheme of other large scale developments that are currently being progressed both at pre-application and application phase.</p>
R17.5.2	Applicant	D9	<p>How would adverse visual effects on residential receptors and properties outside the main communities, but close to the WNDA, be mitigated during construction?</p> <p>Para 5.1 [REP7-013]</p>	
R17.5.3	Applicant/IACC	D9	<p>Provide an explanation, update and any further evidence in relation to Items IACC 0228 and IACC 0249 in the SOCG with IACC [REP8-019], as matters not agreed in respect of Landscape and Visual Amenity, making particular reference to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3).</p>	<p>IACC maintains its position regarding the level of detail that has been provided in the visual assessment for receptors in the communities of Cemaes and Tregele and, in particular with the omission from the visual assessment of residential visual receptors at properties that are sited outside of the four included communities but close to or on the boundary of the WNDA. IACC acknowledges that, as set out in SoCG ID 0253 and 0258, its understanding of visual effects upon residents in Cemaes and Tregele, especially for the construction period, has been improved by HNP's Deadline 6 submissions (REP6-016, REP6-018 and REP6-019). The Deadline 6 submissions are of less help in furthering IACC's understanding of effects upon the residential visual receptors at properties that are sited outside of the four included communities. IACC estimates that 20 residential properties fall within this group.</p> <p>The IACC acknowledges the need for visual assessments to utilise professional judgement in determining the manner in which visual receptors are identified</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>and sub-divided within a visual assessment. However, the IACC consider that the GLVIA requires that the baseline division of visual receptors has to allow the visual assessment to comprehensively identify the full potential range of significant visual effects and the commensurate identification of the full range of embedded, best practice and additional mitigation measures which require to be adopted for construction, operation and decommissioning periods.</p> <p>Key references in GLVIA3 which support IACC's approach include:</p> <ul style="list-style-type: none"> Paragraph 6.1 on the scope of a visual assessment states that "<i>The concern here is with assessments of how the surroundings of individuals or small groups of people may be specifically affected by changes in the content and character of views as a result of the change ...</i>". This demonstrates that visual assessment should, where appropriate, be undertaken at the scale of individual or small groups of visual receptors. IACC considers that the scale and proximity of the WNDA proposals to the communities of Cemaes and Tregele and the group of residential visual receptors at properties that are sited outside of the four included communities, requires that finer grain of receptor identification is required in Cemaes and Tregele. IACC also considers that residential visual receptors at properties that are sited outside of the four included communities require to be included in the visual assessment, possibly grouped together using geographical criteria and/or proximity to major components of the proposed development e.g. all properties on the northern side of A5025 in close proximity to Mound A. Paragraph 6.3 on establishing the visual baseline provides support to the provision of indicative or comparative numbers of the different groups of visual receptors sustaining significant effects: "<i>where possible it can be useful to establish the approximate or relative number of different groups of people who will be affected by the changes in views or visual amenity, at the same time recognising that assessing visual effects is not a quantitative process.</i>" Further support is provided in paragraph 6.15 which states that "<i>Where possible an estimate should be made of the numbers of the different types of people who might be affected in each case. Where no firm data are data this may simply need to be a relative judgement, for example noting comparatively few people in one place compared with many in another.</i>" IACC that, in line

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>with this, the visual assessment should have sought to sub-divide the communities of Cemaes and Tregele (and possibly Llanfairynghornwy but not Llanfechell) to facilitate a more detailed assessment of the relative proportion of properties of each community at which it is likely that residents will sustain significant adverse visual effects for construction and operation periods. Such an assessment would be over and above that provided by the use of viewpoint assessment to inform the visual assessment for these community receptors (especially given that the original visual assessment only used one viewpoint in Tregele and three viewpoints in Cemaes). Likewise paragraphs 6.3 and 6.15 support the IACC's stance that the visual assessment for the Wales Coast Path, Copper Trail and in particular the PRoW network in the study area should have sub-divided the routes and networks to provide a more detailed understanding over and above that provided by the reliance upon viewpoint assessment.</p> <ul style="list-style-type: none"> IACC consider that GLVIA3 supports the requests made following the production of the community based assessments for the finer sub-division of the communities of Cemaes and Tregele and the inclusion of residential visual receptors at properties that are sited outside of the four included communities as well as the sub-division of recreational visual receptors using promoted trails and the PRoW network. IACC contend that as the iterative design process for the components of the WNDA developed, especially regarding elements of the construction period such as the formation of landform mounds, the use of cranes and landscape boundary treatments, IACC's request for the sub-division of large groups of visual receptors and the inclusion of residential visual receptors at properties that are sited outside of the four included communities has been in accordance with the approach advocated in GLVIA3 paragraph 6.4. <p>IACC accordingly concludes that the 'not agreed' status for SoCG ID 0228 in the latest version of SoCG (REP8-029) must remain. IACC also takes into account the contents of SoCG ID items 0253 and 0258 in SoCG (REP8-019) with regard to the aforementioned groups of visual receptors and the need to secure provision of funding for off-site additional mitigation measures to potentially reduce significant adverse visual effects. Taking these three items together, IACC is satisfied that the provisions that are now agreed within the S106, particularly the funding to be provided for screen planting and/or</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>fencing within the curtilages of residential properties within the four communities and at properties that are sited outside these communities, provides the optimal mechanism for potentially reducing some of the agreed significant adverse visual effects for the construction and operation periods.</p> <p>IACC has reviewed the agreed relevant S106 obligations against the likely outcome had the visual assessment adopted the more fine grained approach that IACC has been advocating and requesting since early 2018. IACC concludes that whilst the visual assessment would have provided a more detailed understanding of the distribution of and numbers of several groups of visual receptors who will sustain significant adverse visual effects, the net result would not have been to require any additional funding for off-site planting and/or other screening works to have been made available in the S106 obligation. Consequently IACC is content with the 'agreed' status contained in SoCG (REP8-019) for SoCG ID items 0253 and 0258.</p>
R17.6	Noise and Vibration			
R17.6.1	Applicant	D9	Confirm your position in relation to matters raised in: REP7-017, including those regarding transformer noise and the overall noise environment (external and internal); and, REP7-003 Appendix B, including matters in relation to the early phasing of the Temporary Worker Accommodation.	
R17.7	Socio Economic			
	Accommodation			
R17.7.1	IACC	D9	Provide details of how many empty homes there are on Anglesey; how many of these are located in North Anglesey; how many empty homes have been returned to use in the last five years through the Council's current empty home programmes; on average how long does it currently take to return an empty home to use and on average how many bedspaces do such properties provide. Please include links to the sources/evidence that provide the answers.	<ol style="list-style-type: none"> How many Empty Homes – The latest official number (October 2018) was submitted by the IACC in the LIR [REP2-068 section 5.13] which provides that there are 779 empty properties on the Island. The register of Empty Homes is updated annually (1st April) by the IACC's Council Tax Department. The detail as at 01 April 2019 is not yet available. The IACC can update the Examining Authority on this at Deadline 10 if the information becomes available. How many in North Anglesey – There are 188 empty properties in North Anglesey. This information is also contained in the IACC's LIR [REP2-068 section 5.13] and these have been plotted on GIS [REP2-129]. How Many Empty Properties Returned to Use by IACC Past 5 Years – The IACC's Empty Homes Scheme has brought back 439 empty properties to active use in the past 5 years. These figures related only to empty properties brought back into use and does not include for additional units created.

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>Additional units created are additional units where a single property has been sub-divided to provide more units e.g. conversion into flats.</p> <p>2014-15 – 109 2015-16 – 86 2016-17 – 91 2017-18 – 75 2018-19 – 78</p> <p>4. Timescale and bedspaces created - The empty homes database does not record information on bed spaces and it does not record how long it has taken to return an empty property back into use.</p> <p>5. Second Homes / Self Catering Holiday Lets – As detailed in section 5.19 of the IACC's LIR [REP2-068], there was a 25% Council Tax premium on the standard rate of Council Tax for both long term empty dwellings and for dwellings occupied periodically (usually known as second homes). However, since the submission of the IACC's LIR, this has changed and there is now a 100% premium on long-term empty homes and a minimum of 35% for second homes. This is important for two reasons:</p> <ul style="list-style-type: none"> i. Second Homes - To avoid this Council tax premium, some second home owners may transfer to a self-catering holiday let and pay business rates (and thereby claiming the small business rate relief). With the influx of Wylfa Newydd construction workers seeking accommodation, more second home owners may wish to let their property as a self-catering holiday let to avoid paying the Council tax premium and to make a financial gain from rental income. To qualify as holiday lets, the taxpayer must prove to the Valuation Officer that the dwelling is available for let for 140 days and has actually been let for 70 days in a 12-month period. Although this could lead to a significant loss to the IACC in terms of Council Tax income, it could potentially bring forward more capacity in the tourism sector. However, the fact that only 141 second home owners, or 5% of the total, chose to be assessed as a holiday let following the introduction of the 25% premium suggests that most second home owners are using the property primarily for personal use rather than lettings. However, since the IACC's LIR, the Council Tax premium has increased to 35%, which may result in more properties changing to holiday lets. ii. Empty Homes – with a 100% premium on empty homes, there may be a significant reduction in the number of empty properties available, or

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				conversely, an increase in the number of people looking to bring back empty homes into active use. The empty homes grant as part of the Wyelfa Newydd Capacity Enhancement Contribution could therefore be an attractive proposition to bring back empty homes to pay less Council Tax. This is something that the IACC will monitor carefully over the next 12-24 months.
R17.7.2	IACC	D9	Explain the evidence/calculation as to why you now accept 2.5 workers per unit (para 5.4.2 of Appendix 1 of REP7-014).	<p>There are two reasons why the IACC have been able to accept 2.5 workers per unit.</p> <ul style="list-style-type: none"> i. The increase in the Construction Worker Accommodation (Capacity Enhancement) Contribution means that more units can be developed to deliver the required bedspaces in a manner which supports a 2.5 workers per unit occupancy rate. As outlined in Annex 2 of the Schedule 5 of the S.106 Agreement, the anticipated number of units that can be delivered is 575 units, which equates to over 1,400 bedspaces at a ratio of 2.5. This delivery of new units together with 500 latent accommodation bedspaces provides a total of 1,900 bedspaces. This adequately mitigates Horizon's take up of 1,900 bedspaces in the KSA therefore the IACC can agree a ratio of 2.5 as it has the ability to control and monitor delivery of suitable units to achieve this ratio through the consenting of appropriately sized new units. ii. The revised Phasing Strategy for the Site Campus means that less pressure will be put on the private accommodation market (particularly in the early years). The trigger for the first phase states that the first 1,500 bedspaces will be delivered prior to exceedance of 2,200 non-home based workers (and no later than Y4 Q4). This means that considerably less units are required up to Y4 Q4 than the 520 units as highlighted in the IACC's LIR [REP2-068] and less will be required at peak. This reduction in the number of units required means that the IACC could agree a higher ratio of 2.5 worker per unit to meet the bedspace requirement. Unfortunately, given the tight timeframe and the availability of Cambridge University staff, the IACC have not be able to update the model to reflect the latest Phasing Strategy submitted at Deadline 9. <p>The total capacity delivered by the Capacity Enhancement Contribution could vary depending on the mix of measures implemented and their respective costs. In order to reach agreement on the level of mitigation that the Fund can supply, IACC and Horizon have agreed an indicative split and associated level of capacity</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>to be delivered. The average size of a unit is one of a number of assumptions that underpin the indicative split.</p> <p>IACC has agreed to an average of 2.5 per unit as part of the agreement on all of the assumptions. Average occupancy of the PRS in Anglesey is 2.25 people per dwelling and IACC accepts that workers are likely to occupy at a higher level because they are less likely to have spare rooms.</p> <p>As detailed in the Schedule 5 of the S.106 Agreement, the IACC and Horizon have agreed a minimum bedspace delivery of 1,650. This is 2 workers per new unit plus 500 in latent ($575 \text{ units} \times 2 + 500 = 1,650$). This means that the Capacity Enhancement Contribution will deliver a minimum of 2 workers per unit, and the IACC and Horizon therefore agree that 2.5 is achievable as indicated in Annex 2 of Schedule 5 (1,900 bedspaces).</p>
R17.7.3	IACC	D9	Explain why a subsidy of £35,000 rather than £45,000 is now being applied to supporting the delivery of new build units particularly in light of the fact that these units would now need to accommodate 2.5 rather than 2 workers.	<p>For clarity, the previous proposed subsidy was £40,000 per unit and not £45,000 as stated in the question.</p> <p>As outlined in the S.106 agreement (Annex 2 of Schedule 5), it must be emphasised that this is an average / indicative figure to incentivise new build and is not a definitive figure. As detailed by the IACC in REP7-014 (Appendix 1 5.4.4) the actual breakdown of accommodation / bedspace delivery will be included in the Annual Programme of Works which will take into account a number of factors including the housing market at the time (including local need), availability of empty homes and other market pressures (including spatial considerations).</p> <p>This Annual Programme of Works will be informed by evidence base studies which will be commissioned through the "SPC Accommodation Contribution" (Schedule 15 of S.106). This will inform the IACC of what type of housing is required, where, in what numbers etc. and the level of subsidy required to deliver these new units. This Programme of Works will be agreed through the WAMS Oversight Board.</p> <p>Some new build units can be developed for less subsidy than this and some will require more incentive / subsidy. However, on balance the IACC believe this is an acceptable level and the reasons for agreeing a 'lower' subsidy is detailed below.</p> <p>i. Acceptable Cost Guidance – According to the Acceptable Cost Guidance (ACG) from Welsh Government, the average price to construct a dwelling</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>(across all Bands and Sizes) is £137,500. Social Housing Grant intervention rate is 58% for general rented accommodation and 25% for intermediate rented housing. Applying these percentages to the average build cost means that an intervention rate of between £35k and £80k per unit would be required for these types of accommodation. Whilst the new build housing will not (initially) be for social or affordable housing, the intervention rates are comparable and therefore the IACC have based this subsidy on 25% (average). The IACC believe this is an attractive incentive to a developer as Wylfa Newydd construction workers will have first refusal on the property (1 month nomination period) and if it is not occupied by a Wylfa Newydd worker they can let or sell on the open market. Either way this achieves the objective of increasing supply of accommodation, particularly in North Anglesey and Anglesey West.</p> <p>ii. Demand for Accommodation and Security of Tenancy – The Wylfa Newydd project will create considerable demand for accommodation. This certainty of demand will be attractive to prospective developers and the offer of a subsidy to meet this demand will be even more attractive. These are exceptional housing market conditions and therefore looking at current intervention rates and incentives for local house builders or RSLs to build houses (whilst a useful indication) cannot be directly comparable. The reason why large national house builders do not build in Anglesey is that the demand is not there. This increases risk and uncertainty of return on their investment. However, given the demand from Wylfa Newydd and the security of tenancy (from Wylfa Newydd workers or local need) the IACC believe that a lower subsidy would be attractive and acceptable to developers and could achieve the units required.</p> <p>iii. Somerset Evidence – Evidence from Somerset demonstrates that units can be delivered for as little as £5,000 per unit. Sedgemoor District Council have delivered 112 units to date (January 2019 Report) for £533,400. This equates to £4,762.50 per unit. SDC have a unit target of 513 with a budget of £1,544,744. This equates to just over £3,000 per unit. Whilst recognising that the housing market conditions of Somerset and Anglesey are very different, the £35,000 subsidy agreed between the IACC and Horizon is substantial and the IACC believe it will deliver the new build target.</p> <p>iv. Balance to Provide Required Bedspace – By reducing the subsidy for new build from £40,000 to £35,000 per unit the difference in funding required to deliver, for example 210 units, is £1,050,000. This difference would enable the IACC to deliver 52 additional empty properties (or 130</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>bedspaces) who may otherwise be displacing existing residents from the housing market or visitors from tourism accommodation. Based on existing intervention rates, the demand created from Wylfa Newydd construction workers and the evidence from Somerset, the IACC believe that £35,000 per unit (average) is an acceptable figure to incentivise the delivery of new build. The flexibility in the Worker Accommodation (Capacity Enhancement Fund) means that some units may require £50,000 (or more) subsidy and some may require £20,000 (or less) depending on the proposal, the site, the market conditions, the funding mechanism and other constraints. However, the IACC believe that the indicative expenditure as detailed in Annex 2 of Schedule 5 provides a realistic, clear and <u>balanced</u> indication of what can be achieved with the S.106 contribution to deliver the necessary bedspace requirement.</p> <p>v. Legacy – The IACC and Horizon are committed to providing a positive lasting legacy from the Wylfa Newydd project. It is therefore important to have the correct balance of accommodation to prevent adverse impacts and to maximise legacy opportunities. There are less costly alternatives to deliver bedspaces (e.g. latent accommodation or through other schemes such as assisting people to downsize, or rent deposit schemes etc.). However, the IACC believe that the provision of new build will not only meet the short-term needs of the construction workforce (and local demand), but will assist in meeting the future housing need of the Island (particularly North Anglesey).</p> <p>vi. Size of Dwelling / Bedspaces – Given the flexibility in the delivery of new build units (e.g. from 1 bedroom flats to 4 bedroom properties) there is not a constant correlation between the subsidy and the delivery of bedspaces (i.e. it's not a fixed sum and not all properties have to deliver 2.5 workers per unit). One of IACC's concerns with the increase in ratio to 2.5 was that only larger properties could be built or brought back into use to meet the bedspace target. However, the flexibility in the amount of subsidy required for different properties means that the Capacity Enhancement Contribution can deliver more smaller units with less subsidy, or less larger properties with more subsidy or a mix of both to achieve the bedspace requirement. The new build programme will need to reflect the housing need at the time, both to achieve the desired ratio and to comply with planning policy. Ensuring that delivery is responsive and is achieving the required outcome is one of the purposes of the Annual Programme of Works, which will be informed by the evidence base at the time.</p>

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R17.7.4	IACC	D9	1,400 bedspaces are proposed in the private rented sector of which 210 would be in new build units. Given the number of bedspaces required who do you consider would be the landlord for these units particularly the new build units? What is proposed to encourage landlords to invest in Anglesey?	<p>The Capacity Enhancement Contribution will enable a range of landlords to bring forward development, including IACC itself. It is likely that Registered Providers of affordable housing and private developers will be invited to bid for money to deliver schemes that would not otherwise be viable. Those schemes may then be let to workers or if not, offered into the general market to increase the supply of housing available to existing residents and others seeking to move to Anglesey.</p> <p>For clarity, the 1,400 bedspaces are not all proposed in the private rented sector. The 1,400 also includes properties for owner occupation.</p>																																																				
R17.7.5	IACC	D9	Detail the average timescale for construction of a new home on Anglesey over the last ten years and what build out rate (ie how many per year) would be required to deliver the new units needed to accommodate workers and the residents (including a breakdown of units required to meet existing local need and units required for construction workers)?	<p>The build rate seen on Anglesey over the past 10 years is as follows (Source the Joint Housing land Availability Study JHLAS):</p> <table border="1"> <thead> <tr> <th colspan="4">Number of Housing Units Completed</th> </tr> <tr> <th>Year</th> <th>Large Sites</th> <th>Small Sites</th> <th>Total Completions</th> </tr> </thead> <tbody> <tr> <td>2007-08</td> <td>153</td> <td>125</td> <td>278</td> </tr> <tr> <td>2008-09</td> <td>177</td> <td>119</td> <td>296</td> </tr> <tr> <td>2009-10</td> <td>104</td> <td>121</td> <td>225</td> </tr> <tr> <td>2010-11</td> <td>80</td> <td>63</td> <td>143</td> </tr> <tr> <td>2011-12</td> <td>45</td> <td>74</td> <td>119</td> </tr> <tr> <td>2012-13</td> <td>135</td> <td>88</td> <td>223</td> </tr> <tr> <td>2013-14</td> <td>80</td> <td>81</td> <td>161</td> </tr> <tr> <td>2014-15</td> <td>44</td> <td>95</td> <td>139</td> </tr> <tr> <td>2015-16</td> <td>58</td> <td>82</td> <td>140</td> </tr> <tr> <td>2016-17</td> <td>46</td> <td>80</td> <td>126</td> </tr> <tr> <td>2017-18</td> <td>149</td> <td>105</td> <td>254</td> </tr> </tbody> </table> <p>Underpinning the housing growth figure included within the JLDP is a Topic Paper: Describing Housing Growth. The initial Paper was published in 2013 a</p>	Number of Housing Units Completed				Year	Large Sites	Small Sites	Total Completions	2007-08	153	125	278	2008-09	177	119	296	2009-10	104	121	225	2010-11	80	63	143	2011-12	45	74	119	2012-13	135	88	223	2013-14	80	81	161	2014-15	44	95	139	2015-16	58	82	140	2016-17	46	80	126	2017-18	149	105	254
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				<p>revised version in 2014 with the final version published in February 2016 (Topic Paper 4B a copy of which can be viewed at the following link): https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/PT.010-Topic-Paper-4B-Describing-Housing-Growth-(March-2016).pdf .</p> <p>This used the 2011 based projections by the Welsh Government as a starting point adjusted to account for the vision for the area, capacity issues and environmental and infrastructure constraints. The growth envisaged in new jobs during the Plan period was a fundamental driver in identifying the Plan's housing figure.</p> <p>It is acknowledged that growth in new jobs during the Plan period will be focused on Anglesey. This was envisioned not only through the Wylfa Newydd project but also with other consented proposals such as Land and Lakes, Menai Science Park (MSparc) and Orthios Eco Park.</p> <p>Paragraph 46 within Topic Paper 4B notes that the relationship between housing and economic development (and with language and culture) is complex and multi-faceted. Furthermore paragraph 67 point (iv.) states that care needs to be taken with jobs based figures and whilst the study has considered change in commuting patterns it's difficult to come to a definite conclusion without detailed information about jobs, availability of skills to meet them and the workforce aspirations in terms of where they would wish to live.</p> <p>Section 108 to 116 of Topic Paper 4B refers to the construction of the Wylfa Newydd project being an important factor that needs to be factored into the economic circumstances. Paragraph 110 states that the number of construction workers that will require 'new' accommodation will remain uncertain until planning reaches the stage of being able to identify how many workers will be from the existing local labour supply and how many temporary residents will be absorbed by existing local accommodation. Paragraph 116 identifies that the findings of the Study into Building the New Wylfa Power Station: Study of Facilities for Building Workers on behalf of Anglesey Council identified in the order of 400 dwellings to be required for construction workers.</p> <p>In light of all the factors considered within Topic Paper 4B it was considered that the housing requirement within the plan was realistic but ambitious. It was based on the information available at that time, the level of housing more than</p>

Reference	Respondent:	Deadline for Response:	Question:	IACC Response (where relevant)
				<p>satisfies the need in the plan area whilst allowing sufficient numbers to support future economic growth aspirations.</p> <p>For the Hearing Session on Wylfa at the Examination of the JLDP the Planning Inspector asked a number of questions in relation to the planned level of housing growth and whether this aligns with the increase in demand anticipated to arise from the Wylfa Newydd project. The Council's position was that the Plan's growth level is aligned to the Wylfa Newydd project. A copy of the Council's statement can be viewed at the following link: https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Declarations/The-CouncilHearing-Session-9-S-Wylfa.pdf</p> <p>The Planning Inspector in his report in relation to the JLDPs housing growth figure stated:</p> <p><i>3.12. The Plan's housing growth has been informed by Welsh Government household and population projections. The Plan's approach also takes into account, but does not seek to maintain, past trends which continue to be influenced by the economic recession. The identified housing growth is aspirational and is based on the transformational economic prospects that are envisaged over the Plan period. In line with PPW17, the Plan seeks to support economic and employment growth alongside social and environmental considerations within the context of sustainable development. There is broad alignment between jobs and housing, although the spatial distribution is adjusted to accommodate some housing growth in rural communities. [underline by author for emphasis]</i></p> <p>Therefore, the economic prospects within the Plan area, including the Wylfa Newydd project, has influenced the housing growth figure contained within the Plan. However, due to difficulties due to a lack of detailed information available over the detailed composition of the construction workforce at the time of preparing the JLDP the Plan did not include specific figures to split the housing growth between existing local need and units required for construction workers. The first Annual monitoring Report for the JLDP is due to be published in October 2019, The analysis of the Indicators within Chapter 7 of the Plan will allow the Council to consider the impact of a reduced build rate than that anticipated within the housing trajectory contained within Appendix 10 of the Plan.</p>

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R17.7.6	IACC	D9	Explain further what the 'highway concerns' in relation to the A5025 are that would prevent the early delivery of the Site Campus and why these 'concerns' would only apply to the Site Campus and not all the development in the WNDA (para 2.4 of Appendix 1 of REP7-014).	This comment was made in direct response to a concern raised by Mr. Bob Wright at the Open Floor Hearing on the 5 th March 2019 [REP7-027]. Appendix 1 of REP7-014 was specifically to do with housing and therefore only mentioned the Site Campus. These 'highway concerns' (i.e. the timely delivery of the off-line highway improvements) of course, apply equally to all the developments in the WNDA.																																										
R17.7.7	IACC	D9	Provide details of the housing sites you have identified in North Anglesey in the JLDP; whether these sites have consent and how many units these sites are scheduled to deliver and whether they currently benefit from planning permission. Please provide the relevant extracts from the JLDP and details of the relevant planning permissions.	<p>The following tables outline the JLDP housing allocations in North Anglesey and the latest position in relation to whether or not they currently have planning permission. These are housing allocations within settlement boundaries of the JLDP which can be viewed at the following links (Amlwch), (Cemaes), (Llanerchymedd).</p> <p>Sites without planning permission (April 2019):</p> <table border="1"> <thead> <tr> <th>Settlement</th> <th>Site Reference Number</th> <th>Site Name</th> <th>Estimated number of units</th> <th>Potential Number of Bedspaces (2 Per Unit)</th> <th>Potential Number of Bedspaces (2.5 Per Unit)</th> </tr> </thead> <tbody> <tr> <td>Amlwch</td> <td>T5</td> <td>Land near Maes Mona</td> <td>50</td> <td>100</td> <td>125</td> </tr> <tr> <td>Amlwch</td> <td>T6</td> <td>Land near Lôn Bach</td> <td>73</td> <td>146</td> <td>182</td> </tr> <tr> <td>Amlwch</td> <td>T7</td> <td>Land at Madyn Farm</td> <td>152</td> <td>304</td> <td>380</td> </tr> <tr> <td>Amlwch</td> <td>T8</td> <td>Land near Rheinwas Field</td> <td>40</td> <td>80</td> <td>100</td> </tr> <tr> <td>Amlwch</td> <td>T9</td> <td>Land at Tan y Bryn</td> <td>58</td> <td>116</td> <td>145</td> </tr> <tr> <td>Cemaes</td> <td>T34</td> <td>LAND TO THE REAR OF HOLYHEAD ROAD, CEMAES (T34) - Units remaining based on</td> <td>45</td> <td>90</td> <td>112</td> </tr> </tbody> </table>	Settlement	Site Reference Number	Site Name	Estimated number of units	Potential Number of Bedspaces (2 Per Unit)	Potential Number of Bedspaces (2.5 Per Unit)	Amlwch	T5	Land near Maes Mona	50	100	125	Amlwch	T6	Land near Lôn Bach	73	146	182	Amlwch	T7	Land at Madyn Farm	152	304	380	Amlwch	T8	Land near Rheinwas Field	40	80	100	Amlwch	T9	Land at Tan y Bryn	58	116	145	Cemaes	T34	LAND TO THE REAR OF HOLYHEAD ROAD, CEMAES (T34) - Units remaining based on	45	90	112
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				<p>have an option on Madyn Farm (T7) and this may provide an opportunity to develop this site, for example.</p> <p>Given the spatial distribution of workers, the development of new build will not be constrained to North Anglesey only. The IACC will also be looking at sites in Anglesey West or other sites on Anglesey where there is demand / housing need. However, given the supply vs. demand in North Anglesey (as detailed in the Gravity Model), the Capacity Enhancement Contribution will need to be heavily weighted to North Anglesey to mitigate impacts on the local housing market.</p> <p>The work undertaken through the SP&C Accommodation Contribution will inform the Annual Programme of Works which will be approved by the WAMS Oversight Board. The IACC will not wait for implementation of the Wylfa Newydd project for this work to commence. Discussions with landowners / developers will be undertaken prior to this to ensure that these new build units can be delivered in a timely manner to meet the increased demand.</p>
R17.7.8	IACC	D9	<p>Provide a fuller explanation (backed by evidence) as to why you now consider that the proposal would not adversely affect the local tourist economy with particular reference to tourist accommodation.</p>	<p>The IACC have consistently stressed the importance and value of the tourism sector to the Anglesey economy and the risk Wylfa Newydd poses to this extremely important sector. This position has not changed. There is no new evidence that suggests Wylfa Newydd will not have any impact on the local tourist economy or tourism accommodation.</p> <p>However, what has happened since the Issue Specific Hearing is that detailed discussions and negotiations have been held with Horizon on the measures required (including changes to the project) to mitigate the impacts on the tourism sector. This consists of a range of measures from direct S.106 contributions to changes in Control Documents (e.g. Phasing Strategy and Workforce Management Strategy) to prevent rather than react to potential impacts. It is the cumulative effect of a number of different changes (outlined below) which has satisfied the IACC that impacts on the tourism sector can be adequately managed.</p> <ol style="list-style-type: none"> Site Campus – The delivery of 1,500 bedspaces in phase 1 (instead of 1,000) means that there will be fewer construction workers in existing accommodation (including tourism) during the early years of the project. The earlier delivery of the subsequent phases will also mean a smoother build-up of workers in existing accommodation, reducing pressure on the tourism sector. 85% Occupancy Target – The IACC and Horizon have agreed a minimum occupancy target of 85% in the Site Campus. If 85% target is not reached, Horizon will need to undertake measured to incentive occupancy (e.g. price

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				<p>reduction) or it may result in the release of Contingency Fund payment to IACC. This will ensure that workers will occupy the Site Campus instead of tourism or other forms of accommodation.</p> <ol style="list-style-type: none"> 3. 3,000 Worker Cap – The IACC and Horizon have agreed a worker cap of 3,000 non home base workers outside of the Site Campus. This will be monitored by the WAMS Oversight Board and accommodation will be increased and decreased depending on impact (including spatial impacts). The figure may go over 3,000 if agreed by the IACC and the WAMS if it can be demonstrated that there is no adverse impact (e.g. more tourism capacity used in winter, for example). 4. Capacity Enhancement Contribution – Although the Capacity Enhancement Contribution secured in the S.106 Agreement is not intended to increase tourism capacity, it will increase the supply of latent and other accommodation which will reduce the impact on tourism accommodation. However, if the monitoring evidence indicates a need to increase tourism capacity then this may be included in the Annual Programme of Works (e.g. similar to latent incentivisation). 5. WAMS Oversight Board – The WAMS Oversight Board will monitor the uptake of accommodation on a quarterly basis and will be able to adapt to changes / impacts before any potential adverse impact becomes significant. For example, if there is an over concentration of workers in one location or accommodation sector, then the WAMS Oversight Board will be able to direct the Accommodation Portal to reduce availability of accommodation in that area / sector until the impacts are reduced or mitigation takes effect. 6. Tourism Fund – The IACC and Horizon have agreed a Tourism Mitigation Fund of almost £7M with flexibility to respond to changes, risks and threats (focussed on North Anglesey, and maintaining/ protecting the Island's image, brand and reputation). The Tourism Contribution will be front loaded (£2.475M prior to implementation, for example) to ensure that the IACC have the resources to promote and protect tourism on the Island from the outset and leading up to peak construction. 7. Visitor Centre – Horizon have committed to providing the Permanent Visitor Centre in the DCO. This is a positive change to the project as previously the permanent Visitor Centre would not be available until the power station was operational. This will provide a significant boost to the local tourism economy in North Anglesey and will help attract people to this part of the Island during construction and linking with other nearby attractions (including the Wales Coastal Path).

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				<p>8. Workforce Management Strategy – Horizon's Workforce Management Strategy and Code of Conduct not only includes worker behaviour at work or in the Site Campus, but in the community. This is particularly important for the tourism sector as these workers will be outside their private residence and there will be an expectation to behave in an appropriate manner. The strict enforcement and monitoring of this Strategy will ensure that the image and reputation of the tourism sector on Anglesey is protected.</p> <p>9. Highways – a number of measures have been agreed which will reduce the impact on highways. Perception of Anglesey being a large construction site with tourists stuck in long tailbacks was a concern for the IACC. Over 85% of Anglesey's visitors are repeat visitors and the Council wishes to minimise any bad experiences (due to traffic) dissuading visitors from returning. The Workforce Management Strategy, Traffic and Transport Strategy and the COCPs for example, contain measures such as HGV routes and route restrictions and construction vehicle routes so construction workers only use A Class roads. A combination of these measures (together with embedded mitigation) will ensure that traffic impacts and its effects on tourism are minimised.</p>
R17.8	General Questions			
R17.8.1	Applicant	D10	A final 'Guide to the Application' is due at D10. Update sections 1 and 2 of this document to reflect changes that have been made to the application during the examination (eg removal/amendment to 2.3.23 re the grid connection; update to tables 2-4 and 2-5 to reflect changes to documents and amended to include reference to S106). Please include a further section (2.6) detailing any amendments to the application and setting out the details of the application as examined. Provide both clean and track change versions.	
R17.8.2	Applicant	D10	Provide a final update on progress with Other consents and licenses.	
R17.8.3	Applicant	D9	<p>(c) With reference to National Policy Statement EN-6 Volume I paragraph 3.16 and the areas of the Wylfa Newydd Development Area that lie outside the Wylfa 'nominator' site area shown in National Policy Statement EN-6 Vol II, and the comments within the application's Planning Statement [APP-406] including paragraphs starting at 6.5.14, is it clear why the site access and associated structures are in the location proposed?</p> <p>(d) If the Applicant considers this information to already</p>	

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			have been supplied, please confirm in which document(s) it is to be found.	
R17.8.3	Applicant	D10	Respond to the comments made by IPs at D9.	
R17.8.4	Applicant	D9	<p>a) what is the capacity of the existing grid connection?</p> <p>b) Would it be available to the Wylfa Newydd Project?</p> <p>c) At what point would a new grid connection be required in the lifetime of the project and can the applicant update in track changes the grid connection statement [APP-403]?</p> <p>d) In the light of recent developments please provide an updated Statement of Common of Ground with National Grid [REP6-043].</p>	
R17.8.5	Applicant	D9	Paragraph 1.5.1, on page 52 of 58 of REP8-012 refers to Appendix 16a of REP5-002. Please confirm where Appendix 16a can be found. If Appendix 16a is not before the Examination and you wish it to be taken into consideration, please submit the document.	
R17.9	Good Design			
R17.9.1	Applicant	D9	Comment on the proposition that, although temporary, the Site Campus is a large, prominent development and consequently there	
R17.10	Waste Management and Radioactive Waste Management			
R1710.1	Applicant	D9	<p>In relation to Work No 1D and buildings 9-201 and 9-202 and the D8 submission Appendix 1-11 Post Hearing Note [REP8 - 011] on 140-year Site Decommissioning Appearance respond with any further comments to:</p> <p>(e) [REP7-035] and in particular the request from PAWB 'that any recommendation by the Planning Inspectorate for approval of the Wylfa Newydd DCO should be subject, amongst other matters, to the provision of fully-funded and more detailed landscape and ecological management plan options for the Interim Stores and surrounding site in the de-commissioning and post-decommissioning period, including the prospect of the stores remaining indefinitely or in perpetuity by default.'</p> <p>(f) J Chanay's request in [REP7-036] to explain how the following aspects relating to Work No 1D will be</p>	

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			<p>managed, sustained, resourced and any negative visual and noise impacts be identified and mitigated during the construction and operation of the buildings' life:</p> <ul style="list-style-type: none"> v. the construction of these two Facilities for the storage of all Intermediate Level Radioactive Waste and Spent Fuel generated by the proposed twin UKABWRs at Wylfa; vi. the safe and secure operation, maintenance, repair, refurbishment and extension (as warranted in future) of vii. the packaging and evacuation of the entire contents of both facilities for permanent disposal in a Geological Disposal Facility (GDF) somewhere; and, viii. final decommissioning, dismantlement and complete removal of both the Intermediate Level Radioactive Waste Storage Facility and the Spent Fuel Storage Facility from the Wylfa site. <p>(g) The criticisms of previous responses in relation to the planning status of buildings of 9-201 and 9-202 in J Chanay's submission at D8 [REP8-078].</p> <p>(h) Provide an unequivocal statement of the Applicant's view of the planning status of 9-201 and 9-202 and that the required evidence and tests to justify the Applicant's view is set out within the Examination.</p> <p>(i) Consider whether specific reference to Work No 1D and buildings 9- 201 and 9-202 and the proposed Fuel Repackaging Facility (which is not within the DCO) should be made in Requirement PW10 Wylfa Newydd Decommissioning Scheme of the dDCO and provide additional wording if appropriate.</p>	