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Ms Kay Sully
The Planning Inspectorate
National Infrastructure Planning
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By email only

Our Ref: 27102/A3/BL/D1/131118
13th November 2018

Dear Kay,

The Planning Act 2008

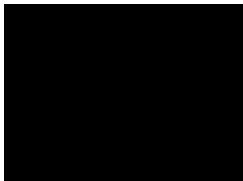
The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Horizon Nuclear Power for an Order Granting Development Consent for the Wylfa Newydd Nuclear Power Station (Ref: EN010007)

Response to Examination Deadline 1

Please find enclosed the written summary of oral submissions made by North Wales Police at the Preliminary Meeting (on 22 October 2018) and the Issue Specific Hearing (on 23 October 2018) on the draft Development Consent Order.

Yours sincerely,



Ben Lewis
Infrastructure & Energy Director



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Written Summary of Oral Submissions – Preliminary Meeting on 22 October 2018**1. Mitigation relating to matters affecting North Wales Police (NWP)**

- 1.1 NWP have fully assessed the impact of the proposed Wylfa Newydd development on the North Wales community and have produced a detailed Impact Assessment Report. This is a robust and quantified report for the duration of the projected nine years of the proposed development. This will be submitted for Deadline 2 of the Examination.

2. Traffic and Transport

- 2.1 NWP expressed their concern that the data utilised in the submitted Transport Assessment has resulted in the impacts of the proposed development on the highway network being potentially underestimated. NWP has instructed an independent transport consultancy, Vectos, to fully review this information to attest to its accuracy. The fact that NWP has decided to take that step demonstrates, in itself, that further consideration surrounding the robustness of the transport assessment is required.
- 2.2 NWP suggested that the Examination process should properly consider whether the assessment is fit for purpose and whether it requires further review followed by the submission of an addendum, if necessary.

3. Marine Offshore Loading Facility (MOLF)

- 3.1 NWP commented that there is very little mention of the assessment and impact of the MOLF in the current application. NWP confirmed that they will be providing representations on this specific point, but they considered that, given the lack of detail, this required careful consideration and assessment by the Examining Authority and that this should form a principle issue in its own right. As with traffic and transport, NWP submitted that further detail may need to be provided by the Applicant by way of an addendum assessment and that the timetabling and attention needed to review this should form an important part of the Examination process and timetable.

4. Cumulative impact

- 4.1 NWP submitted that the cumulative effects between this Application and the North Wales Grid Connection Development Consent Order (DCO) require careful consideration during Examination, given the interrelationship between the two projects and their construction timings.
- 4.2 NWP stated that they consider the cumulative impacts to form a principal issue in their own right and across a range of environmental and issue specific topics including the cumulative impact assessment and DCO drafting.
- 4.3 In that regard, NWP is currently reviewing the North Wales Grid Connection DCO application as submitted with a view to undertaking a careful assessment as to whether the cumulative impacts of both schemes, and that consequent assessment, is robust.

5. Section 106 Obligation

- 5.1 NWP raised concerns over the fact that no specific time has been allocated within the Rule 6 letter for the interrogation and discussion surrounding the section 106 obligations.
- 5.2 NWP informed the Examining Authority that, whilst they appreciate that every Examination is unique, they consider it important to note that Hinkley Point C Nuclear Power Station DCO had three ISH for "DCO and mitigation as secured by requirements/s106" (page 8 of the Rule 8 letter for HPC). NWP note that no dedicated time has been allocated for the hearings in the Rule 8 letter and we would once again submit that proper examination of this document is required. Whilst NWP acknowledge that there is no requirement to produce a section 106 obligation for every DCO, if it

is considered that there is mitigation that must be properly and robustly secured, and if this is being effected through a section 106 obligation, then it must be a proper and legally compliant mechanism in securing such mitigation. If it is deficient, or lacking, then the Examining Authority must interrogate and question whether the DCO as granted is fit for purpose.

- 5.3 NWP requested that specific time is allocated through the various hearings to consider this important element of the consent.

Written Summary of Oral Submissions – Issue Specific Hearing on draft Development Consent Order on 23 October 2018

1. Tail pieces in the Draft Order

- 1.1 NWP expressed concern over the use of tail pieces throughout the draft Order. Tail pieces are not considered an appropriate mechanism for dealing with change management to the Project and it appears they could be used to circumvent the appropriate process for making a material change.
- 1.2 NWP note the submissions made by the Applicant on this point, however, NWP would point out to the Examining Authority that it is very important that those subject to any statutory instrument can understand and interpret it and importantly are aware of the documentation to which control and mitigation are attached. If numerous versions of such plans can be approved without a proper mechanism in place to monitor those documents, this creates an obvious lack of transparency. In addition, whilst NWP understand that flexibility is often needed in the implementation of any DCO, any tail piece must be properly analysed and examined, in order to ensure that it is robust and fit for purpose.

2. Code of Construction Practice (COCP)

- 2.1 NWP do not consider the level of detail in the CoCP to be sufficient. It clearly lacks the necessary detail to act as an effective management plan and is not in a certifiable form.
- 2.2 The draft Order contains numerous references to any potential conflict between a sub-CoCP and the overarching CoCP. NWP requested clarification with regards the nature of this conflict and questioned why one document would need to 'prevail' over another, when clearly the COCP is considered to be the overarching document certified within the DCO.

3. Other Plans contained with the DCO

- 3.1 NWP consider it is vital to ensure they are able to approve, and authorise, certain key plans and documents, such as the Code of Conduct.
- 3.2 In that regard, requirements such as PW8 should be approved by NWP. Other requirements will need to be approved in consultation with NWP. NWP will provide a full list of such plans, and their relationship to NWP, for Deadline 2.

4. Section 106 Obligation

- 4.1 NWP have drafted Heads of Terms relating to the mitigation required for impacts that affect NWP and this will be submitted for Deadline 2. This will form the basis of negotiations for the section 106 obligation. At the moment, no consideration has been given by the Applicant to mitigation required by NWP. NWP is engaging proactively with both the Council and the Applicant in order to effect a solution that is workable and legally robust.