



Meeting note

File reference	EN010007
Status	Final
Author	Richard Kent
Date	03 August 2016
Meeting with	Natural Resources Wales (NRW) (Wylfa Newydd Project Team)
Venue	Temple Quay House, Bristol
Attendees	<u>NRW:</u> Henry Aron Iwan Williams Scott Leighton Katherine Route-Stephens Gail Butterill (by phone) Bryn Griffiths (by phone) <u>The Planning Inspectorate (PINS):</u> Kathryn Dunne Mark Wilson Hannah Pratt Richard Kent Pauleen Lane (by phone)
Meeting objectives	Discussion of consenting schedule for the Wylfa Newydd Project and NRW engagement with Horizon
Circulation	All attendees

Summary of key points discussed and advice given:

NRW opened the meeting and introductions were made by all those present (including those in attendance by phone). PINS stated that, in accordance with their openness policy, any advice given will be recorded and placed on the PINS website (in accordance with s51 of the Planning Act 2008 (PA2008)(as amended)). Any advice does not constitute legal advice on which parties can rely.

NRW provided a brief outline of their formation in 2013, bringing together the functions of Environment Agency Wales, the Countryside Council for Wales and the Forestry Commission Wales. In respect of the Wylfa Newydd Project, NRW described their role as both environmental regulator and or statutory nature conservation advisors on the differing components of the proposed development. NRW also

explained that, for the purposes of the radiological substances regulations aspects of the project, they are being supported by expertise from the Environment Agency.

NRW explained, in broad terms, the level of engagement they have had with the developer, the Office of Nuclear Regulation (ONR), the local planning authorities and the Welsh Government. Stakeholder engagement is following the developer's tiered approach (levels 1-4 of stakeholder groups).

PINS briefed NRW about the current status of NSIP projects in Wales, including the North Wales connection project to connect to Wylfa Newydd. PINS outlined the structure of the case team including the Infrastructure Planning Lead, environmental services team and legal advisors and explained that a Case Manager would be appointed close to submission of the application. PINS explained that their level of engagement with the developer has increased in recent weeks and months which is typical for projects within a year of submission.

PINS and NRW ran through the draft project programme provided by the developer, including key milestones for the various consents required. The programme is in 'working draft' stage with the developer hoping to finalise in the coming months.

PINS and NRW discussed the forthcoming applications being made under the Town and Country Planning Act (TCPA) for the site preparation and clearance, online / offline highways improvements, temporary workers accommodation and park and ride scheme (among others). The timescales were discussed including the determination periods for the applications, consultation requirements of section 61Z of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015) (and the potential overlapping with statutory consultation under the PA2008). NRW anticipate that the site preparation and clearance TCPA application will be the most intensive (in terms of NRW resources and involvement) compared to the other TCPA applications.

PINS and NRW discussed the developer's intentions in terms of their upcoming statutory DCO consultation period ("PAC2"). There was some discussion as to the level of detail that the developer is expected / required to provide (particularly in relation to Preliminary Environmental Information), but it was understood that the developer's intention is to provide draft copies of consultation documents to NRW in advance.

NRW outlined the key consents that will be involved in delivering the Wylfa Newydd Project including:

- Water discharge environmental permit for the site preparation and clearance works
- Water discharge environmental permit for construction works
- Radiological substances regulation (RSR) (environmental permit)
- Combustion installation environmental permit
- Cooling water discharge environmental permit
- Water abstraction licence (de-watering during excavation and possibly operation)
- Marine licence(s)

The relative timings of these permit applications (as currently proposed by the developer in their working draft programme) was discussed, including potential risks in terms of the DCO application and examination. At this stage, NRW anticipate these permit applications having a determination period of 18 months (from submission to determination of permit). NRW's intention is to work towards a 'minded to' position for

environmental permits (except site preparation and clearance works as it will be determined earlier in the schedule) prior to the close of the DCO examination such as to inform the examining authority's recommendation to the Secretary of State.

PINS explained that it is common that examinations take place and recommendations made where all of the necessary construction and / or operational permits are not yet in place, but that in these situations, the Examining Authority will seek some comfort from the statutory advisors that there are no foreseeable reasons that the permits would not be granted at a later date. The importance of the Environmental Impact Assessment considering impacts of all works associated with the project was also discussed (even if activities are to be regulated by a permit or licence to be issued subsequently).

NRW outlined the current situation surrounding the marine license application(s) that will be required for the project. NRW explained the developer sees these as part of the 'critical path' for the project as they relate the delivery of the marine off-loading facility (MOLF) and the breakwater which are key enabling works needed to be in place to facilitate the construction of the main Wylfa Newydd site. Further discussion was had in respect of the timing of the marine license applications in relation to the DCO submission with the developer's preference to submit the marine license applications in advance of the DCO submission, for a decision at the same time or ahead of the DCO. However, NRW are of the view that the licence application cannot be determined prior to the grant of the DCO. PINS explained that the Examining Authority would seek a view from NRW during the examination as to whether, in their view, they would be able to grant a licence and NRW explained the difficulties and risks in them giving a firm view on this during the examination as this is dependent upon the level of detail provided in the applications.

Also in relation to the marine elements, NRW queried any potential issues around the jurisdictional boundaries regarding the discharge of requirements for offshore works, where the developer is applying for such works in the DCO. PINS consider that the local authority and NRW are likely to discharge such offshore requirements. PINS explained that this proposal differs to Tidal Lagoon Swansea Bay in this respect, as the Wylfa developer is not intending to seek planning permission for certain offshore developments at a later date. NRW explained that they are still engaging with the developer as to the exact nature of the proposals for the marine elements and the assessment work (e.g. coastal process modelling) that the developer will be undertaking.

NRW explained the current situation in respect of Habitats Regulations Assessment (HRA) works being undertaken by the developer. NRW explained their dual role as both statutory nature conservation advisors and the competent authority across the range of consents for this project (e.g. competent authority for the marine license, but advisors to the local planning authority as the competent authority for the TCPA applications and the Secretary of State for the DCO application).

PINS and NRW discussed the progress being made with the developer towards an 'evidence document' to agree the evidence base for the HRA and to form the basis of statements of common ground. The local planning authorities are also involved in this process through the HRA working group. NRW explained that a draft evidence document was being prepared alongside the PAC2 consultation process September / October 2016. NRW also explained that they have been engaging with the developer as to aspects of the HRA assessment in advance of the evidence document process,

for example in discussing the assessment methodologies for some of the key mobile species. NRW stated that the HRA for the project is likely to be challenging given the scale and nature of the development and the multiple impact pathways and receptors.

PINS and NRW discussed the potential for developing a shared interpretation of the HRA responsibilities of each organisation/competent authority, including Welsh Government and the Secretary of State for Business, Energy and Industrial Strategy. PINS and NRW took this away as an action for discussion at subsequent meetings with both parties agreeing this could be advantageous to all parties involved including the developers, consenting bodies and statutory advisors.

Finally, PINS explained the outreach programme planned for September 2016 which involves a presentation to the local councillors, community councils and a public session to explain the DCO process. It was emphasised that these sessions would be purely factual in describing the DCO process as opposed to any specific discussion about the Wylfa Newydd and North Wales Connection projects or the merits of these schemes. NRW also discussed the possibility of PINS being present at a future NRW internal training event on the DCO process given the increasing numbers of NRW staff being involved in the wider Wylfa Newydd project work and PINS agreed that they would be happy to be involved in any such events to give advice and share knowledge of the NSIP process.