

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Executive
Date:	19 December 2016
Subject:	Improvement works to the highway between A55 J3 and Wylfa Newydd along the A5 and A5025
Portfolio Holder(s):	Councillor John Arwel Roberts
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Local Members:	n/a

A –Recommendation/s and reason/s
<p>RECOMMENDATION:</p> <p>That the Executive authorise the Head of Service – Highways, Waste and Property to:</p> <p>(a) following completion of the Indemnity Agreement, make and serve CPO(s) under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 and all other powers considered by the Head of Service to be necessary in relation to the making and serving of CPO(s) in respect of all or part of the land outlined in red on the CPO Plans at Appendix 1 and such other land as may be considered necessary to deliver the A5025 Works including any mitigation;</p> <p>(b) following completion of the Indemnity Agreement, make and serve any SROs and any other highway orders necessary to enable the carrying out of the A5025 Works;</p> <p>(c) following completion of the Indemnity Agreement, take all necessary steps to secure the making, confirmation and implementation of the CPO(s), any SROs and any other highway orders including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council's case at any public inquiry to secure confirmation of the CPO(s) and SRO(s) by the Secretary of State;</p> <p>(d) once the CPO(s) is/are confirmed, exercise the powers conferred by the relevant CPO to acquire land and/or rights or acquire by agreement the land and/or rights;</p>

(e) following completion of the Indemnity Agreement, enter into such agreements as the Head of Service considers appropriate with landowners and others with an interest in the land the subject of the CPO(s) to acquire land/rights and/or secure withdrawal of objections to the CPO(s) and any SROs;

(f) following completion of the Indemnity Agreement, make any necessary payments of compensation (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to acquisition of land interests.

REASONS

GLOSSARY

CPO	Compulsory Purchase Order
HNPWL	Horizon Nuclear Power Wylfa Limited
PIA	means the Preparatory Indemnity Agreement between IACC and HNPWL dated 21 September 2016
SRO	Side Road Order
TRO	Traffic Regulation Order
1980 Act	means the Highways Act 1980
1990 Act	means the Town and Country Planning Act 1990
20 June Report	Report to Executive dated 20 June 2016

Introduction

This report provides an update on progress in respect of Horizon Nuclear Power Wylfa Limited (HNPWL) proposals to submit an application for development consent for a new nuclear power station at Wylfa, Anglesey (Wylfa Newydd) and in particular the improvement works required to be made to the highway between A55 J3 at Valley and Wylfa Newydd along the A5 and A5025 site entrance ("the A5025 Works"). As previously reported to the Executive on 20 June 2016 ("20 June Report") third party land is required to undertake the A5025 Works and therefore the Council's compulsory acquisition and other highway powers are likely to be needed to assemble the land.

A detailed description of the A5025 Works, including an explanation of the Online and Offline elements, and the reason why compulsory acquisition powers may be required was provided in the 20 June Report appended to this report at Appendix 2. Work has been progressing on the detailed design of the A5025 Works. At the time of writing this report, HNPWL had not commenced its pre-application consultation under section 61Z of the Town and Country Planning Act 1990 ("the 1990 Act") for the Online Works. However, it is anticipated that this consultation will start during December 2016 / January 2017. The planning application for the Online works is therefore expected to be made during January/February 2017. The target submission date for the Offline works application is Spring 2017. Ongoing negotiations by HNPWL, and through consultation with landowners and occupiers as well as between the Council and HNPWL, has enabled further refinement of the land for which a Compulsory Purchase Order (CPO) may be required.

At its meeting of 20 June 2016, the Executive considered the 20 June Report and resolved to authorise the Head of Service – Highways, Waste and Property to enter into an indemnity agreement so that HNPWL would be responsible for all costs and liabilities associated with any use of the Council's compulsory acquisition powers and, following completion of the indemnity agreement, authorisation was also given for the undertaking of all steps necessary in preparation for making and serving a CPO, Side Road Orders (SROs) and any other Order necessary ("the Orders") and for the Head of Service to negotiate and enter into agreements to acquire land and rights voluntarily.

Whilst the preparatory steps for the Orders were authorised, the Executive resolution of 20 June 2016 does not authorise the making, serving and implementation of the Orders and therefore further resolutions from the Executive are required to progress the A5025 Works.

Compulsory Purchase Powers

The Council's powers of compulsory purchase to acquire land and interests in land for the A5025 Works are contained in the Highways Act 1980 ("1980 Act"). The Council can exercise the powers under the 1980 Act as highway authority. A summary of the Council's relevant compulsory acquisition powers are as follows:

Section of the 1980 Act	Description of Power/Requirement
S.239(1) and s.240	The Council has the power to compulsorily acquire land required to construct new highways and improve existing highways

S.246	The Council may acquire land for the purpose of mitigating any adverse effects which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway
S.282	Gives the Council power to carry out any such mitigating works
S.249	Sets out distance limits from the middle of the existing or new highway beyond which land to be acquired must not exceed.
S.250	Gives the Council power to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights
S. 260	Allows the Council to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order

Procedural matters relating to the service and making of the CPO are contained in the Acquisition of Land Act 1981.

The A5025 Works will require alteration and potentially the stopping up of side roads and accesses. The statutory powers for making SROs are also contained in the 1980 Act. A summary of the Council's powers are set out below:

Section of the 1980 Act	Description of Power/Requirement
S. 14	Gives the Council power to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road being constructed or improved or is or will be otherwise affected by the construction and improvement works. It also allows for the construction of a new highway (temporary or permanent) for purposes concerned with any such alteration or

	for any other purpose connected with the road or its construction.
S. 125	Gives the Council power to stop-up private accesses to premises adjoining or adjacent to the highway being constructed or improved and where appropriate, provide an alternative means of access

Traffic Regulation Order's (TROs) are also likely to be required to ensure the expeditious movement of traffic and in the interest of road safety. TROs will cover banned turning movements, loading and waiting restrictions, speed limits, and clearways. Any TROs necessary will be made by the Council in due course.

Those with a relevant interest in the land subject to the CPO(s) will be notified and will be entitled to lodge representations with the Welsh Ministers. Representation can also be made in respect of the SROs. Interested parties who will not have land acquired (non-statutory objectors) will also be entitled to make representations. If necessary a public local inquiry will be convened at which an Inspector will consider objections and thereafter make a recommendation as to whether the CPO(s) and SRO(s) should be confirmed. The Council will be required to attend any inquiry and respond to objections.

The relevant Orders are being prepared in accordance with the Executive's resolution of 20 June 2016 and, subject to an appropriate resolution from the Executive, are expected to be ready to be made and served by February 2017.

The Works Required, Timings and Approach

A detailed description of the Online and Offline works was provided in the 20 June Report. Since that Report, the Online Works have been screened by the Council pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2016 and the Council has determined that the Online Works do not constitute development requiring an EIA.

The planning application for the Online Works is due to be submitted in January / February 2017 following the pre-application consultation undertaken under S. 61Z of the 1990 Act. The Online Works are needed in advance to be mitigation for Wylfa Newydd and will improve the condition of the road. In order for Wylfa Newydd to be delivered on time and not be delayed, the Online Works need to be carried out before the commencement of the main construction works for Wylfa Newydd. It is HNPWL's intention therefore to fund completion of the Online Works as soon as possible at

their own risk and (subject to planning consent and the requirement for Orders to be confirmed) the Online Works will be started in late 2017 / early 2018.

As noted in the 20 June Report, the Offline works will form part of a separate subsequent application. The target submission date is Spring 2017. It is still envisaged that the Offline works will start following grant of a DCO for the proposed new nuclear power station (currently anticipated to be 2019).

Wylfa to Amlwch

In the 20 June Report, it was noted that HNPWL was also considering whether any works are necessary to improve the existing A5025 from Wylfa Newydd to Amlwch. HNPWL has confirmed in its most recent public consultation (PAC2) that highway widening works and improvement to road geometry are unlikely to be required but the Council will continue to work with HNPWL to understand the impact on this and other roads on Anglesey in order to investigate where mitigation works may be required.

Land needed to carry out the works

Plans showing the extent of the land required to undertake the works and for which powers of compulsory acquisition are sought are attached (“the CPO Plans”). The CPO Plans have been produced following further refinement of the land required, such refinement being possible as a result of the preparatory steps that have now been undertaken (discussed further below). Although HNPWL has entered into some agreements with landowners to acquire land and interests needed for the works, there are still significant parcels of land where no agreement exists and, whilst negotiations and discussions will continue, it is likely that powers of compulsory acquisition will be needed to secure the land and to ensure that any third party interests will not prevent implementation of the works.

Objectives of, need and policy support for the A5025 Works

The objectives, need and policy support for the works are set out in detail in the 20 June Report. In particular, it should be noted that the A5025 Works are supported by the New Nuclear Generation at Wylfa Supplementary Planning Guidance (IACC) (2014) (SPG), the emerging Joint Local Development Plan (JLDP) and the North Wales Joint Local Transport Plan 2015 (JLTP). The delivery of the A5025 Works is necessary to enable the construction of Wylfa Newydd which will help to address the urgent national need for new generating capacity.

The A5025 Works form an important component for delivery of the Wylfa Newydd

Project, and are required as part of the wider transport strategy for the Project. Should consent be granted for the Project, it would be necessary for construction traffic to use the A5025 from the A55 Junction 3 to the north of Valley to get to the Wylfa Newydd Development Area.

The On-line Works are proposed to accommodate the future flows of traffic, address the impacts associated with the early stages of construction and ensure that the A5025 is of a suitable quality to facilitate the construction and operation of the Project. Without improvement, increases in traffic could result in further road deterioration, increased delays for road users, potentially increased accident risk and nuisance for local communities along the route.

The Scheme Assessment Report 2 and Stage One Road Safety Audit indicate that parts of the A5025 between Valley and the Wylfa Newydd power station site do not meet current highway standards. The existing route has issues in relation to its width, alignment and overtaking opportunities, which currently affect the movement of traffic along the road.

As mentioned above, highway improvements to the A5025 are supported by adopted and emerging planning policy. Policies FF2, FF5 and FF11 of the Gwynedd Structure Plan (1993) confirm the need to provide for the expeditious movement of traffic. The Stopped Ynys Mon Unitary Development Plan (2005) supports improvements to the highway network especially where there is a need to contribute to the local economy, improve road safety and promote accessibility (Policy TR2 and TR3). The SPG confirms in Objective 6 that the Project should promote the sustainable movement of people and materials. Paragraph 4.7 of the SPG confirms that key junctions and sections of carriageway may need improving to cope with peak traffic flows (these include sections of the A5025 and Junction 3 (A55/A5 junction)).

The emerging JLDP has progressed through the Hearings stage and the Council has now submitted a number of changes to the Plan that respond to the action points arising from the individual hearing sessions (Matters Arising Change). These changes will need to go through a process of formal consultation followed by further hearing sessions if necessary. This consultation period is understood to commence in January 2017.

The emerging JLDP (as amended by the proposed Matters Arising Changes) makes reference to the need to improve existing infrastructure and sets out that in the case of new roads, a full range of practicable solutions to the transport problem has been considered and road enhancement provides the optimum solution.

The emerging JLDP confirms that improvements to the existing transport network will

be granted provided they conform to a number of criteria. These include minimising the impact on the built and natural environment, minimising permanent land take, good high quality design, improvement in road safety and improvement in terms of overall accessibility (Policy TRA1). Paragraph 7.1.41 of the emerging JLDP confirms that the four main locations on the route between Valley and the Power Station site that will require significant improvements include:

- A5/A5205 (Valley);
- A5025 (Llanfachraeth);
- A5025 (Llanfaethlu); and
- A5025 (Cefn Coch)'.

The emerging JLTP aims to improve connections to key destinations and markets, enhance access to employment and services, increase levels of walking and cycling, improve safety and security and at the same time bring benefits and minimise impacts on the environment. Table 6.4 of the draft JLTP confirms that A5025 Valley to Amlwch improvement works in preparation for the construction of Wylfa Newydd are a regional priority project.

The proposals have been sensitively designed to respect the scale and character of the surrounding area, and have been designed to prevent as far as possible any adverse impacts on surrounding residential amenity, ecological receptors or the setting of heritage assets.

Whilst the construction of Wylfa Newydd requires delivery of the Online and Offline works, the Online Works will result in improvements to the roads, irrespective of whether Wylfa Newydd goes ahead. Therefore, early delivery of such works before the DCO is granted is considered justified.

The 20 June Report noted that there is broader transport, economic and planning policy at national, regional and local level that recognises the wider public benefit of the Online Works. However, there is no evidence that an improved A55/A5025 will attract further investment or have economic or social benefits wider than Wylfa Newydd and therefore Members should give no weight to these.

Evolution of the works and the appraisal of options

The details of and background to the design approach was covered in detail in the 20 June Report. In accordance with the provisions of the Collaboration Agreement dated 1 June 2016 between HNPWL and the Council and as previously reported, the

Council has been working in partnership with HNPWL to develop the detailed design of the A5025 Works and HNPWL continues to engage the Council's Highway Officers to finalise the design of the A5025 Works.

Public Consultation

Details of consultations undertaken between September 2014 and June 2016 were provided in the 20 June Report. Since then, a further round of statutory pre-application consultation, known as PAC 2, has been undertaken between 31 August and 25 October 2016.

The PAC 2 main consultation document discusses the A5025 Works in chapter 11 and contains table 11.5 setting out the key design changes following consultation. The table confirms that comments received from property owners in May 2016 where access to properties, for example, is immediately adjacent to the A5025, have informed the detailed design.

The key themes raised through the PAC2 consultation in relation to the A5025 On-line highway improvement works are as noted below:

- Construction impacts on receptors close to the A5025 (e.g. noise and dust);
- Recognition that improvements to road safety are necessary; and
- Impacts on local residents where the A5025 meets private means of access.

Horizon are currently working through the PAC2 responses to consider and address these before the application for the On-line highway improvement works is submitted to the IACC.

HNPWL will be undertaking pre-application consultation for the Online works as required by S.61Z of the 1990 Act.

HNPWL Landowner negotiations

The 20 June Report explained the steps HNPWL has already taken to negotiate with landowners and that, as a result, HNPWL has acquired interests in some of the land by agreement (mainly through options to purchase).

HNPWL will continue to negotiate with landowners and, once the Executive give authority to make and serve CPOs, the Council will also contact landowners with a view to acquiring land by agreement where possible.

Land Referencing and Landowner Communications

In accordance with the Executive authorisations on 20 June 2016, preparatory steps for the making of the Orders have been undertaken as follows:

(a) completion of necessary indemnity agreement (further details of which are set out below);

(b) appointment of TerraQuest as land referencers;

(c) following the Executive's resolution on 20 June 2016, the Council has also written to landowners and others with an interest in the land, to explain that it may be using its CPO powers and to inform them that a land referencing exercise would be undertaken;

(d) subsequently that land referencing exercise has been commenced. The process will include desktop assessments of land interests, door to door canvassing of affected properties by the land referencers, issue of formal statutory requests for information of landowners, analysis and assessment of those interests and follow up queries being raised as appropriate; and

(e) once completed, the comprehensive land referencing exercise will allow the preparation by the Council of an accurate schedule of land interests for the land required for the A5025 Works which will be reflected in the CPOs and SROs which are being prepared.

As noted above, following completion of the Indemnity Agreement, the Council will contact landowners with a view to acquiring land by agreement where possible. This accords with best practice and the National Assembly's guidance to local authorities comprised in National Assembly for Wales Circular (NAFWC) 14/2004 - "Revised Circular on Compulsory Purchase Orders". Negotiations will continue to take place throughout the compulsory purchase process. Failure to comply with the Circular can lead to criticism either at any public inquiry or further down the line in any compensation disputes.

Funding of the works

HNPWL continues to promote the Wylfa Newydd project with the support of its parent company Hitachi Ltd. The costs of the A5025 Works will be fully funded by HNPWL under s. 278 of the 1980 Act. The intention is for there to be one s278 Agreement for the Online Works and one for the Offline Works with each s278 Agreement setting out a series of work packages, as appropriate, for the online and offline elements of the A5025 Works. The Council and HNPWL are working to put those Agreements in place as soon as possible.

Appropriate warranties relating to the design of the scheme will also be provided to the Council. Collateral warranty agreements will be required to sit alongside each S278 agreement to cover any potential design liabilities relating to each stage of the A5025 Works.

As noted in the 20 June Report, the work involved in acquiring the land and rights needed for the works, including progressing and securing the CPOs, SROs and any other orders, and compensation liabilities (CPO Costs), will be underwritten by HNPWL. It was initially envisaged that there would be one indemnity agreement to cover the costs of preparation, making and confirming the CPOs as well as implementation of the Orders and the payment of compensation. However, the Head of Service (Highways, Waste and Property) and HNPWL agreed a two stage approach to the indemnity process. A Preparatory Indemnity Agreement (PIA) was completed on 21 September 2016 to cover any liabilities of the Council that may be incurred during the preparatory stages of the CPO process and a second full Indemnity Agreement (the Indemnity Agreement) will be completed shortly whereby HNPWL will underwrite all costs and compensation liabilities of the Council in relation to the CPOs and SROs. Before completion of the Indemnity Agreement the Council will satisfy itself that HNPWL has provided evidence that it has adequate resources to cover this indemnity and where necessary require sufficient security for the potential liabilities.

Human Rights

The Human Rights Act 1998 (the "HRA 1998") incorporated into domestic law the European Convention on Human Rights ("the Convention"). The HRA 1998 makes it unlawful for a public body to act in contravention of the Convention.

The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual. In resolving to make a CPO order the Council has to consider the rights of property owners under the Convention, notably

Article 1 of the First Protocol - protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws;

Article 6– protects the right to a fair hearing. In cases to determine civil rights it protects the right to a public hearing before an independent and impartial tribunal within reasonable time.

Article 8 – protects private and family life, home and correspondence. No public authority can interfere with these rights except if it is in accordance with the law and

necessary in the interest of national security. Public safety, or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others;

Article 14 – The enjoyment of the rights and freedoms in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with national minority, property, birth or other status.

In the case of each of these Articles (and indeed other provisions in the Convention) the Council has to be conscious of the need to strike a balance between the rights of the individual and the interests of the public.

In this regard, the following are relevant:

- the principle of development is acceptable and is supported by adopted and emerging planning policy;
- the A5025 Works will address road safety and environmental concerns and mitigate the impacts and allow for the construction and operation of Wylfa Newydd;
- the proposals have been sensitively designed to respect the scale and character of the surrounding area, and have been designed to prevent as far as possible any adverse impacts on surrounding residential amenity, ecological receptors or the setting of heritage assets. The majority of the proposed On-line highway works will take place within the existing carriageway with some widening, for example, resurfacing and surface dressing of the existing road surface and reconstructing part of the existing highway pavement;
- creation of additional jobs with potential for local employment opportunities during construction ; and
- enhanced journey conditions for non-motorised users travelling along the A5025 through improved road surfacing.

The works will allow Wylfa Newydd to be constructed, a development which is fully supported in national planning policy and required to help address the urgent national need for new generating capacity. However, this needs to be balanced with the fact that land and rights along the proposed route of the Online and Offline works will be affected (although most of the land affected is agricultural, no occupied residential dwelling is being acquired and the scheme will not displace anyone from

their home).

The Executive previously considered Human Rights impacts at its meeting of 20 June 2016. As previously reported, it is considered that interference with the private rights of those with an interest in the land likely to be required is outweighed by the public benefits which the scheme will bring through the construction and operation of Wylfa Newydd.

Exercise of Compulsory Purchase Powers

The exercise of powers of compulsory acquisition is supported by Welsh Government where there is a compelling case in the public interest. NAFWC 14(2)/2004 states that *"The Welsh Assembly Government believes that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – at whatever level – are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay."*

It is considered that there is a compelling case in the public interest for the delivery of the A5025 Works, which are required to enable the construction of the proposed power station at Wylfa Newydd. The delivery of Wylfa Newydd has significant policy support and is required to help meet the urgent national need for new generating capacity. In relation to the Online Works, in order for Wylfa Newydd to be delivered on time and not delayed, they need to be carried out before the commencement of the main construction works for Wylfa Newydd. Such works will be constructed independently from the Offline Works and will result in improvements to the road, irrespective of whether Wylfa Newydd goes ahead. Early delivery of the Online works is therefore considered justified. There is strong planning, economic and transport policy support for the A5025 Works.

The 20 June Report also identified that before exercising powers of compulsory purchase regard must be had to the following tests:

(i) there is clear evidence that the public benefit will outweigh the private loss, having regard to the European Convention on Human Rights;

As noted above, in the context of human rights, it is considered that the interference

with the private rights of those with an interest in the land to be acquired is outweighed by the public benefits which the scheme will bring, through the construction and operation of Wylfa Newydd.

(ii) the scheme (in this case the A5025 Works) for which the CPO is sought is unlikely to be blocked by any impediments to implementation;

As noted above, the Council possesses the requisite legal powers to make, confirm and implement any necessary CPOs, SROs and any other highway orders. The other main impediments to implementation would be the failure to secure planning permission, as the CPOs and SROs will be conditional upon the grant of planning permission for the A5025 Works, and lack of funding for either the A5025 Works themselves or the CPO costs and compensation liabilities.

Whilst the two planning applications for the A5025 Works must be considered separately by the Council in its capacity as local planning authority, it is recognised for the purposes of this report that planning permission can only be granted where there is a need for and policy support for the development of the A5025 Works. As set out above and in the 20 June Report, the delivery of the A5025 Works is supported by the SPG, the emerging JLDP and JLTP and the delivery of the A5025 Works is necessary to enable the construction of Wylfa Newydd for which there is significant national and local policy support. Funding for the A5025 Works will be secured through the s. 278 Agreements which it is intended will be in place as soon as possible and prior to any CPO inquiry. Going forwards, the funding of CPO costs and compensation liabilities will be secured through the Indemnity Agreement which will be completed before any Orders are made.

(iii) there is a clear idea of how the land will be used and that necessary resources are likely to be available to achieve that end within a reasonable timeframe;

In accordance with the provisions of the Collaboration Agreement and as previously reported in the 20 June Report,, the Council has been working in partnership with HNPWL to develop the detailed design of the A5025 Works. The submission of the planning application for the Online Works and the entry into of the relevant s.278 Agreements will ensure that there will be clear details of the works required and, therefore, how any land subject to a CPO and/or SRO will be used.

Given the existence of partnership working under the Collaboration Agreement, the indemnity arrangements (already in place through the PIA and enhanced arrangements that will be in place through a further Indemnity Agreement prior to the making of the Orders) and commitments by both HNPWL and the Council to enter

into appropriate s.278 Agreements to deliver the A5025 Works, it is considered that sufficient resources in terms of both time and funding are and will remain in place.

In terms of overall timescales, the planning application for the Online element of the A5025 Works will be submitted shortly and HNPWL anticipate securing planning permission and commencing construction of the Online element of the A5025 Works in 2017.

The target submission date for the Offline element of the A5025 Works is Spring 2017. The project timeline envisages that the Offline works will commence in 2019 following the grant of the DCO for the proposed new nuclear power station. Progress towards the submission of the DCO application continues to be made by HNPWL which has now undertaken a number of statutory and non-statutory pre-application consultation rounds. HNPWL's target submission for the DCO application is Spring/Summer 2017. Given the strict decision timetable for DCO applications, the grant of the DCO is therefore anticipated towards the end of 2018.

The overall timeframe for securing the requisite consents for the A5025 Works and subsequently exercising the compulsory purchase rights is considered reasonable.

(iv) that the land required has or will be sought to be acquired by agreement, with any CPO being relied upon only as a last resort.

As demonstrated above, HNPWL has engaged with those with an interest in the land and where possible will enter into agreements to secure land and rights without the use of compulsory purchase powers. The Council will, subject to this resolution and completion of the Indemnity Agreement, also engage with landowners with a view to acquiring land/rights by agreement.

Recommendation

That the Executive authorise the Head of Service – Highways, Waste and Property to:

(a) following completion of the Indemnity Agreement, make and serve CPO(s) under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 and all other powers considered by the Head of Service to be necessary in relation to the making and serving of CPO(s) in respect of all or part of the land outlined in red on the CPO Plans at Appendix 1 and such other land as may be considered necessary to deliver the A5025 Works including any mitigation;

(b) following completion of the Indemnity Agreement, make and serve any SROs and

any other highway orders necessary to enable the carrying out of the A5025 Works;

(c) following completion of the Indemnity Agreement, take all necessary steps to secure the making, confirmation and implementation of the CPO(s), any SROs and any other highway orders including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council's case at any public inquiry to secure confirmation of the CPO(s) and SRO(s) by the Secretary of State;

(d) once the CPO(s) is/are confirmed, exercise the powers conferred by the relevant CPO to acquire land and/or rights or acquire by agreement the land and/or rights;

(e) following completion of the Indemnity Agreement, enter into such agreements as the Head of Service considers appropriate with landowners and others with an interest in the land the subject of the CPO(s) to acquire land/rights and/or secure withdrawal of objections to the CPO(s) and any SROs;

(f) following completion of the Indemnity Agreement, make any necessary payments of compensation (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to acquisition of land interests.

B – What other options did you consider and why did you reject them and/or opt for this option?

The Council has entered into a Collaboration Agreement with HNPWL which confirms, in principle, that the Council would exercise statutory Highway Authority powers, including those of compulsory purchase. Currently, neither the Council nor HNPWL has sufficient control over the land and rights in order to deliver the A5025 Works and it is therefore considered that compulsory purchase is now likely to be required. Following the entry into of the necessary indemnity agreements with HNPWL, this report seeks authority to progress the steps required to make and serve the CPOs, SROs and any other orders.

C – Why is this a decision for the Executive?

A decision from members is requested by the Chief Executive pursuant to paragraph 3.5.1.6 of the Scheme of Delegation and Section 13(2) Local Government Act 2000 and in accordance with the same provisions the Monitoring Officer has advised that the decision falls to the Executive.

CH – Is this decision consistent with policy approved by the full Council?

Yes

D – Is this decision within the budget approved by the Council?

Yes. The cost of the work required by the Council is being underwritten by HNPWL.

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	No further comment
2	Finance / Section 151 (mandatory)	No further comment
3	Legal / Monitoring Officer (mandatory)	No further comment
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	

E – Risks and any mitigation (if relevant)

1	Economic	
2	Anti-poverty	
3	Crime and Disorder	

4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

F - Appendices:

CPO Plans showing extent of the land required
 Report to Executive of 20th June 2016 on improvement works to the highway between A55 J3 and Wylfa Newydd along the A5 and A5025

FF - Background papers (please contact the author of the Report for any further information):

Report to the Executive of 9th June 2014 on Options in relation to securing improvements to the A5025 to facilitate the development proposals of HNPWL.
 Report to the Executive of 16 March 2015 on Partnership working proposals in relation to securing improvements to the A5025 and other highways to facilitate the development proposals of HNPWL.
 Highway Works Collaboration Agreement dated 1 June 2015 between the Council and HNPWL.
 Report to Executive of 20th June 2016 on improvement works to the highway between A55 J3 and Wylfa Newydd along the A5 and A5025



AECOM

PROJECT
 WYLFA
 A5025 HIGHWAY IMPROVEMENTS
CLIENT

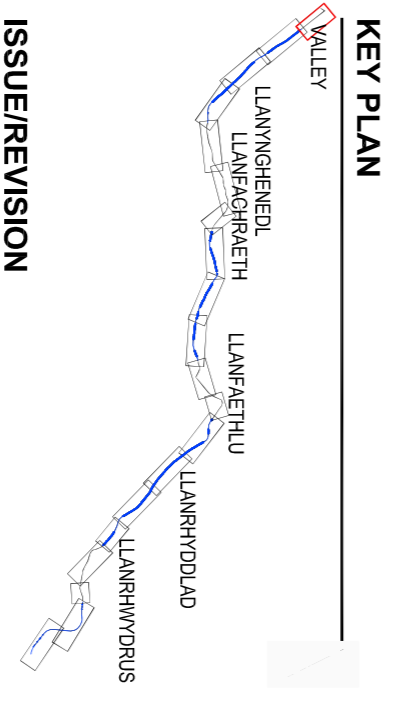


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KEY
 PLANNING APPLICATION RED LINE BOUNDARY
 PROPOSED AREA OF SURFACE DRESSING

- NOTES**
1. DRAWN AT 1:500 SCALE @ A1.
 2. PROPOSED SCOPE OF WORKS INVOLVES SURFACE DRESSING ONLY. ALL EXISTING HIGHWAY FEATURES AND STREET ROAD MARKINGS TO BE REPROPOSED AS EXISTING, FOLLOWING CONSULTATION WITH HA03 HIGHWAYS.

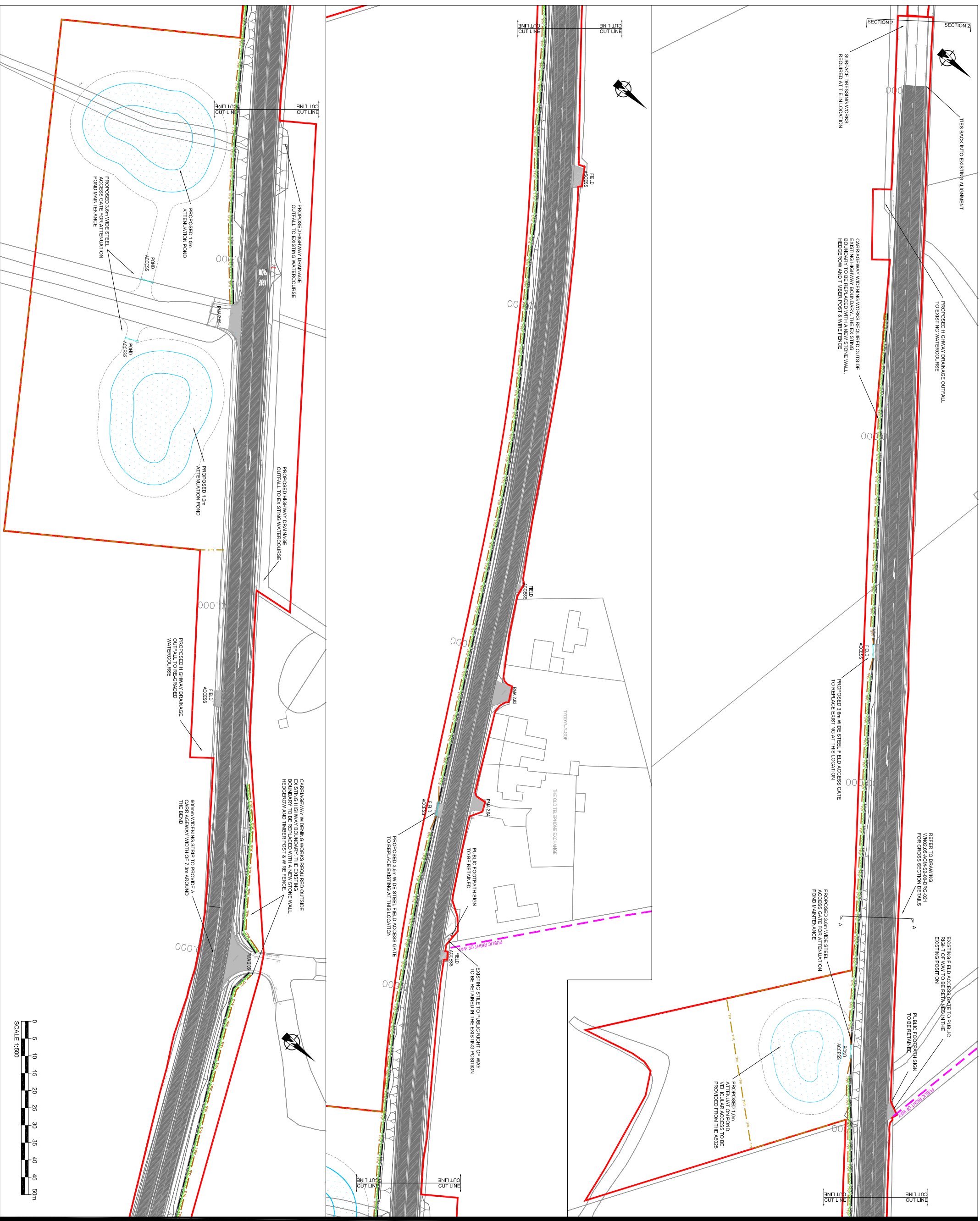


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P3	15.11.16	RE - ISSUED FOR PLANNING
P2	19.08.16	ISSUED FOR PLANNING
P1	15.07.16	FIRST ISSUE

PROJECT NUMBER
 47071078

SHEET TITLE
 PROPOSED GENERAL ARRANGEMENT
 SECTION 1
 SHEET 1 OF 1
SHEET NUMBER
 WN02.05-ACM-S1-00-DRG-001 P3



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PROJECT
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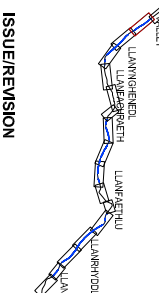
KEY

- PLANNING APPLICATION RED LINE BOUNDARY
- PROPOSED TIMBER POST & WIRE FENCE
- PROPOSED TIMBER POST & RAIL FENCE
- PROPOSED MORTAR FIED STONE WALL
- PROPOSED EARTH BANK
- PROPOSED HEDGEROW
- PROPOSED VEHICULAR FIELD ACCESS GATE
- PROPOSED PEDESTRIAN TIMBER WICKET GATE
- PROPOSED HALF BATTERED WIRE
- PROPOSED 45° SLOPE WIRE
- PROPOSED DRIPPED WIRE
- PROPOSED EDGING WIRE
- PROPOSED CARRIAGEWAY
- PROPOSED FOOTPATH/CYCLEWAY
- PRIVATE MEANS OF ACCESS (PMA) TENEWORNS
- EXISTING PUBLIC RIGHT OF WAY

NOTES

1. DRAWN AT 1:500 SCALE @ A1
2. PROPOSED CARRIAGEWAY WIDTH IS 8.7m WITH 300mm WIDE HEDGEROWS ON EITHER SIDE OF THE CARRIAGEWAY.
3. ADDITIONAL WIDENING HAS BEEN PROVIDED TO BENSERS WITH PROVISION ON BENSERS WITH RAIL LESS THAN 400mm AND GREATER THAN 150mm TO GIVE A TOTAL CARRIAGEWAY WIDTH OF 7.2m. A 1.00m WIDENING HAS BEEN PROVIDED ON CARRIAGEWAY WIDTH OF 7.2m TO GIVE A TOTAL OF 8.2m.
4. ALL EXISTING SPEED LIMITS TO BE RETAINED ALONG THE SECTION. SPEED LIMITS AND SIGNING ARE INDICATIVE ONLY AND DETAILS ARE TO BE AGREED WITH LOCAL HIGHWAYS THROUGH PLANNING CONDITIONS FOR DETAILS OF PROPOSED SIGNING. SPEED LIMITS AND SIGNING TO BE AGREED WITH THE ADJACENT LANDOWNERS TO ENSURE THEY ARE SUITABLE FOR THEIR REQUIREMENTS. THE DETAILS ARE TO BE AGREED THROUGH PLANNING CONDITIONS. BE A MINIMUM OF 1.0m HIGH OR TO REPLICATE THE EXISTING HEIGHT IF THEY ARE CURRENTLY REQUIRED TO BE HIGHER THAN THIS.
5. ALL BOUNDARY HEIGHTS INCLUDING WALLS, STILES AND FEATURES TO BE TO THE FINISH SURFACE UNLESS OTHERWISE SPECIFIED.
6. REFER TO TYPICAL CROSS SECTIONS AND STANDARD DETAILS DRAWINGS FOR MORE INFORMATION ON THE PROPOSED SIGNING.

KEY PLAN



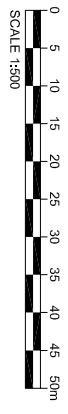
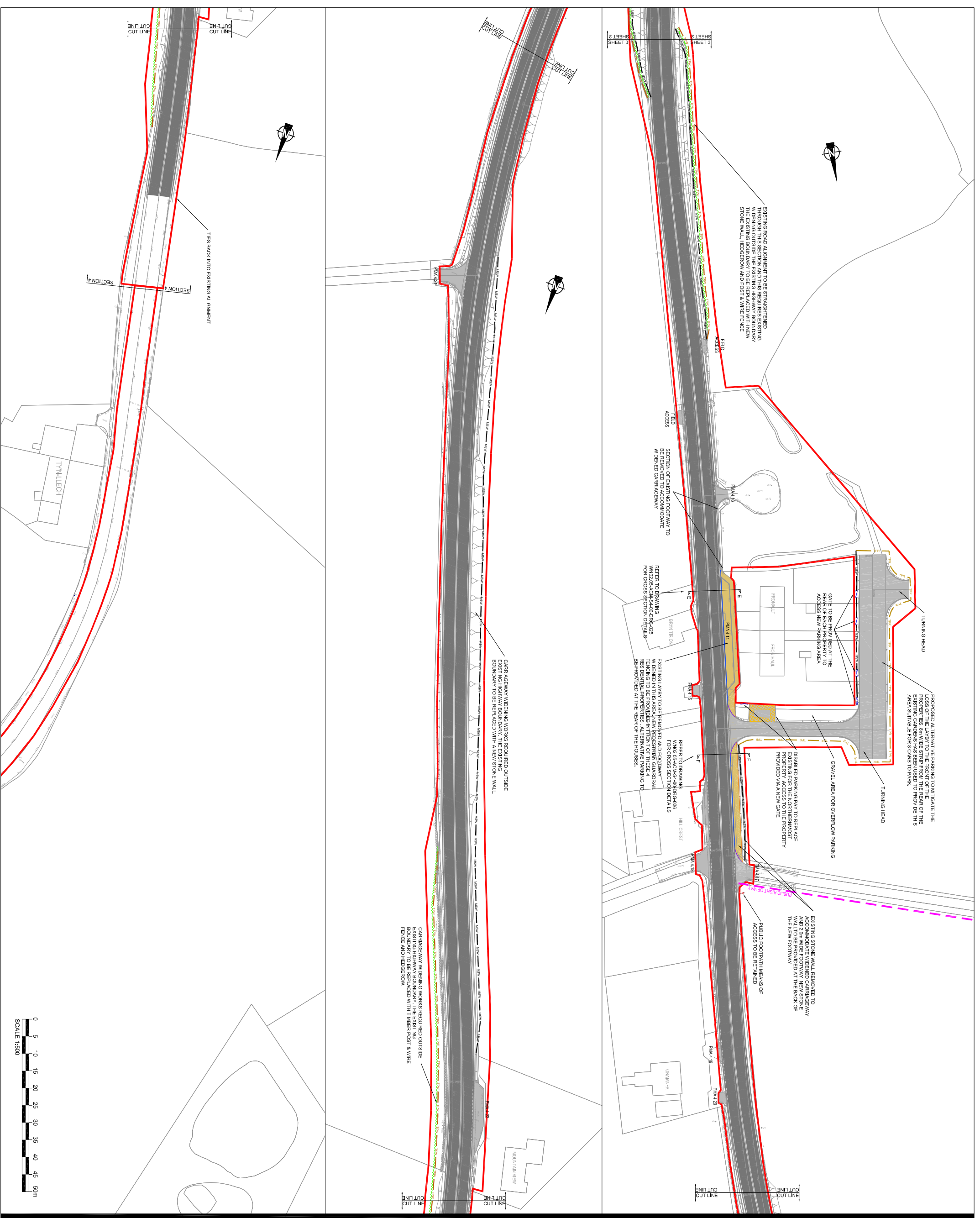
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P4	15.11.16	RE- ISSUED FOR PLANNING
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SHEET TITLE
 PROPOSED GENERAL ARRANGEMENT
 SECTION 2
 SHEET 1 OF 3

SHEET NUMBER
 WN02.05-ACM-S2-00-DRG-001 P4



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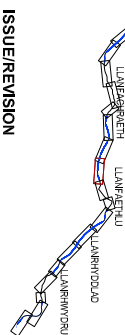
KEY PLAN

- PLANNING APPLICATION RED LINE BOUNDARY
- PROPOSED TIMBER POST & WIRE FENCE
- PROPOSED TIMBER POST & RAIL FENCE
- PROPOSED MORTAR FIED STONE WALL
- PROPOSED EARTH BANK
- PROPOSED HEADROW
- PROPOSED VEHICULAR FIELD ACCESS GATE
- PROPOSED PEDESTRIAN TIMBER WICKET GATE
- PROPOSED HALF BATTERED HEBB
- PROPOSED 45° SPILT WEDGE
- PROPOSED DRIPPED WERS
- PROPOSED EDWARDS WERS
- PROPOSED CARRIAGEWAY
- PROPOSED FOOTPATH/CYCLEWAY
- PRIVATE MEANS OF ACCESS (PMA) TENWINGS
- EXISTING PUBLIC RIGHT OF WAY

NOTES

1. DRAWN AT 1:500 SCALE @ A1
2. PROPOSED CARRIAGEWAY WIDTH IS 6.7m WITH 300mm WIDE
3. HANDSTOPS ON EITHER SIDE OF THE CARRIAGEWAY
4. ADDITIONAL WIDENING HAS BEEN PROVIDED ON BENS WITH PROVIDED ON BENS WITH RAILLESS THAN 100m AND GREATER THAN 150m TO GIVE A TOTAL CARRIAGEWAY WIDTH OF 23m. A 100mm WIDENING STRIP HAS BEEN PROVIDED ON CARRIAGEWAY WIDTH OF 7.5m TO GIVE A TOTAL
5. ALL EXISTING SPEED LIMITS TO BE RETAINED ALONG THE
6. SECTIONS OF ROAD HIGHWAY APPROXIMATELY
7. ONLY AND DETAILS ARE TO BE AGREED WITH LOCAL HIGHWAYS THROUGH PLANNING CONDITIONS FOR DETAILS OF PROPOSED
8. SIGNAGE REFER TO LOCAL SIGNAGE REQUIREMENTS TO BE AGREED WITH THE ADJACENT LANDOWNERS TO ENSURE THEY ARE SUITABLE FOR THEIR REQUIREMENTS. THE DETAILS ARE TO BE AGREED THROUGH PLANNING CONDITIONS. BE A MINIMUM OF 1.0m HIGH OR TO REPLACATE THE EXISTING HEIGHT IF THEY ARE
9. CURRENTLY REQUIRED TO BE HIGHER THAN THIS
10. ALL SIGNAGE REQUIREMENTS INCLUDING WALLSTRENGTHS AND FEATURES TO BE IN ACCORDANCE WITH THE
11. REFER TO TYPICAL CROSS SECTIONS AND STANDARD DETAILS DRAWINGS FOR MAKE INFORMATION ON THE PROPOSED

KEY PLAN



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PROJECT NUMBER
 47071078

SHEET TITLE
 PROPOSED GENERAL ARRANGEMENT

SHEET 3 OF 3

SHEET NUMBER

WN02.05-ACM-S4-00-DRG-003 P3



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 A5025 HIGHWAY IMPROVEMENTS
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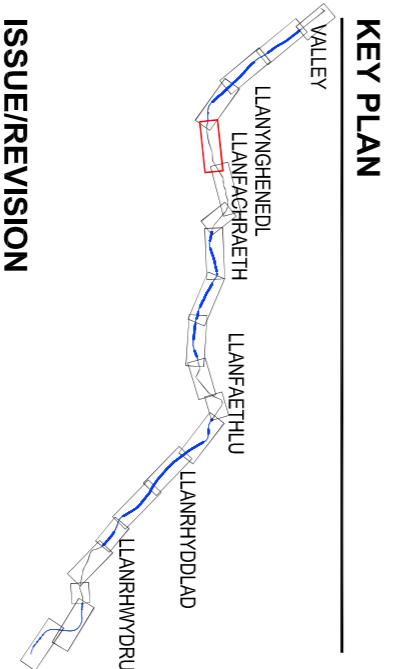
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KEY
 PLANNING APPLICATION RED LINE BOUNDARY
 PROPOSED AREA OF SURFACE DRESSING
 EXISTING PUBLIC RIGHT OF WAY

NOTES
 1. DRAWN AT 1:500 SCALE @ A1
 2. ONLY THE EXISTING HIGHWAY FEATURES AND STREET FURNITURE WILL BE RETAINED.
 3. ROAD MARKINGS TO BE RE-DRAWN AS EXISTING FOLLOWING CONSULTANT WITHIN EACH FORMATION.



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SHEET TITLE
 PROPOSED GENERAL ARRANGEMENT
 SECTION 3
 SHEET 1 OF 3
SHEET NUMBER
 W02.05-ACM-S3-00-DRG-001 P3



PROJECT
 WYLFA
 A5025 HIGHWAY IMPROVEMENTS
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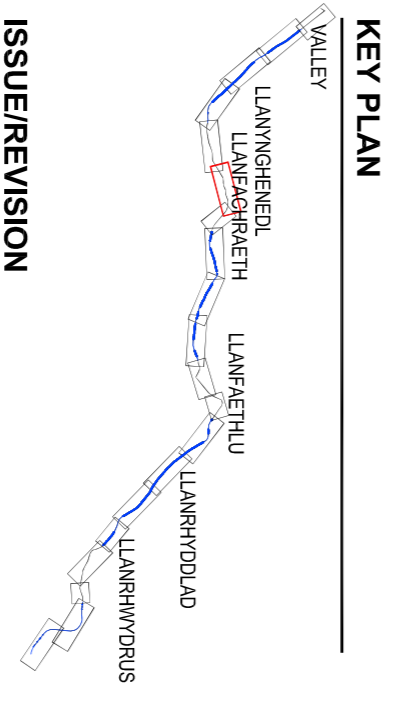
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KEY

 PLANNING APPLICATION RED LINE BOUNDARY
 PROPOSED AREA OF SURFACE DRESSING
 EXISTING PUBLIC RIGHT OF WAY

NOTES
 1. DRAWN AT 1:500 SCALE @ A4
 2. PROPOSED SCOPE OF WORKS INVOLVES SURFACE DRESSING
 ONLY. ALL EXISTING HIGHWAY FEATURES AND STREET
 FURNITURE WILL BE RETAINED, UNLESS AS EXISTING, FOLLOWING
 CONSULTATION WITH LOCAL HIGHWAYS.

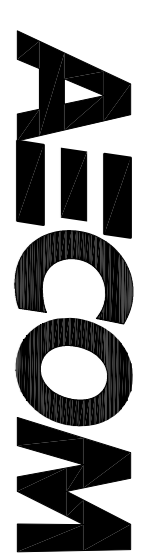


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SHEET TITLE
 PROPOSED GENERAL ARRANGEMENT
 SECTION 3
 SHEET 2 OF 3
SHEET NUMBER
 WN02.05-ACM-S3-00-DRG-002 P3



PROJECT
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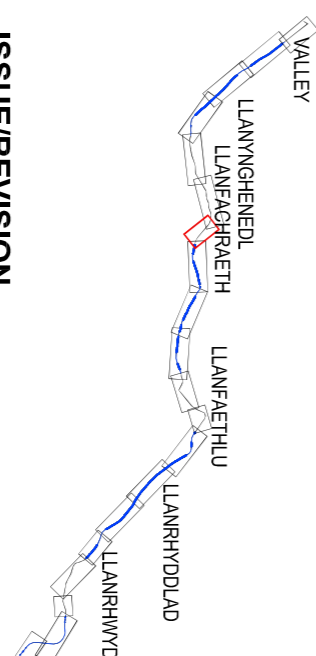
KEY

- PLANNING APPLICATION BOUNDARY
- PROPOSED AREA OF SURFACE DRESSING
- - - EXISTING PUBLIC RIGHT OF WAY

NOTES

1. DRAWN AT 1:500 SCALE @ A1.
2. PROPOSED SCOPE OF WORKS INVOLVES SURFACE DRESSING ONLY. ALL EXISTING HIGHWAY FEATURES AND STREET ROAD MARKINGS TO BE REPROCESSED AS EXISTING, FOLLOWING CONSULTATION WITH LOCAL HIGHWAYS.

KEY PLAN



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SHEET TITLE

PROPOSED GENERAL ARRANGEMENT
 SECTION 3
 SHEET 3 OF 3
SHEET NUMBER

WN02.05-ACM-S3-00-DRG-003 P3



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KEY PLAN

- PLANNING APPLICATION RED LINE BOUNDARY
- PROPOSED TIMBER POST & WIRE FENCE
- PROPOSED TIMBER POST & RAIL FENCE
- PROPOSED MORTAR FASSED STONE WALL
- PROPOSED EARTH BANK
- PROPOSED HEADCROW
- PROPOSED VEHICULAR FIELD ACCESS GATE
- PROPOSED FELDSTRAN TIMBER WICKET GATE
- PROPOSED HALF BATTERED WERE
- PROPOSED 45° SPALL WERE
- PROPOSED DRIPPED WERE
- PROPOSED EDWARDS WERE
- PROPOSED CARRIAGEWAY
- PROPOSED FOOTWAY/CYCLEWAY
- PRIVATE MEANS OF ACCESS (PMA) TEN NETWORKS
- EXISTING PUBLIC RIGHT OF WAY

NOTES

1. DRAWN AT 1:500 SCALE @ A1
2. PROPOSED CARRIAGEWAY WIDTH IS 8.7m WITH 500mm WIDE HARDSTOPS ON EITHER SIDE OF THE CARRIAGEWAY.
3. ADDITIONAL WIDENING HAS BEEN PROVIDED ON SECTIONS WITH RADIUS GREATER THAN 150m TO OVER A TOTAL CARRIAGEWAY WIDTH OF 23m A 100mm WIDENING STRIP HAS BEEN PROVIDED ON CARRIAGEWAY WIDTH OF 7.5m TO OVER 11.0m.
4. ALL EXISTING SPEED LIMITS TO BE RETAINED ALONG THE SECTIONS OF ROAD HIGHWAY APPROXIMATIONS. THE INDICATIVE ONLY AND DETAILS ARE TO BE AGREED WITH LOCAL HIGHWAYS THROUGH PLANNING CONDITIONS. FOR DETAILS OF PROPOSED SIGNAGE REFER TO D03 SERVICES DRAWINGS.
5. ALL PROPOSED ROADWORKS TO BE AGREED WITH THE ADJACENT LANDOWNERS TO ENSURE THEY ARE SUITABLE FOR THEIR REQUIREMENTS. THE DETAILS ARE TO BE AGREED THROUGH PLANNING CONDITIONS. BE A MINIMUM OF 1.0m HIGH OR TO REPLICATE THE EXISTING HEIGHT IF THE WERE CURRENTLY REQUIRED TO BE HIGHER THAN THIS.
6. ALL SIGNAGE REQUIREMENTS INCLUDING WALLSTRENGTHS AND FEATURES TO BE IN ACCORDANCE WITH THE HIGHWAY MANUAL. REFER TO TYPICAL CROSS SECTIONS AND STANDARD DETAILS DRAWINGS FOR MAKE INFORMATION ON THE PROPOSED ROADWORKS.

KEY PLAN



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SHEET TITLE
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 SECTION 4
 SHEET 1 OF 3

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