

## **Wylfa Newydd Project**

### Other Consents and Licences

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20 December 2019

Revision 5.0

Response to Secretary of State further information request of 23 October 2019

Planning Act 2008

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

Horizon Internal DCRM Number: WN0902-HZDCO-PAC-REP-00051

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## 1 Other Consents and Licences

### 1.1 Updated Summary of other Consents, Licences & Agreements Required

1.1.1 Paragraph 2 bullet point 1 in the Secretary of State's letter dated 23 October 2019 requested Horizon provide an update on consents, agreements and other licences. Table 1-1 below responds to this request, and provides an updated status column to that provided in [REP6-017].

**Table 1-1 Updated Summary of other Consents, Licences & Agreements Required**

Consents Licences/Agreements	Key Legislation	Consenting Authority	Status [REP6-017]	Status 31 December 2019
<b>Construction</b>				
Marine Licences Marine Licences will be required for temporary works such as cofferdams, causeways and offloading facilities and construction of the Marine Off Loading Facility (MOLF), Breakwaters Cooling water intake and outfall and for dredging and disposal at sea.	Marine and Coastal Access Act 2009	Natural Resources Wales (NRW) on behalf of Welsh Ministers	Applications were made on 1 June 2018; Initial consultation has closed. Additional information has been requested by NRW and some indicas of draft conditions have been provided by NRW. The process of providing that information is progressing well and much of that additional information has been submitted to NRW.	Further discussions have been held with NRW to consider concerns raised in relation to the extant marine licence applications following Hitachi's decision to suspend development works and withdraw certain operational permit applications

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<p>Planning Permission for any element of the Project not within the scope of the Development Consent Order (DCO)</p> <p>Planning permission is required for A5025 On-line Highway Improvements and Site Preparation and Clearance</p>	<p>Town and Country Planning Act 1990 (TCPA)</p>	<p>Isle of Anglesey County Council (IACC)</p>	<ul style="list-style-type: none"> <li>Planning applications for the A5025 Online Highway Improvements and Site Preparation and Clearance (SPC) were both submitted to IACC. IACC granted planning permission for the A5025 On- line Highway Improvements (13th July 2018 (ref: 27C106E/FR/ECON).</li> <li>Following the decision to call-in the SPC application by Welsh Government Horizon have withdrawn the SPC application. Work Package 12 of the DCO enables Horizon to implement the SPC works.</li> </ul>	<p>No change.</p>

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Tern Compensation Sites	Town and Country Planning Act 1990 (TCPA)	IACC	<p>Horizon is in discussions to reach heads of terms with landowners. It does not consider that planning permissions are needed for the works required to make suitable sites (which are limited to shingle spreading and fencing, and minor vegetation clearance).</p> <p>If works are progressed at the Inland Sea site (Tern Island) a Marine Licence would need to be sought from NRW for the works below Mean High Water Springtide (MHWS).</p> <p>The need for protected species licences would need to be considered.</p>	<p>In its response to the Secretary of State, Horizon has re-iterated its position that compensatory sites are not required as, in its view, there will be no adverse impact. Notwithstanding this position, Horizon continues to engage constructively with landowners such that, should Tern Compensation sites be required, it would be in a position to secure the appropriate land rights.</p> <p>However, at this current time, no legally binding commitments have been secured with any of the landowners but discussions are ongoing.</p>
European Protected Species Licences  Licences are required for works which could result in an offence relating to bats or great crested newt.	Conservation of Habitats and Species Regulations 2017	NRW	<p>Draft licence applications have been submitted with the DCO. These will be finalised following DCO grant.</p>	<p>No material change, these would be applied for at the appropriate time following the grant of the DCO.</p>

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Conservation Licences A licence may be required for the translocation of water voles (if identified through pre- construction surveys) prior to construction.	Wildlife and Countryside Act 1981	NRW	If pre-construction surveys identify the need for water vole translocation, a conservation licence would need to be obtained from NRW.  A draft licence application has been submitted with the DCO. This will be finalised following DCO grant, if required.	No material change, if required, this would be finalised at the appropriate time following the grant of the DCO.
Water abstraction licence for the abstraction of water during construction	Water Resources Act 1991	NRW	Horizon intends to apply for these after the DCO is determined.	No material change, these would be applied for at the appropriate time following the grant of the DCO.
Water impoundment licences for construction of weirs sluices or dams.	Water Resources Act 1991	NRW	Horizon have not identified the need for an impoundment licence but should one be required a timely application will be made to NRW	No material change, if required, this would be applied for at the appropriate time following the grant of the DCO.
Environmental Permits (EPs)  EPs will be required for the construction of the WNDA and for some activities within the Associated Development.  These permits are required for the following: <ul style="list-style-type: none"><li>• Water discharge</li></ul>	Environmental Permitting (England and		A construction water discharges activity permit was submitted to NRW on 1 <sup>st</sup> June 2018. Initial consultation has finished and a request for further information has been made and the response has been completed.  Other EP applications are to be made (where necessary) by Horizon or the nominated contractor following the determination of the DCO.	Further discussions have been held with NRW to consider concerns raised in relation to the extant construction water discharges permit application following Hitachi's decision to suspend development works and withdraw certain operational permit applicationsFollowing the grant of the DCO, if any permits are required to support the

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activity (surface water drainage, main construction site treated sewage)	Wales) Regulations 2016	NRW/IACC		Associated Development sites then these would be made at the appropriate time.
<ul style="list-style-type: none"> <li>Construction for certain plant and generators and dewatering activities.</li> <li>Flood Risk Activity Permits (FRAP) generally required for construction activities within 8m/16m of a (non-tidal/tidal) main river or within the floodplain of a main river.</li> </ul>			<p>Discussions have been held with NRW on the scope of permits required for Associated Development sites.</p> <p>FRAPs will be submitted by Horizon or nominated Contractor where relevant.</p>	
<ul style="list-style-type: none"> <li>Local Authority Pollution Prevention and Control (LAPPC) Part B EPs where construction activities cause emissions to air.</li> </ul>			<p>Nominated contractors will be required to obtain LAPPC Part B EPs prior to construction for activities such as use of mobile crushers, soil treatment and for the use combustion plant over 1MWth. Waste treatment permits are likely to be required for works associated SPC and A5025 On- line Highway Improvements.</p> <p>It has been confirmed by NRW that</p>	<p>No change. There has been limited discussion following the close of the examination phase, however, the necessity for any such requirement would be confirmed at the appropriate time and, if it is required, a timely application would be made post the DCO grant.</p>

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			<p>remediation processes during SPC will require a bespoke hazardous waste permit. This will be obtained by the nominated contractor prior to any remediation works.</p> <p>It is likely that a waste permit will be required for the processing of coal tar from existing roads at the temporary recycling facility for the A5025 On-line Highway Improvements. This is being discussed with NRW and IACC and the requirement is to be confirmed. This would be secured by the nominated contractor prior to processing activities.</p>	
<p>Foul Water Sewer Requisition</p> <p>This would enable the connection of the Site Campus and Power Station Site to Dwr Cymru/Welsh Water</p>	Water Industry Act 1991, Water Act 2003	DCWW	<p>Dŵr Cymru/Welsh Water will submit the application relevant to the Site Campus. Horizon will submit the application relevant to the Power Station Site.</p> <p>Both applications to be made to Dŵr Cymru/Welsh Water after DCO grant and prior to the construction of the Site Campus and Power Station</p>	No change.
Request for Non-domestic Water Supply	Water Industry Act 1991	DCWW	Application to be made to DCWW prior to construction of the Power Station and following confirmation of water demands.	No change.

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Ordinary Watercourse Consent  Consents from IACC are required for any in- channel works or construction activities that may affect flow of an Ordinary Watercourse i.e. ditch, drain, stream etc.	Land Drainage Act 1991	IACC	Application to be made to DCWW prior to work commencing. Discussions are progressing.	No change. There has been limited discussion following the close of the examination phase, however, an application would be made at the appropriate time following the grant of the DCO.
Construction related Health and Safety Consents  These are required to secure, so far as is reasonably practicable, the health, safety and welfare of persons at work and other persons who may be affected by work ie the public.	Health and Safety at Work etc. Act 1974	Office of Nuclear Regulation (ONR)	Application to be made by nominated contractor prior to commencement of construction.	No change.
Permit for the transport of abnormal indivisible loads permits for delivery by road of loads that fall outside standard practice.  The MOLF will be utilised as far as possible to	The Road Vehicles (Authorisation of Special Types) (General) Order 2003 or authorisation from the	Department of Transport, Highways Agency, Local Highways Authority (IACC),	Applications to be made by nominated contractor prior to commencement of construction on the Power Station Site.	No change.

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minimise abnormal indivisible loads (Current estimates are approximately 60% to 80% of all construction materials (by weight), including the majority of Abnormal Indivisible Loads (AILs), would be delivered via the MOLF.).	Secretary of State under the Road Traffic Act 1988	police and bridge owners as appropriate		
Section 61 Prior Consent  This is in relation to noise control on construction sites	Control of Pollution Act 1974	IACC	Applications will be made by the nominated contractor at least 28 days before all construction commences.	No change.
Coastal Station Radio Technically Assigned Licence  This is a licence required to use radio apparatus for communication between coast base stations on shore to communicate with marine vessels.	Wireless Telegraphy Act 2006	OfCom	Consent is required prior to use during construction of the Power Station	No change.
Control of Major Accident Hazards (COMAH) Notification	Control of Major Accident Hazard Regulations 2015	ONR/NRW	Horizon is likely to be a lower tier COMAH site and notification to the competent authority will be at least 3 months before construction begins.	No change

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Required for any establishment wishing to store hazardous materials above prescribed inventory thresholds				
Notification of Construction Project	Construction (Design and Management Regulations 2015	ONR	The nominated contractor will make the notification prior to construction commencing	No change.
Article 41  Article 41 of the Euratom Treaty requires that Horizon notify the European Commission (EC) of their intention to construct and operate the Wylfa Newydd Power Station.	European Atomic Energy Community Euratom Treaty	European Commission	The European Commission provided their view on the 9 <sup>th</sup> January 2019 that the investment fulfils the objectives of the Euratom Treaty and contributes to develop a sustainable energy mix.	No change.
Nuclear Site Licence  This is required to assure the safety of nuclear installations in the UK.	Nuclear Installations Act 1965	ONR	The site licence Application was submitted to the ONR on 31 <sup>st</sup> March 2017. Due to the suspended nature of the projected it is recommended that advice on the licence be obtained directly from ONR.	On 13th February 2019, following Hitachi's decision in mid-January to suspend the majority of the development activities, Horizon wrote to ONR and requested that its Nuclear Site Licence application for the Wylfa

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				Newydd project be withdrawn. On 21st February 2019, ONR confirmed that the application had been withdrawn from the assessment process.
Planning (Hazardous Substances) Consent  Permits holding of Hazardous Substances above prescribed inventory thresholds	Planning (Hazardous Substances) Act 1990	IACC	An application will not be submitted before the DCO is determined.	No material change, this would be applied for at the appropriate time following the grant of the DCO
Section 31 Notice  This allows Horizon as a landowner to deposit with the Highways Authority a map showing the extent of land ownership and a statement indicating the Public Rights of Way that they recognise over it.	Highways Act 1980	IACC	The Section 31 Notice was submitted in August 2017.	No change.
Operations				

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Operation related Health and Safety Consents	Health and Safety at Work etc Act 1974	ONR	Applications to be made by nominated contractors prior to commencement of operations	No change.
Electricity Generation Licence	Electricity Act 1989	OFGEM	Obtained 9 May 2011	No change.
Environmental Permits to allow operation  The main EPs include  Radioactive Substances Activity (RSR)  Combustion Activity  Water Discharge Activities	Environmental Permitting (England and Wales) Regulations 2016	NRW	All major EP applications have been made, RSR in Oct 2017, Operational Water Discharges, and Combustion Activity in June 2018.  Under the advice of NRW, due to the suspended nature of the project, Horizon has withdrawn these applications.  Minor EP applications for Associated Developments have been identified and early engagement with NRW has been undertaken. These will probably be made the responsibility of the contractor/operator.	No change. Applications for the operational environment permits will be re-submitted in due course at the appropriate time and prior to the undertaking of the regulated activities.
Permit to Emit Carbon Dioxide	Greenhouse Gas Emissions Trading Scheme Regulations 2012	Environment Agency (regulator in England and Wales)	Horizon will apply for this permit in advance of commissioning the combustion plant and for operations.	No change.

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Building Regulation Approval  Construction of buildings are required to meet minimum standards for design construction and alteration.	Building Regulations 2010	IACC	At completion of construction, relevant certificates will be sought. These could be phased as building are completed.	No change.
Hazardous Waste Producer Registration	Hazardous Waste Regulations (Wales) 2005	NRW	Prior to commissioning. Wylfa Newydd Site has a hazardous waste producers registration (CA120) that is renewed annually.	Following the decision to suspend the majority of development activities at the Wylfa Newydd site, this registration has not been renewed. Horizon will ensure that it renews the registration in the event that it wishes to undertake activities that would exceed the stated thresholds.
Planning permissions for any element of the project not within the scope of the DCO	TCPA 1990	IACC	Horizon will apply for planning permission for a Visitor Centre within 3 months of Commencement of the Wylfa Newydd DCO Project, or as soon as reasonably possible thereafter, and will implement such planning permission in order to target opening of the Visitor Centre within 2 years from the grant of permission. If the application for the Visitor Centre is refused by the Council, the	The application for a planning permission for the visitor centre will be made in accordance with the Section 106 Agreement [REP10-009], Schedule 3, paragraph 5.

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			<p>Developer shall, to the extent reasonably possible, submit amendments to the application in order to meet the reasons for refusal and shall progress such amended application in order to secure the planning permission for the Visitor Centre.</p> <p>The design and facilities contained within the centre will be subject to discussion with key stakeholders in advance of planning permission being submitted.</p>	
Article 37	Euratom Treaty	European Commission	Completed. Positive opinion received from the European Commission on 4 <sup>th</sup> June 2018 (2018/C193/01). This enables NRW to grant a permit to carry out a radioactive substances activity to dispose of radioactive waste from the installation.	No change.
Marine Licences  Marine Licences are required for some maintenance activities e.g. dredging.	Marine and Coastal Access Act 2009	NRW on behalf of Welsh Ministers	Where required a timely application for a licence will be submitted prior to the activity taking place.	No change. Relevant Licence applications will be submitted in due course at the appropriate time.

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<p><b>Generic Design Assessment (GDA) – Statement of Design Acceptance</b></p> <p>The GDA process involves an in-depth assessment of the nuclear reactor design. The Wylfa Newydd Power Station will use UK Advanced Boiling Water Reactors (UK ABWR), designed by Hitachi-GE.</p>	No relevant legislation - based on Government policy	ONR, EA, and NRW	<p>On 14 December 2017, the regulators issued a Statement of Design Acceptance, which approved the UK ABWR as suitable for construction in the UK.</p>	<p>In addition to the Statement of Design Acceptance, on 13<sup>th</sup> December 2017 the ONR issued a Design Acceptance Certificate for the UK ABWR nuclear reactor.</p>
<b>Agreements</b>				
<p><b>Bilateral Construction Agreement</b></p> <p>To set out the construction programme and the responsibilities for the connection including upgrades to the transmission system</p>	N/A commercial agreement	National Grid Electricity Transmission PLC	<p>The construction agreement was initially signed in 2008, novated into Horizon in 2011 and updated in 2014.</p>	<p>Following Hitachi's decision in mid-January to suspend the majority of the development activities and subsequent discussions with National Grid, Horizon terminated the Bilateral Construction Agreement.</p>

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<p><b>Bilateral Connection Agreement</b></p> <p>This agreement will enable the Power Plant to connect and export and import electricity to and from the Electricity Transmission Network</p>	N/A	National Grid Electricity Transmission PLC	<p>The construction agreement was initially signed in 2008, novated into Horizon in 2011 and updated in 2014.</p>	<p>Following Hitachi's decision in mid-January to suspend the majority of the development activities and subsequent discussions with National Grid, Horizon terminated the Bilateral Connection Agreement.</p>

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