



## Wylfa Newydd Project

### Summary Table of Amendments to the Draft DCO (Revision 2.0)

PINS Reference Number: EN010007

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November 2018

Revision 1.0

Examination Deadline 1

Planning Act 2008

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

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# 1 Amendments proposed to the draft Development Consent Order (Revision 2.0)

## 1.1 Introduction

- 1.1.1 This document (WN0902-HZDCO-PAC-REP-00006) provides a commentary on changes made to the draft Development Consent Order ("draft DCO") by Horizon Nuclear Power Wylfa Limited ("Horizon" or the "Applicant") at Deadline 1 (13 November 2018) (DCO Revision 2.0). A track changed version of the revised draft DCO (Revision 2.0) against the version submitted as part of the DCO application in June 2018 APP-030 has also been provided (WN0902-CLC-PAC-REP-00004). Where amendments are proposed, reference is made to the reason for the change (e.g. stakeholder response) is set out in Table 1-1.
- 1.1.2 Additional amendments were proposed by Interested Parties at the DCO Issue Specific Hearing held on 24 October 2018, in Relevant Representations or by the Examining Authority in the Supplementary Agenda for the Issue Specific Hearing into the draft Development Consent Order ("Supplementary Agenda") (EV-00). These additional items are noted in Appendix 1. Horizon is considering these matters further and will incorporate any necessary amendments in the next update to the draft DCO at Deadline 2 (4 December 2018).
- 1.1.3 General Notes
- 1.1.4 The table below refers to the original article, requirement, paragraph or schedule number in Revision 1.0 of the draft DCO (APP-030). Any new numbering in the revised draft DCO as at Deadline 1 is indicated in the "Amendment" column in the table below, where relevant.
- 1.1.5 Where "-" is used, this indicates that the change has been identified by the Applicant.

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**Explanation of amendments made to the draft DCO (Revision 2.0) as issued to the Examining Authority on 13 November 2018 (Deadline 1)**

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
1.	Title, preamble, articles 1, 2 and 30, definition of "site preparation permission", SPC5 and Schedule 4; and Schedule 12(3)(2)(b) and (6),	-	Removal of all asterisks (*) and replaced with [X].	Change made to enable the document to be validated as a statutory instrument.
2.	Article 2(1) – definition of "Welsh Ministers"	<a href="#">Welsh Government's letter</a> provided 23 October 2018 (EV-00) para [10]: Welsh Government has requested that references to the Government of Wales Act 2006 is clear that it is as amended by the Wales Act 2017.	Footnote (b) to the definition of "Welsh Ministers" amended as follows: b) 2006 c.32 <u>as amended by the Wales Act 2017 c.4.</u>	Amendment made in response to Welsh Government to clarify that the definition of Welsh Ministers has the same meaning as in the Government of Wales Act 2006 as amended by the Wales Act 2017.
3.	Article 2(1) – definition of "subsoil"	<a href="#">Supplementary Agenda</a> ; Draft Question 31: Articles 31 & 32 are limited to 'subsoil', and the term is used elsewhere in the draft DCO. Should 'subsoil' be defined under Article 2?. If 'subsoil' is the soil lying immediately under the surface soil (or topsoil), is there certainty regarding the material below plot 88 and in other locations? If not, should the drafting include '...rock and/or subsoil...'	A new definition of "subsoil" is proposed to be inserted into article 2: <u>"Subsoil" means any part of the substrata which is below the surface of the ground.</u>	Although subsoil is rarely defined in Development Consent Orders or legislation, a new definition is proposed to respond to Examining Authority's draft Question and queries at the DCO ISH (24 October 2018).
4.	Article 2(1) – definition of "maintain"	Corresponding amendment as a result of <a href="#">Supplementary Agenda</a> ; Draft Question 42: Provide further justification for the power to 'maintain' the marine works (A490 – given the meaning of "maintain" as set out in Article 2	Definition of "maintain" amended as follows: <b>Article 2(1) - Definitions</b> "maintain" includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish, <u>relay, extend, enlarge</u> or replace any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, or vary the authorised development as described in Schedule 1 (Authorised development), and any derivative of "maintain" must be construed accordingly;	Due to deletion of article 49 (Maintenance of Marine Works) (No.14 below), the definition of "maintain" in article 2 has been expanded to ensure that maintenance relating to Marine Works is appropriately captured.
5.	Article 2(1) – definitions of certified	Corresponding amendments as a result of the Examining Authority and other stakeholders raising	Amendments to "A5025 Off-Line Highway Improvements sub-CoCP, "Book of Reference", "Construction Method Statement", "Dalar Hir Park and Ride sub-CoCP", "Design and Access Statement", "Environmental Statement", "Landscape and Habitat	Consequential amendments to include reference to the new Schedule 18 (Certified Documents) (see No.15 and 47 below)

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
	<b>documents and plans</b>	concerns at the DCO ISH regarding how article 76 would ensure that final versions within the draft DCO were certified.	Management Strategy”, “Marine Works sub-CoCP”, “Off-Site Power Station Facilities sub-CoCP”, “Parc Cybi Logistics Centre sub-CoCP”, “Phasing Strategy”, “Power Station Main Site sub-CoCP”, “Workforce Management Strategy”, “Wylfa Newydd CoCP, Wylfa Newydd CoOP”:  “[...] by the Secretary of State under article 76 (Certification of plans, etc.) <u>and identified in Schedule 18 (Certified Documents)</u> for the purposes of this Order”.  Amendments to "Detailed Design Drawings", "Land Plans", "Order Limits Plans", "Parameter Plans", "Rights of Way Plans", "Work Plans":  "[...] by the Secretary of State under article 76 (Certification of plans, etc.) <u>and identified in Schedule 18 (Certified Documents)</u> for the purposes of this Order and identified in [...]"	which sets out the control documents and plans which will be certified under the draft DCO.  This is because previously, the definitions only referred to article 76 which listed out the documents and plans. As article 76 is proposed to be amended (see No.15), this insertion is required in the definitions.
6.	<b>Article 2(10)</b>	<a href="#">Supplementary Agenda</a> ; Draft Questions 71 and 78 Should the lists in WN9(2) and WN21(1) be prefaced with “include <i>but not limited to</i> ”?	New insertion in article 2:  (10) In this Order, the expression “includes” or “include” is to be construed without limitation.	Article 2(10) already clarified that reference to “includes” within the draft DCO is to be construed without limitation; however, it has been amended so it is clear this also applies to “include” which is the term used in the Requirements.
7.	<b>Article 13 – Application of the 1991 Act</b>	Consequential amendments to give effect to changes in response to the Examining Authority and other stakeholder’s concerns at the DCO ISH regarding article 76 (Certification of plans) and version control.	Amendment to article 13(2): <b>Application of the 1991 Act</b> 13.—[...] (2) The provisions of sections 54 to 106 of the 1991 Act (save insofar as dis-applied through the operation of article 80 (Application, disapplication and modification of legislative provisions) and Schedule <del>20</del> 48(Miscellaneous controls) apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to— [...]	As article 76 now refers to a new Schedule 18 (see No.15 below), this article has been amended to refer to the updated schedule relating to miscellaneous controls.
8.	<b>Article 16(8) – Temporary stopping up of streets</b>	At the DCO ISH on 24 October 2018, the Welsh Government raised concerns that the 28-day timeframe for approvals under article 16 was not sufficient and requested 56 days instead.	Amendment to article 16(8): <b>Temporary stopping up of streets</b> 16.—[...] (8) If a street authority that receives an application for consent under paragraph (5)(b) fails to notify the undertaker of its decision within <del>28</del> <u>56</u> days of receiving the application, that street authority will be deemed to have granted consent.	Timeframes amended to refer to 56 days. This aligns with other deemed approvals under the street articles in Part 3 of the draft DCO.
9.	<b>Article 29(5) - Private rights</b>	-	Amendment to article 29(5): <b>Private rights</b> 29.—[...] (5) 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 <u>where</u> article 37 (Statutory undertakers) applies.	Insertion of missing word following identification by Applicant.



	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
10.	<b>Article 39(3) - Recovery of costs of new connections</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 34 Article 39 – Clarify the article number referred to in the text “...which article 3838 (Apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies...”. Is it article 38 as stated in the relevant part of the Explanatory Memorandum?	Amendment to article 39(3): <b>Recovery of costs of new connections</b> 39.—[...] (3) This article does not have effect in relation to apparatus to which article 3838 (Apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.	This is a cross-referencing error. Article has been amended to remove the duplicate 38 so it just refers to article 38.
11.	<b>Article 43 (5) - Incorporation of the 1847 Act</b>	-	Amendment to article 43(5): <b>Incorporation of the 1847 Act</b> 43.—[...] (5) Section 69 of the 1847 Act (combustible matter on quays, &c., to be removed) must have effect as if for the words from “must forfeit” to the end of the section there were substituted the words “must be liable on summary conviction to a fine not exceeding level 3 on the standard scale.” <del>not relevant to this Order.</del>	Deletion of additional unnecessary wording following identification by Applicant.
12.	<b>Article 45 - Harbour authority</b>	-	Amendment to article 45(1): <b>Harbour authority</b> 45.—(1) The undertaker <del>is</del> must be the harbour authority in respect of the harbour.	Amendment to make it clear that the undertaker is the sole harbour authority in respect of the harbour.
13.	<b>Article 47 – Application of the Pilotage Act 1987</b>	-	Amendment to article 47: <b>Application of the Pilotage Act 1987</b> 47. The undertaker <del>is</del> must be a competent harbour authority in respect of the harbour for the purposes of the Pilotage Act 1987(a).	Amendment to make it clear that the undertaker is the sole competent harbour authority in respect of the harbour for the purposes of the Pilotage Act 1987.
14.	<b>Article 49 - Maintenance of Marine Works</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 42: Provide further justification for the power to ‘maintain’ the marine works (A490 – given the meaning of “maintain” as set out in Article 2	Deletion of existing article 49: <b>Maintenance of Marine Works</b> <del>49. The undertaker may at any time maintain the Marine Works and from time to time alter, enlarge, replace, relay, extend or reconstruct temporarily or permanently a work comprising the Marine Works within the parameters provided for that work in Schedule 3 (Requirements) and may maintain and operate that work as altered, enlarged, replaced, relayed, extended or reconstructed, except to the extent that this Order provides otherwise.</del>	Article to be deleted as duplicative of article 6; however, insertions required into definition of “maintain” in article 2 to ensure that maintenance relating to Marine Works is appropriately captured (see No. 4 above).
15.	<b>Article 76 – Certification</b>	Examining Authority and other stakeholders raised concerns at the DCO ISH regarding how article 76 would ensure that final versions within the draft DCO were certified.	Amendment to article 76: <b>Certification of plans, etc.</b> 76.—(1) The undertaker must, as soon as practicable after the date on which this Order is made, submit to the Secretary of State copies of <u>the documents and plans identified in Schedule 18 (Certified Documents) of this Order</u> <del>(a) to (u) deleted,</del> for certification that they are true copies of the documents referred to in this Order.	Article 76 has been amended to refer out to the new Schedule 18. The new Schedule 18 has been inserted to ensure final versions of certified documents are clearly referred to and included within this article (see No.47 below). This schedule clearly identifies the Rev No for each document.

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			(2) A plan or document identified in <del>paragraph (1)</del> <u>Schedule 18</u> so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.	Consequential amendments to renumber the previous Schedules 18 and 19 to allow for new schedule to be inserted. This is not shown within this table but is shown in the track change version of the draft DCO. Only changes to articles have been set out in this document.
16.	<b>Article 79 - Procedure in relation to certain approvals etc.</b>	Consequential amendments to give effect to changes in response to the Examining Authority and other stakeholder's concerns regarding article 76 (Certification of plans) and version control.	Amendment to article 79: <b>Procedure in relation to certain approvals etc.</b> 79.—(1) Schedule <u>198</u> (Procedure for approvals, consents and appeals) is to have effect in relation to all consents, agreement or approvals granted, refused or withheld in relation to the Requirements unless otherwise agreed between the undertaker and the discharging authority. (2) The procedure set out in paragraph (1) relating to appeal process of Schedule <u>198</u> has effect in relation to any other consent, agreement or approval required under this Order (including the Requirements) where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.	As article 76 now refers to a new Schedule 18 (see No.s 15 and 47 of this table), this article has been amended to refer to the updated schedule relating to procedure for approvals, consents and appeals (now Schedule 19).
17.	<b>Articles 80 and 81</b>	Consequential amendments to give effect to changes in response to the Examining Authority and other stakeholder's concerns regarding article 76 (Certification of plans) and version control.	Amendment to articles 80 and 81: <b>Application, exclusion and modification of legislative provisions</b> 80. Part 1 of Schedule <u>2049</u> (Miscellaneous controls) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect. <b>Amendment of local legislation</b> 81. Part 2 of Schedule <u>2049</u> (Miscellaneous controls) to this Order, which makes provision applying, modifying and excluding a legal legislation which relates to matters for which provision may be made by this Order, has effect.	As article 76 now refers to a new Schedule 18 (see No.s 15 and 47 of this table), this article has been amended to refer to the updated schedule relating to miscellaneous controls (now Schedule 20).

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment				
18.	<b>Schedule 1 – Authorised Development</b>	-	<p>A nationally significant infrastructure project as defined in sections 14 and 15(2)(3A) of the 2008 Act comprising the works described in column (1) of the table below. Associated development within the meaning of sections 115(2) and s15(3A) of the Act including the works described in column (2) of the table below. All bracketed numbers following a building or structure in the work packages below are the unique numbers that are used in the Requirements in Schedule 3.</p> <hr/> <table border="0"> <tr> <td data-bbox="1018 491 1584 632"><i>(1) Works comprising a Nationally Significant Infrastructure Project as defined in sections 14 and 15(2)(3A) of the 2008 Act</i></td> <td data-bbox="1584 491 2151 632"><i>(2) Works comprising associated development within the meaning of section 115(2) and s15(3A) of the 2008 Act</i></td> </tr> <tr> <td data-bbox="1018 646 1584 751">Work No.s 1 (comprising Works No. 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O), 4 and 5.</td> <td data-bbox="1584 646 2151 856">Work No.s 2 (comprising Works No. 2A, 2B, 2C, 2D), Work No.3 (comprising 3A and 3B), 6, 7, 8, Work No.9 (comprising Works No.s 9A and 9B), Work No.10 (comprising Work No.s10A and 10B), 11, 12, 13, 14 and 15</td> </tr> </table> <hr/> <p><i>These works are marked with an asterisk in the description below</i></p>	<i>(1) Works comprising a Nationally Significant Infrastructure Project as defined in sections 14 and 15(2)(3A) of the 2008 Act</i>	<i>(2) Works comprising associated development within the meaning of section 115(2) and s15(3A) of the 2008 Act</i>	Work No.s 1 (comprising Works No. 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O), 4 and 5.	Work No.s 2 (comprising Works No. 2A, 2B, 2C, 2D), Work No.3 (comprising 3A and 3B), 6, 7, 8, Work No.9 (comprising Works No.s 9A and 9B), Work No.10 (comprising Work No.s10A and 10B), 11, 12, 13, 14 and 15	<p>Amended to clarify that the Nationally Significant Infrastructure Project is being sought under section 15(2) of the 2008 Act; whereas the Associated Development is being sought under section 15(3A) of the Act.</p> <p>This aligns to the update made to the Explanatory Memorandum (Rev 2.0) (AS-011) in response to the <a href="#">Examining Authority's section 51 advice, dated 28 June 2018</a> (PD-002).</p>
<i>(1) Works comprising a Nationally Significant Infrastructure Project as defined in sections 14 and 15(2)(3A) of the 2008 Act</i>	<i>(2) Works comprising associated development within the meaning of section 115(2) and s15(3A) of the 2008 Act</i>							
Work No.s 1 (comprising Works No. 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O), 4 and 5.	Work No.s 2 (comprising Works No. 2A, 2B, 2C, 2D), Work No.3 (comprising 3A and 3B), 6, 7, 8, Work No.9 (comprising Works No.s 9A and 9B), Work No.10 (comprising Work No.s10A and 10B), 11, 12, 13, 14 and 15							
19.	<b>Schedule 2 – Approved Plans (Part 3 – Land Plans)</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 57: <i>Is IACC satisfied that the approved plans listed in Schedule 2 are correct and reflect any changes or amendments that may have occurred since the application was submitted to?</i></p>	<p>The version numbers in Schedule 2 Part 3 have all been amended to refer to Rev 2.0, rather than Rev 1.0 (which was the version submitted for DCO application).</p>	<p>Schedule 2 has been updated to refer to <a href="#">Land Plans (Revision 2.0)</a> (AS-009) submitted in response to the <a href="#">Examining Authority's section 51 advice, dated 28 June 2018</a> (PD-002).</p> <p>Changes that were made to the Land Plans are set out in pages 1-3 of Horizon's <a href="#">S51 Cover letter – Additional Submission accepted at the discretion of the Examining Authority</a> (AS-007)</p>				
20.	<b>Schedule 3 (1) – Definition of "commissioned"</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 71: WN9 (1) – What is meant by 'commissioned' and should this be included in Article 2 - Interpretation?</p>	<p>New definitions have been inserted in Schedule 3 paragraph 1(1):  <u>"Unit 1 Commissioning Date" means the date on which first nuclear fuel assembly enters Unit 1;</u>  <u>"Unit 2 Commissioning Date" means the date on which first nuclear fuel assembly enters Unit 2;</u></p> <p>Amendment to definition of "Unit" in Schedule 3 paragraph 1(1):  <u>"Unit 1" or "Unit 2" means one of the twin unit nuclear reactors described in Work No.1A of Schedule 1 of this Order (Authorised development) and reference to "Unit" is to be construed as either unit;</u>                      Requirements PW10, WN9, WN23, PR6 and LC7 have also been amended as follows:  <u>"prior to the anticipated Unit 2 Commissioning Date Unit 2 being commissioned" [...]</u></p>	<p>New definitions of "Unit 1 Commissioning Date" and "Unit 2 Commissioning Date" have been inserted Schedule 3, paragraph 1 – as these terms are used within the Requirements. No definition of "Unit 1" or "Unit 2" is required as this has already been defined in Schedule 3; however, an amendment has been made to the definitions to clarify that reference to "Unit" is to be construed as either unit. This is to clarify for the purposes of Requirement PW9 (see below at No.26)</p> <p>These new definitions align with the definitions used within the draft DCO</p>				

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
				<p>section 106 agreement and provide clarity when various notices or control documents under the Requirements would be required to be submitted for approval to IACC (PW10, WN9, WN23(2), PR6, LC7).</p> <p>A subsequent amendment has also been made to Requirement PW9 and the definition of "Unit" in Schedule 3 is also required to accommodate these definitions (see No.26 below).</p>
21.	<b>Schedule 3, paragraph 1(3)(a)</b>	-	<p>Amendment to Schedule 3 paragraph 1(3)(a):</p> <p><b>Interpretation</b></p> <p>(3) Where any Requirement—</p> <p>(a) refers to a scheme, drawing, document or plan, that scheme, document or plan will be taken to be the version certified by the Secretary of State under article <del>76</del>76 (Certification of plans, etc.) of this Order or to any subsequent version of that scheme, drawing, document or plan approved by the discharging authority under a Requirement; [...]</p>	<p>This is a cross-referencing error. Article has been amended to remove the duplicate 76 so it just refers to article 76.</p>
22.	<b>Schedule 3, paragraph 1(8) Interpretation</b>	<p><a href="#">Supplementary Agenda</a>; Draft Questions 69; 70; 77; 81; 84; 89; and 91:</p> <p>A number of questions raise queries whether the levels are ground level or AoD. At the DCO ISH (24 October 2018) Horizon stated it would add an interpretation clause in Schedule 3 to clarify that all heights would be from above finished ground level, unless otherwise stated.</p>	<p>New interpretation clause proposed to be inserted in Schedule 3 paragraph 1(8):</p> <p>"Unless otherwise stated, all maximum and minimum heights are to be measured from above finished ground level."</p>	<p>A new interpretation clause has been added as paragraph 1(8) of Schedule 3 to clarify how heights are to be measured in accordance with above finished ground level, unless otherwise indicated.</p> <p>Numbering also been updated within Schedule 3 paragraph 1 to accommodate this insertion; however, this is not shown in this table but is shown in track change in the draft DCO (Revision 2.0).</p> <p>This clarification has resulted in consequential amendments to the parameter tables in OH6 (set out below at No.40).</p>
23.	<b>Schedule 3 – Power Station Works</b>	<p><a href="#">Supplementary Agenda</a>; Draft Questions 106:</p> <p>Why are Work 1I (Simulator and Training Building) and Work 1K (Vehicle Inspection Bay) not included in the list of works covered by the Power Station Works Requirement (4) despite being</p>	<p>Amendment to section title for WN1 to WN16:</p> <p><b>Power Station Works – Work No.1A-D, 1L-O, 2 and 4 (Wylfa Newydd Development Area)</b></p>	<p>Amendment made to the title of this section as the definition of "Power Station Works" in Schedule 3 paragraph 1(1) includes Work No.s 1I and 1K.</p>

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		referenced in WN4A of the DDCO [APP-029]		
24.	<b>Schedule 3 – Management Scheme Approval Requirements:</b> <b>WN11(1), (4);</b> <b>WN12(1), (3);</b> <b>WN13(1), (3);</b> <b>WN14(1), (3);</b>	Following submission, the Applicant had identified this amendment was required; however, at the DCO ISH IACC also raised concerns that the Requirements, as currently drafted, seemed to suggest that IACC (as discharging authority) had to approve documentation that was submitted to it.	Amendments to sub-paragraph (1) of specific Requirements: "will be submitted <del>and approved by</del> <u>to IACC for approval</u> "  Amendments to sub-paragraphs (3) or (4) of specific Requirements: "...must be carried out in accordance with the relevant management scheme <del>submitted and approved</del> <u>under</u> sub-paragraph (1), unless otherwise approved by IACC."	A number of Requirements require documents to be submitted to IACC for its approval. Currently the wording seems to denote that IACC must approve the document.  Relevant Requirements have been amended in No.s 24 and 25 (as applicable) to be clear that IACC has the discretion to approve or refuse the request.  This aligns with the correct language used elsewhere in the requirements, for example Requirement PW10.
25.	<b>Schedule 3 – Design Approval Requirements</b> <b>PW11(1)(3);</b> <b>SPC8(1); PC9(1);</b> <b>SPC10(1);</b> <b>WN3(1);</b> <b>WN6(1);</b> <b>WN18(1);</b> <b>WN19(1);</b> <b>WN21(1);</b> <b>WN23(1);</b> <b>WN25(1);</b> <b>OPSF2(1);</b> <b>PR3(1);</b> <b>LC3(1);</b> <b>OH3(1); OH4(1);</b> <b>OH5(1); OH8(1);</b> <b>OH9(1);</b> <b>OH10(1);</b> <b>ECS2(1);</b> <b>ECS3(1); and</b> <b>EC4(1).</b>	Following submission, the Applicant had identified this amendment was required; however, at the DCO ISH IACC also raised concerns that the Requirements, as currently drafted, seemed to suggest that IACC (as discharging authority) had to approve documentation that was submitted to it.	Amendments to sub-paragraph (1) of specific Requirements: "[have/has] been submitted to <del>and approved by</del> <u>IACC for approval</u> "	A number of Requirements require documents to be submitted to IACC for its approval. Currently the wording seems to denote that IACC must approve the document.  Relevant Requirements have been amended in No.s 24 and 25 (as applicable) to be clear that IACC has the discretion to approve or refuse the request.  This aligns with the correct language used elsewhere in the requirements, for example Requirement PW10.
26.	<b>Schedule 3 – PW9</b>	Consequential change following new definitions proposed at No.20 above in response to <a href="#">Supplementary Agenda</a> ; Draft Question 71.	Amendment to PW9: <b>PW9 Date of final commissioning and cessation</b>  (1) The undertaker must notify IACC of the <u>Unit 1 Commissioning Date and Unit 2 Commissioning Date and operational period of each Unit</u> <del>date of final commissioning of each of Units 1 and 2</del> as soon as reasonably practicable and, in any event, within one month after the occurrence of those dates.[...]	Amendment made to Requirement PW9(1) to provide that notice of the commissioning dates for each unit must be provided to IACC as soon as reasonably practicable or in any event, one month after the occurrence of commissioning.

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment																	
27.	<b>Schedule 3 – PW11</b>	-	Amendment to PW11(3): <b>PW11 Community Safety Management Strategy</b> [...] (3) Except for SPC Works, construction of the authorised development must be undertaken in accordance with the written scheme approved under sub-paragraph (1), unless otherwise approved by IACC."	Amendment made to confirm that approval must be provided by IACC in respect of any changes to the Community Safety Management Strategy approved under Requirement PW11(1).																	
28.	<b>Schedule 3 – WN7</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 70 WN7 – why is H (m above finished ground level) used here rather than AOD?	Amendment to WN7: <b>Table WN7</b> <table border="1"> <thead> <tr> <th rowspan="2">Structure Name</th> <th colspan="2">Maximum Parameter</th> <th colspan="3">Minimum Parameter</th> </tr> <tr> <th>H (m above finished ground level)</th> <th>W (m)</th> <th>L (m)</th> <th>W (m)</th> <th>H (m)</th> </tr> </thead> <tbody> <tr> <td>Conductor containment and support structures</td> <td>15</td> <td>7.5</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Structure Name	Maximum Parameter		Minimum Parameter			H (m above finished ground level)	W (m)	L (m)	W (m)	H (m)	Conductor containment and support structures	15	7.5	-	-	-	Removal of reference in Table WN7 to "above finished ground level" as this has now been clarified in an interpretation clause in Schedule 3, paragraph 1(8) as noted above at No.22.
Structure Name	Maximum Parameter		Minimum Parameter																		
	H (m above finished ground level)	W (m)	L (m)	W (m)	H (m)																
Conductor containment and support structures	15	7.5	-	-	-																
29.	<b>Schedule 3 – WN9(2)</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 71 WN9 (2) Should this be reworded to include <i>but not limited to</i> details of? Should the list be expanded to include hard landscaping details; lighting; street furniture and signage; boundary treatment etc?	Amendment to WN9(2): <b>WN9 Final Landscape and Habitat Scheme</b> [...] (2) The final landscape and habitat scheme submitted under sub-paragraph (1) must be prepared in accordance with the overarching and operational principles in Chapter 4 of the LHMS, and the Wylfa Newydd Development Area Retention Plans and include details of— (a) the location, number, species, size and planting density of any proposed planting; (b) proposed permanent ground levels; (c) areas of permanent mounding and associated landscape treatments; (d) proposed permanent public access and recreational facilities; (e) proposed watercourse diversions and permanent drainage designs; (f) details of any existing landscapes (wetland, woodland, grassland, trees) to be retained; <del>and</del> (g) details of any habitat created or enhanced; <u>and</u> (h) details of any <u>hard landscaping, means of enclosure, lighting, street furniture and signage</u> ;	Amendment to refer to "include but not limited to" has not included as Article 2(10) already clarifies that reference to "includes" within the draft DCO is to be construed without limitation; however, as noted above at No.6, article 2(10) it has been amended so it is clear this also applies to "include" which is the term used in the Requirements.  Additional matters have been inserted into Requirement WN9(2)(h) as these matters are already identified in the Landscape and Habitat Management Strategy for the Wylfa Newydd Development Area.																	
30.	<b>Schedule 3 – WN13(1)</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 73 WN13 (1) should 'Reptile Receptor Site has been...' be replaced with 'Reptile Receptor Site <i>must be</i> ...'? If not, why not?	Amendment to WN13(1): <b>WN13 Reptile Receptor Site</b> (1) Within 12 months of the authorised development commencing, a management scheme for the long-term management of the Reptile Receptor Site <u>must be</u> <del>has been</del> submitted to <del>and approved by IACC for approval</del> . [...]	Amended Requirement WN13(1) to replace "has been" with "must be" as per Examining Authority's request.																	

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
31.	<b>Schedule 3 – WN14(1)</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 74</p> <p>WN14 (1) should ‘Great Crested Newt Receptor Site has been...’ be replaced with ‘Great Crested Newt Receptor Site <i>must be</i>...’? If not, why not?</p>	<p>Amendment to WN14(1):</p> <p><b>WN14 Great Crested Newt Receptor Site</b></p> <p>(1) Within 12 months of the authorised development commencing, a management scheme for the long-term management of the Great Crested Newt Receptor Site <u>must be</u> <del>has been</del> submitted to <del>and approved by</del> IACC <u>for approval</u>.</p>	<p>Amended Requirement WN14(1) to replace "has been" with "must be" as per Examining Authority's request.</p>
32.	<b>Schedule 3 – WN21(2) Site Campus</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 78</p> <p>WN21(2)</p> <p>(a) should this list be prefaced with “include <i>but not limited to</i>”?</p> <p>(b) Should (e) include a reference to hedges?</p> <p>(c) Should the list be expanded to include means of enclosure; external and street lighting; street furniture and signage?</p> <p>(d) Does IACC have the resource and expertise to undertake this requirement and if not, why not?</p>	<p>Amendment to WN21(2):</p> <p><b>WN21 Landscape Detailed Design</b></p> <p>[...]</p> <p>(2) The details submitted under sub-paragraph (1) must be prepared in accordance with the landscape principles relating to the Site Campus in volume 3 of the DAS and include <u>details of</u>—</p> <p>(a) location, number, species, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) proposed finished ground levels;</p> <p>(d) hard surfacing materials;</p> <p><u>(e) details of any means of enclosure, external and street lighting, signage, and street furniture; and</u></p> <p><u>(e f) details of existing trees and hedges</u> to be retained, with measures for their protection during the construction period; and</p> <p>(f g) implementation timetables for all landscaping works</p>	<p>Reference to "include but not limited to" has not been included as Article 2(10) already clarifies that reference to "includes" within the draft DCO is to be construed without limitation; however, as noted above at No.6, article 2(10) it has been amended so it is clear this also applies to “include” which is the term used in the Requirements.</p> <p>Insertion of "details of" within Requirement WN21(2) for consistency with other Requirements.</p> <p>Additional matters have been inserted at WN21(2)(e) and (f) as these matters are already identified in the Design and Access Statement for the Site Campus.</p>
33.	<b>Schedule 3 – WN23</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 79</p> <p>WN23 - this does not appear to provide a trigger date/activity for the submission of the decommissioning strategy and therefore as currently worded, could the site campus facility be permanently retained?</p> <p>As the site campus is defined as a temporary facility, how should the requirement be amended to include a trigger for the submission of these details?</p>	<p>Amendment to WN23:</p> <p><b>WN23 Site Campus decommissioning strategy</b></p> <p>(1) Decommissioning of the Site Campus must not commence until a decommissioning strategy has been submitted to <del>and approved by</del> IACC <u>for approval</u>.</p> <p>(2) A decommissioning strategy submitted under sub-paragraph (1) must be submitted <u>to IACC for approval</u> no later than <del>six-three</del> months prior to <u>the anticipated Unit 2 Commissioning Date</u> <del>any decommissioning works</del>, unless otherwise agreed with IACC, and must include details of—</p> <p>(a) the timeframes and phasing of decommissioning, removal and restoration works; and</p> <p>(b) works to restore the site to agricultural use.</p> <p>(3) <u>Any decommissioning strategy submitted under sub-paragraph (2) must be in general accordance with the Wylfa Newydd CoCP and the Power Station Main Site sub-CoCP.</u></p> <p>(4) <del>The demolition and removal</del> <u>Decommissioning</u> of the Site Campus and restoration of the site must be undertaken in accordance with the decommissioning strategy approved under sub-paragraph (1), unless otherwise approved by IACC.</p>	<p>Requirement WN23 has been amended to provide a trigger date for the submission of the decommissioning strategy. Subparagraphs (2) and (4) have been amended, and (3) inserted, to align with PR6 and LC7 (see No. 37 and 39 below)</p> <p>This amendment is supported by the insertion of a new definition of "commissioned" (see No.20 above).</p> <p>As noted above at No.s 24 and 25, additional amendments have been made to make it clear that approval of the decommissioning strategy is at the discretion of IACC</p>

Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment																														
<p><b>34. Schedule 3 – WN28</b></p>	<p><a href="#">Supplementary Agenda</a>; Draft Question 81</p> <p>WN26 (a), (b), (c) and (d) - is AOD the correct point of reference or would Above Chart Datum (ACD), Mean High Water (MHW) or Mean Low Water (MLW) be more appropriate?</p> <p>Should definitions be provided for crest and roundhead in Table WN26a?</p>	<p>New definitions added to Schedule 3 (1):</p> <p><u>"Base" means the base of the breakwater measured at the interface with the finished seabed;</u></p> <p><u>"Crest" means the nominal level top of the breakwater;</u></p> <p>Amendments to Table WN26A:</p> <p><b>Table WN26A</b></p> <table border="1" data-bbox="1012 537 2160 972"> <thead> <tr> <th rowspan="2">Breakwater Zone</th> <th rowspan="2">Parameter</th> <th colspan="3">Maximum Parameter (Crest)</th> <th colspan="3">Minimum Parameter (Crest)</th> </tr> <tr> <th>L (Crest) (m)</th> <th>W (Base) (m)</th> <th>Height at roundhead (Crest) (m AOD)</th> <th>L (Crest) (m)</th> <th>W (Base) (m)</th> <th>Height at roundhead (Crest) (m AOD)</th> </tr> </thead> <tbody> <tr> <td>West Breakwater</td> <td>1F-4</td> <td>402</td> <td>130</td> <td>14</td> <td>398</td> <td>-</td> <td>10</td> </tr> <tr> <td>East Breakwater and Shore Protection</td> <td>1F-5</td> <td>240</td> <td>100</td> <td>13</td> <td>150</td> <td>-</td> <td>9</td> </tr> </tbody> </table>	Breakwater Zone	Parameter	Maximum Parameter (Crest)			Minimum Parameter (Crest)			L (Crest) (m)	W (Base) (m)	Height at roundhead (Crest) (m AOD)	L (Crest) (m)	W (Base) (m)	Height at roundhead (Crest) (m AOD)	West Breakwater	1F-4	402	130	14	398	-	10	East Breakwater and Shore Protection	1F-5	240	100	13	150	-	9	<p>New definitions for "Base" and "Crest" added to Schedule 3 paragraph 1(1) and associated amendments to Table WN26A.</p>
Breakwater Zone	Parameter	Maximum Parameter (Crest)			Minimum Parameter (Crest)																												
		L (Crest) (m)	W (Base) (m)	Height at roundhead (Crest) (m AOD)	L (Crest) (m)	W (Base) (m)	Height at roundhead (Crest) (m AOD)																										
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<p><b>35. Schedule 3 - OPSF5</b></p>	<p><a href="#">Supplementary Agenda</a>; Draft Question 85</p> <p>OPSF5 - is entitled operational car and cycle parking but the requirement only refers to parking spaces –does the requirement need to encompass cycle parking?</p> <p>Emergencies does not appear to be defined in order to meet the enforceability test for requirements should it be?</p>	<p>Amendment to OPSF5:</p> <p><b>OPSF5 Operational car and cycle parking</b></p> <p><u>(1) Except in an emergency emergencies, the number of parking spaces to be provided and available during the operation of the Off-Site Power Station Facilities must not exceed 67 spaces, including spaces allocated for disabled operational staff, unless otherwise approved by IACC.</u></p> <p><u>(2) For the purposes of this requirement, an "emergency" means an event where the Off-site Power Station Facilities will be operational due to an emergency event occurring at the Power Station Site, which makes the primary emergency response facilities at the Power Station Site inoperable or in use to support the emergency response on the Power Station Site and/or prevents access to the Power Station Site.</u></p>	<p>Amendment has been made to the title of this Requirement to remove reference to cycle parking as this is not covered by Requirement OPSF5.</p> <p>A definition of "emergency" in relation to the Off-site Power Station Facilities has been inserted to make it clear when maximum parking restrictions may be exceeded. This definition is considered appropriate to deal with the situation where the Off-Site Power Station Facilities must be brought into full operational effect to deal with an incident at the Power Station – either to support the emergency response facilities at the Power Station, or because these emergency facilities are rendered inoperable.</p> <p>This has been inserted within the requirement, rather than the definitions section in Schedule 3 as only applies to the Off-Site Power Station Facilities.</p>																														
<p><b>36. Schedule 3 – PR5</b></p>	<p><a href="#">Supplementary Agenda</a>; Draft Question 90</p>	<p>Amendment to PR5:</p> <p><b>PR5 Operational car and cycle parking</b></p>	<p>Amendment made to title of this Requirement to insert reference to cycle parking as this is included within PR5 and to</p>																														



	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
		PR5 Operational parking –includes cycle parking – should this be retitled operational car and cycle parking?	<p>(1) The number of <u>car</u> parking spaces to be provided and available during the operation of the Park and Ride facility must not exceed 1,900 including spaces allocated for disabled operational staff <u>but excluding spaces for minibuses and motorcycles</u>, unless otherwise approved by IACC.</p> <p>(2) A total of 25 cycle storage spaces will be provided and available during the operation of the Park and Ride facility, unless otherwise approved by IACC.</p>	clarify that the 1,900 parking spaces excludes parking for minibuses and motorcycles.
37.	<b>Schedule 3 – PR6</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 90</p> <p>PR6 - does not appear to provide a trigger date/activity for the submission of the decommissioning strategy and therefore as currently worded the park and ride facility could potentially be permanently retained.</p> <p>As the park and ride is defined as a temporary facility, how should the requirement be amended to include a trigger for the submission of these details?</p>	<p>Amendment to PR6:</p> <p><b>PR6 Park and Ride facility decommissioning strategy</b></p> <p>(1) Decommissioning of the Park and Ride facility must not commence until a decommissioning strategy has been <del>submitted to and</del> approved by IACC.</p> <p>(2) A decommissioning strategy <del>submitted</del> under sub-paragraph (1) must be submitted <u>to IACC for approval no later than sixthree months prior to the anticipated Unit 2 Commissioning Date any decommissioning works</u>, unless otherwise agreed with IACC, and <u>must</u> include details of—</p> <ul style="list-style-type: none"> <li>(a) the timeframes for decommissioning, removal, restoration and maintenance works;</li> <li>(b) restoration and maintenance of structures to remain within watercourse;</li> <li>(c) reinstatement of habitats affected by the Park and Ride facility;</li> <li>(d) proposed works to return the land to agricultural use; and</li> <li>(e) the handover environmental management plan agreed with IACC.</li> </ul> <p>(3) Any decommissioning strategy submitted under sub-paragraph (1) must be in general accordance with the Wylfa Newydd CoCP and the Park and Ride facility sub-CoCP.</p> <p>(4) <del>The demolition and removal</del> <u>Decommissioning</u> of the Park and Ride facility and restoration of the site must be undertaken in accordance with the decommissioning strategy approved under sub-paragraph (1), unless otherwise approved by IACC.</p> <p>(5) <u>A decommissioning strategy will not be required to be submitted under sub-paragraph (2) where IACC has granted, or resolved to grant, a planning permission for the ongoing use of the Park and Ride facility.</u></p>	<p>PR6 has been amended to provide a trigger date for the submission of the decommissioning strategy.</p> <p>This amendment is supported by the insertion of a new definitions relating to commissioning (see No.20 above).</p> <p>As noted above at No.s 24 and25, additional amendments have been made to make it clear that approval of the decommissioning strategy is at the discretion of IACC.</p> <p>Subparagraph (2) and (4) has been amended, and (3) inserted, to align with Requirements WN23 and LC7 (see No. 33 and 39)</p> <p>A new sub-paragraph (5) has been inserted to provide that the decommissioning strategy does not need to be submitted where IACC has granted, or has resolved to grant, planning permission for the ongoing use of the Park and Ride Facility. This is to provide for the situation where IACC or another party may wish to continue to use the Park and Ride for other purposes following construction.</p>
38.	<b>Schedule 3 – LC6</b>	<p>Consequential change due to <a href="#">Supplementary Agenda</a>; Draft Question 92</p> <p>LC6 – can the applicant provide details of what search and screening facilities, waiting and inspection mean? How many vehicles at any one time are likely to be undertaking these activities? Emergencies does not appear to be defined in order to meet the enforceability test for requirements should it be? The parking is stated as a maximum</p>	<p>Amendment to LC6:</p> <p><b>LC6 Operational HGV parking</b></p> <p>(1) Except in <u>an emergencyies</u>, the number of parking spaces for HGVs provided and available during the operation of the Logistics Centre site must not exceed 100 spaces, excluding spaces allocated for search and screening facilities, waiting, and inspections.</p> <p>(2) <u>For the purposes of this requirement, an emergency would be an event that prevents or seriously impacts on HGV movements to or from the Wylfa Newydd Development Area and results in HGVs remaining at the Logistics Centre until deliveries or movements can be resumed.</u></p>	<p>A definition of "emergency" in relation to the Logistics Centre has been inserted to make it clear when maximum parking restrictions may be exceeded. This definition is considered necessary to deal with situations where Horizon cannot make deliveries to the site or HGVs cannot return from the WNDA (either to the Logistics Centre or back to the mainland) due to weather, traffic or infrastructure issues.</p> <p>This has been inserted within the requirement, rather than the definitions</p>

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		rather than a specific number, is this acceptable to IACC, as Local Highway Authority?		section in Schedule 3 as only applies to the Logistics Centre and Requirement LC6.																																														
39.	<b>Schedule 3 – LC7</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 93</p> <p>LC7 as currently worded appears not to provide a trigger date/activity for the submission of the decommissioning strategy and therefore as currently worded the logistics centre could potentially be permanently retained. Given this is meant to be a temporary facility can the applicant reword the requirement to include a trigger for the submission of these details?</p>	<p>Amendment to LC7:</p> <p><b>LC7 Logistics Centre decommissioning strategy</b></p> <p>(1) Decommissioning of the Logistics Centre must not commence until a decommissioning strategy has been submitted to and approved by IACC.</p> <p>(2) A decommissioning strategy submitted under sub-paragraph (1) must be submitted to IACC for approval no later than three months prior to the anticipated Unit 2 Commissioning Date any any decommissioning works, unless otherwise agreed with IACC, and must include details of—</p> <p>(a) the timeframes and hours of decommissioning, removal and restoration works for legacy use;</p> <p>(b) retainment of views between the Ty Mawr Standing Stone and the Trefignath Burial Chamber Scheduled Monuments; and</p> <p>(c) the retention of any buildings or structures, where appropriate; and</p> <p>(d) the retention of any existing landscaping works and features.</p> <p>(3) Any decommissioning strategy submitted under sub-paragraph (4) must be in general accordance with the Wylfa Newydd CoCP and Parc Cybi Logistics Centre sub-CoCP.</p> <p>(4) <del>The demolition and removal</del>Decommissioning of the Logistics Centre and restoration of the site must be undertaken in accordance with the decommissioning strategy approved under sub-paragraph (4), unless otherwise approved by IACC.</p> <p>(5) <u>A decommissioning strategy will not be required to be submitted under sub-paragraph (2) where IACC has granted, or resolved to grant, a planning permission for the ongoing use or redevelopment of the Logistics Centre.</u></p>	<p>LC7 amended to provide a trigger date for the submission of the decommissioning strategy.</p> <p>This amendment is supported by the insertion of a new definitions relating to commissioning (see No.20 above).</p> <p>As noted above at No.s 24 and25, additional amendments have been made to make it clear that approval of the decommissioning strategy is at the discretion of IACC.</p> <p>Subparagraph (2) and (4) has been amended, and (3) inserted, to align with WN23 and PR6 (see No. 33 and 37).</p> <p>A new sub-paragraph (5) has been inserted to provide that the decommissioning strategy does not need to be submitted where IACC has granted, or has resolved to grant, planning permission for the redevelopment of the Logistics Centre. This is to provide for the situation where IACC or another party may wish to continue to redevelop or use the Logistics Centre for other purposes following construction (which may result in some of the facilities being retained).</p>																																														
40.	<b>Schedule 3 – OH6</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 94</p> <p>OH6 - no point from which height is to be measured is given – should this be AOD?</p>	<p>Amendment to Table OH6:</p> <p><b>Table OH6</b></p> <table border="1" data-bbox="1012 1476 2163 1866"> <thead> <tr> <th rowspan="2">Work No.</th> <th rowspan="2">Structure description</th> <th colspan="3">Maximum Parameter</th> <th colspan="3">Minimum Parameter</th> </tr> <tr> <th>L</th> <th>W</th> <th>H</th> <th>L</th> <th>W</th> <th>H</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>(m)</td> <td>(m)</td> <td>(m <u>above finished highway level</u>)</td> <td>(m)</td> <td>(m)</td> <td>(m <u>above finished highway level</u>)</td> </tr> <tr> <td>9A</td> <td>Viaduct</td> <td>135</td> <td>14</td> <td>10</td> <td>100</td> <td>13</td> <td>9</td> </tr> <tr> <td>9A</td> <td>Underpass</td> <td>40</td> <td>6</td> <td>3.5</td> <td>35</td> <td>5</td> <td>3</td> </tr> <tr> <td>9B</td> <td>Overbridge</td> <td>30</td> <td>11</td> <td>8.5</td> <td>20</td> <td>10</td> <td>8</td> </tr> </tbody> </table>	Work No.	Structure description	Maximum Parameter			Minimum Parameter			L	W	H	L	W	H			(m)	(m)	(m <u>above finished highway level</u> )	(m)	(m)	(m <u>above finished highway level</u> )	9A	Viaduct	135	14	10	100	13	9	9A	Underpass	40	6	3.5	35	5	3	9B	Overbridge	30	11	8.5	20	10	8	<p>Table OH6 has been amended to refer to "above finished highway level" in Table OH6.</p> <p>This aligns to the new interpretation point in Schedule 3, paragraph 1(8) that all heights will be measured from above finished ground levels, unless otherwise indicated (See No.22 above).</p>
Work No.	Structure description	Maximum Parameter				Minimum Parameter																																												
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41.	<b>Schedule 3 – OH8(2)</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 95</p> <p>OH8 (2) should lighting be included in this list?</p>	<p>Amendment to OH8(2):</p> <p><b>OH8 Landscape Detailed Design</b></p> <p>[...]</p> <p>(2) The details submitted under sub-paragraph (1) must be prepared in accordance with the landscape principles relating to the A5025 Off-Line Highway Improvements in volume 3 of the DAS and include <u>details of—</u></p> <p>(a) location, number, species, size and planting density of any proposed planting;</p> <p>(b) cultivation, importing of materials and other operations to ensure plant establishment;</p> <p>(c) proposed finished ground levels;</p> <p>(d) hard surfacing materials;</p> <p>(e) details of existing trees to be retained, with measures for their protection during the construction period;</p> <p><u>(f) details of any street lighting and signage;</u></p> <p><u>(fg) implementation timetables for all landscaping works.</u></p>	<p>Reference to "include but not limited to" has not been included as Article 2(10) already clarifies that reference to "includes" within the draft DCO is to be construed without limitation; however, as noted above at No.6, article 2(10) it has been amended so it is clear this also applies to "include" which is the term used in the Requirements.</p> <p>"details of" has been inserted in Requirement OH8 for clarification and consistency with other Requirements.</p> <p>Additional matters inserted OH8(2)(f) as these matters are already identified in the Design and Access Statement for the A5025 Off-line Highway Improvements.</p>																								
42.	<b>Schedule 3 – OH9(1) and OH10(1)</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 96</p> <p>OH9 (1) and OH10 (1) should this read 'prior to completion'?</p> <p>Is this the right trigger for the submission of these details or should the information be submitted at the same time as the details for work No 8? Given that the works relate to a water vole enhancement area would they require clearance from NRW as well as IACC?</p>	<p>Amendments to OH9(1) and OH10(1):</p> <p><b>OH9 Water vole enhancement areas: Valley</b></p> <p>(1) Prior <u>to</u> completion of construction of Work No.8, plans and written details of the design of the Valley Water Vole Enhancement Area will be submitted to <del>and approved</del> <u>by IACC for approval</u>.</p> <p>[...]</p> <p><b>OH10 Water vole enhancement areas: Llanfachraeth</b></p> <p>(1) Prior <u>to</u> completion of construction of Work No.9, plans and written details of the design for the Llanfachraeth Vole Enhancement Area will be submitted to <del>and approved</del> <u>by IACC for approval</u>.</p> <p>[...]</p>	<p>Amendment has been made so it is clear plans are required to be submitted prior to completion of construction.</p> <p>No change is proposed to the trigger for submission as prior to completion is considered appropriate in this case as the works are enhancements, they are not required to provide mitigation/compensation for an effect that would be required pre-commencement. The <a href="#">Landscape and Habitat Management Strategy (Part 2)</a> refers to these as "enhancement" (APP-410).</p> <p>Insertion of missing words "for approval" following identification by Applicant.</p>																								
43.	<b>Schedule 3 – ECS3(1)</b>	<p><a href="#">Supplementary Agenda</a>; Draft Question 98:</p> <p>ECS3 (1) should "will" be replaced with "must" in the last line?</p>	<p>Amendment to ECS3(1):</p> <p><b>ECS3 Landscape and Habitat Management Scheme</b></p> <p>(1) Prior to completion of the each of the Ecological Compensation Sites, management schemes relating to management and maintenance of each Ecological Compensation Site <del>will</del> <u>must</u> be submitted to and approved by IACC.</p> <p>[...]</p>	<p>Amendment made to make it clear that management schemes must, rather than will, be provided to IACC for approval.</p>																								

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment																																	
44.	<b>Schedules 5 and 9</b>	At the DCO ISH (24 October 2018), the Welsh Government queried road references relating to the Park and Ride in Schedules 5 and 9 and stated these should refer to the A5/55, rather than the A5025.	Updates to Schedules 5 and 9 to provide correct road references in respect of the Park and Ride.	Amendment made in response to queries raised by Welsh Government at the DCO ISH and to ensure correct roads are referred to in respect of the Park and Ride facility.																																	
45.	<b>Schedule 12(3)(2)(b)</b>	<a href="#">Supplementary Agenda</a> ; Draft Question 36 Paragraph 3(2)(b) makes reference to "...paragraph 10 of Schedule 13 to the Wylfa Newydd (Nuclear Generating Station) Order...". Does this reference need to be corrected as there appears to be no paragraph 10 in Schedule 13?	Amendment to Schedule 12(3)(2)(b): <b>Compensation enactments</b> 3.— [...] (2) For section 5A(5A) of the 1961 Act, after "if" substitute— [...] (b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 101 of Schedule 132 to the Wylfa Newydd (Nuclear Generating Station) Order 201[X]) to acquire an interest in the land; [...]	Amended to refer to correct cross-reference, which is paragraph 11 of Schedule 12 (as this is the paragraph that inserts the new Schedule 2A). Consequential amendment to align with other references throughout the Order.  Consequential amendment to paragraph 3 to align with other references throughout the Order (see No.1 above for validation).																																	
46.	<b>Schedule 12(6)</b>	(Consequential amendment following <a href="#">Supplementary Agenda</a> ; Draft Question 36)	Amendment to Schedule 12(6): 6. For section 8 of the 1965 Act (other provisions as to divided land) there is substituted the following section— [...] the Wylfa Newydd (Nuclear Generating Station) Order 201[x] ("the Order"), in relation to that person, ceases to authorise the purchase of the right [...]	Consequential amendment to paragraph 6 to align with other references throughout the Order (see No.1 above for validation).																																	
47.	<b>New Schedule [x] – Certification of Documents</b>	Examining Authority and other stakeholders raised concerns at the DCO ISH regarding how article 76 would ensure that final versions within the draft DCO were certified (See No.18 above)	Insertion of new Schedule 18: <b><u>SCHEDULE 18 – CERTIFICATION OF DOCUMENTS</u></b> <table border="1"> <thead> <tr> <th><u>(1) Document Title</u></th> <th><u>(2) Rev</u></th> <th><u>(3) Document Reference</u></th> </tr> </thead> <tbody> <tr> <td><u>Order Limits Plans</u></td> <td><u>1.0</u></td> <td><u>2.1</u></td> </tr> <tr> <td><u>Works Plans</u></td> <td><u>1.0</u></td> <td><u>2.3</u></td> </tr> <tr> <td><u>Land Plans</u></td> <td><u>2.0</u></td> <td><u>2.2</u></td> </tr> <tr> <td><u>Rights of Way Plans</u></td> <td><u>1.0</u></td> <td><u>2.4</u></td> </tr> <tr> <td><u>Wylfa Newydd Development Area- Power Station Site Plans</u></td> <td><u>1.0</u></td> <td><u>2.6.1</u></td> </tr> <tr> <td><u>Wylfa Newydd Development Area- Site Campus Plans</u></td> <td><u>1.0</u></td> <td><u>2.6.2</u></td> </tr> <tr> <td><u>Wylfa Newydd Development Area- Marine Works Plans</u></td> <td><u>1.0</u></td> <td><u>2.6.3</u></td> </tr> <tr> <td><u>Wylfa Newydd Development Area- Site Preparation and Clearance Plans</u></td> <td><u>1.0</u></td> <td><u>2.6.4</u></td> </tr> <tr> <td><u>A5025 Offline Highways Section 1 – Valley Plans</u></td> <td><u>1.0</u></td> <td><u>2.7</u></td> </tr> <tr> <td><u>A5025 Offline Highways Section 3 – Llanfachraeth Plans</u></td> <td><u>1.0</u></td> <td><u>2.8</u></td> </tr> </tbody> </table>	<u>(1) Document Title</u>	<u>(2) Rev</u>	<u>(3) Document Reference</u>	<u>Order Limits Plans</u>	<u>1.0</u>	<u>2.1</u>	<u>Works Plans</u>	<u>1.0</u>	<u>2.3</u>	<u>Land Plans</u>	<u>2.0</u>	<u>2.2</u>	<u>Rights of Way Plans</u>	<u>1.0</u>	<u>2.4</u>	<u>Wylfa Newydd Development Area- Power Station Site Plans</u>	<u>1.0</u>	<u>2.6.1</u>	<u>Wylfa Newydd Development Area- Site Campus Plans</u>	<u>1.0</u>	<u>2.6.2</u>	<u>Wylfa Newydd Development Area- Marine Works Plans</u>	<u>1.0</u>	<u>2.6.3</u>	<u>Wylfa Newydd Development Area- Site Preparation and Clearance Plans</u>	<u>1.0</u>	<u>2.6.4</u>	<u>A5025 Offline Highways Section 1 – Valley Plans</u>	<u>1.0</u>	<u>2.7</u>	<u>A5025 Offline Highways Section 3 – Llanfachraeth Plans</u>	<u>1.0</u>	<u>2.8</u>	In response to concerns raised by the Examining Authority and other stakeholders at the DCO ISH regarding the lack of certainty over the final version of documents and plans to be certified under article 76, a new schedule 18 has been inserted into the draft DCO.  Horizon references have been added to Schedule 18 as this number is on the cover page of all these documents (rather than the Examination Library Reference which is allocated after submission)  Additional detail has been inserted within Schedule 18 to make it clear the volumes and plan packages that will be certified.  See corresponding amendments above to article 76 (at No.15 above).
<u>(1) Document Title</u>	<u>(2) Rev</u>	<u>(3) Document Reference</u>																																			
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		<u>A5025 Offline Highways Section 5 - Llanfaethlu Plans</u> 1.0 2.9	
		<u>A5025 Offline Highways Section 7 - Cefn Coch Plans</u> 1.0 2.10	
		<u>Park and Ride - Dalar Hir Plans</u> 1.0 2.11	
		<u>Logistics Centre - Parc Cybi Plans</u> 1.0 2.12	
		<u>Off-site Power Station Facilities – Llanfaethlu Plans</u> 1.0 2.13	
		<u>Site of Special Scientific Interest Compensation Site - Cors Gwawr Plans</u> 1.0 2.14	
		<u>Site of Special Scientific Interest Compensation Site - Cae Canol-Dydd – Plans</u> 1.0 2.15	
		<u>Site of Special Scientific Interest Compensation Site - Ty Du – Plans</u> 1.0 2.16	
		<u>Book of Reference (Part 1 of 3)</u> 1.0 4.3	
		<u>Book of Reference (Part 2 of 3)</u> 1.0 4.3	
		<u>Book of Reference (Part 3 of 3)</u> 1.0 4.3	
		<u>Design and Access Statement (Volume 1) - Project-wide</u> 1.0 8.2.3	
		<u>Design and Access Statement (Volume 2) – Power Station Site</u> 1.0 8.2.3	
		<u>Design and Access Statement (Volume 3) – Associated Developments and Off-Site Power Station Facilities</u> 1.0 8.2.3	
		<u>Wylfa Newydd CoCP</u> 1.0 8.6	
		<u>Wylfa Newydd CoOP</u> 1.0 8.13	
		<u>Power Station Main Site sub-CoCP</u> 1.0 8.7	
		<u>Marine Works sub-CoCP</u> 1.0 8.8	
		<u>Off-Site Power Station Facilities sub-CoCP</u> 1.0 8.9	
		<u>Parc Cybi Logistics Centre sub-CoCP</u> 1.0 8.11	
		<u>Dalar Hir Park and Ride sub-CoCP</u> 1.0 8.10	
		<u>A5025 Off-line Highway Improvements sub-CoCP</u> 1.0 8.12	
		<u>Environmental Statement (Volume A) – Introduction to the project and approach to the EIA</u> 1.0 6.1.1 – 6.1.10	
		<u>Environmental Statement (Volume B) – Introduction to the environmental assessments</u> 1.0 6.2.1 – 6.2.22	
		<u>Environmental Statement (Volume C) – Project-wide effects</u> 1.0 6.3.1 – 6.3.31	

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<u>Environmental Statement (Volume D) – WNDA Development</u> 1.0 <u>6.4.1 – 6.4.101</u> <u>Environmental Statement (Volume E) – Off-Site Power Station Facilities</u> 1.0 <u>6.5.1 – 6.5.27</u> <u>Environmental Statement (Volume F) – Park and Ride</u> 1.0 <u>6.6.1 – 6.6.38</u> <u>Environmental Statement (Volume G) – A5025 Off-line Highway Improvements</u> 1.0 <u>6.7.1 – 6.7.48</u> <u>Environmental Statement (Volume H) – Logistics Centre</u> 1.0 <u>6.8.1 – 6.8.29</u> <u>Environmental Statement (Volume I) – Cumulative effects</u> 1.0 <u>6.9.1 – 6.9.14</u> <u>Environmental Statement (Volume J) – Environmental commitments and summary of residual effects</u> 1.0 <u>6.10.1 – 6.10.3</u> <u>Landscape and Habitat Management Strategy (Part 1 of 2)</u> 1.0 <u>6.11</u> <u>Landscape and Habitat Management Strategy (Part 2 of 2)</u> 1.0 <u>8.16</u> <u>Workforce Management Strategy</u> 1.0 <u>8.16</u> <u>Phasing Strategy</u> 1.0 <u>8.29</u> <u>Construction Method Statement</u> 1.0 <u>6.4.17</u>	
48.	<b>Schedule 18(3) Fees</b>	<a href="#">IACC Relevant Representation</a> [RR-020] – para [5.20.2(e)] raised concerns that the fees proposed in Schedule 18 are too low and do not reflect the substantial amount of work required by the IACC in the timescales proposed.	<b>Fees</b> 3.—(1) Where an application is made to the discharging authority for agreement or approval in respect of a Requirement, a fee must be paid to that authority as follows— (a) where the application relates to a major detailed requirement, fees must be calculated in accordance with the following table—	<p>The fees set out in Schedule 18 (now Schedule 19) have been amended to align with Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017 which came into force on 17 January 2018.</p> <p>These regulations apply in Wales and have been used in other precedent DCOs to set the fees for discharging requirements.</p> <p>This Schedule has been amended to be renumbered as Schedule 19 due to the new inclusion of the new Schedule 18 (Certified Documents) (see No.47 above).</p>

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p><i>Category Criteria</i></p> <hr/> <p>Category 1 The erection of buildings—</p> <ul style="list-style-type: none"> <li>a) where no floor space is to be created by the development, <del>£234195</del>;</li> <li>b) where the area of gross floor space to be created by the development does not exceed 40 metres, <del>£234195</del>;</li> <li>c) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, <del>£462385</del>;</li> <li>d) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, <del>£462385</del> for each 75 square metres of that area;</li> <li>e) where the area of gross floor space to be created by the development exceeds 3750 square metres, <del>£22,85919,049</del>; and an additional <del>£13815</del> for each 75 square metres.</li> </ul> <p>Total Cap: £100,000</p> <p>Category 2 The carrying out of any operations not coming within Category 1, <del>£234195</del> for each 0.1 hectare of the site area, up to a maximum of <del>£2,0281,690</del></p> <hr/> <ul style="list-style-type: none"> <li>(b) where an application is made for discharge of a major detailed requirement (“current application”) in respect of which an application has been made previously, the fee payable in respect of the current application must be <del>£462385</del>; and</li> <li>(c) where the application relates to a major detailed requirement, <del>£23485</del> for each application.</li> </ul>	
49.	Schedule 18(2)	-	<p><b>Applications made under Requirement</b></p> <p>[...]</p> <p>(2) For the purposes of sub-paragraph (1), the decision period is—</p> <ul style="list-style-type: none"> <li>(a) in the case of a major detailed Requirement— <ul style="list-style-type: none"> <li>(i) where no further information is requested under paragraph 2, <del>56 days</del><del>8 weeks</del> from the day immediately following that on which the application is received by the authority;</li> <li>(ii) where further information is requested under paragraph 2, <del>56 days</del><del>8 weeks</del> from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</li> <li>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (2)(a)(i) or (ii); and</li> </ul> </li> <li>(b) in the case of a minor detailed Requirement— <ul style="list-style-type: none"> <li>(i) where no further information is requested under paragraph 2, <del>35 days</del><del>5 weeks</del> from the day immediately following that on which the application is received by the authority;</li> </ul> </li> </ul>	<p>Timeframes for Major and Minor Detailed Requirements have been updated to refer to consecutive days, rather than weeks, to ensure alignment with other provisions in the draft DCO.</p> <p>This Schedule has been amended to be numbered as Schedule 19 due to the new inclusion of the new Schedule 18 (Certified Documents).</p>

	Provision	Source of Change	Amended, and where relevant, numbering of new provision in revised draft DCO	Reason for amendment
			<p>(ii) where further information is requested under paragraph 2, <del>35 days</del><sup>5 weeks</sup> from the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or</p> <p>(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in subparagraph (2)(b)(i) or (ii).</p>	
50.	<b>Explanatory Note</b>	-	“This Order authorises Horizon Nuclear Power Wylfa Newydd Limited (referred to in this Order as the undertaker) to construct, operate”	Correction of minor typos identified by the Application.
51.	<b>General</b>	-	Replacement of "Off-line" with "Off-Line"	Amendment to ensure consistency with <a href="#">DCO General Glossary</a> (APP-006). Note that change has not been made where titles to plans refer to Off-line.



## Appendix 1 – Additional matters raised at the DCO ISH that are being considered

Issue/Concern Raised	Horizon consideration/response
<b>Concerns raised by the Examining Authority</b>	
<p>In the <a href="#">DCO ISH Supplementary Agenda</a> (Draft Question 43) the Examining Authority queried duplication between article 50 and Schedule 1:</p> <p>Please confirm whether the subsidiary works are identified in Schedule 1 (authorised development) and are therefore subject to requirements and caught by the proviso that such other works “necessary or convenient” must not give rise to any materially new or materially different environmental effects from those assessed as set out in the Environmental Statement. This issue was also raised by North Wales Wildlife Trust at the DCO ISH.</p> <p>This question has been included in the First Written Questions (REF) (Q.4.01.41) published by the Examining Authority on 6 November 2018.</p>	<p>Horizon acknowledged that there may be duplication between the two provisions and is currently considering the extent of such overlap and possible amendments that can be made to the draft DCO. Any amendments will be included as part of an updated DCO at Deadline 2 (4 December 2018).</p>
<p>In the <a href="#">DCO ISH Supplementary Agenda</a> (Draft Question 35) the Examining Authority queried the amendments to section 58 of the Land Compensation Act 1973. This question has been included in the First Written Questions (REF) (Q.4.01.33) published by the Examining Authority on 6 November 2018.</p>	<p>Horizon is considering the Examining Authority’s question and will provide any alternative drafting as part of the updated DCO at Deadline 2 if required in response to the FWQ.</p>
<b>Concerns raised by IACC</b>	
<p>At the DCO ISH (24 October 2018), IACC raised the following concerns with the practical effect of Article 5 of the draft DCO, in particular:</p> <ul style="list-style-type: none"> <li>• the unenforceability of pre-existing breaches under article 5(1)(b);</li> <li>• the deemed approval process proposed under article 5 and Schedule 4; and</li> </ul> <p>the scope of works under the TCPA permission and Work No.12.</p>	<p>Horizon acknowledges IACC’s concerns and is undertaking a comprehensive review of article 5, Schedule 4, and the draft SPC planning conditions (which have been updated since the draft DCO was submitted). Horizon will to the extent necessary propose substantive amendments to article 5 at Deadline 2 (4 December 2018) to address IACC’s and the Examining Authority’s concerns.</p> <p>The SPC planning conditions will also need to be updated within the draft DCO once they are in final form.</p> <p>IACC also raised that they have a number of other minor matters on the draft DCO; however, Horizon is not aware of the specifics and will seek to resolve these with IACC directly.</p>
<b>Concerns raised by Welsh Government (in its letter provided 23 October 2018 (EV-00) para [10])</b>	
<p>At paragraphs 1 and 2 of its letter, the Welsh Government notes its position on enforcement and discharging of marine requirements under the draft DCO and the Marine Licence. It also proposes a new article (article 43) to clarify that nothing in the order will obviate the need for a marine licence or in any way restrict enforcement of such licence.</p>	<p>As noted by Counsel for the Applicant at the DCO ISH (24 October 2018), discussions between Welsh Government, IACC, NRW and Horizon in respect of jurisdiction, enforcement and discharge of the marine requirement is ongoing and Horizon wishes to wait until the parties reach agreement on these issues before amendments are made to the draft DCO to resolve this issue.</p>
<p>Welsh Government raised a number of proposed amendments to respect the devolution arrangements in respect of the Welsh Ministers:</p> <ul style="list-style-type: none"> <li>• request to be the appeal body for the DCO requirements in Schedule 18;</li> <li>• the approval timeframes under Schedule 18; and</li> <li>• authorisation of discharge activities under article 22.</li> </ul>	<p>All three of these issues relate to devolution arrangements in respect of Wales. As noted in Horizon’s response to the “Action Points from the Development Consent Order hearing Wednesday 24 October 2018” published by the Examining Authority on 5 November 2018 (“Action Points”). Horizon wrote to the Welsh Government on 2 November 2018 seeking confirmation of the devolution position in relation to nuclear installations.</p> <p>As discussions are still ongoing, Horizon proposes to provide any required amendments at Deadline 2 (4 December 2018) to enable the parties to continue discussions in the interim.</p>
<p>At paragraph 9 of its letter, the Welsh Government proposes a number of specific requirements that should be inserted in the draft DCO relating to the Site Campus, maximum numbers of workers on site, compliance with key travel plan commitments and maximum HGV numbers.</p>	<p>Horizon is currently considering its position on each of these requests and will revert to Welsh Government with its response in writing shortly.</p>

Issue/Concern Raised	Horizon consideration/response
At paragraph 10 of its letter, the Welsh Government has proposed a number of minor drafting points or queries relating to the Wales Act 2017, parking requirements on-site, protection of views, height parameters and the Construction Method Statement.	Although some of these have been addressed within the updated draft DCO submitted at Deadline 1, Horizon is currently considering its position on the remaining requests and will revert to Welsh Government with its response in writing shortly.
<b>Concerns raised by North Wales Police</b>	
At the DCO ISH (24 October 2018), North Wales Police queried the assessment that has been undertaken on the MOLF and the meaning of "bulk materials" within WN27.	Horizon is currently considering an appropriate definition of "bulk materials" to ensure that the requirement is clear and enforceable.
<b>Supplementary Agenda</b>	
<a href="#">DCO ISH Supplementary Agenda</a> (Draft Question 66) (now Question Q4.0.63 of the FWQ) SPC5 –provide the information that is currently omitted and shown as [*].	As this matter relates to consideration of article 5 of the draft DCO and the associated schedule 4 (as noted above), this requirement will be amended as part of the updated draft DCO submitted at Deadline 2.
Other various questions relating to DCO drafting (for example, querying maintenance arrangements for landscaping)	These matters will be further considered and any updated drafting included within the updated DCO submitted at Deadline 2 in response to First Written Questions.