

Ms.Sarah Richards,  
Chief Executive,  
Infrastructure Planning Inspectorate  
Bristol.

October 12, 2016

Dear Madam,

## **Feedback on the Planning Inspectorate's community outreach event in Llangefni, Tuesday 4 October 2016**

PINS representatives clearly received more than 90 minutes of continuous questioning and detailed criticism from attendees, hailing from diverse walks of life and from wide range of settlements. By the end of the "outreach" session in Llangefni, PINS will have been left in little doubt as to questionable trust in the Inspectorate and its obstinate resistance to even the mildest of discretionary accommodation.

**Criticism voiced by members of the public, without dissent, included the following issue. This is by no means a complete list.**

- (i) unreliability of reported content, summaries and justification on "having regard to", relating to outcomes of the so called "community consultations" by developers and the local authority. Numerous individuals spoke expressly from personal recent experience of the developers' consultations, as well as the uncompromising pro-development mindsets of elected members and the local authority. A clearer message could not have been conveyed directly to PINS: the developers' and local authority statements and "having regard to" justification on "community consultation", including addressing contrary comments, were widely considered biased and unreliable. Their contents were capable of representing neither actual public comment, nor selectivity on consultation issues, or identifying issues deliberately kept hidden by developers during public consultations;
- (ii) the power of Inspectors to refuse to hear multiple objectors making representations on similar points during the Examination Hearings;
- (iii) denying every interested party automatic right to speak and cross examine during Examination Hearings;
- (iv) reducing the DCO proceedings into an examination of proposals for construction of "boxes" in terms of "land use" issues; to the exclusion of risk from activity and materials maintained inside those very same "boxes";
- (v) the exclusion of public concerns on wider health and safety impacts;
- (vi) exclusion of public representations on concerns over pollution impacts;
- (vii) exclusion of representations on needs merit of proposed developments;
- (viii) exclusion of local communities' concerns for the health and welfare of future generations;
- (ix) flaws in the Inspectorate's described reliance on tick box, administrative, approach to determining Acceptability of DCOs upon receipt (regarding Wylfa Newydd and the National Grid Connection Pylons Line on Anglesey, respectively). Attendees found such behind-closed-doors evaluation (of completeness of Application documents, evidence of public consultations and developers' justifications statements), lacking in fairness and transparency in a supposedly modern democracy. Time and again, attendees pointed out that unless PINS opened up the justification statements for direct feedback from local populations across North Wales, PINS risks unknowingly accepting justification statements as complete in content and structure. PINS remains obstinately ignorant of the potential of public feedback to cast appropriate light on accuracy, completeness, reliability, sufficiency and merit of developers' and local authority

statements on public consultation and justification regard. PINS resisted the advantage of public feedback assisting PINS weed out inadequate or flawed DCO Applications at the Acceptability stage. Attendees were not convinced of fairness of allowing faulty community consultation and justification statements to proceed to the Examination stage for pot luck engagement thence.

### **PAWB's recommendations to the Infrastructure PINS**

Such was the extent and depth of criticism voiced by numerous members of the public, that PINS representatives hardly progressed beyond a third presentation slide during their Second Session in Llangefni (on 4<sup>th</sup> October 2016). Under the circumstances, PAWB respectfully urge PINS to act promptly on the following recommendations, in the public interest. These recommendations encapsulate the voices heard during the Second Session.

#### **1. Restore the rights of ordinary citizens, as Interested Parties, to cross examine and/or speak at Hearings during the Examination Period, irrespective of written representations**

Citizens were appalled to hear that permission to cross examine, and/or make oral representations, lies at the whim of Infrastructure Planning Inspectors. This is tantamount to quasi dictatorship in a devolved, allegedly democratic, Welsh nation. One of the key messages from October 4 is that it matters immensely to recognise and honour the right of all interested citizens to speak on any relevant issue at proposed DCO Examination Hearings. Interested citizens ought to be allowed to speak in their own words to whatever they consider needs to be said, on any substantive issue of concern to them. Be that the Welsh language, reactor accident consequences; emergency protection for the wider public; nuclear waste accumulation/production or on-site/off-site risk consequence; etc.

#### **2. Implement reasonable opportunity for direct feedback from all affected local communities, on developers' and local authority statements on community consultation, immediately upon receipt of DCO Applications by PINS, prior to determining Application Acceptance**

According to PINS representatives, if PINS judged something was incomplete, deficient or missing in a DCO Application, PINS would not Accept the Application as proper or valid. PINS also admitted they do not know what actually happens on the ground, during the developers' so called "public consultations".

- a. In that regard, the proposed DCO Applications by Horizon and the National Grid provide the Infrastructure PINS an appropriate opportunity to invite the public, throughout the consultation areas in North Wales, to provide direct feedback to PINS on the contents of the developers' statements and justification on public consultation, as well as the local authority statements on community consultation. That would be a fair, proper and transparent process, respectful of potentially affected communities across North Wales.
- b. Without such direct feedback, PINS risks unknowingly Accepting potentially deficient DCO Applications. It is neither proper, nor sufficient nor democratic for PINS to keep on insisting faults in Accepted Applications could be addressed by the public through written representations during the Examination Period. See points (ii), (iii) and 1, above. Attendees in Llangefni objected without exception to PINS obduracy.
- c. As PINS representatives discovered during the second Llangefni Outreach Session, attendees were alarmed to hear the Examining Inspectors would stop Interested Parties from repeating matters, whenever the Inspectors arbitrarily decide they have heard enough. That trashes the rights of ordinary members of the public to freedom of expression and the right to be heard on relevant economic, environmental, cultural, linguistic and social impacts likely to affect them, their families, their communities and potentially their future generations long into distant futures.
- d. It would be wholly unacceptable, if not an abuse of democratic conduct by public bodies, to stop ordinary citizens from expressing their views in their own words during any DCO

Examination Hearing, at the same time as also denying concerned citizens opportunity for direct feedback on how developers claim in their DCO Applications to have had proper and sufficient regard to the comments and views of affected, and potentially affected citizens, during so called “public consultations”.

**3. Commit immediately to proactively advancing and raising public awareness of the role of the Infrastructure PINS, the difference between the DCO process and the traditional planning application appeal procedures, and identifying constraints on what DCO Inspectors will consider as relevant representations by on Wylfa Newydd and the new National Grid Pylons Line on Anglesey**

The vast majority of citizens are hardly likely to spend time keeping tabs on the PINS website. PINS are therefore plainly obligated to produce, publish and circulate widely by post, to all households in Anglesey, Gwynedd, Conwy and the rest of North Wales, a plain language document identifying,

- a. exactly what aspects of need and merit the public will be allowed to debate, if they chose to participate, in the Wylfa Newydd and the Anglesey Pylons DCO proceedings, respectively. At the very least, the PINS document should inform the public in clear terms whether the DCO Inspectors will take into consideration any representations by citizens on matters regarding the merit of:
  - need for new nuclear reactors, and financial costs for electricity bill payers and ultimately for taxpayers;
  - selection and preference for Wylfa as a site for Horizon's proposed two very large nuclear reactors;
  - the first ever deployment by Horizon/Hitachi of novel Advanced Boiling Water Reactor technology in the UK;
  - reactor safety, risk of catastrophic or major accident, risk of “improbable events” involving either one or both nuclear reactors, and likely consequences for the environment, people and communities across North Wales;
  - efficacy of emergency public protection preparedness, and detailed evacuation plans and procedures for the site, Anglesey and the rest of North Wales downwind of Wylfa Newydd;
  - generation of new additional, industrial quantities, of nuclear waste at Wylfa; and, creation of further legacy risks from management and disposal of these wastes for future generations, for hundreds of thousands of years into the future;
  - site selection for temporary storage of new Wylfa nuclear waste, for a minimum interim period of 100 – 165 years;
  - existing current availability of environmentally safely proven, permanent disposal routes for new Wylfa nuclear waste, in England, Scotland or Wales. In this connection, the Infrastructure PINS is reminded of a salient recommendation made in 1976, by the UK Royal Commission on Environmental Pollution. According to Recommendation 27: *“There should be no commitment to a large programme of nuclear fission power until it has been demonstrated beyond reasonable doubt that a method exists to ensure the safe containment of long-lived highly radioactive waste for the indefinite future”*;
  - community, cultural, linguistic and social impacts of nuclear new build and new nuclear waste storage at Wylfa; and,

- the scale of proposed investment on a single project in Anglesey and opportunity cost analyses; and,
  - b. the precise factors and issues considered by PINS as relevant to the Inspectors' eventual Wylfa Newydd DCO decision recommendations to the Secretary of State in London. And. Spell out in plain language, for public benefit, the so called "land use" issues.
4. **Require Horizon to provide separate justification statement, in the DCO Application, on risk to current and future generations from unforeseeable major nuclear accident involving either, or both, proposed large Advance Boiling Water Nuclear Reactors at Wylfa**
5. **Require Horizon to provide separate justification statement, in the DCO Application, on risk to future generations over hundreds of thousands of years into the future, should anything go wrong with the additional spent nuclear fuel radioactive waste that Horizon guarantees to create at Wylfa Newydd reactors.**
6. **Freeze the processing of DCO Applications by the Infrastructure PINS, for Wylfa Newydd and the New Anglesey Pylons Line, pending express PINS enquiry with the Secretary of State as to the date of review of the National Policy Statement EN-6, followed by full PINS consultation with the public across North Wales on whether or not a DCO application should be determined for Acceptance.**

We look forward to receiving a full response from you on all these recommendations.

Yours faithfully,

Dylan Morgan

On behalf of PAWB, Pobl Atal Wylfa B/People Against Wylfa B members present at the Second Outreach event October 4, 2016.