

GWYNEDD & ANGLESEY JOINT LOCAL DEVELOPMENT PLAN (2011 – 2026)

PUBLIC EXAMINATION:

Hearing Session 9 – Wylfa

Action points S9/PG1 – S9/PG10

Hearing Session 7 – Minerals and Waste

Action point S7/ PG15



**CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL**

1] Action Point (S9/PG1) – CIL Regulations

Prepare a paper which presents the legal opinion obtained regarding compliance with CIL Regulations, explaining how the Councils will still be able to require suitable contributions to address relevant requirements for infrastructure.

1.1. Councils' response:

1.2 The note included in Appendix 1 to this paper addresses the pooling restriction contained in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (the "CIL Regulations"), explaining how the Council will impose planning obligations under the Town and Country Planning Act 1990 ("TCPA") in relation to future developments promoted so as to ensure that those obligations do not breach the pooling restriction within the Regulations.

2] Action Point (S9/PG2) – Explanatory text

Present a Matters Arising Change to provide clarity regarding the Isle of Anglesey County Council's priorities in relation to Wylfa Newydd, building on the principles set out in the introduction to the current Supplementary Planning Guidance. If permanent buildings are vacated and a permanent residential use is an agreed legacy use, reference should be made to the conclusions of LHMA in order to provide clarity to the project promoter at the outset regarding the type of housing units that is required.

Clarify 7.3 to refer to the updated SPG.

Action Point (S9/PG3) – Policy TAI 3

Present a Matters Arising Change to provide clarity regarding the Policy's scope, i.e. small scale temporary workers' modular accommodation.

Action Point (S9/PG4) – New Policy – large scale temporary workers' modular accommodation

Present a Matters Arising Change to introduce a new policy that provides clear guidance through a criteria based approach about the Council's expectations/ priorities in relation to large scale temporary workers' modular accommodation (500+ workers), including ancillary/ supporting infrastructure and facilities. Review the hierarchy directing such development to within settlements as first option and reconsider whether that is the Councils' preferred approach given the likely impacts. Ensure that development is directed in a manner that doesn't harm the tourism offer on the Island.

Action Point (S9/PG5) - New Policy – logistics centre

Present a Matters Arising Change to introduce a new policy that provides clear guidance about the Council's expectations/ priorities in relation to a logistics centre for Wylfa Newydd, including locational guidance in the form of site selection criteria.

Action Point (S9/PG6) - New Policy – park and ride

Present a Matters Arising Change to introduce a new policy that provides clear guidance about the Council's expectations/ priorities in relation to a park and ride facility for Wylfa Newydd.

Action Point (S9/PG10) – Policy PS 9

Present a Matters Arising Change that:

- **clarifies reference to "green infrastructure"**
- **deletes criterion 7 that refers to the Habitat Regulations;**
- **deletes criterion 11 that refers to "voluntary community benefits"**
- **reword criterion 12, removing the first two sub criteria and amending the third**
- **add a criterion to refer to refer to early Works on the main site**

Action Point (S7/PG15) – Policy PS 9

Introduce a Matters Arising Change to correct the reference made towards the existing nuclear site to be relevant to the Wylfa Newydd site.

2.1 Councils' response:

2.2 At hearing session 9 (Wylfa) on 15 September 2016 the Councils were asked to review the locational guidance given in policy PS9 and to prepare new sub-policies for specific types of associated development related to the Wylfa Newydd policies. The Councils have undertaken that work and revised Policy PS9 and new sub-policies PS9A, PS9B and PS9C are submitted. The sub-policies are intended to provide more locational guidance for the siting of the associated development.

2.3 The Councils consider that it is good planning for the Logistics Centre to be directed to sites already assessed as suitable for employment use and accessible to the workers by sustainable means. The Councils further consider that Park and Ride facilities should be located on sites which are well located to centres in order that workers have a choice of means of transport to the pickup points. In both cases the Councils consider that open

countryside locations for both types of development are inappropriate, likely to have larger impacts than sites within or adjacent to settlements, particularly in landscape terms, and would not accord with the spatial strategy of the Plan.

2.4 The Councils do not consider that it is appropriate for them to identify specific sites for Temporary Construction Workers Accommodation (TCWA). In order to do so they would need to undertake a specific analysis, which has not been carried out, as well as an agreement with Horizon ahead of their own public consultation. The locational guidance given is in line with the Councils' consistent approach to date and the specifically prepared SPG which provided guidance that aligned with the emerging Plan on the Councils' views ahead of Horizon Nuclear Power's site selection. Policy TAI 3 as presented in the Councils' Hearing Statement sought to address the need to provide locational guidance and criteria for any scale of modular style accommodation. During the Hearing the need to differentiate between "small" and "large" scale TCWA was discussed. Reference was made to 500 bedspaces as being the relevant threshold. The Councils consider that the 500 bedspaces threshold reflects nothing more than the number Horizon have determined as being the minimum needed to make their preferred style of large scale campus style temporary accommodation economic to them. It has no planning basis and there is no evidence base to show that this threshold reflects a tipping point in impacts. The Councils consider that small and large are relative judgements which should be based upon the facts and circumstance of a proposal and the scale of the community into which they are to be located and cannot be pre-determined in isolation. 501 bedspaces within a large town such as Holyhead or Llangefni would have substantively different impacts to a similar situation in a small village location. By submitting a single policy setting out the criteria based principles that should apply to all TCWA the Councils were of the view that this approach would provide an appropriate framework as the impacts will vary with the facts and circumstances. Having considered the Inspectors' comments in the Hearing, the Councils are presenting a series of proposed Matters Arising Changes, which involve amendments to Policy TAI 3 and introduction of Policy PS9 A. Policy PS9 A as submitted in response to the action point is predicated on the basis that large scale campus style temporary accommodation for construction workers has been pre-determined to be necessary. While this is Horizon's stated preferred position they have not produced an evidence base to support this and the Councils in their response to the second stage pre-application consultation do not accept that the principle has been demonstrated to be necessary and acceptable.

2.5 Having considered the Inspectors' comments in the Hearing the Councils have removed the original first preference for large scale TCWA to be sited within settlement boundaries from Policy TAI 3 in line with the direction given by the Inspectors. Notwithstanding the Councils' views regarding the threshold, the draft policy PS9 A directs large scale (more than 500 bedspaces) TCWA to edge of settlement sites or close proximity to settlement sites on the main transport routes and away from open countryside. The Councils' next preference for such development to be adjacent or in close proximity to settlement boundaries should remain. This approach is consistent with the approach taken to date, including in the Supplementary Planning Guidance. The Deposit Plan and that guidance provided a hierarchy for siting development which preferences edge of the Plan's larger settlements over open countryside. It is also pertinent to note that the SPG was evidence based, subject to a sustainability appraisal, prepared in a manner to align with the emerging Plan, publically consulted upon and approved by Members.

2.6 The approach set out in the revised draft policy is consistent with that followed in the Land and Lakes development on the edge of Holyhead at which it is proposed to house 3,500 temporary workers, and some of which is within the settlement boundary. The impacts of that development on the settlement have been appropriately managed and the consent has been issued. The Councils consider that this demonstrates that these

developments can be suitably located in sustainable, settlement and edge of settlement locations although each would have to be proportionate to the size of the settlement concerned. The approach proposed in the Councils' draft Policy PS9A is therefore consistent with that publically consulted upon, approved by Members and adopted on other analogous developments.

2.7 The Councils have reviewed the siting criteria with regard to the evidence base and consider that the approach of directing large scale temporary workers to open countryside would be contrary to the approach of the Plan in general and its sustainability objectives. An open countryside location would not reflect the preferences of the Councils to use temporary development to open up new opportunities in sustainable locations and provide the best outcome for the area. It is unlikely that an acceptable legacy could be achieved for open countryside sites, and therefore they will make no permanent contribution to the Island in exchange for the burden imposed of hosting such development.

2.8 Revised Policy TAI 3 is set out in Appendix 2. Amendments to section 7.3, which includes revised Policy PS 9 and new Policies PS 9A to 9C are set out in Appendix 3.

2.9 The Councils have liaised with Horizon with regard to the amendments to these policies. Horizon provided a draft of their preferred policy wording to the Councils and regard was had to this in preparing the Councils' draft. The Councils do not accept several key points of the Horizon draft. Horizon was provided with sight of and an opportunity to comment upon the Councils' revised draft prior to submission and did provide their suggested amendments. The Councils reviewed these amendments and accepted a number of minor points but there remains disagreement on some of the key principles. The parties cannot reach a consensus allowing submission of an agreed draft.

2.10 Horizon have strongly objected to the Councils' continued preference for TCWA to be located adjacent to settlements however their draft policy PART B provides that TCWA "will be directed to either land outside development boundaries of Centres or Service Villages or land adjacent to development boundaries of Centres or Service Villages". The Councils had regard to that draft when finalising their own proposal. The Councils require sites adjacent to settlement to be ruled out before countryside locations could be considered. The Councils advise that Horizon do not agree the draft policies.

3] Action Point (S9/PG7) – Policy TRA 1

Present a Matters Arising Change setting out the consequential changes that would be required to reflect the action points referred to in S9/PG4, S9/PG5 & S9/PG6

3.1 Councils' response

3.2 Appendix 4 sets out proposed minor amendments to Policy TRA 1 to ensure it and new Policies PS9 (B) and PS9 (C) are aligned, and to re-introduce proposal relating to improvements to the A5025.

4] Action Point (S9/PG8) – Policy TAI 8

Present a Matters Arising Change to refine the Policy in order to ensure:

- that its scope is clearer;

- **consistency with Policy TWR 3;**
- **it reflects the Councils' priorities to maintain or enhance the tourism sector.**

4.1 Councils' response

4.2 Appendix 5 sets out proposed minor amendments to Policy TAI 8. Criterion 8 is removed in order to align with a High Court judgment *Isaac Youssef Khodari vs Royal Borough of Kensington and Chelsea* (10/11/15). This judgment sets out that other than in the exceptional circumstances, a monitoring fee cannot be imposed in a section 106 agreement. The Court in this case indicated that there may be very limited circumstances in which a monitoring fee might "exceptionally" be justified (for example, a very large development or nationally significant piece of transport or energy infrastructure). Policy TAI 8 refers to development associated with a nationally significant energy infrastructure not to the infrastructure project itself. Therefore, it would be inappropriate for the Policy to require such an arrangement. That is an expense for which local authorities must bear responsibility.

5] Action Point (S9/PG9) – Policy TAI 2

Present a Matters Arising Change to provide clarity about opportunities to facilitate HMOs, optimising the use of existing buildings.

5.1 Councils' response

5.2 Appendix 6 sets out proposed minor amendments to paragraph 7.4.13A