



Ms. Kay Sully,  
The Planning Inspectorate,  
National Infrastructure Planning,  
Temple Quay House,  
2, The Square,  
Bristol,  
BS1 6NP

**DYLAN J. WILLIAMS** BA (Hons), MSc, MA, M.R.T.P.I  
Pennaeth Rheoleiddio a Datblygu Economaidd  
Head of Service Regulation and Economic Development

CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Canolfan Fusnes Môn • Anglesey Business Centre  
Parc Busnes Bryn Cefni • Bryn Cefni Business Park  
LLANGFNI  
Ynys Môn • Isle of Anglesey  
LL77 7XA

ffôn / tel: (01248) 752431/2435  
ffacs / fax: (01248) 752192

Gofynnwch am / Please ask for: Dylan Williams  
E-bost / Email: DylanJWilliams@anglesey.gov.uk  
Ein Cyf / Our Ref: YM / EN010007  
Eich Cyf / Your Ref: EN010007

Dyddiad / Date: 14.03.2019

Dear Ms. Sully,

**Wylfa Newydd DCO Examination EN010007 - Deadline 7 Submission.**

Please find attached the Isle of Anglesey County Council's (IACC) submissions in respect of the above.

By way of general update, IACC confirms that during the week of the Issue Specific Hearings last week (week 4<sup>th</sup> – 8<sup>th</sup> March 2019) and this week leading to Deadline 7 there has been very productive engagement between Horizon Nuclear Power (HNP) and IACC.

The IACC notes the close relationship between the comments it has made on requirements and the matters which the Applicant proposes to control through the CoCP and sub-CoCPs ('the CoCPs'). The IACC agrees that it is appropriate to control many of the matters of concern through CoCPs provided that these are detailed, specific and an enforceable means of controlling the development.

To this end, the IACC had a very productive meeting with HNP on the 8<sup>th</sup> March 2019 where there was discussion regarding the outstanding issues of concern relating to lack of detail in the CoCPs. IACC understand that HNP are currently preparing alternative wording/new sections to be included in the CoCPs, which are to be submitted by HNP at D8. Between the submission of D7 comments and D8, the IACC expects to receive from HNP details of the changes proposed to the CoCPs so that it can review and update its position prior to D8.

While the IACC has no reason to expect that the drafting of the CoCPs will not be agreed, should the outstanding matters of concern, as discussed with Horizon in the meeting on the 8<sup>th</sup> March 2019 not be included in the CoCPs as submitted at Deadline 8, the IACC will be proposing alternative drafting to secure the outstanding matters at D8.

The Council has also exchanged draft DCO requirement wording with HNP this week and we are also encouraged by this progress.

The IACC confirms that it has progressed with the revision of the requirements on the basis that the principles of revision to the CoCPs agreed with HNP will be appropriately included within the CoCPs and that a revised Phasing Strategy and a draft Car Parking Phasing Strategy will be provided for discussion imminently.

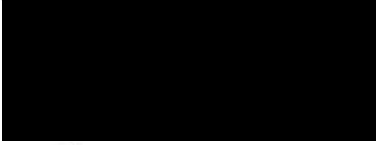
With regards to the discussions relating to the draft Section 106 agreement, IACC confirms that discussions have progressed well following the ISH last week and that schedules have been further developed. IACC and HNP has also engaged with other stakeholders to understand if progress can be made in alleviating concerns / difference in opinion relating to particular schedules. In this respect, a Post Hearing Note on Housing and Construction Workers Accommodation is included at Appendix 1.

Written submission of oral cases and all other post hearing Action Points are dealt with at Appendix 2.

IACC will provide a further update of progress at Deadline 8 and in the meantime will continue to engage positively with HNP and other stakeholders.

Welsh versions will be submitted as soon as translations are available.

Yours sincerely,



**Dylan J. Williams**  
**Head of Service**  
**Regulation and Economic Development**

## **APPENDIX 1**

# Post Hearing Note on Housing and Construction Workers Accommodation

## **Post Hearing Note - Housing and Construction Workers Accommodation**

### **1.0 Introduction**

- 1.1 This Post Hearing Note has been prepared to explain in more detail the Isle of Anglesey County Council's (IACC) position in relation to Housing and Construction Workers Accommodation following the Issue Specific Hearings (ISH) on the 4<sup>th</sup> March 2019 (Wylfa Newydd Development Area WNDA) and 6<sup>th</sup> March 2019 (DCO Hearing). Given the interdependencies between the Temporary Workers Accommodation (in terms of phasing, delivery, quality of accommodation etc.) and the impacts on existing private sector accommodation, this Note will cover both of these critical issues instead of having a separate note on each.
- 1.2 Therefore, this Post Hearing Note will update the Examining Authority on:
- i. Progress made since the January Issue Specific Hearings;
  - ii. IACC's latest position on Temporary Workers Accommodation;
  - iii. Progress made on the S.106 'Housing Fund'; and,
  - iv. Response to Welsh Government and Gwynedd Council's concerns.

### **2.0 Progress since January Hearings**

- 2.1 In summary, the IACC's position in the January Issue Specific Hearings [as detailed in the LIR REP2-068 and REP2-078] was that the Horizon's strategy was fundamentally flawed as it relied on first absorbing vacancies from private rental and tourism sector before the first phase of TWA came on steam (in Y4 Q4). The IACC's view was that the proposed Housing Fund was inadequate at that point to mitigate these early year impacts and the delivery of the site campus needed to be brought forward to reduce the number of workers in existing accommodation. This position was consistent with Welsh Government and Gwynedd Council as outlined in the joint submission [REP4-034].
- 2.2 Since the January Hearings, significant progress has been made with Horizon in relation to both the s.106 Agreement and the proposed phasing for the Site Campus. These discussions have resulted in an increased 'Housing Fund' and a change to the proposed Phasing Strategy for the Site Campus. Although Horizon are not proposing to bring forward the delivery of the Site Campus (from Y4 Q4) they are proposing to increase the number of workers in phase 1 and phase 2 to 1,500 (for each phase) and 1,000 workers in the final phase. This revised phasing combined with an increased Housing Fund to boost the supply of accommodation, in a more pre-emptive and proactive manner, satisfies the IACC that impacts on the existing housing market can be adequately mitigated.
- 2.3 The IACC fully recognise that there are risks and uncertainties with regards to the delivery of the additional bedspace / units required. The IACC will employ up to three housing Officers (at peak), funded through the s.106, to deliver the additional bedspace required. The delivery of the 'Housing Fund' will be managed through the Workers Accommodation Management Service (WAMS) Oversight Board which is explained further in the s.106 Agreement.
- 2.4 Asked by the Examining Authority why the IACC's position has changed and why we no longer require the Site Campus earlier, the IACC now accepts that a number of

factors militate against an early delivery. Following discussions with Horizon, in addition to the procurement and commercial reasons cited in January, there are construction constraints (e.g. blasting near to site campus, outfall tunnel construction etc.) that prevent earlier delivery of the Site Campus. In addition, there are highways concerns which means that the A5025 off-line works will need to be completed before the Site Campus can become operational.

- 2.5 Whilst the IACC would obviously welcome the earlier delivery of the Site Campus (as expressed at the ISH), the IACC are satisfied that the s.106 'Housing Fund' together with the change to the Phasing Strategy adequately mitigates the impact on existing private sector accommodation.
- 2.6 Although the 'Housing Fund' excludes tourism accommodation, impacts on tourism accommodation will be monitored through the WAMS Oversight Board and remedial action will be taken if necessary to re-distribute workers to other accommodation sectors and/or locations (or vice versa).

### **3.0 IACC's Latest Position on Site Campus**

#### ***3.1 Phasing & Delivery***

- 3.1.1 As outlined in the IACC's LIR [REP2-078] the IACC required the delivery of the Site Campus earlier and for it to be operational for longer. The issue of earlier delivery is explained above, and Horizon have confirmed [at the Issue Specific Hearing] that the Site Campus will be operational for longer (until commissioning of Reactor 2). Horizon are proposing revised wording in the Phasing Strategy to reflect the latest position following confirmation from the Office of Nuclear Regulation (ONR).
- 3.1.2 According to the Phasing Strategy [REP4-014 Figure 2-1] the Commercial Operational Date (COD) for reactor 2 is at the end of Q2 Y9. There will be approximately 5,500 construction workers still working on site at this time therefore the IACC required clarification on how these workers will be accommodated without having adverse impacts on existing accommodation [further detail on this is contained in the IACC's LIR REP2-068 section 5.6].
- 3.1.3 Horizon have confirmed [REP5-002] that the amenity building for the Site Campus will be delivered within the 1st phase of the Site Campus. The IACC welcome this commitment as it enables quicker 'ramp up' of bedspaces in phase 1 and phase 2 as the amenities will be ready and available. It also reduces potential impacts on existing facilities and services, as these facilities will be available to the workers at the Site Campus.

#### ***3.2 Layout***

- 3.2.1 The IACC position on the layout of the Site Campus was outlined in our Written Representation [REP2-218 section 14]. This position concluded that greater flexibility was required in the design and layout of the site campus (parameter limits) to allow for potential changes in storey heights. This could potentially result in the removal of some accommodation blocks (particularly the three accommodation blocks towards Wylfa Head and those closest to the Tre Gof SSSI).

- 3.2.2 This position was re-affirmed by the IACC in response to the Examining Authorities Further Written Questions [REP5-057 Q2.4.33]. At Deadline 6 [REP6-009], Horizon responded to the IACC, explaining that the visual impact assessment that has been undertaken as part of the DCO application is sufficient as it represents the worst-case of what could be built under the parameters. The layout also takes into account design considerations and the contours of the site.
- 3.2.3 Given the topography and the natural constraints of the site (such as the rocky outcrops), the temporary nature of the Site Campus and the desire not to undertake substantial groundworks (to minimise ecological and other impacts) the IACC agree that the parameters represent the worst case. Horizon have confirmed that there is sufficient flexibility to allow for potential changes in height at the detailed design stage. The IACC would request that Horizon discuss the design and layout of the Site Campus with the IACC prior to the submission of the detailed design under DCO Requirement WN19. This will ensure that visual impacts will be mitigated, as far as possible, through appropriate use of colours, textures and materials.

#### **4.0 Update on s.106 Agreement (Schedule 5)**

- 4.1 Since the January ISH, there has been considerable progress on the S.106 Agreement across all schedules. In relation to Housing & Construction workers Accommodation (Schedule 5) there has been considerable recent progress. These can be summarised as:
- i. Considerable increase in the 'Housing Fund' (known as the Worker Accommodation (Capacity Enhancement) Contribution) from £10M to £13.5M.
  - ii. This increase in upfront 'Capacity Enhancement' has resulted in the decrease of 'Contingency Funding' from £5M to £1.5M. However, the IACC's view (as expressed throughout the LIR REP2-068) was that upfront capital was required to increase supply and not to have a large contingency fund to deal with the problems after they have occurred (by which time it would be too late).
  - iii. Agree to target 100% occupancy in the site Campus (with target of 85% average occupancy for monitoring purposes). Contingency funding will be released if average occupancy falls below 85% for 3 consecutive months.
  - iv. Agreement to fund up to 3 Housing Officers at peak to implement Housing Fund, monitor and report to the WAMS Oversight Board.
- 4.2 Despite the progress made between the IACC and Horizon, there remains disagreement between the Welsh Government, Gwynedd Council and the IACC. This disagreement can be summarised in four points:
- i. The percentage split of the Worker Accommodation (Capacity Enhancement) Contribution between Anglesey and the Menai Mainland;
  - ii. The reduction in the Contingency Fund;
  - iii. The deliverability of the Worker Accommodation (Capacity Enhancement) Contribution (in particular new build).
  - iv. The size of the Worker Accommodation (Capacity Enhancement) Contribution Fund being insufficient;

4.3 Following the DCO ISH on the 6<sup>th</sup> March 2019, all parties have been in discussions to try to come up with an agreeable position before Deadline 8. The IACC has compromised significantly and based on the evidence base, believes the latest position as set out below to be an acceptable one. The following section will address each of these above points in turn.

## **5.0 Responding to Welsh Government and Gwynedd Council Concerns**

### **5.1 Percentage Split of Capacity Enhancement Fund**

5.1.1 Removing the 1,100 in tourism accommodation from the non-home based total (of 3,000) means that 1,900 workers will seek accommodation in the PRS, Owner Occupied or Latent accommodation. According to Horizon's Gravity Model, this is spilt as follows:

Anglesey North – 656 (35% of workers)

Anglesey South – 360 (19%)

Anglesey West – 575 (30%)

Menai Mainland – 309 (16%)

5.1.2 However, looking at the supply vs demand of accommodation per sector (table 3-14 APP – 096) in each of these spatial areas, the impacts in Anglesey North are significant, compared to, for example the Menai Mainland.

### **5.2 Supply vs. Demand (PRS, Owner Occupied and Latent)**

Anglesey North - Supply (404) Demand (656) (162% of available supply<sup>1</sup>)

Anglesey South – Supply (936) Demand (360) (38%)

Anglesey West – Supply (741) Demand (575) (78%)

Menai Mainland – Supply (1,259) Demand (309) (25%)

5.2.1 The above figures are also re-iterated in APP-088 table C1-11 and table C1-12 which clearly demonstrates the headroom capacity in each sub area compared to the demand. Horizon concludes (paragraph 1.5.33) that the expected demand for accommodation would be greatest in Anglesey North and Anglesey West.

5.2.2 The figures above clearly demonstrate that the majority of the impacts will be felt in North Anglesey and therefore the spatial distribution of the Capital Enhancement Contribution should be weighted towards North Anglesey and Anglesey West. Horizon's workforce will absorb **all** available capacity in North Anglesey and the remaining demand will result in significant displacement of local people. Horizon will also take 78% of capacity in Anglesey West, compared to 25% in Gwynedd and Conwy.

5.2.3 The draft S.106 Agreement dated 23<sup>rd</sup> January 2019 submitted to the Examination process at Deadline 5 [REP5-007] included a percentage split of 75% of the Capacity

---

<sup>1</sup> For illustrative purposes only. The reality is that Horizon will take up 100% of the supply and the remaining demand will be met through displacing local people as outlined in the IACC's LIR [REP2-068] due to their higher spending power and preference to live closer to site.

Enhancement Contribution to Anglesey and 25% to the Main Mainland. Based on the evidence, the IACC are of the firm view that this percentage split is unacceptable as the majority of the impacts will be felt in North Anglesey and Anglesey West. Horizon have conceded, oversimplification of the proposed percentage split. This was based on demand (i.e. 25% of the workers in PRS would be on the Menai Mainland) and did not take into account supply (and hence impacts).

- 5.2.4 It has been agreed by all parties that mitigation should follow the impacts. The IACC recognise that there will be impacts on the Menai Mainland as outlined in the Gravity Model. According to the Gravity Model, 309 workers will live on the Menai Mainland (226 in PRS and 83 in owner occupation). The remaining 142 workers will live in tourism accommodation (total 451). The Gravity Model also confirms that no worker will live in latent accommodation outside of Anglesey.
- 5.2.5 Based on the evidence as detailed above, the IACC believes that the Worker Accommodation (Capacity Enhancement) Contribution should be split 95% to Anglesey 5% to Menai Mainland. Seeking 25% of the Housing Fund to mitigate against 309 workers (at peak) living on the Menai Mainland where there evidently is sufficient capacity to absorb these workers without adverse impact is clearly unreasonable.
- 5.2.6 As mentioned by Gwynedd Council at the DCO ISH on the 6<sup>th</sup> March, the IACC supplied a short paper to the Welsh Government and Gwynedd Council prior to the Hearing offering to increase this split to 90% Anglesey and 10% Menai Mainland. Based on the evidence, the IACC maintain its position that the percentage split should be 95% / 5% but has accepted a 90% / 10% distribution. The Welsh Government and Gwynedd Council were still not satisfied with the revised offer and a teleconference between all the parties was held on the 12<sup>th</sup> March 2019 to try to come to an agreed position.
- 5.2.7 Discussions are on-going to try and find a compromise and workable solution.

### **5.3 Reduction in Contingency Fund**

- 5.3.1 The IACC's position (as detailed in the LIR REP2-068 5.1.8) is clear. The aim of IACC is to seek a viable solution to housing the incoming construction workforce that enables the local housing market, and the local tourism economy, to continue to function normally throughout the construction period, with as little disruption as is practicable. This can only be achieved through increasing supply of housing. The IACC overarching principle is to keep people in their own homes and minimise displacement through increasing supply of available housing which will be available to the incoming construction workforce and local people.
- 5.3.2 With the demand from Wylfa Newydd (in addition to existing demand) the IACC believe that a proactive, 'interventionist approach' is the only viable solution to mitigating the impact of Wylfa Newydd. This includes a range of pro-active / pre-emptive measures to increase housing supply (e.g. building new housing, incentivising latent accommodation, bringing back empty properties and incentivising stalled sites) as there is not one single solution to mitigating the impact [REP2-068 paragraph 5.13.6).



- 5.3.3 The IACC therefore did not agree that a £10M 'Housing Fund' with £5M Contingency was an acceptable proposition as it went against the IACC fundamental principle of increasing supply to prevent impacts. Having a larger Contingency Fund to deal with impacts after they have occurred is unacceptable. The IACC therefore compromised with Horizon and have subsequently increased the Worker Accommodation (Capacity Enhancement) Contribution to £13.5M, whilst reducing the Contingency Fund to £1.5M.
- 5.3.4 This will ensure that all areas have the upfront capital needed to increase the supply of accommodation (empty homes, latent, etc.) to provide the necessary bedspace without adversely impact local people's ability to access the housing market.
- 5.3.5 Given the uncertainty and risk of the project, the IACC did not want to reduce the Contingency Fund any further as the Fund will be required to deal with any unforeseen impacts. The Welsh Government and Gwynedd Council do not consider the Contingency sufficient to deal with potential impacts, but Horizon and the IACC believe that with the Capacity Enhancement Fund, it is sufficient.

#### **5.4 Deliverability of the Worker Accommodation (Capacity Enhancement) Contribution**

- 5.4.1 The draft S.106 Agreement submitted at Deadline 5 [REP5-007] contained an indicative table of what the £10M Capacity Enhancement Fund could deliver (table 1 7.2.3). The IACC did not consider this to be sufficient as it did not deliver the number of units / bedspaces required to mitigate the impacts. This table assumed that 450 units would be delivered which would create 1,745 bedspaces, but the IACC did not agree with the unit to bedspace ratio (i.e. 2.9 in empty homes and 2.6 in New Build and Marker efficiency).
- 5.4.2 The IACC's LIR indicated that 520 new units were required (2 workers per unit) by Y4 Q4 to meet the increased demand. However, the IACC have agreed a compromise with Horizon of 2.5 workers per unit. This means that to meet the demand of 1,900 workers (less the 500 in latent) 1,400 new bedspace are required (or 560 units). The IACC have proposed an indicative split of how this could be achieved as follows:

255 Empty Homes (@ £20,000 per unit) = £5,100,000

210 New Build (@ £35,000 per unit) = £7,350,000

500 latent (@ £1,000 per unit) = £500,000

110 through 'other schemes' (@ £5,000 per unit)

**Total = £13.5M**

- 5.4.3 The above breakdown would provide 575 units (or over 1,400 bedspaces at 2.5 per unit) plus 500 units from latent bringing the total bedspace to over 1,900. The IACC and Horizon believe this is a suitable breakdown to mitigate the impacts.
- 5.4.4 The Welsh Government and Gwynedd Council did raise concern at the meeting held on the 12<sup>th</sup> March 2019 that the number of new build units was too high which increases risk and uncertainty of delivery. The IACC have recognised this concern and has reduced the number of new builds from 270 to 210. However, it should be

noted that these are indicative numbers only (i.e. what could be achieved with the £13.5M) and the actual breakdown will be included in the Annual Programme of Works as defined in the s.106 agreement. The IACC will use the Site Preparation & Clearance funding (Schedule 14) to identify sites, discuss with landowners / developers etc. which will inform the Annual Programme of Works to be approved by the WAMS Oversight Board.

- 5.4.5 In terms of the cost per unit, the IACC's existing Empty Homes Scheme offers up to £20,000 for first time buyers to bring an empty home back into active use. This therefore is a reasonable and comparable figure. Flexibility will be required for the size of unit and level of intervention required.
- 5.4.6 The Welsh Government and Gwynedd Council also have concern with regards to the unit cost for new build. Whilst recognising it is slightly less than the existing intervention rate (e.g. Gwynedd is between £38k and £44k, for example) the demand from Wylfa and the security of having a tenant will incentivise developers to build. Examples from Somerset show intervention rate for as little as £5,000 per unit so on average, the IACC and Horizon believe this to be acceptable.

### **5.5 *The size of the Worker Accommodation (Capacity Enhancement) Contribution Fund being insufficient***

- 5.5.1 As detailed above, the Welsh Government and Gwynedd Council believe that the size of the Worker Accommodation (Capacity Enhancement) Contribution is insufficient to deliver the number of units / bedspaces required. However as detailed above Horizon and the IACC believe the Fund is sufficient to deliver the number of bedspaces required by the incoming workforce.
- 5.5.2 This will be monitored by the WAMS Oversight Board and if the fund is not delivering bedspaces in one accommodation type as anticipated (e.g. new build) then there is flexibility to deliver more bedspaces through other means (e.g. empty homes).
- 5.2.3 The IACC would however stress its desire for new build, as this will provide a lasting legacy for Anglesey (and in particular North Anglesey) from the Wylfa Newydd project.

### **6.0 Conclusion**

- 6.1 In summary, there has been significant progress made with Horizon since the ISH in January in respect of both the S.106 Agreement and the phasing of the Site Campus. Both these issues combined has resulted in the IACC reaching an agreed position with Horizon (subject to agreeing detail in the S.106 and seeing the revised Phasing Strategy).
- 6.2 The IACC and Horizon will continue to work with the Welsh Government and Gwynedd Council to try to reach an agreed position prior to the Deadline 8 submission on the 25<sup>th</sup> March 2019.

**APPENDIX 2**  
**Written submission of oral cases**  
**and post hearing Action Points**

**Issue Specific Hearing on the Wylfa Newydd Development Area (WNDA).  
Monday 4<sup>th</sup> March, 2019.**

**Written Submission of Oral Case**

**Appearing for IACC**    Patrick Robinson Burges Salmon LLP  
                                 Kay Hawkins    wood  
                                 Ian Gates        wood  
                                 David Kenyon   wood  
                                 Rhys Jones     Rheolwr Effaith, CSYM / Impact Manager, IACC /

The IACC notes that item 7 has been combined with item 5.

**1.     Item 3**

- 1.1     The IACC notes the explanation given in the session that first nuclear concrete cannot be placed until blasting has finished and that this is therefore most likely to begin in what is indicatively timeslice seven. The IACC continues that to consider that further clarity on this definition would be of assistance in particular with regard to the Phasing Strategy.
- 1.2     The IACC noted its concerns regarding Mound B, and in particular the potential effects on the residents of Tregel. The visualisation and parameters given for this mound show a maximum height of 50m AOD and a maximum gradient of 1:1. 50m AOD could be up to 23m above ground height. This bund is 1.2km long and the use of a single AOD means that it has the potential to be very imposing in the vicinity of residential properties.
- 1.3     The IACC is concerned that the outer slopes at a gradient of 1:2 or 1:1 would be very problematic to plant. It would also be difficult for planting to be successful in such locations.
- 1.4     The LHMS implies that Mound B would change several times throughout the construction which would impact on the ability of any planting to establish and to perform the desired screening functions. The Council would like the outer face of Mound B to be completed and planted and then retained throughout construction. This would be preferential to it being re-profiled more frequently than is absolutely necessary. The IACC considers that the final landform of Mound B should be given more variation. This would allow shallower slopes to be created which would enable planting to establish more readily.
- 1.5     Mound B should be re-sculpted to make it less visually intrusive and to create a less steep gradient. The DCO only secures a maximum gradient for mound B of 1:1. The gentler slopes envisaged in the indicative sections of the LHMS are not actually secured. The indicative, more gentle landform set out in the LHMS is not due to be delivered until timeslice seven which is several years into construction.
- 1.6     The IACC also has some concerns regarding how well stock will establish in this location if it is not of local provenance and hardened to the conditions. The IACC considers that local provenance stock should be preferred not only for its ability to establish in the conditions but to represent the local ecological climate and to reduce bio-security risks. The IACC advises that the growing conditions in this part of Anglesey are quite unique as they are highly windy but not particularly wet. Stock grown on the island would have a better chance of success and is also likely to require less replacement of failed trees and plants. The IACC notes that only the principles in the LHMS are secured. Everything else in that strategy is indicative only. The LHMS refers to local, regional and UK provenance for plants (6.7.13, page 122), it is therefore not clear how any local provenance is actually secured.
- 1.7     There is a lack of clarity on the interaction between bunding and the existing road. The IACC would appreciate details being provided on the distance between the toe of the bund of Mound B, the Wales

Costal Path and the road. In some places in the documentation it is indicated there is 75m between the mound and the Wales Costal Path, the IACC does not understand that to be correct.

- 1.8 Mound E is currently shown as extending over the drive at Cestyll gardens, the IACC consider that this should be pulled back to avoid impacting on that drive.

## **2. Dame Sylvia Crowe Woodland**

- 2.1 The IACC's main concern on this feature is that it has been undervalued. The principal concern related to the cumulative effect between this project and the National Grid connection proposals. Those connection proposals have now been withdrawn. The IACC submits however that they should be classed as a reasonably foreseeable future project and assessed cumulatively.
- 2.2 The IACC would like to see an Arborio-cultural conservation management plan put in place for this woodland. It is noted it has not been maintained in the past, it was very closely planted, has a wonderful pattern and needs to be managed to a higher standard or it will be lost. The IACC noted and welcomed the discussion on clarity being provided for fencing for protection of the woodland during construction. The IACC considers this could be appropriately secured through the COCP for the site.

## **3. Soil management and remediation Strategy**

- 3.1 The IACC notes and welcomes the changes made at D5 to the COCPs. The Council agrees there is now much more information provided on both soil management and remediation. However, there is no reference to IACC having sight of the plans on these points and being able to approve them. IACC would wish to be able to review and approve both plans. IACC notes that this would be the standard approach of any other planning application.
- 3.2 On soil management a method statement and plan would enable inspection and would be sufficient. On remediation it is only stated that construction will follow best practices. There requires there to be some method of verification and sign-off of this. The IACC is engaging with HNP regarding the inclusion of principles for this in the COCPs.

## **4. Landscaping visual, Wales Coastal Path and the Copper Trail**

- 4.1 Following the submission of the Wireline Construction Visualisations (REP6-016) and Illustrative Construction Visualisations (REP6-019), IACC has a better understanding of the magnitude and spatial extent of the visual effects of the construction phase on the closest communities, PRoWs and Coastal Path. IACC have been looking for this detail since the pre-application consultation stage to inform its assessment of local impacts.
- 4.2 IACC continues to have concerns regarding the sections of the Wales Coastal Path which are to be permanently diverted around the boundaries of the WNDA and the lack of information which has been provided regarding how this will be managed. The IACC noted that the LHMS at section 4.1 committed to maximising boundary landscaping and putting this in place early however other than planting on Mound B, IACC cannot identify where this planting will be. The IACC is concerned that the WCP could be made unattractive for users if it is not appropriately diverted and planted.
- 4.3 The ES at Chapter D10 notes the importance of using boundary planting in the vicinity of the Copper Trail. This planting does not however appear to have been secured.
- 4.4 The WCP risks being sandwiched between the security fence and the A5025. This needs to be managed to ensure that it remains a useable and attractive route.

## **5. Effects on receptors outside communities**

- 5.1 The IACC remains concerned about the absence of the assessment of visual effects upon residential receptors and properties which are outside the main communities but close to the WNDA. The IACC is keen to ensure that the residents of such properties are able to access funds designed to provide for screening measures. The Council also noted that there had been encouraging progress in the section 106 discussions on this point.

## **6 AONB**

- 6.1 The IACC noted that HNP has acknowledged direct and indirect impacts of the project on the AONB. The Council also noted that there had been encouraging progress in the section 106 discussions on this point.
- 6.2 The Council noted NRW's request for offsite mitigation measures for the effect on the AONB to be included in the section 106.
- 6.3 The Council confirmed that detail of the suggested compensation measures to offset direct and indirect impacts are included in its LIR and is complimentary to the AONB Management Plan.

## **7. Pre-commencement surveys**

- 7.1 IACC confirmed that it considers that the existing surveys supporting the ES date between 2012 and 2015. As the implementation of the project could be delayed, there will be a need to update all aboricultural, field boundary, hedgerow and tree surveys prior to commencement of works and will inform the confirmation of what is to be retained and what is to go back after completion of works.
- 7.2 IACC also confirmed the need for Aerial photographic surveys, a mapped register of field names and a survey of the existing hard landscape elements on the WNDA to be submitted and approved to IACC prior to the commencement of development.

## **8. Offsite historic environment impacts**

- 8.1 The IACC notes that the archaeological remains being found on this site are considered to be of national importance and that the Welsh Government considers some of them may be designatable. GAPS, on behalf of the Council, advised that all on site excavation has been signed off and covered up where required and there is nothing currently exposed. The Council's concern on the archology relates to material which has been removed not currently being in an archiveable state. There are thousands of buckets of soils with remains in them which are not yet in a stable state. These need to be secured and processed before analysis stage.
- 8.2 The IACC noted that it considers there are three areas of significance within the site:
- A large medieval cemetery
  - A Romano British settlement; and
  - A defended enclosure.

As requested the IACC has provided a plan showing the locations of these features.

- 8.3 The IACC confirms post hearing that it has received an Outline Recovery Plan from HNP which is intended to provide further detail of the approach HNP are proposing to secure, manage, process and assess the findings. The Council are currently considering this proposal and will engage further with HNP and WG/Cadw.

## **9. Lighting**

- 9.1 The sub COCP does not cover lighting and this requires to be added.

## **10 Air quality**

- 10.1 The IACC continues to consider that a 7th monitoring station installed on the site campus would be of benefit to ensure the health and wellbeing of residents of the campus.
- 10.2 The IACC understands from post hearing discussions that Horizon has agreed to this in principle and is seeking to amend the wording on the COCP's to reflect that agreement.

## **11. Noise and vibration**

- 11.1 The IACC confirmed that it is happy with the COCP and the monitoring proposed therein. The IACC requested that blasting is restricted to set periods in accordance with best practice, in particular so that nearby residents have an expectation of when blasts are likely to happen.
- 11.2 The IACC understands from post hearing discussions that Horizon has agreed to this in principle and is seeking to amend the wording on the COCP's to reflect that agreement.

## **12. Waste management**

- 12.1 IACC welcomed the commitment in the revised CoCP to prepare a Site Wide Waste Management Plan and site specific Waste Management Plans.
- 12.2 The IACC seeks submission and approval of these Waste Plans. At the present there is no reference to these being submitted to IACC or NRW. The Council and NRW need to understand the implications for waste management facilities on the island and wider area.
- 12.3 The IACC understands from post hearing discussions that Horizon has agreed to revise the CoCP to confirm that it will liaise with local waste management contractors to ensure no undue demands put on local waste management facilities. The CoCP will also confirm that where monitoring identifies issues arising with local capacity, Horizon will revise the relevant SWMP(s) and share the update with IACC.

## **13. MOLF**

- 13.1 The IACC welcomed the commitment to use site won material on the inner face of the Western Breakwater as part of its ecological enhancement works. IACC also requested the use of site won material on the outer face of the Western Breakwater in order to reduce the engineered appearance of the structure. The IACC notes Horizon's explanation that this is only possible on the inner side of the break water and not the outer as site won material would not have the necessary qualities to withstand the marine environment on the outer side.

## **14. Main power station site buildings**

- 14.1 The IACC continues to have concerns regarding the uncertainty between the flexibility of bold or naturalistic colour scheme options for these buildings. The IACC prefers that these colours are developed to blend with the landscape and follow a naturalistic approach. The IACC notes that there have been no visualisations provided of how either of these colour schemes could look. The IACC seeks that visualisations are provided along with any detail submitted for approval at detailed design.
- 14.2 The IACC notes the discussion on design collaboration, design champions and independent design review and would be supportive of any such mechanisms which seek to improve the quality of the overall design. The IACC supports the idea of engagement pre-submission of details for approval when flexibility naturally becomes constrained and would be pleased to be involved in any such design review process.
- 14.3 The IACC would also suggest that the design of the visitor centre when it comes forward should also be included in any independent design or design champion process.

## **15 Heritage, Cestyll Gardens**

- 15.1 The IACC confirmed its support of the position of National Trust and Welsh Government with regards to the incorporation of Felin Gafnan into the Conservation Management Plan for Cestyll Gardens. The IACC agrees it is difficult to separate Cestyll Gardens and Felin Gafnan from the setting of the gardens. The IACC agrees that a CMP should cover all of these and address the clear relationship between these buildings.
- 15.2 A CMP is required to ensure that support is given to the structure of listed assets, at present the proposals may allow damage to happen before monitoring recognises and addresses this. The IACC has concerns with how mitigation is secured. The IACC notes that a CMP is, in principle, secured in the DCO together with some funding however the wording for that is not yet fully agreed.

- 15.3 The laydown and access proposals will directly disturb the kitchen garden, gardener's cottage and elements of the essential setting. This change would be permanent and irreversible.
- 15.4 Other integral features such as the original drive will also be damaged. The drive will be lost as the toe of Mound E covers over it however this is only by a matter of yards and could be rectified by design changes.
- 15.5 The IACC notes the proposals to recreate the kitchen garden; if walls are to be put back there should be a proper aerial survey of these before they are dismantled so that the recreation can be informed by the surveys.
- 15.6 The size and design of the waste water treatment plant should also be progressed with the objectives of minimising the impact on Cestyll.

## **16 Flooding**

- 16.1 IACC submission REP6-061 notes the IACC's position that the standards to be reached on the site should be that there should be no increase in flood risk to any other property. The IACC notes that the phasing plans are currently only for information and requests that these are instead submitted for approval. The IACC wish to be able to approve the drainage strategy but are now satisfied that an approvable strategy could be submitted.

## **17. Bio-diversity**

- 17.1 The IACC notes Horizon's commitment to reviewing how any delay would impact on the currency of surveys and how the baseline would be reassessed in the future. The IACC looks forward to seeing Horizon's proposals on this point across a number of issues including bio-diversity.

## **18. Tre'r Gof**

- 18.1 The IACC note NRW's request for requirement for a detailed scheme of monitoring and mitigation for Tre'r Gof including long-term monitoring.

## **19. Temporary worker site campus**

### **19.1 Layout**

- 19.1.1 The IACC position on the layout of the Site Campus was outlined in our Written Representation [REP2-218 section 14]. This position concluded that greater flexibility was required in the design and layout of the site campus (parameter limits) to allow for potential changes in storey heights. This could potentially result in the removal of some accommodation blocks (particularly the three accommodation blocks towards Wylfa Head and those closest to the Tre Gof SSSI).
- 19.1.2 This position was re-affirmed by the IACC in response to the Examining Authorities Further Written Questions [REP5-057 Q2.4.33]. At Deadline 6 [REP6-009], Horizon responded to the IACC, explaining that the visual impact assessment that has been undertaken as part of the DCO application is sufficient as it represents the worst-case of what could be built under the parameters.
- 19.1.3 Given the topography and the natural constraints of the site (such as the rocky outcrops), the temporary nature of the Site Campus and the desire not to undertake substantial groundworks (to minimise ecological and other impacts) the IACC agree that the parameters represent the worst case. Horizon have confirmed that there is sufficient flexibility to allow for potential changes in height at the detailed design stage. The IACC would request that Horizon discuss the design and layout of the Site Campus with the IACC prior to the submission of the detailed design under DCO Requirement WN19. This will ensure that visual impacts will be mitigated, as far as possible, through appropriate use of colours, textures and materials.



## 19.2 Phasing

- 19.2.1 Having discussed with Horizon and taken on board Horizon's reasonable points that it is not possible to provide appropriate amenity in the TWA until blasting work has finished, the IACC has instead sought to agree an alternative solution to its accommodation concerns. The section 106 housing fund approach has been developed to address this and the parties have been seeking to agree larger first and second phases of the TWA to address the IACC's concerns. The IACC would like to see between 1500 and 2000 bedspaces provided in phase 1 and in Phase 2.
- 19.2.2 The Examining Authority requested an explanation of why the IACC have now accepted that the TWA cannot be brought forward earlier. The IACC notes that if it considered it could be brought forward earlier the IACC would be very supportive of that however Horizon has explained in some detail why this site is not suitable for occupation before Q4 of year 4 in particular due to onsite blasting and construction of outfall tunnel near the Site Campus. There are also other considerations such as the need for the off-line A5025 highway to be in place prior to the construction and operation of the Site Campus. The parties have therefore worked together to secure an alternative approach which prevents unacceptable adverse impacts on the private accommodation market.
- 19.2.3 As requested, IACC is providing a post hearing note on this matter which is provided in Appendix 1.

## 19.3 Access and parking

- 19.3.1 The IACC requires sufficient spaces for all stages to be provided to prevent fly-parking. The IACC continue to consider that the phasing strategy does not provide enough detail for the site campus parking or how it will be phased. The IACC has not seen any plans which show where the parking will be provided at each stage of the development. The Council welcomes the commitment by HNP to develop a Car Parking Phasing Strategy which will include minimum as well as maximum numbers of spaces for each phase. The IACC will comment on the Car Parking Phasing Strategy once made available and will confirm its position at D8.

## 19.4 Lighting

- 19.4.1 The IACC continues to consider that the location of the MUGA next to the bat barns is not optimal. The IACC considers it would be better to relocate this facility so that it can be used with artificial lighting after 9pm.

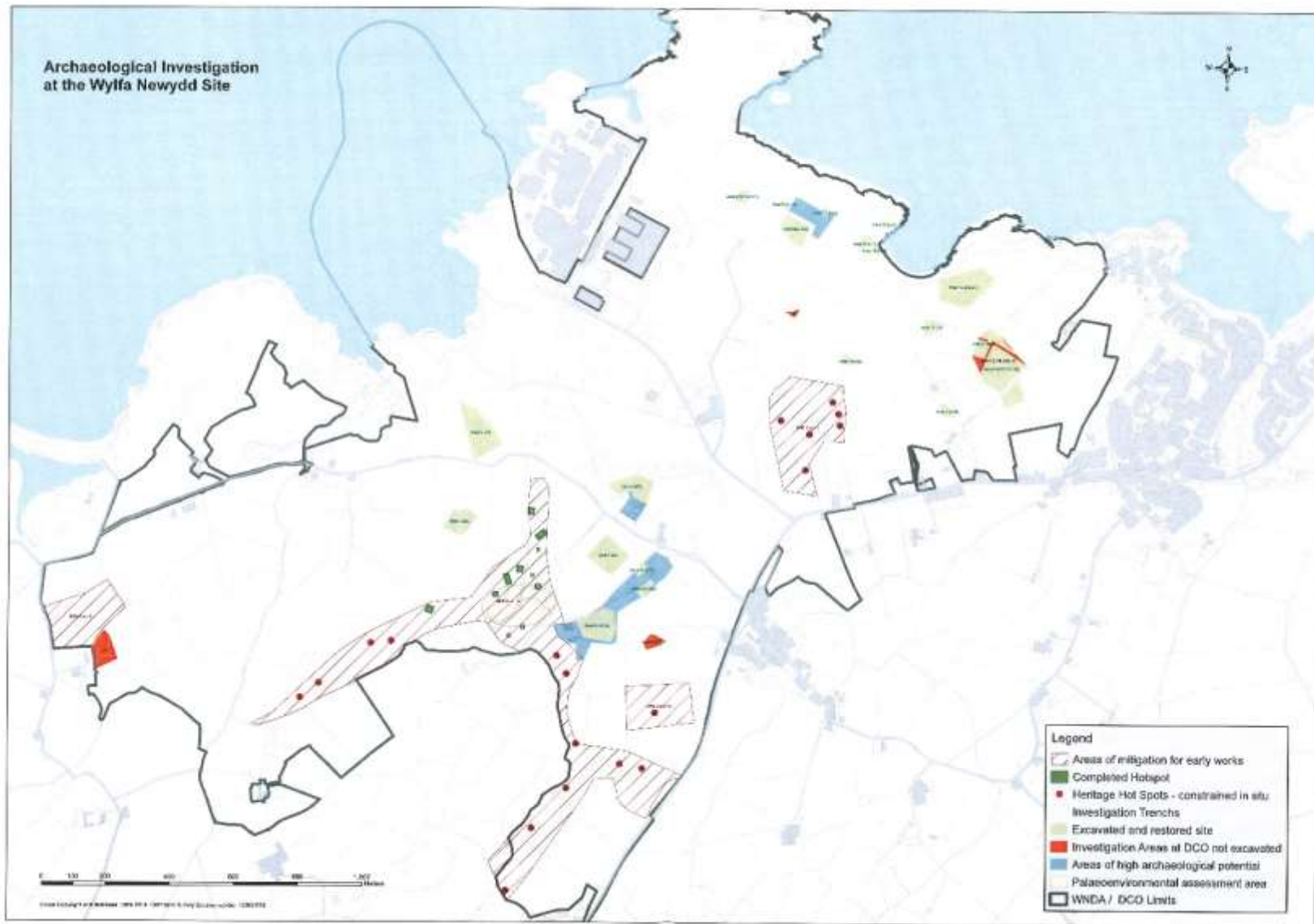
## 19.5 Legacy

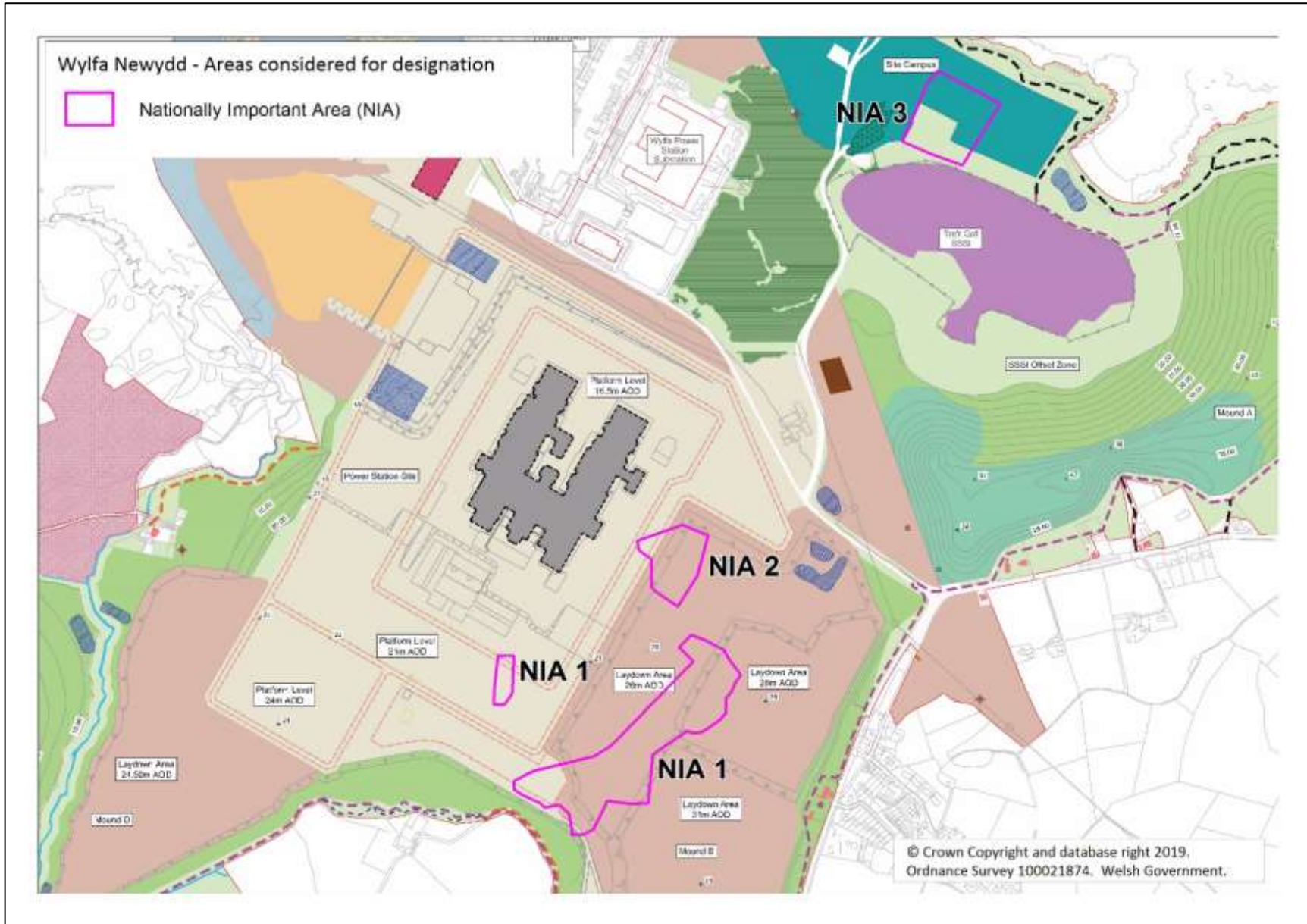
- 19.5.1 The Examining Authority noted that the campus does not in and of itself provide a legacy to the island. The IACC agrees, however as part of the discussion on delivery of accommodation and alternatives to earlier delivery of the TWA, the IACC and Horizon have agreed a housing fund package which will enable the Council to bring forward legacy in other places through provision of new build housing and improvement of existing stock.
- 19.5.2 The County Council was asked whether the legacy from the current proposals or Land and Lakes would be preferable. The IACC noted that these are different propositions and the Council does not prefer one or the other. The current proposals as being set out in the section 106 with Horizon would provide a dispersed legacy across many settlements. Land and Lakes would provide one large and easily identifiable legacy but in only one location. Both proposals are therefore now set up to provide a legacy and the difference is simply that one would be concentrated and one would be dispersed.

## Action Points Arising

14	Applicant to discuss with IACC mechanism for Applicant to engage with IACC on Soil Management method statement and Remediation Strategy	IACC is progressing this matter directly with HNP in terms of wording to be inserted into the Wylfa Newydd CoCP. This will include the need for an experienced person to agree in advance the scope of the surveys and for the results of the surveys to be shared with IACC.
20	Provide map showing 3 nationally important archaeological sites within the WNDA	Plans are provided (pages 10 and 11 overleaf) depicting:- <ul style="list-style-type: none"> <li>• a large medieval cemetery (NIA3 on the plan)</li> <li>• a late-prehistoric/Romano British settlement (NIA1 on the plan); and</li> <li>• a defended enclosure (Romano British – NIA2 on the plan).</li> </ul>
27	All parties to consider the Panels proposals for improving the consideration of design issues within the WNDA to assist IACC as local planning authority, including: <ol style="list-style-type: none"> <li>1. Appointing a single Design Champion to knit all the design elements together.</li> <li>2. Developing the Design and Access Statement (DAS) principles into a design code as a design brief for individual buildings, especially those that are most prominent and not directly part of the power generation process.</li> <li>3. Procuring Independent design review and advice – commissioned by the developer.</li> <li>4. The importance of the materials and colour of the many large roof a Roofs.</li> <li>5. Sustainability</li> <li>6. Setting and views from AONB – including green roofs.</li> </ol>	IACC understands that HNP are to include a commitment in the Design and Access Statement for details of the external appearance of buildings (including materials and colour) within the WNDA to be subject to Design Quality Review Panel by Design Commission for Wales prior to submission to IACC.  IACC welcomes this commitment.
45	Site Campus, Applicant in discussion with IACC on earlier delivery of available bed spaces. Will review Trigger points.	Discussions are on-going between IACC and HNP with regards to Phasing Strategy and Trigger Points. The latest position is outlined in the IACC's Post Hearing Note on Hosuing and Construction Workers Accommodation (See Appendix 1).

**Action Point 20:** Map showing the 3 nationally important archaeological sites within the WNDA





## **Compulsory Acquisition Hearing.**

**Tuesday 5<sup>th</sup> March 5, 2019.**

### **Written Submission of Oral Case**

**Appearing for IACC – Paula McGeady, Solicitor, Burges Salmon LLP**

Angharad Crump, Swyddog Arweiniol Gorchymyn Caniatâd Datblygu – Development Consent Order Lead Officer, IACC

Gethin Gilford, Uwch Beiriannydd - Senior Engineer, IACC

#### **1. Update on the Council's position.**

1.1 The IACC advised that it was removing its objections to compulsory acquisition on the following plots:

- 105 within the main site.
- 108 and 109 – Fisherman's carpark. This objection was being maintained pending clarity on Horizon's proposals post-construction and whether IACC's current leasing arrangements would be reflected in a new lease. Horizon have confirmed that a new lease to the Council to operate this as public car park will be granted.
- 524 and 525 – the sewage tank in these plots has been confirmed to be redundant.
- 600 – the IACC objected on this plot while it was established how the Council's tenant would be affected. While the Council is satisfied that the interference is compensatable, it would be preferable to progress this plot voluntarily to allow for accommodation of the tenant. The Applicant has agreed in this case to progress a voluntary agreement as a first option and retain compulsory acquisition as a fallback. The council is content with that proposal.

1.2 An objection is maintained on all other plots set out in previous representations pending the agreement of acceptable protective provisions.

1.3 The Council have received and revised the draft protective provisions in their favour and await further discussion on those.

#### **2. Item 3**

2.1 The Council confirmed that its objections to compulsory acquisition relate primarily to inference with the public highway in areas where it is not being stopped up or before areas are stopped up. In particular the IACC as highway authority is concerned with the closures of operational highways, provision for traffic management and how it can meet its duties to coordinate roadworks. The IACC agreed with the Applicant that considerable progress has been made to address the IACC's objections through the development of protective provisions for the protection of Highway Authorities and the Lead Local Flood Authority. The IACC does not understand that the parties are far apart in term of substance on those provisions. The Council agrees that it and the Applicant should be able to finalise negotiations relatively quickly.

2.2 IACC noted a concern with the deletion of sub-para (6) of Article 27 which deletes the explicit right for compensation of loss for acquisition of rights. The Council notes the explanation of how the Applicant considers this to be addressed in Schedule 12. The Council was not entirely comfortable with that Schedule. The IACC and the Applicant were requested to have a discussion on that issue; following that discussion the Applicant's legal representative agreed to reinsert sub-paragraph 6 in the next revision of the dDCO; provided that amendment is made, the IACC is therefore content that this has been resolved.

**3. Item 4**

3.1 The IACC maintains the position set out in its representations at deadline 2 (REP2-218) that there has not been an appropriate consideration of alternatives in relation to land in which the council has an interest, in particular public highways. The IACC has consistently advised that it would be pleased to enter into a voluntary agreement for its interests and in particular its interests as highway authority.

3.2 The Council requested to address its concerns in two groups of plots rather than individually:-

1 – plots 50,51,145

In these plots the Applicant proposed to acquire all rights and interests; the Council was previously advised that this was not intended to include any highway authority interest in plots which would remain public highway post construction however this has not yet been clarified in the DCO. A proposed clarification of this has been set out in the amendments to the draft protective provisions. The Council understands that this is acceptable in principle but that the wording requires some further revision.

2- all other plots

The Council's concerns in these plots relate primarily to its ability to manage its highway network, to ensure effective traffic management during highway works and to secure that public highway which is occupied is returned to the highway authority in an appropriate condition. These issues are being progressed in the protective provisions.

3.3 The Council is content the land within the scope of compulsory is necessary and proportionate.

**4. AOB**

4.1 In response to the HNP drafting error in the cover letter for the non-material request regarding blasting; the IACC note the clarification that blasting would start at 8am on Saturday not 9am. The IACC confirms that the Council's comments on that application were predicted on an 8am start as set out in the detail of the application.

## 2. Action Points Arising

3.	IACC and Applicant to have a discussion re IACC's concerns over Article 27 and removal of subsection 6 – to either verbally report back or provide a Post Hearing Note (PHN)	IACC understands that following its discussions with HNP, subsection 6 is to be reinserted into Article 27.
5.	IACC to withdraw objection to plots 524/525 re the sewage treatment works – confirmed that it is a decommissioned tank	IACC confirms that it is withdrawing its objection to plots 524/525 as the tank is decommissioned.
20.	Applicant to discuss Article 9(4) with IACC and WG and WG to provide a note regarding concerns with the gaps in the funding and how these could be resolved	IACC confirms that it no longer has concerns with Article 9(4).

**Open Floor Hearing.  
Tuesday 5<sup>th</sup> March 5, 2019.**

**Action Points Arising.**

**1. IACC's response to North Anglesey Partnership Submission**

A meeting has been scheduled for 15/03/19 involving Horizon Nuclear Power, the IACC, Mr Dobson and Mr Griffiths to discuss further.

The IACC will provide an update at D8.

**2. Traffic issues affecting Llanfachraeth (including pavement widening)**

A meeting has been scheduled for 15/03/19 involving IACC Highways (including also IACC Councillors), North Wales Police, Albert Owen MP and Mr Bob Wright to discuss further.

The IACC will provide an update at D8.

**3. Traffic Issues affecting Mechell Community Council (MCC).**

The IACC is also considering views submitted by Mr Tony Jones on behalf of Mechell Community Council and will provide an update at D8.



**Third Issue Specific Hearing on the draft DCO and the draft s106 Agreement  
Wednesday 6<sup>th</sup> March.**

**Written Submission of Oral Case**

**Appearing for the Council** – Martin Kingston QC

Dylan Williams – Head Regulation and Economic and Development

Paula McGeady – Burges Salmon LLP

Gary Soloman – Burges Salmon LLP

**1. Article 2 - definitions**

**1.1 Definition of commence**

The IACC continues to object to there being no limit on the size of temporary buildings and structures particularly on the associated development site at Dalar Hir. The IACC notes the Horizon submission that this would be standard portacabin type structures and therefore considers that there is no real impediment to Horizon setting a realistic limit on those at this time given that advice.

**1.2 Definition of first nuclear concrete**

The IACC considers that there is some uncertainty in the drafting of the definition of ‘first nuclear concrete’ in that both first and irreversible opportunity for debate. The IACC notes that Horizon has undertaken to amend the language of ‘first nuclear concrete’ and ‘first nuclear construction’.

**1.3 Definition of maintain**

The IACC continues to have serious concerns with the words of the definition of maintain. This concern does not relate to the main power station site, but does relate to the associated development and whether the outermost elements of the landscaping around the power station site could be reworked. The AD sites remain a concern because, although the effect of construction on them has been assessed, it was assessed as being at a point in time, not repeatedly. The effects would in practice be extended because this power would allow works to occur for longer. The IACC notes the submissions regarding the ability of the ES to control this however the point that there is no limit on the time within which effects can be incurred in the ES. The IACC continue to suggest that the alternative definition set out in the Council’s deadline 4 submission [REP4-034] at annex 3.1 should be preferred.

**2. Schedule 1 item p)**

**2.1** The Council continues to submit that the use of the word ‘expedient’ creates a significant level of doubt and uncertainty and should be deleted. The Council maintains its position as set out in previous written representations that many individually minor changes can add up to a major impact.

### **3. Works**

- 3.1 The IACC notes the discussion particularly with regard to the Welsh Government regarding the sewage treatment plant at Cestyll Gardens how it will be controlled and the Welsh Government's query as to whether there should be a separate work item. The IACC would be supportive of the details for the design, materials, operation, noise and odour control measures for this sewage treatment works to be subject to approval under a scheme required under schedule 21.

### **4 Schedule 19**

- 4.1 IACC continues to submit that the fees set out in this schedule are entirely inadequate for the level of work and the complexity of that being requested from the Council, and particularly with regards to the timescales within which it is to be carried out. As requested, the IACC is currently preparing an alternative schedule of fees which will be discussed with HNP and submitted at D8.
- 4.2 The IACC notes that it is very important not to confuse the money to be provided to the IACC for the carrying out of various officer roles and monitoring roles under the Section 106 with funding for the discharge of requirements. The Section 106 is entirely clear that the obligation to pay the various officer and monitoring fees does not start unless and until the project is implemented. This is clearly sometime after detailed design would have to be considered and discharged. The sum agreed in the Section 106 is not designed to cover that discharging work.

### **5. Requirement PW2**

- 5.1 The IACC shares the concerns raised regarding the inadequacy of the Phasing Strategy. The IACC agrees that the title of this document may be somewhat misleading and that the content is not a phasing strategy in the normal use of the term within planning. The IACC think delivery of the key motivation could be more appropriately secured by a requirement. The IACC does not agree that this should be a matter for the Section 106.
- 5.2 The IACC would like to see the key mitigation being required in relation to build quarters and considers this would be simple and enforceable, avoid unnecessary record keeping with regard to the numbers of workers and would allow reasonable periods for delivery to be set. The IACC notes that table 2.1 already sets out a number of items which are to be delivered within set time periods for commencement and sees no good reason why the other elements could not also be so controlled.

### **6. Requirements PW5 and PW6**

- 6.1 The IACC noted it is now content with requirements PW5 and PW6.

### **7. Requirement PW7**

- 7.1 The IACC does not consider that work 12 should be excluded from requirement PW7 and the need to submit a traffic incident management scheme for SPC works. It is agreed this would not be a particularly complex plan however the IACC considers that it is an advantage in support of its submission not against.
- 7.2 The IACC notes that site specific drainage schemes are to be submitted for the SSSI's and welcomes that commitment.

**8. Requirement WN11**

- 8.1 The IACC has noted the Examining Authority's request that it reconsiders this and the interaction with LHMS and to try and seek agreement with Horizon. A revision to this requirement has been drafted and discussed between the parties. IACC will provide a progress update at D8.

**9. Requirements WN15 and WN16**

- 9.1 IACC continues to submit that it is necessary to know what the minimum numbers would be for each phase. The IACC agrees these figures should reflect figures approved in the Car Parking Phasing Strategy which HNP has now committed to develop. The IACC will comment on the Car Parking Phasing Strategy once made available and will confirm its position at D8.

**10. Articles 83 and 84**

- 10.1 The IACC is content with the proposals for Article 83 and considers that it is in line with the guidance and the approach taken in Swansea Bay. By making provision that the order is not implemented until the Secretary of State is satisfied, the Council is content that this is a reasonable approach to compensation claims.
- 10.2 The Council notes in response to discussion that it considers that seeking restoration security in the form of a funding security for the entire site would stop the project and make it commercially inviable. The IACC considers that Articles 83 and 84 ensure that funding will be assured at the appropriate time. The IACC considers the proposed drafting provides a sufficient degree of certainty.

**11. Section 106**

- 11.1 The IACC noted that it does not consider that there are any substantive issues outstanding on the Section 106. While there are remaining points of discussion on the detail of the drafting, active discussions are ongoing and good progress has been made. The Council considers that all of the issues are resolvable and it is reasonable to expect a completed Section 106 Agreement to be submitted in accordance with the timetable.
- 11.2 The IACC notes that there has been agreement that the parties to the Section 106 will be IACC and HNP only. There are issues for other parties, however the Council is now satisfied that these do not go to compromising the public interest, environmental interest or public services. The Council is satisfied in terms of the principle and substantive issues agreed.
- 11.3 The IACC notes Gwynedd Council's concerns regarding the allocation of the Housing Fund. The County Council considers that this allocation follows the impacts and is therefore appropriate, fair and reasonable. The IACC has however been in discussion with the Welsh Government and Gwynedd Council since the hearing in an attempt to resolve these concerns. Please see the post-hearing note submitted as Appendix 1.
- 11.4 The IACC notes the disagreement between HNP and NRW regarding compensation for impacts on the SPA. The IACC notes that compensation for such impacts is not currently included within the Section 106 drafting and that there is limited time to introduce such changes.

## Action Points Arising

4.	Issues with Article 19 to be dealt with by Protective Provisions	Following the ISH, IACC has received a revised draft of the Protective Provisions from HNP. IACC has confirmed with HNP that it is very happy with the progress made and subject to further minor amends being made to the draft, the Protective Provisions are agreed between IACC and HNP.
10.	IACC to provide details of an alternative fee structure or cost recovery scheme that they would wish to use for the discharging of requirements	<p>As confirmed in the ISH, IACC continues to submit that the fees set out in this schedule are entirely inadequate for the level of work and the complexity of that being requested from the Council, and particularly with regards to the timescales within which it is to be carried out.</p> <p>As requested, the IACC is currently preparing an alternative schedule of fees which will be discussed with HNP and submitted at D8.</p>
16.	IACC to provide detail as to whether a transport incident plan or other similar plan was recommended as a condition for the planning application for Site Preparation and Clearance (SPC) works	<p>IACC confirms that a condition requiring the submission of a Construction Traffic Management Plan was recommended for imposition as part of the planning application for Site Preparation and Clearance (Condition 3).</p> <p>The Council would expect details of the arrangements, in the event of an incident, to be included in such a plan.</p>
32.	PHN from IACC to provide an update on S106 with particular reference to any substantive matters that remain outstanding; a timeline for when these may be resolved and alternative solutions/suggestions for how any outstanding substantive matters could be dealt with if they were not included in the completed S106.	<p>With regards to the discussions relating to the draft Section 106 agreement, IACC confirms that discussions have progressed well following the ISH last week and that schedules have been further developed. IACC and HNP has also engaged with some of the stakeholders to understand if progress can be made in alleviating concerns/difference in opinion relating to particular schedules (see Post Hearing Note on Housing and Construction Workers Accommodation at Appendix 1).</p> <p>The IACC notes Gwynedd Council's concerns regarding the allocation of the Housing Fund. The County Council considers that this allocation follows the impacts and is therefore appropriate, fair and reasonable. The IACC has however been in discussion with Welsh Government and Gwynedd Council since the hearing in an attempt to resolve these concerns.</p>

**Issue Specific Hearing on the proposed Off Site Power Station Facilities and other  
Associated Development Sites outside the WNDA.  
Thursday 7<sup>th</sup> March, 2019.**

**Written Submission of Oral Case**

Isle of Anglesey County Council summary of oral submissions at the First ISH on proposed offsite power station facilities site and associated development site outside the WNDA

**Appearing for IACC** – Patrick Robinson – Burges Salmon LLP

Kay Hawkins – wood

David Kenyon - wood

Gethin Gilford - Uwch Beiriannydd - Senior Engineer, IACC

**1. Landscape**

- 1.1 The IACC noted that it continues to request that surveys of existing landscape are undertaken prior to construction of the offline sections and Dalar Hir in particular. The IACC is concerned that by the time Horizon actually build, the surveys previously undertaken could be quite out of date and would like these to be updated and submitted.
- 1.2 The IACC still considers that there are gaps in the surveys undertaken. For example Phase 1 habitat surveys have been undertaken but hedgerows have not been cross referenced to the plan. The IACC notes Horizon's submission that there are no cloddiau in the A5025 works corridor and that there are only two earthbanks which will be affected. That is not however apparent from the survey works to date.
- 1.3 The IACC notes Horizons submission that they have aerial photography from 2017 from Dalar Hir. The IACC considers it would be appropriate to use that photography however it has not seen it to date and would be pleased to receive a copy.
- 1.4 The IACC is now happy that protection of retained elements has been added to the COCP's.
- 1.5 The IACC is looking for maintenance schemes to be added to the landscaping for all of the sites except A5025. This is covered to varying degrees on different sites. The IACC also wants to see planting of hedgerows and trees maintained with any failing specimens replaced for five years and not the three proposed by Horizon. This is partly because the IACC does not wish to inherit the maintenance liability. Hedgerows and trees which are newly planted have protection around them to prevent them from grazing during establishment. This requires them to be removed before hand over.

**2. Lighting schemes**

- 2.1 The IACC noted that the COCPs reference construction lighting schemes. The IACC welcomed Horizon's qualification in the hearings that this meant construction during the construction period of the power station and therefore addressed operation of the AD facilities. The IACC would be please to review Horizon's clarification of this in the next revision.

### **3. Offsite power station facilities**

- 3.1 IACC note that the DAS section which covers this facility is not binding.
- 3.2 The IACC have concerns regarding the northern boundary and the planting along the perimeter fences. IACC would like to see planting on the outside of perimeter fences to soften that.
- 3.3 IACC would also like to see samples of the materials to be used on the elevations and the roof. The IACC notes that in this location with the views in from the AONB, the roof material is very important. Other than wishing to see samples of the materials the IACC is satisfied that the impact of this facility on the AONB is acceptable.

### **4. Protected species**

- 4.1 Given the update provided by Horizon in the session regarding bat surveys and the commitment to pre-construction surveys the IACC is now satisfied on building M3 and bats.

### **5. Dalar Hir Park and Ride**

- 5.1 The IACC confirms that the Council and Horizon have now agreed on an alternative road layout for the junction into the site with which the Council is happy. This includes the removal of the second roundabout.
- 5.2 The Council confirms it is happy with the provision of 38 charging points provided that monitoring of use of these is undertaken. Similarly, the Council is content with the provision of bicycle parking spaces provided that monitoring all use is undertaken.
- 5.3 On the details of the proposal, the Council confirms it is happy with the materials and colour scheme proposed. The Council would however like to see further details of the proposed security measures especially the fencing for this site for approval.
- 5.4 The IACC considers that there are opportunities to retain more of the existing hedgerows on site through minor revision to the detailed design.
- 5.5 The Council welcomes the commitment by HNP to develop a Car Parking Phasing Strategy which will include minimum as well as maximum numbers of spaces for each phase. The IACC will comment on the Car Parking Phasing Strategy once made available and will confirm its position at D8.

### **6. Parc Cybi Logistics Centre**

- 6.1 The IACC notes the considerable discussion that was had regarding planting particularly to the front of this location facing the public highway. The IACC considers that planting in that location would be acceptable and looks forward to seeing Horizon's proposals to amend to allow the planting scheme to be brought forward within the green area as agreed in the session and which allows for the maximum retention of woodland in western corner.
- 6.2 The IACC is entirely content for Cadw to be added as a consultee on the landscaping of the logistics centre.

**7. A5025**

- 7.1 The Council is in general agreement with the conclusions in the ES on badgers and section 7 species. The Council had some outstanding concerns on the content of the sub-COCP and how it aligns with previous representations. This was to be addressed in the meeting between the parties the following day and the Council believes that this will be resolved through the redrafting of the sub COCP.
- 7.2 The IACC is now content on lighting and noise.
- 7.3 The parties have agreed that the design of the offline highway works will be addressed through the protective provisions. This will allow IACC an opportunity as local highway authority to approve the design before it is constructed. This proposal is satisfactory.
- 7.4 There are no comments on historic environment.

**8. Traffic through Llanfachraeth**

- 8.1 The IACC noted the concerns raised at the second open floor hearing and again in this session about traffic through the village of Llanfachraeth and in particular where the street and the pavement are quite narrow. The IACC highways department will contact Mr Wright to discuss these concerns.

**9. Traffic flows and caps**

- 9.1 HNP stated 200 two-way HGV baseline flows for the Year 2020. The IACC note that Horizon proposal would be a cap at 320 additional HGV movements. That is a 140% increase and it is hard to consider that is anything less than significant. The IACC continue to submit that a 40% increase is more appropriate and the justification is evidenced in the IACC submission REP6-061 Appendix C - Appendix 1.3 Raw Data on the Existing Traffic Flows and Future HGV Growth on A5025 and Appendix 1.5 Early Years Strategy.

**Action Points Arising**

<b>6.</b>	IACC and Applicant to discuss rewording PR6 to include	IACC confirms that it has discussed the rewording of PR6 with HNP. IACC has submitted its suggested wording to HNP and will update at D8 on the progress made.
<b>21.</b>	IACC Highways to follow up on issue of narrow footpaths in Llanfrachraeth raised at OFH on 5/3/19	The IACC is in the process of confirming a meeting date to discuss further with Mr Bob Wright. The IACC will provide an update at D8.

**Issue Specific Hearing on Biodiversity  
Friday 8<sup>th</sup> March, 2019**

**Written Submission of Oral Case**

**Appearing for IACC** – Paula McGeady, Solicitor, Burges Salmon LLP

Angharad Crump, Swyddog Arweiniol Gorchymyn Caniatâd Datblygu – Development  
Consent Order Lead Officer, IACC

**1. Queries raised by the Examining Authority**

- 1.1 Great crested newts- the Council confirmed it has no further comments.
- 1.2 Barn Owl - the Council confirmed it has no further comments.
- 1.3 Bats and lighting – the Council advised that it still considers that the MUGA should be relocated. Otherwise, the Council confirmed it has no further comments.
- 1.4 Red Squirrel – the Council advised that its concerns on red squirrel relate to the interaction of the Wylfa Newydd and National Grid proposals on the woodland, given the withdrawal of the National Grid DCO application this issue is no longer current.
- 1.5 Dame Sylvia Crowe Mound and protective fencing during construction. The IACC would be content that fencing requirements for the protection of the Dame Sylvia Crowe Mound are secured in the COCP or sub-CoCP.

**2. Item 4c)**

- 2.1 The IACC noted the NRW advice that they were now satisfied that the development would not cause a deterioration in the quality of the bathing water at Cemaes. Given this, the IACC can confirm that it is now satisfied that its concerns regarding the potential adverse impacts on the community and tourism of any deterioration in that water quality have been satisfactorily addressed.

**Action Points Arising**

**Action Point 24: IACC and NRW to provide a position statement detailing who would operate as the discharging authority above and below Mean High Water Springs including how to manage areas of overlap, I.e. MOLF**

As confirmed at the ISH, a position has been agreed between IACC, NRW and WG with regards to who would operate as the discharging authority above and Mean High Water springs, including how to manage areas of overlap.

Included overleaf is the position as agreed between all parties.



## **Wylfa Newydd DCO - Co-ordinated Working in the Intertidal Area – A Joint Position Paper by the IACC, NRW and Welsh Government.**

Following the issue specific hearings on the Wylfa Newydd DCO in January 2019, the Isle of Anglesey County Council (IACC), Natural Resources Wales (NRW) and Welsh Government (WG) were asked if they could discuss and preferably agree who should be the discharging authority for the intertidal area.

The Panel also asked IACC, NRW and WG to clarify how IACC and NRW would co-ordinate their different responsibilities in that area. This paper sets out the agreed position of the parties on those matters.

The issue arose because IACC was not content to surrender its discharging responsibility as local planning authority for the land between mean high water springs (MHWS) and mean low water (MLW) known as the intertidal area. IACC considered that the substantial nature of the works in the intertidal area, and their extensive physical integration with works which are also located landward of MHWS could have significant landscape and visual impacts. Such impacts are controlled through the planning regime,

However, NRW notes that works constructed seaward of MHWS would be controlled through the marine licensing regime, in addition to the planning regime. Irrespective of the DCO, NRW would be the relevant Licensing Authority (on behalf of the Welsh Ministers) for the Marine Licence for works seaward of MHWS. As a result, NRW is likely to be dealing with applications to discharge Marine Licence conditions that give rise to the same or similar issues that would arise when the DCO requirements are sought to be discharged. Removing NRW's responsibility in the intertidal area for the purposes of the DCO would be unacceptable in light of this.

The parties agree that there is a legitimate planning authority interest in the intertidal area and at the same time a legitimate marine licensing authority interest. Given the overlap, consideration was given to having joint discharging authorities however it was determined that was likely to be unworkable in practice.

In order to resolve this issue during the Wylfa Newydd Examination, the parties have agreed that IACC will give up its planning role in the intertidal area and NRW will be the sole discharging authority seaward of MHWS subject to the following:

- 1 IACC are to be prescribed in the DCO as a required consultee on any and all applications to discharge DCO requirements which include any element of Works in the inter-tidal area.
- 2 NRW are to be prescribed in the DCO as a required consultee on any and all applications to discharge the landward elements of requirements which extend over MHWS. This is in addition to any other consultation requirement.
- 3 Where any work includes both landward and intertidal elements or in any other way extends across MHWS, discharge of the related requirements is required from both IACC (for sections or areas landward of MHWS), NRW (for sections or areas seaward of MHWS), and there should be added to the DCO an explicit provision that prohibits the undertaker carrying out or commencing any part of any such works until both authorities have issued approvals.
- 4 The WG and IACC consider that Welsh Ministers should be the appeal body for any refusal under a requirement.

IACC and NRW will conclude a memorandum of understanding governing how their relationship on applications for the inter-tidal area or works which extend over MHWS will operate in practice in order that there is certainty as to how the respective interests will be protected.

For completeness, it is noted that, under the DCO, there is no enforcement authority for the works seaward of MHWS. For the Marine Licence regime, the Marine Enforcement Authority function is undertaken by the Welsh Ministers, not NRW.