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Case Manager
National Infrastructure Planning
The Planning Inspectorate
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Our Ref: 27102/A3/BL/VR

11th February 2019

Dear Ms Sully

PROPOSED DEVELOPMENT CONSENT ORDER AT WYLFA NEWYDD (REF: EN010007)

We write on behalf of North Wales Police (NWP), North Wales Fire and Rescue Service (NWFRS) and the Welsh Ambulance Service NHS Trust (WAST) in relation to the above application for development consent. During the Issue Specific Hearing regarding the draft Development Consent Order (DCO) held on 9 January 2019, NWP proposed the establishment of an Emergency Services Engagement Group (ESEG) (to be based on terms of reference secured in the s106 agreement being prepared by Horizon Nuclear Power) involving NWP, NWFRS and WAST that can act as a consultation body for the approval of plans and strategies secured through the DCO. Further detail on the proposed ESEG was set out in NWP's Deadline 4 submissions (Ref: REP4-043) (please note that the group was referred to as the Emergency Services Consultation Group in NWP's DL4 submission, but it has been agreed with the Applicant that the group proposed by the emergency services will be referred to as the ESEG).

Subsequent to the Hearing Sessions, the three organisations have all been in dialogue with Horizon Nuclear Power (the Applicant) in relation to the impact of the proposed development on their operational duties and the mitigation required in response. This letter has been prepared by all three parties jointly, who together form the ESEG, to provide an update to the Examining Authority on current progress with negotiations. This letter will describe the emergency services group as the ESEG, for ease of reference.

The ESEG recognises the potential importance of the project to North Wales, and the wider Welsh economy, but also recognises the significant impacts that will arise during the project's construction and operation. The ESEG as a whole still has fundamental concerns over the effects that the project will have and its impact upon public and community safety, not only in proximity to the nuclear power station site but also in the wider North Wales area within the defined Key Socio-economic Study Area (KSA). .



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The impacts of the proposed development on each of the ESEG's respective areas of remit, in maintaining public safety, control, health and community cohesion, have been assessed using the information that the Applicant has provided within its application. The assessments undertaken by the ESEG therefore represent a realistic worst-case scenario. Whilst it is acknowledged, and hoped, that the actual impacts could be less than that assessed in the environmental statement, ultimately this assessment forms the parameters of the development that will be built and, as such, the quantum of mitigation requested by the ESEG as a whole reflects only what the Applicant has provided in the public domain. There are many areas of detail that the Applicant has confirmed cannot be known at this time or articulated at this stage in the consenting process. Without any such detail being available, the mitigation as requested by the parties individually comprising the ESEG is proportionate and absolutely necessary to ensure that concerns are alleviated, and impacts addressed.

Since the second Issue Specific Hearing relating to the Development Consent Order (DCO) in January 2019, meetings have taken place between the Applicant and those parties comprising the ESEG separately. These meetings have involved useful discussions surrounding plans and DCO drafting, however principle and fundamental issues remain unresolved. With respect to the section 106 obligation, there remains a fundamental disagreement between the Applicant and NWP, and the Applicant and NWFRS, as to the overall quantum of funds required to satisfy these parties that the anticipated impacts can be effectively mitigated. To compound this, there also remain areas of disagreement between the ESEG and the Applicant relating to the contents of the section 106 obligation.

The individual members of the ESEG have consistently highlighted the justifiable need to secure certainty over the delivery of necessary mitigation throughout the Examination process. Equally, it is critical that the ESEG has a role in any post-consent changes that may be proposed by the Applicant, or their successor in title. These issues are more pertinent than ever given the current position of the project, with no actual certainty as to timescales for delivery, and ultimately as to who will develop the project. Mitigation is currently being agreed on the basis of an assessment that could be out of date, or at least certainly requiring some form of update, to ensure that it is still robust and fit for purpose. NWP has proposed in its heads of terms a reasonable, and in the current climate relating to project delivery (if anything), even more relevant, review mechanism for the section 106 funds; to ensure that the quantum agreed is still fit for purpose (see Deadline 4 submission ref: REP4-043). A future review mechanism "*cuts both ways*"; it ensures that mitigation is still adequate whilst also allowing for the obvious fact that once more is known about the detailed impacts of the project, it is likely – very likely, according to the Applicant – that impacts will be less than the realistic worst-case scenario assessed. This potential is welcomed by the ESEG but there must be a mechanism of control.

The ESEG also requires the necessary level of control over future plans that are directly relevant to it, in addition to involvement in ongoing change management. Some progress has been made here in negotiating agreeable terms with the Applicant, but, absent any firm commitments, or agreements from the Applicant, particularly coupled with agreeing the quantum of mitigation (with NWP and NWFRS), as yet no specific provisions have been properly documented and agreed.

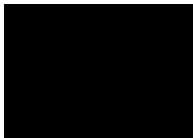
It is also important to point out, at this stage in the process, that fairness for all parties is completely paramount. The ability of the Applicant to negotiate funds adequate for the purpose of mitigating the scheme should not be diminished, or less practical, or possible, simply due to

the financial uncertainty and delivery of the Wylfa Newydd project. Neither should terms be negotiated purely on the basis of trying to make a project more attractive for a potential funder or purchaser. This is not the purpose of the Examination process. The ESEG wishes to ensure as much as possible that parties do not have to go through the entirety of a DCO process all over again in the future; in order to work with the Applicant to try to obtain a solution that is acceptable to all involved.

The ESEG welcomes further discussions with the Applicant in order to seek to progress the areas of the quantum of mitigation, document control and section 106 drafting urgently. At the time of writing this letter no further meetings had been proposed between any of the parties but NWP, NWFRS and WAST all consider that meetings should be scheduled to ensure that all parties have the best possible chance of reaching agreement in the time available.

We trust that this letter provides a useful update to the Examining Authority on the current negotiations between the ESEG and the Applicant. As stated earlier, agreement has yet to be reached on the quantum within, and content of, the section 106 obligation to satisfy NWP and NWFRS that the anticipated impacts of the project on their operational duties can be effectively mitigated. The ESEG also remain concerned that the necessary level of control over future plans that are directly relevant to it, and on-going change management, has yet to be secured – control which is critical if the Applicant is seeking flexibility through the DCO to allow the project to be delivered with an alternative invertor.

Yours sincerely



Ben Lewis
Infrastructure & Energy Director