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ISLE OF ANGLESEY
COUNTY COUNCIL**

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Eich Cyf / Your Ref:

Dyddiad / Date: 15th June 2018

Dear Ms Sully,

**RE: Planning Act 2008 – Section 55
Application by Horizon Nuclear Power for an Order granting Development Consent
for the Wylfa Newydd Nuclear Power Station
Adequacy of consultation request**

PINS Ref Number: EN010007

Thank you for your letter dated 04/06/2018 inviting the Isle of Anglesey County Council (“County Council”) to submit representations regarding the applicant’s (“Horizon”) compliance with S.42, S.47 and S.48 of the Planning Act 2008 (“the Act”).

This letter (together with the appendices set out below) forms the County Council’s Adequacy of Consultation response pursuant to section 55(b) of the Act.

Appendix A: Chronology of the Applicant’s Pre Application Consultation;
Appendix B: IACC’s responses to Horizon’s Statements of Community Consultation;
Appendix C: Assessment of the Applicant’s Compliance with their own Statement of Community Consultation.

Please note that this response assesses the applicant’s methodology, approach and execution of its pre-application consultation and it is submitted to assist the Secretary of State in determining whether to accept the application.

1. Compliance with Section 47 – Duty to Consult Local Community

Section 47 of the Act sets out the ‘*Duty to consult the local community*’. The relevant subsections require that:-

- (1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.
- (2) Before preparing the statement, the applicant must consult each local authority that is

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- within section 43(1) about what is to be in the statement.
- (3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.
 - (4) In subsection (3) "the consultation documents" means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).
 - (5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).
 - (6) Once the applicant has prepared the statement, the applicant must publish it—
 - (a) in a newspaper circulating in the vicinity of the land, and
 - (b) in such other manner as may be prescribed.
 - (7) The applicant must carry out consultation in accordance with the proposals out in the statement.

Horizon prepared three separate Statements of Community Consultation (see chronology in **Appendix A** for detail) which outlined how they proposed to consult about the proposed application with the people living in the vicinity of the proposed development. The IACC was consulted and responded in each case (**Appendix B**). This was undertaken in the requisite period satisfying the County Council that the requirements of subsections (1), (2), (3) and (4) were adequately discharged.

In respect of sub-section (5), Horizon considered the Council's response and wrote back to confirm changes made in direct response to the Council's comments. Although IACC has concerns with the length and scope of the PAC3 consultation (as outlined in **Appendix C**), the Council is satisfied that Horizon has complied with Sub-section (5), with comments raised being given due consideration in the development of the proposed Statement.

In accordance with subsection (6), Horizon published the SOCC in a number of local newspapers as well as advertising through other means such as websites, social media, etc. As such, the County Council is satisfied that Horizon adequately discharged its duty to publish the SOCC.

Given the significant changes to the project proposal from PAC2 to PAC3 (as recognised by Horizon in the May 2017 version of SOCC¹), the County Council did raise a number of concerns in response to that SOCC (**Appendix B**). For example, the change to their Construction Worker Accommodation Strategy has resulted in an increase from 500 'essential workers' on-site to up to 4,000 construction workers accommodated on-site in a purpose built temporary campus. This is a substantial change to the project, which materially changes the approach to construction worker accommodation and, therefore, the impacts which will occur during the construction period on local communities. The County Council believes that this change required a more detailed consultation than the 30 days provided. Furthermore, there were no details or technical drawings for the on-site campus included within PAC3, which meant that the public could not provide comments on the proposal during the consultation to meaningfully shape and influence the proposed development. The DCO application will be the first opportunity the public will have to see this detail, which is regrettable, but not fatal to the acceptance of the application.

Notwithstanding this, in accordance with subsection (7) above, Horizon did consult in accordance with the proposals in their SOCC and, therefore, the IACC is satisfied that Horizon has complied with the minimum legal requirements of Section 47 of the Planning Act 2008.

¹ Introduction paragraph - Horizon Statement of Community Consultation (V.3) May 2017 (page 3).

2. Compliance with Section 42 – Duty to Consult

This section requires the applicant to consult the following about the proposed application—

- (a) *such persons as may be prescribed,*
- (b) *each local authority that is within section 43,*
- (c) *the Greater London Authority if the land is in Greater London, and*
- (d) *each person who is within one or more of the categories set out in section 44.*

Based on the information provided in Horizon's Consultation Report, the Council considers that Horizon has consulted the various bodies as required. So far as the scope of the consultation is concerned, the County Council considered that the omission of details, plans and mitigation measures from PAC2 and, in particular, PAC3 made it difficult for the Council to respond as fully and meaningfully as it would have wished to. Horizon and the County Council have since, however, been in dialogue regarding this and further detail has been shared with the County Council allowing it to better understand and comment on proposals. In particular, the approach to mitigation has developed and discussions on plans and strategies have progressed meaningfully. In view of this, the County Council considers that Horizon's duty to consult under Section 42 has now been met.

3. Compliance with Section 48 – Duty to Publicise

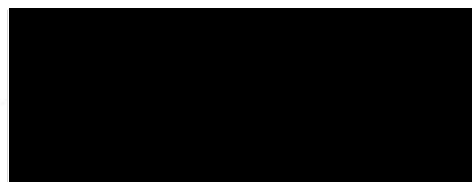
Section 48 of the Act imposes a Duty to Publicise in a prescribed manner.

Horizon's Consultation Report provides details of how it has complied with Section 48. A copy of the Section 48 notice was advertised notifying its intention to apply for a DCO. This was placed in a number of newspapers for two consecutive weeks. The press notice also provided a deadline for the receipt of responses. In view of the above, the Council is satisfied that Horizon's duty to publicise under Section 48 has been carried out.

Conclusion

Although the County Council believes that the 30-day consultation for PAC3 was less than what would have been ideally allowed for consultation, in IACC's view Horizon has adequately consulted in accordance with the provisions of sections 47, 42 and 48 of the Act.

Yours sincerely



DYLAN J. WILLIAMS

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Head of Service - Regulation and Economic Development

Appendix A: Chronology of the Applicant's Pre Application Consultation

Pre-Application Consultation Stage 1 (PAC 1), September – December 2014.

- A Statement of Community Consultation SOCC (V.1), was received from Horizon by IACC on 08/07/2014 (s 47).
- IACC formally respond to SoCC 19/08/2014 (s 47).
- Horizon presented SOCC to Full Council 02/09/2014.
- Horizon publish final SOCC (V.1) 15th September 2014 (s 48).
- PAC1 commenced 29th September 2014 (10 weeks) (s 42).
- IACC formally respond to PAC1 5th December 2014 (Full Council 4th Dec 14) (s 42).

Informal 'Project Update' Consultation January - March 2016

- IACC receive revised SoCC (V.2) 23rd December 2015 (s 47).
- Horizon host Members Briefing Session 8th January (to outline changes).
- IACC formally respond to revised SoCC 14th January 2016 (s 47)
- Horizon publish final SoCC (V.2) 25th January 2016 (s 48.)
- 'Informal' Project Update Consultation commenced 25th January 2016.
- IACC Respond to January Informal Consultation 24th March 2016.

Pre-Application Consultation Stage 2 (PAC 2), August – October 2016.

- There was no SoCC before PAC2 – PAC 2 proceeded on the basis of the SOCC (V.2) used for the January 2016 consultation.
- PAC2 consultation commences 31st August 2016 (until 21st Oct 2016) (s 42).
- IACC respond to PAC2 consultation on 25/10/2016 (s 42).

Pre-Application Consultation Stage 3 (PAC 3), May / June 2017.

- Horizon consult IACC on a revised SOCC (V.3), on 13th March 2017 (s 47).
- IACC respond to revised SoCC 10th April 2017 (s 47).
- Horizon publish an updated SoCC (V.3) on 26th April 2017 (available online and in libraries from 4th May 2017) (s 48).
- Horizon respond to IACC's SoCC Letter 17th May 2017 (with Final SOCC).
- IACC Respond to Horizon's letter 9th June 2017.
- PAC3 consultation undertaken 24th May 2017 to 22nd June 2017 (s 42).
- IACC respond to PAC3 consultation 10th July 2017 (s.42).

Appendix B: IACC's responses to Horizon's Statements of Community Consultation

- a) IACC response to SOCC dated 19 August 2014
- b) IACC response to SOCC dated 10 April 2017
- c) HNP response to IACC letter of 10 April 2017
- d) IACC letter re SOCC dated 09 June 2017

Appendix C: Assessment of the Applicant's Compliance with their own Statement of Community Consultation

The below table assesses whether Horizon Nuclear Power have complied with the consultation methodology outlined in their Statement of Community Consultation (SOCC). This assessment has informed the IACC's response as to whether Horizon have complied with S.42, S.47 and S.48 of the Planning Act 2008.

Ref	Section	Horizon Statement	IACC Commentary	Did Horizon conform to their SOCC?
1	Page 7 – what and when will be consult on the Wylfa Newydd Project?	<p>We are consulting on proposed changes to the Project as a result of ongoing design development, changes in the law and in response to consultation responses received from our previous rounds of consultation. Those changes that we are consulting on are:</p> <ul style="list-style-type: none"> • changes to our proposed construction worker accommodation strategy; • potential consequential changes to the number of locations where temporary worker accommodation needs to be delivered; • changes to the design and operation of our proposed park and ride site at Dalar Hir and logistics centre site at Parc Cybi; and • we are now proposing that the off-site power station facilities, the mobile emergency equipment garage (MEEG), alternative emergency control centre (AECC) and environmental survey laboratory (ESL), would be on the single site 	<p>As outlined in the response to the SOCC (letter dated 10th April 2017), the IACC understood why PAC3 was necessary. Changes to the project design, legislative changes (which resulted in changes to Horizon's consenting strategy) as well as changes to Horizon's construction worker accommodation strategy; meant that a third stage of public consultation was required.</p> <p>However, Horizon consulted on the changes since PAC2 only and did not consult on these changes within the context of the project in its entirety. The IACC expressed concern with this approach as Horizon had introduced new elements, which substantially changed some of the potential impacts of the project. These changes included proposals which had not been previously considered and assessed in PAC1</p>	<p>Yes</p> <p>Horizon did consult on the proposed changes to their project as outlined in their SOCC.</p> <p>Although the IACC would have preferred more detail to have been provided in the consultations and for Horizon to have re-consulted on the project in its entirety (i.e. to include the new elements), Horizon did conform to their SOCC.</p>

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		previously proposed to accommodate the MEEG, in Llanfaethlu.	& PAC2 (e.g. the onsite temporary construction workers accommodation campus increasing from 500 essential workers) which meant the IACC and the public were seeing these for the first time and were required to consider, assess and respond to these significant changes within 30 days.	
2	Page 7	We will ensure consultation is inclusive and clear by providing consultees with information that can be easily understood, using visual material where appropriate. This will enable constructive and informed comments on the Wylfa Newydd Project. The consultation materials will explain elements of the proposals on which we are actively seeking the views of the local community and stakeholders.	<p>Horizon did provide information that was clear, inclusive and easy to navigate and understand. The use of visual material was particularly effective and the use of 3D modelling / visualisation enabled the public to see the proposals/impacts so that they could make meaningful comment.</p> <p>However, the consultation lacked any detailed drawings (i.e. for use by the Local Planning Authority and other statutory consultees) to assess the proposals in more detail. For example, there were no drawings or detail plans of the on-site workers accommodation. The IACC and other key stakeholders have therefore not been able to provide any formal comments on the details of this proposal in advance of the DCO application being submitted.</p>	<p>Yes.</p> <p>For the purposes of a public consultation, Horizon did provide information in a clear and inclusive manner as outlined in their SOCC.</p>

3	Page 7	<p>We will publish the details of consultation dates, venues, and where documents can be reviewed on our website www.horizonnuclearpower.com/consultation and in advertisements placed in local newspapers approximately four weeks in advance (depending on local newspaper publication dates).</p>	<p>Horizon did publish the details of the consultation dates, venues and where documents could be viewed in the local newspaper a minimum of 4 weeks in advance of the consultation.</p> <p>Horizon also published this information on their website, through use of social media and other media (such as Mon FM local radio) which ensured widespread publicity of each of their three stages of consultations.</p>	<p>Yes.</p> <p>Horizon did comply with their SOCC and did advertise the consultation in the prescribed manner.</p>
4	Page 7	<p>If necessary we may also carry out additional targeted public consultation on specific issues. Such consultation would also be advertised approximately four weeks in advance.</p>	<p>Horizon did undertake some targeted consultations during the pre-application process. These were separate and in addition to the formal s.42 'Pre-Application Consultation'. These included:</p> <ul style="list-style-type: none"> • Site Preparation & A5025 consultation (May 2016); • Consultation on the A5025 highway improvements (August 2017); • Consultation on the Site Preparation & Clearance Application (October 2016); • Informal Public Consultation (January 2016); • Consultation on Additional Land (January 2018). 	<p>No.</p> <p>Although Horizon did undertake some targeted consultations during the early stages of the project, they did not undertake targeted consultations on key aspects of the project (the detail of which were missing from PAC3).</p> <p>Prior to the legislative changes introduced by the Wales Act 2017, the IACC would have been the determining Authority for the Associated Development. The IACC would have expected significantly more pre-</p>

			Despite the above informal consultations, given the lack of information in PAC3 (particularly on the on-site campus), the IACC would have expected Horizon to have undertaken targeted consultation(s), particularly on the on-site campus. The public have not had the opportunity to comment meaningfully on the on-site campus ahead of the DCO submission. Consequently, the IACC believe the PAC3 consultation was flawed in this respect, as it did not provide sufficient detail on this fundamental change to the project proposal since PAC2.	application engagement and consultation than Horizon have undertaken to date (particularly on the changes since PAC2). The fact that these elements of the project are now determined as part of the DCO does not mean that the level of local consultation and engagement is not required prior to DCO submission.
5	Page 7	We also continue to undertake regular community engagement through open surgeries, which are widely advertised in advance in local newspapers and on our website www.horizonnuclearpower.com/consultation , and the Wylfa Newydd Project Liaison Group. Newsletters about the progress of the Wylfa Newydd Project will continue to be delivered regularly to all Anglesey households.	Horizon have hosted monthly open surgeries over a number of years. These are advertised locally (via posters), in local newspapers as well as on their website. The Project Liaison Group is also an effective means of communicating with local people and businesses. Horizon also produce a quarterly newsletter which is delivered to approximately 33,000 homes.	Yes. Horizon have undertaken regular community engagement in accordance with the commitment in their SOCC.
6	Figure 4 (Page 7)	Figure showing 'Targeted Consultations' between each of the formal PAC Consultations.	Although Horizon undertook targeted consultations between PAC1 and PAC2, there no targeted consultation has been	No. As reason given in row 4 above.

			carried out after PAC3, which is very disappointing. Given the lack of detail in PAC3 (particularly on the on-site campus), the IACC would have expected Horizon to undertake some targeted consultations in advance of their DCO submission.	
7	Page 8 – Who are we consulting and where ?	<p>Our consultation process will take place across the three ‘zones’ which are:</p> <ul style="list-style-type: none"> • Zone A – Anglesey, which is the area most likely to be directly affected by the Wylfa Newydd Project; • Zone B – Gwynedd (Arfon) area, which includes Bangor and Caernarfon; and • Zone C – North West Wales, as defined by the Welsh Government, including key centres of population and business, such as Llandudno and Porthmadog and the Conwy County Borough Council area. <p>We recognise that residents, communities, organisations and other stakeholders will have different requirements for information and our process of consultation will reflect this. For example, in Zone A we expect many discussions will focus on the direct effects of construction and operation, whereas in Zone C, interest may well be on broader economic and social matters, such as employment opportunities.</p>	<p>The IACC agreed the three zones with Horizon prior to the submission of the SOCC.</p> <p>The engagement within Zone A. has been undertaken in an effective manner and the general level of project information provided has been satisfactory.</p> <p>Gwynedd and Conwy Councils may wish to make their own submissions on consultation in Zones B and C; the IACC has not had the benefit of seeing such submissions in preparing this response.</p> <p>Gwynedd and Conwy Councils were consulted throughout the pre-application process. Copy documents were deposited in public libraries in Conwy and Gwynedd and placed notices in papers circulating in the North Wales Area. The IACC therefore</p>	<p>Yes.</p> <p>Consultation / engagement undertaken in accordance with SOCC.</p>

			considers that the SOCC approach was followed.	
8	Page 8	As well as consulting with the wider public and their representatives, we will also work with specific groups, local businesses, community councils, county councils and other community groups and organisations to increase awareness of the consultation process.	Horizon have engaged with a wide range of community groups, stakeholders and public sector representatives.	Yes.
9	Page 8	To help ensure consultation is as accessible as possible, we have developed a Maximising Inclusion Strategy, a copy of which is uploaded on our website, with hard copies available on request. This aims to ensure that we work with organisations across the community to ensure that people have reasonable opportunity to access information about the Wylfa Newydd Project and respond to the consultation should they wish to do so.	Horizon have developed a 'Maximising Inclusion Strategy' to ensure that the consultation is accessible as possible. The IACC have provided comment and input into this document and is satisfied that Horizon have taken all reasonable steps to ensure the consultation and engagement was as inclusive as possible.	Yes.
10	Page 8	In particular, we will continue to work with the Isle of Anglesey County Council to implement locally relevant good consultation practice, such as that developed through the Community Voice project, and to support the work of Community Involvement Officers.	Horizon have funded two Community Involvement Officers (one in the IACC and one within Horizon) which have been effective in working with the community to raise their awareness and understanding of the project. The IACC believe this demonstrates good practice, which could be replicated for other NSIP projects.	Yes.
11	Page 8	We will work with organisations across the community to provide people with information about our Wylfa Newydd Project and ensure they have appropriate	As above.	Yes.

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		opportunities to respond. This will be an integral part of all our consultation activity.		
12	Page 9 – How will we be consulting?	The Stage Three consultation will focus largely on the changes to the Project which have arisen since previous consultations. It will last for 30 days .	Although the IACC disagree with the scope and duration of the consultation (as outlined in the IACC's response to the SOCC), Horizon did consult in accordance with the SOCC.	Yes.
13	Page 9	Like Stage One and Stage Two, our Stage Three consultation will be structured around a series of small exhibition events and drop-in sessions that allow people to meet our team, ask questions and provide feedback. These events will be spread across Zones A, B and C and will be targeted at those areas anticipated to be most directly affected by the Wylfa Newydd Project. The consultations will include overview, summary and display materials in Welsh and English, written in clear, easy to read language.	Horizon's consultation was structured around a number of small exhibitions, events and drop in sessions. Although the IACC disagreed with the scope and duration of the consultation, Horizon did consult in accordance with their SOCC.	Yes.
14	Page 9	We will seek to pro-actively engage with interested parties by attending local events e.g. markets and hold a number of small pop-up events in locations identified to have high footfall. This will provide opportunities for people who may not otherwise engage with us to learn more about the Project and provide feedback. Members of the community who are interested in the Wylfa Newydd Project will also be able to access information at local libraries and other civic buildings, although these locations will be unstaffed unless otherwise stated.	Horizon have demonstrated their commitment to engaging with the community through attending such events as the Anglesey Show. Horizon have attended the Anglesey Show for a number of years. Information has also distributed in public libraries and civic buildings as stated.	Yes.

15		Any additional targeted consultation focussing on specific issues following Stage Three consultation will be largely based around short summary documents although limited community meetings may be required.	No targeted consultations were undertaken following PAC3.	No.
16		Non-technical materials produced for all consultations and engagement activities will be bilingual. Welsh speakers will be available at staffed events and consultation feedback will be welcomed in both Welsh and English.	All materials produced were bilingual and Horizon deployed Welsh speaking staff at all events.	Yes.
17	Page 9 – How will the Consultation be advertised?	We use a number of ways to communicate about the consultation process and ensure the community can take part. We will consider all types of suitable media for communication and will work with representative groups, including the Isle of Anglesey County Council Communications Team, to maximise our effectiveness. As a minimum these will include: newsletters, press adverts, press releases, posters, Wylfa Newydd Project Liaison Group, stakeholders, groups and organisations, website, social media and other media (e.g. local radio).	Horizon have communicated as stated.	Yes.