



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

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North Wales Wildlife Trust

Your Ref:

Our Ref: EN010007

Date: 23 November 2017

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Dear Ms Cattanach and Mr Thomas

Thank you for your letter of 24 October 2017 regarding the engagement the North Wales Wildlife Trust (the Trust) has had with the developer for Wylfa Newydd Nuclear Power Station.

Please find below our response to the areas within which you raised queries.

## **Habitats Regulations and the Precautionary Principle**

Please see Advice Note 10 for a summary of the Inspectorate's understanding of the application of the precautionary principle in relation to effects on European sites (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>).

The 'Rochdale envelope' approach is often used in the assessment of the effects of Nationally Significant Infrastructure Projects (NSIPs) where some details of the project have not been resolved at the time that the application is submitted. The Inspectorate's Advice Note 9 outlines the approach Applicants are advised to take when basing their environmental impact assessment (EIA) on a 'Rochdale envelope' (see <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf>). Applicants are advised that where details remain unresolved the EIA should assess the likely worst case scenario in terms of environmental impacts; the parameters used as the basis for the assessment should be consistent with the parameters used to define the project in the Development Consent Order (DCO). The detailed design of the project should not lead to effects that exceed those assessed in the ES. It is the responsibility of the Applicant to decide if it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters and to ensure that the Examining Authority and the Secretary of State are able to assess the environmental effects of the project.

Many NSIPs which have received consent have based their EIA and HRA on the 'Rochdale envelope' approach. You may find it helpful to review the project information on our website to see how this has been done (see <https://infrastructure.planninginspectorate.gov.uk/projects/>).

## **Partial release of draft DCO documents**

Applicants are responsible for ensuring they submit a well written draft DCO as part of their application and are advised to ensure they consider every phase of the project and seek the views of statutory consultees. Upon submission of an application, Applicants are required to demonstrate that they have acted reasonably in fulfilling the requirements of the Planning Act, including in taking account of responses to consultation and publicity.

We encourage Applicant's to undertake early discussion with a range of parties on the content of their draft Order. They are however not required to share an actual copy of their draft DCO so whilst they may choose to do so which is something the Inspectorate encourages, how they go about this is entirely at their discretion.

If the Trust would benefit from a track change document, this is something you could raise with the Applicant as part of a discussion on best practices going forward for ease of obtaining the information you require.

The Inspectorate notes your concerns regarding outstanding matters that need to be addressed prior to the application being made and of the impacts that the pre-application phase is having on the Trust's resources. We have no formal powers to intervene on the Trust's behalf as the project has not yet been submitted to the Inspectorate, however we will raise your concerns with the Applicant in the next project update meeting and will direct them to the contents of your letter and our response.

For your information, the Inspectorate has recently issued advice to the Applicant on the draft documents which were sent to us as part of the Applicant's draft document review which can be found at:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/wylfa-newydd-nuclear-power-station/?ipcsection=advice&ipcadvise=a37f3b244a>

## **Statements of Common Ground (SoCG)**

As the Trust states, the SoCG discussion are voluntary during the pre-application process and it is ultimately for the Trust to decide whether to progress with a SoCG with the Applicant before the submission of the application. One of the benefits of this is that the information would then form part of the application which, will be submitted to the Examining Authority (ExA) as an aid to determine where the parties stand.

If the Trust feels that it cannot yet enter into discussions regarding a SoCG due to the lack of finalised documents, the Trust might want to explore with the Applicant the areas which the Trust thinks it will not be able to reach common ground on before the submission of the application as this can be equally valuable. Similarly, it may benefit the Trust to focus discussions on the areas that need further work.

## **Landscape strategy**

The Inspectorate notes your comment that the Landscape Environmental Management Plan and Habitat Management Strategy stakeholder group should inform the finer details of an overarching strategy, rather than develop the initial framework and that

these documents should form part of a pre-application review of draft DCO documents. The Inspectorate considers that the methods by which an Applicant prepares their application documents is at their discretion.

The Inspectorate encourages Applicant's to share as many draft documents as possible, however there is no legal requirement for them to do so. All application documents will be subject to examination, should the application be accepted for examination, and there will be the opportunity for you to comment at the examination stage.

If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Kay Sully  
Case Manager  
Major Applications & Plans

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.