



Eich cyf/Your ref **EN010007**

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

17 April 2019

Dear Ms Sully,

**EN010007 Wylfa Newydd Nuclear Power Station**

**Welsh Government (IP Number: 20011597) Deadline 10 Submission**

**1 Introduction**

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

**2 Responses to Examining Authority's Rule 17 Request issued 15 April 2019**

2.1.1 The Examining Authority issued a Rule 17 Request for Further Information on 15 April 2019. **Appendix A** of this Deadline 10 submission sets out Welsh Government's responses to those relevant questions issued.

**3 Wylfa Newydd Code of Construction Practice (CoCP)**

3.1.1 Following review of the Code of Construction Practice (CoCP) submitted by Horizon at Deadline 9 (Revision 5.0, REP9-009), Welsh Government wish to propose the following changes to the newly inserted paragraph 5.2.6:

- Delete "this" in the second line which appears to be a typo;
- Amend the hours between 07:30 to 09:00 to reflect the AM peak across the Britannia Bridge. The hours of 7.00 to 8:30 included by Horizon do not reflect the AM peak across the bridge. These hours had previously been suggested as limits on Heavy Goods Vehicles leaving the Wylfa Newydd Development Area (WNDA), in view of the travel time from the WNDA to Britannia Bridge, but are not appropriate for Britannia Bridge.

- Revise the latter part of paragraph 5.2.6, to ensure this is enforceable. The following revised wording is suggested:

*In the event that HGV monitoring data provided by Horizon and traffic count and journey time data recorded by Welsh Government demonstrates using a VISSIM model (or equivalent model) that effects on eastbound queuing times on Britannia Bridge between 07:30 to 09:00 are, as result of HGV movements associated with the Wylfa Newydd DCO Project, causing (or are predicted to cause) a significant adverse effect in the reasonable opinion of the Transport Engagement Group then following receipt of notice to this effect by Horizon the following shall apply:*

- Horizon must promptly and in any event within 14 days of receipt of notice agree actions with the Transport Engagement Group to avoid or mitigate such effects which may include restrictions or limits on Wylfa Newydd HGV movements over Britannia Bridge at identified peak times; and*
- No HGV's will be permitted to leave the Wylfa Newydd Development Area between the hours of 7am and 8:30am (Monday to Friday) unless alternative mitigation is agreed with the Transport Engagement Group pursuant to the above or the Third Menai Crossing is operational.*

Welsh Government can confirm that the points set out above have been discussed with Horizon. In a conversation with the Head of Planning at Horizon on 17<sup>th</sup> April Horizon has confirmed that they have no objection to this change, however their deadline 10 documentation has already been finalised. Therefore Welsh Government respectfully asks the Examining Authority to recommend that this minor change is made in their final recommendation to the Secretary of State.

#### **4 S135 Crown Land**

4.1.1 Welsh Government agrees in principle, subject to Article 82 (Crown Rights) being retained in the final DCO, to give consent under S135 of the Planning Act 2008. This means that Welsh Minister's land interests required to deliver the associated development for Wylfa Newydd can be included within the Development Consent Order.

#### **5 'Tern Island' – Tern Compensation Site**

5.1.1 Horizon have set out a Tern Compensation Proposal at Deadline 9 of the Examination (REP9-028), which refers to a strategy for providing suitable compensatory habitat for terns on a Tern Compensation Site. One of the identified sites is 'Tern Island (Inland Sea)', which is currently in the ownership of the Welsh Ministers.

5.1.2 Although this site is located outside of the DCO Order Limits, Welsh Government can confirm that in principle (subject to contract) it has no objection to allowing Horizon Nuclear Power a lease agreement in relation to Tern Island.

#### **6 S106 Agreement – Accommodation (Contingency) Fund**

6.1.1 Welsh Government set out at Deadline 9 (REP9-029), outstanding concerns in relation to the quantum of the Accommodation Contingency Fund. Welsh Government are not aware that the overall figure for the Accommodation (Contingency) Fund has been increased to address these concerns since Deadline 9.

6.1.2 In light of this, Welsh Government would stress that neither Horizon Nuclear Power (or any successor in title) or Isle of Anglesey County Council should expect any additional recourse to Welsh Government funding if their plans for accommodation do not match the

needs at the time, and as a consequence additional impacts arise that require further mitigation.

Yours sincerely,

**James Hooker (MRTPI)**

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*Appendix A: Welsh Government Responses to Rule 17 Request issued by Examining Authority on 15 April 2019.*

## **Appendix A**

**Welsh Government Responses to Rule 17 Request issued by Examining Authority on 15 April 2019.**

## **WYLFA NEWYDD NUCLEAR POWER STATION**

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**Responses to Rule 17 Request Issued 15 April 2019**

**DEADLINE 10 – 17 APRIL 2019**

Question Number	Examining Authority's Question	Welsh Government Response
R17.2.2.1	<b>Article 2 / Schedule 19</b> Respond to the proposal for a Memorandum of Understanding by the Applicant in response to Q17.2.6 [REP9-006]	<p>Welsh Government does not propose that it is part of the MoU between IACC and NRW. It is understood that the applicant will be proposing a new section with the DCO:</p> <p><b>Marine enforcement authority</b></p> <p>86. For the purposes of section 173 of the 2008 Act, the Welsh Ministers will be the relevant local planning authority in respect of land seaward of the mean low water springs.</p> <p>Welsh Government supports the inclusion of a new Section 86 and has no further comments to make.</p>



Question Number	Examining Authority's Question	Welsh Government Response
R17.2.3.3	<p>With reference to its comments in paragraph C of its response to R17.4.2 [REP9-029] in relation to the WNDA SPC Archaeology Site Summary Reports and Plans submitted at D8 and in light of the tests set out in Section 5.8 Historic Environment of EN1, will WG comment further on the implications of scheduling archaeological sites recognised as being of national importance for the delivery of the Wylfa Newydd project?</p>	<p>Welsh Government notes that the Examining Authority has requested comment on the potential implications in respect of the policy tests set out in NPS EN-1 should Welsh Ministers (Cadw) determine that it is necessary to schedule the three archaeological site areas within the Wylfa Newydd Development Area.</p> <p>Welsh Government recognises that paragraph 5.8.5 of NPS EN-1 identifies that the absence of designation does not indicate a lower significance. Therefore, at this time even though a formal decision has not been taken by Cadw in respect of Scheduling we would ask the Examining Authority to recognise the significance of these three areas following the submission of the Archaeology Site Summary Reports.</p> <p>In respect of paragraph 5.8.18 Welsh Government offers the following comments, which may assist the Examining Authority. Given the extensive engineering and construction operations that would be taking place within the Wylfa Newydd Development Area Welsh Government is not convinced that the areas of land potentially schedulable identified on the plans submitted at Deadline 8 could be appropriately preserved in situ. Therefore, it is likely that a direct physical impact on the remaining heritage assets will be necessary. There is the ability to secure significant academic value through a comprehensive programme of sensitive excavation, analysis, recording and dissemination, which would allow a positive contribution as it will reveal the significance of the asset that would otherwise remain unknown, and sterilised from further investigation due to the restrictions that would be secured in association with a nuclear licenced site.</p> <p>The critical issue is that if the analysis, recording and dissemination does not occur, or is not carried out in a timely manner (e.g. prior to the operation of Unit 2 for the future archaeological excavation works) then the activity should be deemed as purely destructive as there will be no positive outcome. Welsh Government has suggested in our D9 response that in line with Paragraphs 5.8.20 and 5.8.21 of NPS EN-1 the Examining Authority may wish to consider that DCO requirements with clearly enforceable triggers are necessary and justified to ensure that the completion of the exercise is properly secured. For future archaeological excavation work, Welsh Government has suggested at Deadline 9 (REP9-029) that the exercise should be completed in accordance with an approved programme and no later than the operation of Unit 2.</p> <p>In respect of paragraph 5.8.21 of NPS EN-1, Welsh Government considers it entirely appropriate for the Examining Authority to include DCO requirements setting out the need for the Wylfa Newydd Archaeological Mitigation Scheme even if in the future Cadw schedule those parts of the site deemed to be of high significance. In such an event the developer would be required to obtain consent from Cadw in relation to undertaking any works within the scheduled areas. It is not unusual for a Nationally Significant Infrastructure Project in Wales to require additional consents outside the DCO (for example the Marine Licence and Environmental Permit) and so this is not considered to impact on delivery of the project. This, of course, cannot fetter any future decision by Cadw in respect of any future application.</p>