

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Executive
Date:	30th October 2017
Subject:	The New Nuclear Build at Wylfa: Supplementary Planning Guidance (SPG)
Portfolio Holder(s):	Cllr. Richard Dew Cllr. Carwyn Jones
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Local Members:	All Elected Members

A – Recommendation/s and reason/s
<p>Recommendation(s)</p> <p>To authorise Officers to commence a period of 6 weeks public consultation on the revised New Nuclear Build at Wylfa: Supplementary Planning Guidance (SPG) in November 2017.</p> <p>To agree to this decision being ‘urgent’ as defined in paragraph 4.5.16.10 of the Constitution such that the decision will not be subject to call-in. There is very limited time to enable consultation and adoption of a revised SPG and allowing the matter to be called-in could lead to delay which might prejudice the Council’s and the public’s interest in responding to the DCO application. Also, full Council will have the opportunity to consider the matter and adopt the revised SPG in any event. As required, the Council Chairman has agreed to this matter being treated as urgent and exempted from call-in and the Chairman of the relevant Scrutiny Committee has been informed.</p> <p><u>Introduction</u></p> <p>The New Nuclear Build at Wylfa: Supplementary Planning Guidance (SPG) was produced and adopted by the Isle of Anglesey County Council (the IACC) in July 2014 (Link). Supplementary Planning Guidance is a means of setting out detailed thematic or site specific guidance on the way in which national and local policies will be applied in particular circumstances or areas. As the Joint Local Development Plan (JLDP) was yet to be adopted, the SPG was produced to fill this policy gap. This enabled the IACC to influence and inform Horizon Nuclear Power’s (Horizon) strategic decision making, it provided the basis for the County Council’s response to Horizon’s statutory consultations (PAC1, 2 and 3) and also provided a sound and robust policy framework for the IACC to make decisions in relation to any planning applications (as well as the DCO itself).</p> <p>However since the SPG was adopted in 2014, there have been a number of fundamental changes which has necessitated the need to review and update this SPG.</p>

1. **Policy Changes** – The JLDP was formally adopted by the IACC on the 31st July 2017 ([Link](#)). The existing SPG is therefore outdated as it referred to the previous Development Plan. For consistency and alignment, the SPG needs to be updated to reflect the latest JLDP policies. This ensures that the IACC has a sound and robust policy framework to make decisions in relation to any potential TCPA planning applications, and to underpin the IACC's response to the Development Consent Order (DCO) application (e.g. Local Impact Report, Statement of Common Ground, Written Representations etc.).
2. **Legislative Changes** – Since the SPG was adopted in July 2014, there have been a number of fundamental legislative changes which has changed the IACC's role in the statutory consenting process. Most notably is the Wales Act 2017 which received Royal Assent on the 31st January 2017. This allows project promoters (i.e. Horizon) to include associated developments (such as park & ride, temporary workers accommodation etc.) within their DCO application. The SPG needs to be updated to reflect this latest legislative change. Also other key new legislation such as the Wellbeing of Future Generations Act 2015 needs to be reflected in the revised SPG. The IACC must demonstrate how the project/policy meets the 7 wellbeing goals and the alignment between the SPG's objectives and the wellbeing goals is critical.
3. **Project Updates** – Horizon have proposed a number of project updates since the SPG was adopted in 2014. The most significant project change is Horizon's decision to increase the on-site temporary workers accommodation from 500 'essential workers' to having up to 4,000 workers on-site in a purpose built temporary campus. This change needs to be reflected in the IACC's SPG so that the IACC can adequately respond to these proposals. Further detail and clarity on Horizon's other associated developments (such as the park & ride at Dalar Hir, Logistics Centre at Parc Cybi etc.) also means that these sections of the SPG need to be updated.

Consultation

The IACC propose to undertake a period of public consultation **November/December 2017 and January 2018**. The IACC is eager to commence the consultation the first week in November to ensure that the process is completed before Christmas. It is imperative that the revised SPG is completed and adopted by the Full Council before Horizon submit their DCO application in Q1 2018. The SPG will be the backbone of the IACC's response to the project and will inform and underpin the IACC position that will be articulated in the Local Impact Report and other written representations.

The revised SPG consultation material will consist of the following revised and updated documents:

- i. Wylfa Newydd SPG;
- ii. 11 Topic Papers (including a new Topic Paper covering North Anglesey); and,

- iii. Series of Statutory Assessment (Sustainability Appraisal, Equality Impact Assessment, Welsh Language Impact Assessment, Habitat Regulations Assessment and Health Impact Assessment).

The draft, revised SPG is currently being prepared and translated but is expected to be ready for consultation in November 2017.

The preparation of the revised SPG is being coordinated by the Energy Island Project Management Office (EIPMO). AMEC (the County Council's providers of multi-disciplinary support and expertise) are responsible for drafting the revised document, with support from IACC and JPPU Officers. AMEC prepared the original SPG in 2014 so have detailed knowledge and understanding of the project and process. Resource to fund the preparation of the revised SPG have been secured through the Planning Performance Agreement with Horizon.

The EIPMO is preparing a programme of engagement activities with Members to ensure common understanding and improved awareness of the purpose, scope and content of the revised SPG. A Members Briefing Session is being arranged for the first week of the Public Consultation.

The draft, revised SPG will also require approval from the Senior Leadership Team (SLT) prior to the release of the revised SPG for public consultation. Once the public consultation closes, Officers will (under the guidance of Burges Salmon) co-ordinate all the responses into one document and will either accept or reject the proposed changes, providing clearly reasoned justification for this decision.

The revised SPG will then be reviewed by Leading Counsel Martin Kingston QC before being presented to Full Council for adoption in February / March 2018. This revised SPG is different from other SPG's prepared by the Joint Planning Policy Unit (JPPU) as it is Anglesey specific and a revision of an SPG adopted prior to adoption of the JLDP. It therefore requires the approval of the County Council and not the Joint Planning Policy Committee.

B – What other options did you consider and why did you reject them?

Two other options were considered. Option A - not updating the SPG and Option B – Light touch Review of SPG. Both options were rejected for three reasons:

- i. The existing SPG is outdated as it was based on the previous Development Plan. This has been superseded by the Joint Local Development Plan which means that it would hold little material weight in decision making processes. This option was rejected as it is essential that the IACC has sound and robust policy guidance to respond to the consenting challenges of Wylfa Newydd.

- ii. There have been significant and material changes to Horizon’s project proposals since the adoption of the SPG in July 2014. It is important that these changes are adequately reflected in the IACC’s policy guidance in order to accurately influence and inform the IACC’s policy position in relation to these proposals.
- iii. Due to recent legislative changes (namely the Wales Act 2017) the IACC’s role in the consenting process for Nationally Significant Infrastructure Projects has changed. Horizon now have the option of including the associated developments (e.g. park & ride, logistics centre etc.) within their DCO application. The SPG needs to be updated to reflect these changes.

Option A - Not updating the SPG will put the IACC in a more vulnerable policy position in responding to Wylfa Newydd. The decision not to update the SPG was subsequently rejected.

Option B – Light Touch review of SPG. This option was rejected as the changes required to the SPG were considered to be more fundamental. The process to update the SPG is the same regardless of scope (i.e. 6 week consultation and adoption by Full Council) so this option was rejected as the IACC will only have one opportunity to update the SPG prior to the submission of the DCO.

C – Why is this decision for the Executive?

This is a decision for the Executive because agreeing to submit SPG to public consultation is not delegated to officers or reserved to Full Council (and it is intended for full Council to adopt the SPG in any event), and is not excluded from being an executive decision.

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

Yes – the Joint Local Development Plan (JLDP) was approved by Full Council on the 31st July 2017. This revised SPG will be supplemental to this adopted policy and is therefore consistent with policy approved by the Council.

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

Yes – The IACC have secured external funding through the Planning Performance Agreement (PPA) with Horizon to undertake the review and update of the SPG. This includes the consultation process.

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	
2	Finance / Section 151 (mandatory)	

3	Legal / Monitoring Officer (mandatory)	In agreement with the report and the recommendation.
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	
9	Any external bodies / other/s	
1	Economic	A comprehensive revised SPG will provide an opportunity to influence Horizon's development proposals to ensure positive economic benefits and a long term legacy for Anglesey. The revised SPG will support and influence the creation and location of new employment opportunities on Anglesey, in addition to encouraging opportunities for local businesses to capitalize upon emerging supply chain opportunities.
2	Anti-poverty	The revised SPG has been updated to reflect the goals of the Wellbeing of Future Generations Act 2015. This includes a 'more prosperous Wales' and a 'more equal Wales which aims to tackle inequality and poverty.
3	Crime and Disorder	Crime has been identified as a key policy topic within the revised SPG. Specific guidance will be included within the 'Guiding Principles' and 'Locational Guidance' of the SPG to address potential issues with crime and disorder.
4	Environmental	The Council's duties under the Countryside and Rights of Way (CROW) Act, 2000 and the Natural Environment and Rural Communities (NERC) Act, 2006 have been considered in the preparation of the revised SPG.
5	Equalities	The revised SPG has been subject to a number of assessments, including an Equality Impact Assessment, Sustainability Appraisal and Welsh Language Impact Assessment. It has also been updated to reflect the Wellbeing Goals of a 'more equal Wales'.
6	Outcome Agreements	N/A
7	Other	N/A

F - Appendices:

None.

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

None.