



## Meeting note

<b>File reference</b>	EN010007
<b>Status</b>	<b>Final</b>
<b>Author</b>	Rob Ranger
<b>Date</b>	7 February 2017
<b>Meeting with</b>	Horizon Nuclear Power
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>Wyfa Newydd</b> Roger Parkinson (Head of Project Development) Andrew Prior (Project Solicitor) (by telephone) Kieran Somers (Head of Planning)  <b>The Planning Inspectorate</b> Richard Kent (Senior EIA and Land Rights Advisor) Hannah Pratt (Senior EIA and Land Rights Advisor) Rob Ranger (Case Manager) Chris White (Infrastructure Planning Lead - Energy)
<b>Meeting objectives</b>	Project Update, including on optimisation process and the approach to the Rochdale Envelope.
<b>Circulation</b>	Attendees

### Summary of key points discussed and advice given:

The participants introduced themselves and their roles. Horizon Nuclear Power (HNP) were made aware of the Planning Inspectorate's (PINS') openness policy, that any advice given will be recorded and placed on the PIN's website under s51 of the Planning Act 2008 (PA2008)(as amended). Any advice does not constitute legal advice on which the developer or others can rely.

**HNP** explained that over the last three months, they had worked to review their proposals in light of feedback from consultation and in order to improve the efficiency of the scheme.

In particular, duplication inherent to the initial proposed layout of the main site has been reduced, with greater use of shared facilities between reactor units where appropriate and less extensive earth movement and landscape profiling. HNP asked for advice on how much detail needed to be provided for some elements of the main site the exact form of which was less likely to have a major influence on the impacts of the scheme, such as garaging and car parking.

These changes have minimal impact on the interfaces between the main site and wider networks, and will not change the cooling water inlet, grid connection or off-site highways works, for example. Work has also been undertaken to optimise the workforce accommodation strategy, which may include greater use of accommodation facilities on the main site.

Overall, the changes are anticipated by HNP to reduce the need for off-site temporary workforce accommodation and construction movements.

HNP also explained that as a result of the Wales Act 2017, they intend to incorporate associated development within the Development Consent Order (DCO). These works, which were previously planned to be consented through the Town and Country Planning Act (TCPA), would include the offline A5025 highways improvements, off-site workers accommodation and park and ride facilities. The online A5025 highways works would remain as a separate TCPA application. The site preparation and clearance works would also remain as a TCPA application, however would not require as extensive works as previously envisaged; it would be limited to site clearance (e.g. demolition of agricultural buildings and walls and asbestos removal) and habitat mitigation.

HNP have discussed the changes with the Office for Nuclear Regulation and Natural Resources Wales, and propose to consult upon the revisions to the scheme more widely in the forthcoming months, including further consultation with the local community. They will be consulting Local Authorities on a Statement of Community Consultation in the next few days. They also propose to submit a scoping request to PINS for the evolved scheme, most likely before May 2017.

**PINS** advised that the statutory duties in the PA2008 need only be demonstrated once, for the proposed application that became the application. As explained in pre-application consultation guidance, where the scheme evolves after this has taken place, proportionate consultation should be shown to have been undertaken with those affected by the changes and it must be clear how those people have been identified. Given the extent of the review of the proposals, HNP may want to consider carrying out consultation that meets their pre-application obligations under S42, S47 and S48 in respect of the scheme as it now stands.

They also advised that any scoping request should be timed to avoid conflicting with the period of any S42 consultation being undertaken, because PINS will consult statutory consultees on the scoping request and there could be confusion caused by parallel consultation activities.

The degree of precision with which the works need to be described in the DCO is governed by the need of the ExA to consider (and the need to assess) the impacts of the scheme. Some elements of the scheme will need to be fixed in some detail in order to assess their impacts in the Environmental Statement (for example, emissions stacks). Others might be described in general terms and within wider limits of deviation or polygons (which should be specified within the DCO), or with details to be agreed post-consent, where this has no real impact on the ability to assess the scheme (for example, the layout of a car park). The consent is not outline consent, however, and so if it emerges during the examination that greater detail is actually

necessary to assess the scheme, the applicant may be asked to provide it or justify why it should be considered an explicit option because facts are not known.

If there is a need for consideration of any explicit options, that need should be clearly set out and justified. It is vital to avoid imprecision, which is not flexibility, and occurs where there are in fact practical and real constraints on the form of an element and the factors that drive them are known or could be reasonably known; but they are not reflected in the application because of inadequate development work. It is vital that the application describe a scheme that can be built. That is to say, that any possible outcomes within the areas that are described within limits of deviation (that are not justified as options as above) can be built. The Secretary of State will decide whether or not any flexibility sought has been adequately justified when determining the application.

PINS strongly advised the applicant to develop their proposals for the management of the main site accommodation campus in some detail, since there is likely to be a desire for that detail amongst local residents when they are consulted upon alongside the remainder of the revised scheme.

**HNP** explained that they are hoping to submit an application for a DCO in the Autumn of 2017, ensuring that they have sufficient time to have regard to responses to the consultation that they are proposing to undertake, though this will require intensive work to deliver.

**PINS** will try to provide helpful advice on draft application documents, and passing those documents that are mostly likely to benefit from that advice to PINS as soon as possible would be welcome.

Having carried out a transboundary screening under Regulation 24 of the EIA Regulations, the Secretary of State identified a likely significant effect on birds and marine mammals within France and the Republic of Ireland. As such, these states have been notified of the scheme under Regulation 24 and have been given 6 weeks to respond to the Secretary of State to confirm whether they wish to become involved in the EIA procedure for the scheme. If they respond positively, the Secretary of State will consult with these States if the application is accepted for examination. The duty on the Secretary of State to consider the potential transboundary impacts under Regulation 24 is ongoing until a decision is made, and further notification and consultation may take place should further information come to light.

PINS has also drawn the scheme to the attention of those countries that are signatories to the Espoo Convention<sup>1</sup>.

### **Specific decisions / follow up required?**

HNP will provide more information about the anticipated timing of a scoping request when it is available, and will share a copy of the consultation material with PINS when they consult on the evolved scheme.

PINS will produce and circulate a note of advice given.

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<sup>1</sup>The 1991 United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context, which was signed in Espoo, Finland