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Subject: Attention of Kay Sully: Post Hearing Note - oral submission Roger Dobson
Date: 06 March 2019 10:34:59
Attachments: [Roger Dobson Oral Evidence PINS Hearing 5 March 2019 Post Hearing note.docx](#)

Dear Ms Sully,

My oral submission to the panel yesterday is confirmed in the attached note.

Kind regards,

Roger Dobson

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WYLFA NEWYDD EXAMINING AUTHORITY HEARING - OPEN FORUM

5TH MARCH 2019

Oral submission by Roger Dobson on behalf of the North Anglesey Councils Partnership, Llanbadrig Community Council and himself

Page | 1

First, I must declare a personal and prejudicial interest in that my home is adjacent to the Wylfa Newydd Development Area. The Isle of Anglesey County Council Standards Committee have given me special dispensation to speak on Wylfa matters.

I propose to cover four topics: Consultation, Workers Hours, Noise and Vibration mitigation and Temporary Worker Accommodation.

Consultation

There was some criticism about consultation yesterday. Horizon will rightly point out the considerable resources they have devoted to communication and consultation with communities' stakeholders. The day after the devastating suspension announcement I attended a Horizon drop in session at Cemaes Village Hall and another on the 18th March. I was struck by the remarkable commitment and professionalism of Horizon's people in the face of adversity. Overall, I would score Horizon 9 out of ten for effort. Unfortunately, the score on meaningful consultation is more like 5 out of ten. On many issues it has been very slow in providing information essential for us to engage effectively in the DCO process. But that is in the past. We now have a good understanding of the picture and there is still time to work through to a successful conclusion.

Workers Hours

In October I expressed concern that the applicant proposed to operate a regime of shift working that could result in excessive hours and be unsafe. There could be a risk of accidents at work and travel to and from work. Accidents that could result in serious injuries or fatalities. My judgment on this is borne out of experience of organisations where excessive hours were the norm and my direct involvement in reducing working hours and delivering improved health and safety as well as organisational performance,

Since October I have carried out further research on long hours working. I referenced this in my post January Hearing note.

There is extensive evidence that the consequences of working excessive hours are:

- poor productivity and quality
- a high incidence of accidents at work and when commuting
- poor health and high absenteeism
- social issues such as family break down
- a high incidence of chronic disease
- drug abuse and
- alcohol abuse

The key messages I have inferred from Horizon's response REP2 006 EN010007 - 002501 are:

- Horizon takes its duty of care to its workforce very seriously.
- Shift patterns will be compliant to The Working Time Regulations (1998)
- Horizon interprets WTR as average of 48 hours per week over a control period of 52 weeks
- Horizon will monitor individuals who may wish to exercise their right to 'opt out' of WTR
- Horizon will ensure that everyone takes the required number of holidays annually
- The Project Management Contractor organisation has experience of the UK Rail and construction industries and will introduce management arrangements that meet with HSE guidance on managing shift working.
- Shift patterns will be subjected to the HSE Fatigue calculator to determine the fatigue and error risk of workers and ensure that, at the end of their last shift, it is within acceptable limits for safety critical work on a construction site and that they are fit for their commute home.
- Horizon helpfully refers to the report "The development of a fatigue / risk index for shift workers".

Horizon's position is encouraging. However, I continue to worry about what they propose. Whilst my principal concern has been excessive working hours, I have looked at the HSE report on fatigue. The Health and Safety Laboratory cite fatigue as the root cause of many significant accidents including the Clapham Junction rail disaster, Chernobyl, the Texas City oil refinery explosion, the Exxon Valdez oil spill and the loss of the *Challenger* space shuttle. I shall return to the Clapham Junction disaster later.

The HSE report draws on extensive research into shift working. They report many factors contribute to fatigue: the length of shift, the length and

frequency of breaks, the nature of work, the length of wakefulness and the quality and length of sleep. Nightshift carries more risk. Risk increases exponentially with the length of shift. There is a cumulative effect of the number of consecutive shifts.

Horizon's plan is for shifts of 10 or 10.5 hours shifts in a sequence of 11 consecutive shifts working followed by 3 days rest . This combination will raise the Fatigue and Risk indices. If Horizon hasn't already conducted a desk exercise to assess the fatigue index of planned shifts it should do so and share those results.

Turning to workers hours specifically, Horizon management has informed me that for 10 hour shifts they plan a one-hour meal break and two ten-minute breaks. I calculate that for a 10-hour shift this equates to 8.67 hours working time per shift or an average 47.7 hours per week. This is very close to but under the 48-hour WTR limit. I have not received data from Horizon on breaks for 10.5-hour shifts, but breaks would have to be more than one hour 46 minutes per day to average less than 48 hours per week.

The Clapham Junction accident of 12th December 1988 resulted in 35 fatalities and almost 500 injuries. The enquiry into the accident was conducted by Anthony Hidden QC whose recommendations had a profound effect upon safety in the railway industry – I believe that the 'Hidden Rules' adopted by the Railway Industry resulted in the Fatigue index we see today.

Chapter 17 of the Hidden report was titled: Where things went wrong - The Lessons to be learned

The vital importance of this concept of absolute safety was acknowledged time and again in the evidence which the Court heard. This was perfectly understandable because it is so self-evident.

The evidence showed the sincerity of the concern for safety. Sadly, however, it also showed the reality of the failure to carry that concern through into action. It has to be said that a concern for safety which is sincerely held and repeatedly expressed but, nevertheless, is not carried through into action, is as much protection from danger as no concern at all.

Now I know that Horizon management's concern for safety at least matches or surpasses that of British Rail in 1988. I believe we saw an example of this commitment to safety in action during the accompanied site inspection. But

there will be a challenge to manage safely, large numbers through a complex organisation structure working at times 24 hours a day. How might Horizon Management be helped to carry their concern for safety into action?

The shift cycle of 11 days on 3 days off is more demanding than an ordinary five-day week. However, given that thousands of workers will live away from home and want to return to their families regularly the 11 & 3 pattern seems sensible. However, this arrangement of long shifts means that workers will be at the upper end of what is reasonable and safe. I completely agree that Horizon's contractors should apply fatigue and risk processes.

I do not agree with Horizon's position on the Working Time Regulations in two regards:

The control period and the 'opt out'.

The control period for averaging hours in most organisations is 17 weeks. I cannot understand why this should not apply at Wylfa. The importance of the 17-week threshold is that unplanned extraordinary hours cannot be prolonged before compensatory time off is scheduled.

Horizon refers to the 'opt out' from the 48 hours limit as an *individual's right*. This is not correct. The European Council Directive 93/104/EC (1993) and the UK Working Time Regulations (1998) provide the right for the worker NOT to work more than an average 48 hours. In the UK regulations there is provision in regulation 5.— (1) That regulation 4 which covers the 48 hours average shall not apply in relation to a worker who has agreed with his employer in writing that it should not apply in his case.

I can only recall workers and trade unions campaigning for shorter hours - not longer hours. In all my experience of being responsible for recruiting and employing thousands of workers I can never remember a single employee ever requesting the right to 'opt out.'. I do not believe The UK Government who negotiated the 'opt out' envisaged an obligation upon employers to provide work beyond 48 hours. It is management that control working hours not workers. Horizon's stated commitment to safety should logically translate into workers not being asked, invited or encouraged to sign up to the 'opt out'.

I would like to see a restriction placed upon the applicant not to enter into 'opt out' agreements. If this cannot be recommended by the panel to the Secretary of State, then Horizon should be required to apply a procedure for authorising

extraordinary hours that flows down through all its contractors. A useful model could be the procedure I understand is in force at Sellafield where abnormal hours require consideration of alternates, fatigue risk assessment, proposal by the line manager and approval by a Duly Authorised person.

Noise Mitigation

In my post hearing note I made the point that there is a perception that people impacted by the development are being treated less favourably than other members of the animal kingdom. This is a serious point. Yesterday we heard about choughs, terns, reptiles and that bats might be adversely affected by recreational lighting this compares with one modest plea from IACC about people. In looking at the **Local Noise Mitigation Strategy (LNMS)** perhaps we can redress the balance.

I am going to comment on documents REP 03 – 50 & 51 PINS Reference Numbers: EN010007-002715 & 002716

It has taken over 4 years for Horizon to make good its promise to detail mitigation measures. and 6 months after application document 6.10.2 EN010007 – 001709 caused consternation with its reference to severe adverse effects, anxiety and structural damage. My score on consultation on noise mitigation is one out of ten.

My remarks will be directed at the impact on Tregele and Cemaes although they may well apply equally to properties along the A5025.

The good news is that Horizon has reduced the decibel level for mitigation. The LNMS construction area is substantially increased and now includes part of Cemaes Village. In October I estimated that about 70 properties would be affected. This may now be of the order of 200 or more. Sensibly the properties located within the LNMS boundary will be included automatically for the mitigation provisions

Horizon will carry out surveys of properties and then install as appropriate double or secondary glazing, upgraded doors and acoustic fencing. All this is good.

However, we are unhappy with the process. Horizon states that this mitigation scheme is voluntary. Surely mitigating for impact on people should also be secured and not left to the discretion of the applicant.

Horizon's process will be to write to people informing them that they will be affected and invite them to APPLY for mitigation. This smacks of arrogance. A sensitive empathetic approach would be to first contact the resident, second ask if they would like to take advantage of what is offered, seek agreement for a survey and then seek agreement for what is proposed.

The driver for this should be Horizon and not the resident.

And there is no recognition that mitigation will cause inconvenience.

Some people will have to take time off from work to allow for the survey and then the work. Window ledges will have to be cleared and there will be cleaning after the event. It is conceivable that for larger properties installation might take more than a day.

We believe that property owners should be paid some compensation for the inconvenience of accommodating disruption to their lives which is completely outwith their control. If it is not part of the Panel's powers to rule on this then I wonder whether this should be part of the Section 106 given the concern for nearby residents expressed by IACC yesterday.

Temporary Worker accommodation

When I addressed you in October, I likened the impact of Wylfa A to being like the 'Klondike'. I confess I did not fully understand the full meaning of Klondike. Wikipedia says

" the wealthiest prospectors spent extravagantly, gambling and drinking in the saloons. The Native Hän people, on the other hand, suffered from the gold rush, being moved into a reserve to make way for the stampeders, and many died. Now we know that Cemaes of the sixties was not that bad. But it was bad. Last week I spoke with a lady who lived through those times and witnessed the behaviour of some contractors. I will spare you the detail lest I spoil your appetites for dinner however her account described exceptionally bad anti-social behaviour. I believe it is important that the Section 106 agreement has adequate provision for deterrence and if necessary, intervention.

We accept the rationale of Horizon's case that concentrating on one site is cost effective, eliminates travel time (which is important to the fatigue issue) is environmentally better and would facilitate management control. However, there is concern amongst some that such a large concentration of workers would have a negative impact on local communities. To an extent fears about impact have been alleviated by the 12th February 2019 Radio 4 programme "the largest hotel in Europe" which reported on the experience of Hinckley C's temporary worker's accommodation at Bridgwater. It is the case that the Hinckley C provision is very much smaller than that envisaged by Horizon and that Hinckley has two sites of which the larger is off site. Hinckley contracts the management of temporary accommodation to a hotel experienced organisation. This model could be relevant for Wylfa Newydd.

The contradictory views of the professionals expressed yesterday over construction and transformer noise were informative and hopefully can be resolved. We simply point out that the HSE research highlights the importance of workers enjoying 8 hours of quality sleep.

If a restriction is placed on the number of workers that can be accommodated on site, then we hope that on reflection Mr Humphries assertion that this could jeopardise the project may not be an accurate prediction. It is the case that locating workers away from site will be costlier on several parameters. However, we believe that the 200-acre Rhosgoch brownfield site would be a suitable alternative and the next least costly option

The Rhosgoch oil depot was closed 20 years ago and has not found a purpose since. It was acquired by The Conygar Investment Group in 2015. We understand that Conygar would co-operate with Horizon if Horizon had a requirement. In summary:

- Rhosgoch is 6 miles and 12 minutes travel time from Wylfa this compares with 13 miles and 24 minutes for the Holyhead option. I personally drove along this route last week and attempted to simulate the speed of a bus based on my previous experience as a bus driver.
- Buses travelling to Wylfa from the east would avoid congestion and conflict with increased traffic volumes on the A5025 between Valley and Wylfa

- If Isle of Anglesey County Council's plan to improve the A5025 East of Cemaes are enabled by section 106 funds, then current concerns about road safety would not apply.
- Impact upon communities, local services and facilities would be diluted over a larger area. Amlwch 3 kms away has a good choice of shops, restaurants and pubs. There is also a leisure centre with a swimming pool which might ease the critical path for campus facilities referred to yesterday by Mr Tasker.
- Accommodation could be occupied earlier as there would be no constraint because of blasting on site.

Unlike the Wylfa site campus the requirement to remove accommodation would not apply. Therefore, there would be potential for a significant legacy.

As reported at the previous hearing the North Anglesey Councils Partnership supports utilising Rhosgoch for temporary worker accommodation.

Workers Hours References

Harvard Business Review April 2015 "Working Long Hours Makes Us Drink More" Sarah Green Carmichael

"The forty-eight hours week: Salford Iron Works, Manchester (Mather & Platt Ltd)". Addressed to employers and workmen in the engineering and machine making trades. William Mather M.P. 1894

"Investigation into the Clapham Junction Railway Accident" Anthony Hidden QC 27 September 1989

"Council Directive 93/104/EC" Official Journal of the European Communities 13.12.93

"The Working Time Regulations" Statutory Instrument 1998 No. 1833 Legislation.gov.uk