



ISLE OF ANGLESEY COUNTY COUNCIL
AND GWYNEDD COUNCIL JOINT
LOCAL DEVELOPMENT PLAN

SESSION 9 (WYLFA)
HEARING STATEMENT

RESPONDENT: HORIZON NUCLEAR
POWER WYLFA LIMITED (REF: 2919)

August 2016

Our Ref: Q60570

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Documents

This statement should be read in conjunction with the Respondents' separate submissions, as listed below:

SESSION 1 HEARING STATEMENT: PLAN PREPARATION, VISION AND STRATEGY

SESSION 2 HEARING STATEMENT: HOUSING PROVISION

SESSION 5 HEARING STATEMENT: ECONOMY – EMPLOYMENT, RETAIL AND TOURISM

SESSION 6 HEARING STATEMENT: HISTORIC AND NATURAL ENVIRONMENT

Appendices

Appendix 1 – TRA1 Transport Network Developments and Proposals Map 1

1 INTRODUCTION

a) The Respondent

- 1.1 The Respondent, Horizon Nuclear Power Wylfa Limited (“Horizon”), is advancing proposals for the construction and operation of a new nuclear power station at Wylfa and associated development (“Wylfa Newydd Project” or “Project”). This Hearing Statement (the “Statement”) specifically deals with Session 9 – Wylfa.
- 1.2 Horizon has continued to maintain a productive dialogue with the Isle of Anglesey County Council and (“IACC”) Gwynedd Council (collectively, “the Councils”) following the submission of its representations to the various consultation stages of the Joint Local Development Plan (“the Plan”). Horizon has worked with the Councils to reach agreement on matters where possible and this will be detailed in the Statement of Common Ground (“SoCG”) to be filed on 23 August.
- 1.3 This Statement addresses the remaining outstanding matters where agreement has either not been reached, or where discussions are on-going. An oral update will be provided on any matters that may be subsequently agreed between Horizon and the Councils between the submission of this Statement and the Examination in Public (“EiP”) and relevant hearing sessions.
- 1.4 Horizon consider it crucial that emerging planning policies do not undermine or underestimate the urgency in the need for new electricity capacity, including new nuclear power. Further information regarding the need and importance for this nationally significant infrastructure development is provided in Section 1 (b) of Hearing Statement 1 (Plan Preparation, Vision and Strategy).
- 1.5 Accordingly, and as explained within this Statement, Horizon considers that specific amendments are required to policy TRA1 and proposals map 1 to ensure that soundness of the Plan. Details of the proposed changes to those policies are set out in Section 3 and Appendix 3.

1.6 Importantly, Horizon also considers the need for a number of amendments to other policies in the Plan, the details of which are set out in Horizon’s other hearing statements as follows:

- **Hearing Statement for session 1 (Plan preparation, vision and strategy):** PS1 (but also sets the context for Horizon’s overarching concerns with the Plan);
- **Hearing Statement for session 2 (Housing provision):** TAI3 (no changes are being sought to PS12, PS15, ISA2, ISA5, TAI5, TAI8, TAI9, TAI14 – TAI17 (inclusive) under this hearing statement subject to agreement of latest changes to TAI3);
- **Hearing Statement for session 5 (Economy – Employment, retail and tourism):** CYF1, CYF4, PS12, MAN6, TWR1, TAI3 and paragraphs 7.3.25 & 7.3.55; and
- **Hearing Statement for session 6 (Historic and natural environment):** PS16 and Constraints Map 1.

1.7 Only changes proposed to policy TRA1 and Proposals Map 1 are detailed within this Statement to avoid repetition with other hearing statements and in direct response to questions posed by the Inspector.

b) Structure of Hearing Statement

1.8 This Statement demonstrates that, in the context of (a) above, Horizon contends that the Plan is unsound in so far as it relates to the three matters set out in paragraph 1.6 below, when assessed against the soundness test set out in Planning Policy Wales (Edition 8, 2016) (“PPW”) and the ten criteria of soundness set out in the Plan¹.

¹ Paragraph 1.17, Composite Version of the JLDP Written Statement (April 2016)

- 1.9 This statement is confined to matters raised by the Inspector, in the Matters and Issues Agenda for Session 1, namely:
- 3.(b) Does the Plan make adequate provision for associated infrastructure development to facilitate the project, including transportation?
 - 3.(c) Does the Plan make adequate provision for construction workers housing and associated facilities, during the construction phase? Does the Plan deal effectively with these developments post-construction?
 - 3.(e) Should the Plan contain a suite of specific policies to deal with the Wylfa Newydd project? Does the Plan, supported by the proposed revised Wylfa NNB Supplementary Planning Guidance, provide an appropriate and effective framework for decision making on developments connected to the Wylfa Newydd project?
- 1.10 As outlined above Horizon is also relying on its submissions in respect of Sessions 1 (Plan preparation, vision and strategy), 2 (Housing provision), 5 (Economy – employment, retail and tourism), and 6 (Historic and natural environment) as detailed in paragraph 1.6 above.
- 1.11 Section 2 of this statement provides an analysis of the Plan and an assessment of its soundness against the criteria set out in both PPW² and the Plan itself³, in relation to the identified matters raised by the Inspector.
- 1.12 Section 3 sets out Horizon’s proposed changes it considers to be crucial in ensuring the soundness of the Plan.

² Paragraph 2.5.11, Planning Policy Wales (Edition 8, January 2016)

³ Paragraph 1.17, Composite Version of the JLDP Written Statement (April 2016)

2 PLANNING ANALYSIS

2.1 The Plan does not currently provide a sufficiently clear policy framework to support and provide the necessary control for significant elements of the Wylfa Newydd Project. There is considerable uncertainty over which policies are relevant, and how they will be applied. Because Horizon needs the associated development to deliver Wylfa Newydd, this presents a very clear risk to the Project itself.

2.2 Horizon is still of the view that Wylfa Newydd specific policies would be the most effective way of providing a sufficiently clear policy framework. However, as detailed in section 2(c) of this Statement, the JPPU are strongly opposed to the introduction of Wylfa Newydd specific policies and have declined to engage on wording of such policies. As a result, Horizon is pursuing its alternative option of seeking specific amendments to other policies in order to ensure the soundness of the Plan. Hearing Statement 1 outlines in greater detail why Horizon has focused on seeking specific amendments to existing policies in the Plan.

a) **Does the Plan make adequate provision for associated infrastructure development to facilitate the project, including transportation?**

(Question 3(b) in Hearing Session 9 - Matters & Issues Agenda)

2.3 The delivery of the Wylfa Newydd Project relies on a range of supporting infrastructure including a Marine Off-Loading Facility ("MOLF"), Cooling Water Infrastructure, breakwaters and highway improvements. Horizon's response in this Hearing Statement is limited to highway improvements, namely the proposed A5025 road improvements which include the widening and resurfacing of sections of the A5025. They are essential to the delivery of the Wylfa Newydd Project, facilitating the safe passage of heavy goods vehicles to the Wylfa Newydd Development Area.

2.4 The JLDP Deposit Proposals Map (2015) designated 'A5025 Improvement Areas'. Part 4 (iii) of draft policy TRA1 in the Deposit Plan Written Statement identified the A5025 Valley to Wylfa Newydd / Amlwch to Wylfa Newydd and other transport infrastructure improvements associated with Wylfa Newydd as a scheme which would deliver improvements to the strategic transportation network.

- 2.5 Whilst paragraph 7.1.41 in the Composite Plan (2016) retains supporting text which specifically refers to the need for improvements on sections of the A5025, amendments were subsequently made to policy TRA1 by Focused Change Ref: NF24 to remove any specific reference to the improvements to the stretches of highway between A5025 Valley to Wylfa Newydd / Amlwch to Wylfa Newydd. The 'A5025 Improvement Areas' were also removed from Proposals Map 1 by Focused Change Ref: NF 134. The Councils reasoning for making these changes were "to ensure clarity"⁴ and "to ensure the internal consistency of the Plan".
- 2.6 The A5025 improvements are a crucial and early component of Horizon's Integrated Traffic and Transport Strategy for the Project. Horizon has been working extensively with the IACC on joint promotion of the A5025 highway improvements proposals in relation to both compulsory purchase matters and impending planning applications for associated development.
- 2.7 Horizon considers that the removal of specific reference to the A5025 highway improvements works (that featured in earlier drafts of the Plan) removes a clear planning policy framework for those works. The lack of necessary clarity in planning policy, introduces a risk that the determination of any planning application could be delayed and be a potential barrier for its delivery.
- 2.8 Horizon has however maintained a dialogue with the Joint Planning Policy Unit ("JPPU") regarding this issue and have now agreed in principle to re-insert the reference to the A5025 improvement works to part 4(iii) of Policy TRA1, and the 'A5025 Improvement Areas' to Proposals Map 1. The precise and final wording are subject to on-going discussions a copy of which is provided at Appendix 1.

b) Does the Plan make adequate provision for construction workers housing and associated facilities, during the construction phase?

(Question 3(c) in Hearing Session 9 - Matters & Issues Agenda)

- 2.9 Horizon have made detailed submissions within its Hearing Statements for Sessions 1 and 2 explaining its concerns in how the Plan's housing policies deal with temporary construction workers.

⁴ Schedule of Focussed Changes, Addendum to the Anglesey and Gwynedd Joint Local Development Plan, Deposit Plan, 2011 - 2026 (February 2016)

Those submissions are relied on and not repeated here. What follows is a summary of Horizon's position.

- 2.10 A number of associated developments are required to support the construction and operation of the Wylfa Newydd Project, including (but not limited to) a park and ride facility, a logistics centre and a number of Temporary Construction Worker Accommodation ("TCWA") sites. TCWA can be broadly split into two sub-categories: Temporary Worker (Modular Facilities) and Temporary Worker (Permanent Housing). A description of both is provided at Appendix 4.
- 2.11 Horizon considers there to be a fundamental lack of clarity in the Plan regarding which aspects of planning policies are to apply to the two sub-categories of TCWA.
- 2.12 The different nature and characteristics of both categories of TCWA need to be recognised in the application of a number of planning policies. Horizon considers that policies which currently apply to TCWA would, without amendment, apply to both sub-categories. It is unacceptable that it is left open to interpretation whether Temporary Worker (Modular Facilities) should be subject to the same policy tests as Temporary Worker (Permanent Housing). This principal concern applies to planning policies TAI3, PS12, PS15, ISA2, ISA5, TAI5, TAI8, TAI9, TAI14, TAI15, TAI16 and TAI17.
- 2.13 Horizon's concerns are exemplified with specific areas of concern in Section 2 of Hearing Statement 2 (Housing provision) where amendments are being sought to policy TAI3, and in Statement 6 (Economy) where other exclusions are sought.
- 2.14 Horizon's key concern with regards to this matter is that such policies, if adopted, potentially apply to both types of TCWA. This would result in unacceptable outcomes for example applying policies relating to permanent residential development to Temporary Worker (Modular Facilities).
- 2.15 The determination of planning applications must be made in accordance with the Development Plan unless there are material considerations that indicate otherwise.⁵ Horizon is concerned however that the inclusion of a number of policies that do not include sufficient flexibility could result in a situation where development proposals are considered to be in conflict with the Development Plan when it is

⁵ Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004

not the intended purpose. Many of the scenarios Horizon raises in the hearing statement for Session 3 (Housing Provision) are entirely foreseeable, such that the Plan should expressly plan for them. For example:

- if adopted in its current form, policy ISA5 for example would on its face apply equally to both sub-categories of TCWA, despite the characteristics of Temporary Worker (Modular Facilities) varying greatly from Temporary Worker (Permanent Housing) – unless specifically excluded, this could have the unintended consequence of a requirement to provide children’s play space on facilities specifically designed for occupation by lone workers without families;
- similarly, while Horizon recognises the need for an appropriate level of open space at Temporary Worker (Modular Facilities), those requirements will be very different from Temporary Worker (Permanent Housing) or normal/permanent housing developments.

2.16 Although paragraph 7.1.24 suggests there could be some relaxation, the Plan is not sufficiently clear on how this would be applied. Without this clarity, these large scale developments will not be planned. This lack of clarity could lead to delay in determining such applications, to the detriment of an important infrastructure project. Clarity and appropriate flexibility needs to be built in for these scenarios.

2.17 Horizon therefore considers that the current rigidity of the Plan renders it unsound, unable to meet both soundness test 3 in PPW⁶ and soundness test CE4⁷ in the Plan.

- c) **Should the Plan contain a suite of specific policies to deal with the Wylfa Newydd project? Does the Plan, supported by the proposed revised Wylfa NNB Supplementary Planning Guidance, provide an appropriate and effective framework for decision making on developments connected to the Wylfa Newydd project?**

(Question 3(e) in Hearing Session 9 - Matters & Issues Agenda)

⁶ Paragraph 2.5.11, Planning Policy Wales (Edition 8, January 2016)

⁷ Paragraph 1.17 in the Composite Version of the JLDP Written Statement (April 2016)

- 2.18 Horizon considers that the Plan does not currently provide a sufficiently clear policy framework to support and provide the necessary control for significant elements of the Wylfa Newydd Project. There is considerable uncertainty over which policies are relevant, and how they will be applied. Because Horizon needs the associated development to deliver Wylfa Newydd, this presents a very clear risk to the Project itself.
- 2.19 Horizon considers the most effective way to provide a clear planning policy framework, and therefore make the Plan sound, would be through the introduction of Wylfa specific policies. The JPPU has however rejected Horizon's proposed Wylfa Newydd specific policies during the various stages of plan preparation.
- 2.20 The JPPU considers the Wylfa Newydd specific policies are not necessary and on that basis has declined Horizon's request to engage on the drafting of such policies.
- 2.21 Horizon accepts it is unlikely to achieve the Wylfa Newydd specific policies without JPPU engagement and support. In light of this, Horizon does not pursue the approach of Wylfa Newydd specific policies, but instead only pursues its alternative approach of specific amendments to current draft policies.
- 2.22 It is crucial that the Plan is refined and amended so that there is a clear distinction between those policies that relate to general application proposals and those that relate to the Wylfa Newydd Project (associated development in particular). Without this refinement, there is too much uncertainty over which policies will apply and how they will be applied.

3 CHANGES SOUGHT

- 3.1 Horizon consider that amendments are necessary to provide the certainty required, the absence of which could otherwise prejudice the delivery of associated development and therefore the Wylfa Newydd Project. Several policies need to be amended to ensure that the Plan is sufficiently flexible and provides a clear mechanism for implementing policies in relation to the Project.
- 3.2 Only changes proposed to policy TRA1 and Proposals Map 1 are detailed within this Statement to avoid repetition with other hearing statements and in direct response to questions posed by the Inspector. Specific changes to policy TRA1 is provided at Appendix 1 whilst Horizon propose the reinstatement of A5025 Improvement Areas to the Plan.
- 3.3 Horizon also considers it crucial that its suggested amendments to policies PS1, TAI3, CYF1, CYF4, PS12, MAN6, TWR1, PS15 and PS16; paragraphs 7.3.25 & 7.3.55; and Proposals Map 1 (reintroduce A5025) and Constraints Map 1 (removal of designation of Wylfa Head as a LNR and as a candidate wildlife site) as set out above and in other hearing statements are incorporated for the Plan to meet the soundness test set out in PPW.

APPENDIX 1 - TRA1: TRANSPORT NETWORK DEVELOPMENTS AND PROPOSALS MAP 1

POLICY TRA1: 'TRANSPORT NETWORK DEVELOPMENTS' AND PROPOSALS MAP 1

Please note amendments to policy TRA1 in the Composite Version of the JLDP Written Statement (2016) are denoted as follows:

Changes in *red italics* are those proposed by Horizon.

Changes in **highlighted yellow** are further changes proposed by Horizon on 11/8/16

"TRA1: TRANSPORT NETWORK DEVELOPMENTS

4.(iii) A5025 Valley to Wylfa ~~and~~ and other transport infrastructure improvements associated with the new nuclear development at Wylfa Newydd including improvements from Amlwch to Wylfa Newydd where need for improvement on that section ~~where such need~~ is demonstrated following development of an Integrated Traffic and Transport Strategy for the Wylfa Newydd Project including a Corporate Hub"

The proposed changes would also see reference to the A5025 works being re-inserted on Proposals Map 1.