

Wylfa Newydd Project

Horizon's Response to Other Matters Raised by Stakeholders at Deadline 9

PINS Reference Number: EN010007

17 April 2019

Revision 1.0
Examination Deadline 10

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

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1 Introduction

Purpose of Statement

This statement provides Horizon's comments to stakeholder Deadline 9 responses from IACC, Nuclear Decommissioning Authority, Natural Resources Wales, North Wales Police and Welsh Government. Horizon have undertaken a selective approach and therefore have not responded to every point raised by each stakeholder in their Deadline 9 submissions where it is not considered necessary at this stage.

Horizon have not provided comments to stakeholder responses on the ExA's request for further information in this document submitted at Deadline 9. Those items have been addressed in a separate document submitted by Horizon at Deadline 10, Horizon's Comments on Stakeholder Responses to the ExA's Request for Further Information.

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Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	[REP9-031] Section definitions "commence" "maintain" – 1 of and	<p>Commence</p> <p>In the draft DCO submitted at Deadline 8 [REP8-029] the definition of "commence" was amended to provide that for the Off-Site Power Station (Work No.5), Park and Ride (Work No.6), Logistics Centre (Work No.7), Ecological Compensation Sites (Work No.s 13 - 15) that a maximum height of two storeys would be imposed for all temporary buildings. IACC seems to have only taken issue with these heights for the Park and Ride.</p> <p>Horizon considers that a two-storey Construction Office and Welfare facility at the Park and Ride will be necessary due to the construction area limitations. The construction area has to include office and welfare facilities, materials lay-down, secure storage, wheel wash and a small parking area. Horizon has assumed that this will be of a similar layout to that approved by IACC for the A5025 On-Line Highway Improvement construction activities which consented two storey office and welfare facilities during construction. Horizon had understood the concerns regarding the building parameters for Park and Ride had been agreed with IACC following discussions at the March Issue Specific Hearings.</p> <p>Maintain</p> <p>Horizon maintains its position in relation to the definition of "maintain" as set out in paragraphs 1.2.9 – 1.2.13 of the Outstanding Issues Register [REP8-004].</p>
IACC	[REP9-031] Section 1: 10 and 74 – article	<p>Horizon maintains its position in respect of articles 10 and 74 as set out in paragraphs of the Outstanding Issues Register [REP8-004]. Although Horizon disagrees it is appropriate, if the ExA were minded to restrict the powers under article 74, Horizon considers the powers should apply to both the WNDA and the Off-Site Power Station Facilities.</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	[REP9-031] – Section 1 – Schedule 19 Fees	<p>Horizon has agreed an alternative fee structure with IACC that avoids reference to the Town and Country Planning Fee Schedule. IACC has confirmed it is no longer seeking the amendments proposed in Annex C of its Deadline 9 submission [REP9-031].</p> <p>The agreed fee schedule agreed paragraphs (inserted as paragraphs 1 - 7 (discharge programme) and paragraph 5 (fees)) have been included in the final draft (and replaces paragraph 3 of Schedule 19 in its entirety in the final DCO submitted at Deadline 10.).</p>
IACC	[REP9-031] – Section 1 – Schedule 19 Timeframes	<p>As noted above, Horizon and IACC have agreed an alternative fee schedule that has been inserted in the final DCO submitted at Deadline 10. IACC has confirmed that, given the new fee arrangements, it no longer opposes the 8 and 5 week timeframes within Schedule 19.</p> <p>In order to address concerns about the application of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Horizon has inserted a new clause into Schedule 19 to make it clear that these regulations apply.</p>
IACC AND NRW	[REP9-031] – Section 1 – "discharging authority" [REP9-037] – 3.1.4	<p>Horizon accepts the amendment proposed to the definition of "discharging authority" suggested by IACC and NRW and this will be reflected in the final draft DCO submitted at Deadline 10.</p>
IACC AND NRW	[REP9-031] – Section 1 "marine works consultee" [REP9-037] – 3.1.6	<p>Horizon accepts the amendment proposed to the definition of "marine works consultee" suggested by IACC and NRW and this will be reflected in the final draft DCO submitted at Deadline 10.</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	REP9-031, Section 2 – Reptiles, Logistics Centre	<p>The Logistics Centre sub-CoCP [REP9-057, section 11.6] describes the approach Horizon will take to ensure that reptiles are removed from the site prior to construction. Dependent of the results of pre-construction surveys, this will include one or more of the following three good practice approaches:</p> <ul style="list-style-type: none"> 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 Ecological Clerk of Works (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. <p>This supplements the Project-wide measures to protect reptiles which are set out in paragraphs 11.2.33 – 11.2.36 of the Wylfa Newydd CoCP [REP9-009]. These include a commitment to use habitat manipulation, where practicable, to displace reptiles from an area subject to clearance into an adjacent undisturbed area.</p> <p>As the measures requested by IACC are already secured via the Logistics Centre Sub-CoCP and the Wylfa Newydd CoCP, Horizon does not consider that any amendments to the Logistics Centre sub-CoCP are required.</p>
IACC	REP9-031, Section 2 – Notable Mammals	<p>Horizon has set out its position regarding the additional notable mammal mitigation measures proposed by IACC on page 2 of Appendix 1-6 of Horizon's Deadline 8 Responses to Actions set in Issue Specific Hearings on 4 – 8 March 2019 [REP8-011]. Horizon considers the additional provisions sought by IACC are not required as they are either already secured through the CoCP, or they provide mitigation for risks that are considered to be negligible.</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	Section 2: Traffic and Transport Management – Enforcement [REP9-031]	<p>The Wylfa Newydd Code of Construction Practice [REP8-047] submitted at Deadline 8 provides the following commitments in respect of fly parking:</p> <p><i>Paragraph 5.10.7</i></p> <p><i>“Horizon commits to manage, monitor and regulate the availability of car parking spaces to reflect the number of workers on the Wylfa Newydd DCO Project, balancing an overprovision of car parking (which could encourage car travel) with an under-provision of car parking (which could encourage fly parking).”</i></p> <p><i>Paragraph 5.12.4</i></p> <p><i>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.</i></p> <p>Horizon considers that the amendment suggested by IACC for any disciplinary action to be identified and implemented within 5 days is unreasonable and inconsistent with current employment practices in the workplace. Five working days is simply not enough time to investigate matters thoroughly and identify, then implement, any corresponding formal disciplinary actions. IACC request also does not take into account the need for flexibility to deal with individual circumstances on a case-by-case basis. As such, the IACC amendment is overly restrictive and not necessary on the basis that the Workforce Management Strategy already secures a commitment to the implementation of disciplinary action following an identified breach.</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	<p>Deadline 9 Submission [Section 2 – Code of Construction Practice], page 5 and Annex A</p>	<p><i>Construction Safety Management Scheme</i></p> <p>Requirement PW7 of the draft DCO requires a Construction Safety Management Scheme (CSMS) to be submitted to IACC for approval prior to commencement of the authorised development.</p> <p>The CSMS must be prepared in accordance with the Wylfa Newydd CoCP and in consultation with the IACC, North Wales Police, Betsi Cadwaladr University Health Board, North Wales Fire and Rescue Service, and Welsh Ambulance Service NHS Trust. This provides IACC and other interested parties sufficient opportunity to agree the content of this document.</p> <p>The Wylfa Newydd CoCP at section 3.4 sets out the high-level requirements of the CSMS including the proposed scope of the CSMS and the requirement that the CSMS establish a framework for developing measures and communication routes in collaboration with relevant bodies and organisations. It recognises that the CSMS will address a number of issues including geographical scope; ways of working; contingency response arrangements; service planning; resourcing and safeguarding.</p> <p>As per the other schemes provided for in the draft DCO, the purpose of section 3.4 is to define the scope of the CSMS, recognising that the detailed content of the CSMS will be developed in consultation with key stakeholders as outlined above. For that reason, Horizon does not consider it necessary to include the additional text that the IACC is seeking. This detail will be provided for, as appropriate, in the final CSMS.</p> <p><i>Workforce Management Strategy</i></p> <p>Similarly, Horizon does not consider that the additional text that the IACC is seeking in the Wylfa Newydd CoCP with respect to the Workforce Management Strategy is necessary.</p>

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		<p>Section 4.9 of the Wylfa Newydd CoCP concerns construction worker conduct. It recognises the purpose of the Workforce Management Strategy which is to set out:</p> <ul style="list-style-type: none"> i. Horizon's commitment to ensuring appropriate management of the workforce; ii. Supply chain contractual obligations; and iii. Workforce behaviour principles which will govern workforce behaviour which will be secured through terms of employment and the Code of Conduct. <p>The further detail is set out in the Workforce Management Strategy [REP8-064] which is a certified document pursuant to the draft DCO.</p> <p>Horizon, as a wholly owned subsidiary of Hitachi, already has established Corporate Policies covering the issues raised in 3.4.11.2 and 3.4.11.3. These policies are reviewed annually, as is performance of Corporate Leaders and senior management for compliance against these corporate requirements. These requirements are also embedded within the specific Project/Contract requirements which are flowed down through the supply chain.</p>
IACC	Section 3: CMS Mounding [REP9-031]	<p>Horizon's final position and clarification on outstanding matters related to Mounds B, D and E were reported into examination at Deadline 8 in Horizon's response to actions set out in the 4 March 2019 Issue Specific Hearing [REP8-011] specifically Appendix 1-1.</p> <p>The final operational landform will be developed in accordance with the secured principles set out in the Landscape and Habitat Management Strategy [REP-014] and will be subject to detailed design consideration by IACC in accordance with Requirement WN9 in the Order. The matters raised by IACC in their Deadline 9 submission [REP9-031] should be considered at the detailed design stage.</p>

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IACC	REP9-031 Section 4 – Aerial Photography	Horizon is collating the aerial photography that has been undertaken to date and will provide IACC with that imagery once that process is complete
IACC	REP9-031, Section 4 – pre-commencement surveys	Section 11.3 of the Park and Ride sub-CoCP and Section 11.10 of the A5025 Off-line Highway Improvements sub-CoCP have been updated for submission at Deadline 10 to include commitment to pre-commencement hedgerow surveys, as requested by IACC.
IACC	Section 5: Planting Procurement [REP9-031]	<p>Horizon's position on planting procurement is set out in Horizon's Regulation 17 response to R17.5.1 submitted at Deadline 9 [REP9-006].</p> <p>Given the status of the project and the commitment via secured principle in Chapter 4 of the Landscape and Habitat Management Strategy [REP-014] preventing the use of invasive or non-native species of plant it is considered that no further commitments in respect of planting procurement and definition are required.</p>
IACC	[IACC Submission, Section 5, and of Maintenance replacement of planting, para 1]	<p>D9</p> <p>IACC, in Deadline 9 submission, has made the following comment:</p> <p><i>'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).'</i></p> <p>Horizon notes this inconsistency and the Off-site Power Station Facilities sub-CoCP that is to be submitted at Deadline 10 will be amended to align with the DCO Requirement OPSF3 that planting will be maintained for the duration of the operational period of the Off-Site Power Station Facilities.</p>

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IACC	Section Landscape Habitat Management Strategy [REP9-031]	<p>5: and</p> <p>Horizon can confirm that Landscape and Habitat Management Strategy [REP8-063] was updated at Deadline 8 to secure additional mitigation commitments via the secured principles contained in section 4 and table 4.1.</p> <p>The accompanying text in the LHMS (including section 6) provides accompanying narrative to these secured principles to give an indication of how the secured principles could be implemented in practice through final design. Horizon is not aware of any significant inconsistencies in the LHMS which impact upon the mitigation which is secured by the principles contained in section 4.</p> <p>On this basis, and considering the need to minimise updates at this late stage in examination, Horizon will not be updating the Landscape and Management Strategy at Deadline 10.</p>
IACC	Section 6: Rights of Way [REP9-031]	<p>Paragraph 6.2.11 of the Wylfa Newydd Code of Construction Practice [REP8-047] already commits Horizon to the following:</p> <p><i>Horizon will support and enhance active travel access for people using the Copper Trail which currently links to the A5025 in Tregele. At this point, Horizon will provide a dedicated cycle way/footpath to Nanner Road, which will be two metres wide and appropriately surfaced.</i></p> <p>The commitment is secured by the obligation to comply with the Wylfa Newydd Code of Construction Practice in Requirement and therefore on the basis that provision of this dedicated cycle way/footpath represents an enhancement measure, rather than mitigation that is required to mitigate the effects of the Wylfa Newydd DCO Project, Horizon does not consider that it is necessary to also identify this new cycle way/footpath on the approved Rights of Way drawings.</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
IACC	Section 8: WNDA Access Junction [REP9-031]	<p>Horizon does not agree with the IACC suggestion that provision of a new turning area in the layby adjacent to the WNDA access junction is required.</p> <p>As shown in the section 9 WNDA access junction plan WN0902-HZDCO-OHW-DRG-00063 [APP-015] the existing layby will be retained. On this basis Horizon will not be implementing any amendments to the corresponding DCO plans.</p>
NDA	[REP9-040] – Article 29 (Private Rights) p.6	<p>Horizon's response remains as set out in paragraphs 1.2.9 – 1.2.30 of the Outstanding Issues Register [REP8-004] and Horizon has already given effect to NDA's request through article 29(5) and new article 37(3).</p> <p>Paragraph (5) of Article 29 states that "This article does not apply in relation to any right that is a "relevant right" within the meaning of section 138 of the 2008 Act (Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or where article 37 (Statutory undertakers) applies." (our emphasis).</p> <p>In the Deadline 8 update to the DCO [REP8-029], Horizon amended article 37 to make it clear that NDA was considered a statutory undertaker for the purposes of that section. Article 37(1)(c) provides that the undertaker's ability to extinguish or suspend rights belonging to statutory undertakers within the Order Limits is subject to the protective provisions in Schedule 15 of the Order. The protective provisions applying to NDA provide that Horizon cannot extinguish or suspend any right of NDA in the NDA unless it has NDA's agreement and unless the designating directions have been modified or revoked and the NSL licence has been revoked or surrendered. These provisions have been agreed with NDA (as confirmed in its Deadline 9 submission [REP9-040]).</p>

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NRW	[REP9-037] – 2.2	<p>Horizon confirms that the amendments to the original Tre'r Gof and Cae Gwyn SSSI schemes were mistakenly omitted from the Deadline 8 version of the DCO [REP8-029] and raised this with NRW on 3 April 2019. As part of that discussion, NRW suggested that these schemes could be combined. Horizon has accepted this suggestion and the final draft DCO submitted at Deadline 10 now includes one combined scheme with the following scope (as agreed with NRW):</p> <table border="1" data-bbox="692 616 1981 1300"> <tr> <td data-bbox="701 616 840 1300">WNDA</td><td data-bbox="840 616 1017 1300">Tre'r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme</td><td data-bbox="1017 616 1841 1300"> <p>The scheme will be prepared in accordance with the principles set out in Sections 10 and 11 of the Main Power Station Site sub-CoCP and will include details of—</p> <ul style="list-style-type: none"> a) A hydrogeological and hydrological conceptual model(s); b) Continuous water level monitoring, locations and frequencies informed by the conceptual model in (a); c) Triggers for identifying changes in groundwater levels which would be likely to affect (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI; d) Mitigation measures implemented pursuant to (c), to minimise likelihood of damage to (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI. </td><td data-bbox="1841 616 1981 1300">NRW</td></tr> </table>	WNDA	Tre'r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme	<p>The scheme will be prepared in accordance with the principles set out in Sections 10 and 11 of the Main Power Station Site sub-CoCP and will include details of—</p> <ul style="list-style-type: none"> a) A hydrogeological and hydrological conceptual model(s); b) Continuous water level monitoring, locations and frequencies informed by the conceptual model in (a); c) Triggers for identifying changes in groundwater levels which would be likely to affect (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI; d) Mitigation measures implemented pursuant to (c), to minimise likelihood of damage to (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI. 	NRW				
WNDA	Tre'r Gof and Cae Gwyn SSSI Hydro-ecological Monitoring and Mitigation Scheme	<p>The scheme will be prepared in accordance with the principles set out in Sections 10 and 11 of the Main Power Station Site sub-CoCP and will include details of—</p> <ul style="list-style-type: none"> a) A hydrogeological and hydrological conceptual model(s); b) Continuous water level monitoring, locations and frequencies informed by the conceptual model in (a); c) Triggers for identifying changes in groundwater levels which would be likely to affect (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI; d) Mitigation measures implemented pursuant to (c), to minimise likelihood of damage to (any of the flora, fauna or geological or physiographic features of) Tre'r Gof SSSI and Cae Gwyn SSSI. 	NRW							

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NRW	[REP9-037] – 3.1.5	<p>Discharging authority in respect of PW2 and PW3</p> <p>Horizon maintains its position that NRW does not need to be a discharging authority in respect of these requirements as set out in paragraphs 1.3.8 – 1.3.9 and 1.3.13 of the Outstanding Issues Register [REP8-004] and notes that IACC also supports that there should only be one discharging authority in respect of these requirements in its Deadline 5 submission [REP5-057].</p>
NRW	[REP9-037] – 3.1.7, 3.1.9	<p>Requirement WN24</p> <p>Horizon does not consider that Requirement WN24 (Marine Works CoCP) (renumbered as WN28 in the final draft DCO submitted at Deadline 10) needs to be a major detailed requirement as the only time at which this requirement will be subject to consideration by a discharging authority is where the undertaker is seeking to vary that CoCP (i.e. using the tailpiece provision).</p> <p>As noted in response to FWQ4.0.56 [REP2-375], variations to a control document are restricted and cannot result in materially new or materially different environmental effects (Schedule 3, paragraph 1(4)). Therefore, the nature of variations sought under this Requirement will be limited and it is appropriate that this is deemed a minor detailed requirement and subject to a 5-week approval timeframe. Other CoCP requirements (i.e. Requirement WN1 (Main Power Station Site sub-CoCP and schemes)) have been defined as major detailed requirements because they include schemes for approval. Requirement WN24 does not include any schemes for approval.</p> <p>Timeframes for discharging requirements</p> <p>Horizon maintains its position in respect of timeframes under Schedule 19 as set out in [REP3-019] and the Outstanding Issues Register [REP8-004]. It is not appropriate for an NSIP that the discharging authority can take 3 months to consider a discharge application. The DCOs referred to by NRW do not distinguish between minor and major detailed requirements – the 8-week</p>

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		<p>timeframe applies to all applications – and those DCOs (except for Glyn) also include a deemed approval provision if that timeframe was not met, which Horizon removed from Schedule 19 during examination. Horizon also notes that paragraph 2(2)(a)(iii) and(2)(b)(iii) of Schedule 19 provides that other timeframes can be agreed between the parties.</p> <p>Horizon also notes that standard Schedule now appended to the Planning Inspectorate's Advice Note 15: Drafting Development Consent Orders (July 2018) provides for a 6-week (42 days) approval process. In this respect, the timeframes for major detailed requirements under the draft DCO are more generous.</p> <p>Horizon also notes that with the agreed fees for NRW in paragraph 6 of Schedule 19, NRW should be in a position to appropriately resource itself to meet the timeframes for discharging requirements.</p>
NRW	[REP9-037] 3.1.10 – 3.1.13	<p>– Definition of "discharging authority"</p> <p>The definition of "discharging authority", as amended by NRW and IACC, clearly identifies who will be the discharging authority in respect of a requirement (and has been accepted by Horizon in the final draft DCO submitted at Deadline 10). Reference to the MOU in paragraph 1(4) of Schedule 19 does not affect the identification of the discharging authority in accordance with the definition, it states that where there is more than one discharging authority (i.e. because the work includes both land above and below the MHWS) the MOU will set out the approach to co-ordination (as outlined in the joint paper from NRW, IACC and the Welsh Government).</p>

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		<p>Reference to the MOU within Schedule 19</p> <p>Please refer to Horizon's comments on IACC's response to R17.2.6, submitted at Deadline 10, which outlines Horizon's revised position in respect of the MOU.</p> <p>It is entirely lawful for a statutory instrument to include a provision which requires regulators to enter into a memorandum of understanding in relation to the exercise of their respective statutory functions, particularly where there is some overlap in those functions. This is precedented in a number of other statutory contexts (as well as the Thames Tideway MOU referred in Horizon's comments on IACC's response to R17.2.6), such as:</p> <ul style="list-style-type: none">• Section 12 of the Regulatory Enforcement and Sanctions Act 2008 (in relation to the Environment Agency, the Food Standards Agency, the Gambling Commission, the Health and Safety Executive, and the Competition and Markets Authority).• Section 99 of the Financial Services (Banking Reform) Act 2013 (in relation to the Payment Systems Regulator, Bank of England, the Financial Conduct Authority, and the Prudential Regulation Authority); and• Section 7E of the Bank of England Act 1998 (in relation to the Bank of England, Comptroller, and Auditor General)

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NRW	[REP9-037] 3.1.14 – 3.1.16	<p>Proposed amendments</p> <p>Horizon is happy to accept some of the amended text provided by NRW; however it notes that paragraph 3(2) (which provides 28 working days for a consultee to respond once provided with the information) as suggested by NRW seems to be inconsistent with paragraph 2(3) (which provides 20 working days for a consultee to respond where no further information is required). Horizon has amended these clauses to align with each other (i.e. both refer to 20 working days) and suggests that the timeframe for a consultee to determine whether or not it requires further information should be reduced from 15 to 5 as this would provide ample time to consider if further information is required.</p> <p>Horizon has inserted the following clauses into Schedule 19:</p> <p>Further information</p> <p>3.—(1) In relation to any application to which this Schedule applies, the discharging authority must have the right to request such further information from the undertaker as is necessary to enable it to consider the application.</p> <p>(2) If the discharging authority considers such further information to be necessary and the Requirement does not specify that consultation with a Requirement consultee is required or the discharging authority has <u>determined</u> it does not need to consult with any other statutory consultee in the discharge of the application submitted under paragraph 1 of this Schedule, the discharging authority must, within <u>3-10 business days-working days</u> of receipt of the application, notify the undertaker in writing specifying any further information required.</p> <p>(3) Where the discharging authority has determined it will consult with a statutory consultee in the discharge of the application submitted under paragraph 4-2 or a statutory body is identified within the Requirement, the discharging authority must notify the relevant</p>

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		<p>statutory consultee within 1 business day of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the relevant statutory consultee within 1 business day of receipt of such a request and in any event within 21 days of receipt of the application. <u>issue the consultation to the consultee within 5 working days of receipt of the application. Where the consultee requires further information they must notify the discharging authority in writing specifying the further information required within 5 working days of receipt of the consultation. The discharging authority must notify the undertaker in writing specifying any further information requested by the consultee within 3 business days of receipt of such a request. In the event the consultee does not require any further information, then they must respond to the consultation within 20 business days from receipt of the consultation notification from the relevant planning authority.</u></p> <p>(4) If the discharging authority does not give notification as specified in sub-paragraph 3(2) or 3(3), it must be deemed to have sufficient information to consider the application and must not thereafter be entitled to request further <u>information</u> without the prior agreement of the undertaker.</p> <p><u>Provision of information by Consultees</u></p> <p>4.—(1) Subject to subparagraph (2), any consultee who receives a consultation under paragraph 2(3) must respond to that request within 28 days from receipt in order for their response to be considered.</p> <p>(2) Where any consultee <u>requests further information in accordance with the timescales set out in paragraph 2(3) then they must respond to the consultation within 20 days from the receipt of the further information requested for their response to be considered.</u></p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
NRW	REP9-037, Annex B, 4.1.1- 4.1.3 (Ecological Compliance Audit)	<p>Horizon has set out its position regarding independent ecological compliance audits in response to R17.1.3 in its Deadline 9 Submission – Response to the Examining Authority's Rule 17 Request for More Information [REP9-006].</p> <p>Horizon considers that the additional CoCP text recommended by NRW is not necessary, as Horizon has already committed to funding an IACC Environment Officer who would perform this independent audit function (as described in Paragraph 4.2, Schedule 11 of the DCO Section 106 agreement [REP9-004]).</p>
NRW	REP9-037, Annex B, 4.1.4-4.1.8	<p>Horizon has set out its position regarding the use of newt grids at the Park and Ride in response to R17.1.4 in its Deadline 9 Submission – Response to the Examining Authority's Rule 17 Request for More Information [REP9-006].</p> <p>Horizon's view is that the baseline data demonstrate that the A5 is a significant barrier to dispersal for GCN and that the risk of them entering the Park and Ride during construction and operational phases is negligible. There are no records of GCN within the Park and Ride within the past two years of surveys. Therefore, mitigation such as newt grids is not considered necessary.</p>
NRW	REP9-037, Section 4, Paragraph 4.2.3	<p>Horizon acknowledges NRW's position and that TAN15 requires that there is "no flood risk elsewhere".</p> <p>Horizon's incorporation of the term 'significant' ensures that the commitment in the LHMS is in line with environmental assessment and stated flood consequences assessment methodologies presented in the SSSI Compensation Site Flood Consequences Assessment (FCA), located in Annex 2 of App D1-2 Ecological Compensation Sites: Assessment of Environmental Effects [APP-137].</p>

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		<p>The term 'significant', in this context, means a residual effect of Moderate or Major significance, which, with reference to the methodology in the FCA, would constitute a measurable increase in flood depth, duration, flow, velocity or extent to highly vulnerable development (off-site receptors).</p> <p>Any potential residual 'significant' effect would prompt further identification of measures secured as part of the LHMS that avoid or mitigate the impact identified. It is Horizon's view that this is consistent with the objectives of TAN15.</p>
NWP	[REP9-038] CoCP section Section 5.2	<p>Horizon does not consider that any change to section 5.2 is required. Although, initially it was suggested that the Logistics Centre could be used to consolidate loads, this was an error. The role of the Logistics Centre will be to control the flow of HGVs along the A5025 during the construction phase of the Power Station. In respect of LGVs, the Wylfa Newydd COCP also commits to monitoring and analysis of and light goods vehicle trips on a monthly basis in paragraph 5.10.8. This will assist in controlling LGV movements along the road network.</p>
WELSH GOVERNMENT	[REP9-029] 5.18 – 5.1.9	<p>Adequacy of the accommodation contingency fund</p> <p>Horizon and IACC have reached agreement on the delivery of the housing fund as a whole. The accommodation contingency fund should not be considered in isolation from the other elements of the housing fund, which are substantially front loaded to reflect that agreed position that the housing fund needs to deliver early housing intervention (and therefore must be paid early in the development programme).</p> <p>There has been significant movement of monies which were originally accounted for as 'contingency' into the committed sums. But that does not indicate that the contingency fund needs</p>

Interested Party	Reference [REP, Section, Para]	Horizon's Response
		<p>to be increased; it reflects that the money previously ringfenced as contingency is now committed funding which is provided very early on (rather than being accessible only if issues arise).</p> <p>This allocation of funding enables IACC and other councils to respond proactively to housing matters arising so that there is not a need for contingency funding. However, it is agreed between Horizon and IACC that it is appropriate to maintain a smaller contingency fund to ensure further resilience to accommodation matters (which can be flexibly allocated by the WAMS Oversight Board). This reflects that it is not possible to predict the exact location of the Workforce accommodation. It should be noted that the committed aspects of the housing fund (i.e. the capacity enhancement contribution) is on its own is agreed to be adequate to deliver up to 1900 new bed spaces – sufficient to mitigate the effects of the project.</p> <p>With the committed funding which is allocated early in the development process to IACC, Gwynedd Council and Conwy Council, it is considered that the level of the accommodation contingency fund is appropriate and that the overall housing fund is robust and able to respond to and mitigate impacts of the development on housing.</p>
WELSH GOVERNMENT	[REP9-029] Section 6	Horizon believes this has been addressed through the submission of the revised Phasing Strategy (Revision 5.0) at Deadline 9.

Interested Party	Reference [REP, Section, Para]	Horizon's Response
WELSH GOVERNMENT	[REP9-029]: 7.1.1 – 7.1.3	<p>Under the Planning Act 2008, IACC will be the enforcement authority for the DCO for land down to the low water mark; however, the Planning Act is silent as to who would be the enforcement authority for areas below the low water mark.</p> <p>In order to address this gap and align with the enforcement position under the Marine Licence, Horizon has inserted a new article (article 86) into the final draft DCO submitted at Deadline 10 to make it clear that the Welsh Ministers are the enforcement body in respect of the Marine DCO requirements below the mean low water springs.</p> <p>The proposed article inserted in the Deadline 10 is as follows:</p> <p><u>Marine enforcement authority</u></p> <p><u>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.</u></p> <p>The relationship between the Welsh Ministers and IACC as enforcement authorities in respect of the intertidal area will need to be managed between those parties. The Welsh Government and IACC have both agreed to the drafting of this new article.</p>

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