

CYNGOR SIR YNYS MÔN/ THE ISLE OF ANGLESEY COUNTY COUNCIL	
ADRODDIAD I/REPORT TO	PWYLLGOR GWAITH/ THE EXECUTIVE
DYDDIAD/DATE:	15.02.10
PWNC/SUBJECT:	CYTUNDEB PERFFORMIAD CYNLLUNIO DATBLYGIAD ADEILAD NEWYDD WYLFA/ WYLFA NEW BUILD DEVELOPMENT PLANNING PERFORMANCE AGREEMENT
DEILYDD(ION) PORTFFOLIO/ PORTFOLIO HOLDER(S):	CYNGHORYDD / COUNCILLOR BOB PARRY OBE
SWYDDOG(ION) ARWEINIOL/ LEAD OFFICER(S):	SASHA WYNN DAVIES – CYFARWYDDWR RHAGLEN YNYS YNNI MÔN / ANGLESEY ENERGY ISLAND PROGRAMME DIRECTOR JIM WOODCOCK – PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD HEAD OF PLANNING & PUBLIC PROTECTION
SWYDDOG CYSWLLT/ CONTACT OFFICER:	E.GWYNDAF JONES – UWCH SWYDDOG CYNLLUNIO / CHIEF PLANNING OFFICER (Ffôn/Tel: 2403) RHYS LLOYD JONES – SWYDDOG DATBLYGU PROSIECTAU/ PROJECT DEVELOPMENT OFFICER (Ffon/Tel: 2468)

1. Cadarnhewch nature yr adroddiad os gwelwch yn dda trwy roi tic yn un o'r blychau isod / Please confirm the nature of the report by ticking one of the following boxes:-

Er gwybodaeth / For information

Gweithredol / Operational



2. Rheswm/Rhesymau pam fod angen penderfyniad gan y Pwyllgor Gwaith / Reason/s why a decision required from the Executive

Hysbysu'r Pwyllgor Gwaith o'r gwaith wnaed gan Swyddogion hyd yn hyn yng nghyswllt Rhaglen Galluogwr Cytundeb Perfformiad Cyn Cynllunio yn ogystal â cheisio cymeradwyaeth ynglŷn â gwaith sydd ar y gweill yn paratoi'r Cytundeb Perfformio Cynllunio ffurfiol (PPA) gyda Pwr Niwclear Horizon (HNP).

To inform the Executive of work undertaken by Officers to date in respect of the Pre-Planning Performance Agreement Enabler Programme as well as to seek endorsement in respect of on-going work in preparing the formal Planning Performance Agreement (PPA) with Horizon Nuclear Power (HNP)

3. Crynodeb o'r adroddiad / Report summary

Er mwyn sicrhau bod yr Awdurdod mewn sefyllfa i allu cynnal ei wahanol swyddogaethau statudol a chynghori cyn-ymgeisio mewn perthynas â Phrosiect Adeilad Newydd arfaethedig Wylfa a chydlynu'r gweithgaredd hwn yn effeithiol yn fewnol, bydd angen adnoddau sylweddol sydd y tu hwnt i'w gapasiti presennol ac nad ydynt yn dod o dan y ffi cais cynllunio i'r Uned Cynllunio Isadeiledd Mawr (MIPU).

Yng ngoleuni'r uchod, mae Swyddogion wedi cynnal trafodaeth gyda HNP gyda golwg ar sicrhau adnoddau ychwanegol trwy ddogfen Galluogi Cytundeb Perfformiad Cyn-Ymgeisio ac y maent ar hyn o bryd yn gwneud gwaith i baratoi Cytundeb Perfformiad Cynllunio (PPA) y bydd yn rhaid i'r Awdurdod ei gymeradwyo a'i arwyddo'r Haf hwn.

In order to ensure that the Authority is in a position to properly discharge its various statutory and pre-application advisory function in relation to the proposed Wylfa New Build Project and effectively co-ordinate this activity internally it will require significant resources that are beyond its current capacity and are not covered by the planning application fee to the Major Infrastructure Planning Unit (MIPU).

In light of the above Officers have been actively engaged in dialogue with HNP with a view to securing additional resources by way of a Pre-Planning Performance Agreement Enabler Document and are at present working on the preparation of a formal Planning Performance Agreement (PPA) which the Authority will need to endorse and sign up to this Summer.

4. Argymhelliad/Argymhellion a'r rhesymau / Recommendation/s and reasons

Bod Aelodau yn cytuno i'r camau a gymerwyd eisoes gan Swyddogion mewn perthynas â sicrhau adnoddau ar gyfer gwaith Cyn-PPA yn ogystal â chymeradwyo'r cynnydd gyda llunio PPA ffurfiol a fabwysiedir yn yr Haf.

Members to inform and agree to the steps already taken by Officers in respect to securing resources for Pre-PPA works as well as endorse the work in progress in relation to drawing up the formal PPA which will be adopted this Summer.

5. Opsiynau eraill a'r rheswm/rhesymau dros eu gwrthod / Other options and reason/s for rejection

Dim
None

6. Ymgynghori / Consultation

- 6.1** Cyllid/Adran 151 Finance/Section 151 do/yes naddo/no
- 6.2** Swyddog Cyfreithiol/Monitro Legal/Monitoring Officer do/yes naddo/no
- 6.3** Adnoddau Dynol Human Resources do/yes naddo/no amherth / n/a
- 6.4** Gwasanaethau Eiddo Property Services do/yes naddo/no amherth / n/a
- 6.5** Uned Gyfathrebu Communications Unit do/yes naddo/no
- 6.6** Rhai eraill yr ymgynghorwyd â nhw (yn cynnwys Aelodau) Others consulted (including Members)

7. Unrhyw faterion Fframwaith Polisi / Any Policy Framework issues

8. Materion Amgylcheddol / Environmental Issues

A yw'r mater / eitem yn ymwneud â:
Does the matter/item have regard to:

1. Bywydgyyllt (bioamrywiaeth) o dan Adran 40 Deddf Amgylchedd Naturiol a Cymunedau Gwledig (NERC), 2006*
1. Bywydgyyllt (bioamrywiaeth) o dan Adran 40 Wildlife (biodiversity) under Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006* yes no n/a
- 2 Ardal o Harddwch Naturiol Eithriadol Ynys Môn ac AHNE o dan Adran 85 Deddf y Cefn Gwlad a Hawliau Tramwy Cyhoeddus (CRoW), 2000*

2. Anglesey's Area of Outstanding Natural Beauty (AONB) under Section 85 of the Countryside and Rights of Way (CRoW) Act, 2000**

yes no n/a

(*Gall Gynghorydd Ecolegol ac Amgylcheddol roi cyngor: est. 2470)

(* Ecological and Environmental Advisor can advise: ext. 2470)

(** Gall Swyddog Cefn Gwlad ac AHNE roi cyngor: est: 2429)

(** Countryside and AONB Officer can advise: ext. 2429)

NODIADAU:

NOTES:

Dyletswydd Bywyd Gwyllt Bioamrywiaeth: Mae Adran 40, Deddf Amgylchedd Naturiol a Chymunedau Gwledig (NERC) yn dweud:

Wildlife/ Biodiversity Duty: Section 40, Natural Environment and Rural Communities (NERC) Act states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

- Mae Bioamrywiaeth yn golygu'r byd naturiol, sef i bob pwrpas bywyd gwyllt, yn cynnwys cynefinoedd lle mae creaduriaid / planhigion yn byw.

- Mae 'rhoi sylw' i bob pwrpas yn golygu bod yn ymwybodol o fywyd gwyllt gan weithredu'n ffafriol tuag at fywyd gwyllt all gael ei effeithio tra'n gwneud gwaith. A oes yna ddi-ddordeb bywyd gwyllt (er enghraifft, mewn safle), neu a allai bywyd gwyllt gael ei effeithio mewn rhyw ffordd arall? Os yn bosibl, dylid dylunio prosiectau fel na fyddant yn cael effaith andwyol ar fywyd gwyllt / cynefinoedd lle bo'n bosibl, er eu lles.

Mae'r ddyletswydd hefyd yn cyffwrdd â deddfwriaeth bywyd gwyllt arall, yr achosion mwyaf cyffredin a pherthnasol mewn gwaith yn ymwneud â chynghorau yw: presenoldeb ystlumod (adeiladau, coed), madfallod cribog (llynnoedd a thiroedd gerllaw), rhywogaethau eraill a ddiogelir (fel ymlusgiaid), safleoedd a ddiogelir (Ardaloedd Cadwraeth Arbennig ac eraill) ac adar yn nythu.

- Dim ond nodiadau byr iawn a geir yma; os ceir amheuaeth ceisiwch gael cyngor ar y rhifau a roddir uchod.

- Biodiversity means the natural world, basically wildlife, including the habitats where creatures/ plants live.

- 'Having regard' basically means being aware of, and acting favourably towards wildlife which may be affected whilst undertaking work. Is there a wildlife interest (for example, at a site), or could wildlife be affected in some other way? If possible, design projects so as not to adversely damage wildlife/ habitats, and preferably to their benefit .

The duty also raises other wildlife law, the most common relevant cases in council-related work being: presence of bats (buildings, trees), crested newts (ponds and nearby land), other protected species (such as reptiles), protected sites (Special Areas of Conservation and others) and nesting birds.

- These are very brief notes; if in doubt, seek advice on the number given above.

Dyletswydd AHNE: Adran 85, Deddf y Cefn Gwlad a Hawliau Tramwy Cyhoeddus (CRoW), 2000 sydd yn dweud:

AONB Duty: Section 85, Countryside and Rights of Way (CRoW) Act, 2000 states that:

“In exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB”.

9. Papurau cefndirol / Background papers

Executive Committee Report

Wylfa New Nuclear Build Development – Planning Performance Agreement

1.0 Introduction

- 1.1 In order to ensure that the Authority is in a position to properly discharge its various statutory and pre-application advisory functions in relation to the New Nuclear Build at Wylfa, it will require significant resources that are beyond its current capacity.
- 1.2 A Planning Performance Agreement (PPA) is therefore necessary to develop the additional capacity and resource required in order to deliver these functions. Given the scale of the proposed development, significant additional capacity is required to deliver on a wide range of functions - ranging from direct statutory requirements for the new build application, to the complex associated development issues and consenting requirements.
- 1.3 A PPA is a collaborative project management process for dealing with large scale projects and agreeing (with the prospective developer) additional resources the Authority will need to deliver, for example, a planning or highways decision(s). Such agreements are designed so as to embrace the planning process from pre-application advice through the submission and determination of an application in which a decision may be made by the Council or by UK Government or Welsh Assembly Government. The use of PPAs has substantial benefits in that they enable parties to focus the necessary additional resources required for delivery of major projects.
- 1.4 The purpose of this report is to inform Members of the PPA process and provide an update on the PPA progress to date in relation to the new nuclear build at Wylfa.

2.0 Context

- 2.1 Under the Planning Act 2008, consenting responsibilities for Nationally Significant Infrastructure Projects (NSIPs) falls on the Infrastructure Planning Commission (IPC). However, as the host Authority, the IACC has a significant statutory role to play in the consenting process.
- 2.2 Following the General Election of May 2010, the Coalition Government intends to introduce further changes to major infrastructure consenting. The IPC will become a Major Infrastructure Planning Unit (MIPU) within a revised departmental structure that includes the Planning Inspectorate.

2.3 The IPC process differs in England and Wales. In Wales, under s.115 of the Planning Act 2008, the consenting responsibilities for the associated developments fall on the Local Authority. This therefore further emphasises the need for additional capacity and resources (through a PPA) in order to deal efficiently and effectively with statutory consenting requirements.

2.4 Due to the complex nature of PPAs, Officers propose to include other statutory consultees within the PPA (for example CCW). This will ensure collaborative working and will de-risk the new build programme.

2.5 The Energy Island Programme (EIP) will lead on the co-ordinating and managing of the PPA and will distribute resources to respective departments/organisations.

3.0 The Local Authority and the PPA Process

3.1 On 27.4.10 the Executive adopted a Charter for drawing up PPAs between the Authority, Developer(s) and third parties in respect of large scale developments which would be considered either by the Authority or any other determining body.

3.2 Notwithstanding the Wylfa New Build application, the Authority will in due course sign up to a PPA with developers/applicants on other major energy related schemes as well as associated developments linked with new nuclear build at Wylfa.

3.3 Conscious of the fact that the Authority will require adequate additional resources in order to deal with the Wylfa New Build application, Members are informed that the officers have been involved in on-going dialogue with Horizon Nuclear Power (HNP) regarding securing additional financial resources for pre-PPA works as well as drawing up a formal PPA which the Authority will be required to endorse and sign up to in the summer of 2011.

4.0 Progress to Date

4.1 Throughout 2010 there were a number of key work areas that were developed and progressed with HNP which were co-ordinated via the Energy Island Programme Office. To date Officers have been actively engaged in discussions with HNP in a two fold process:

4.2 *Pre-PPA Enabler Programme Document*

4.2.1 Firstly, the EIP has submitted Pre-PPA Enabler Programme Document to HNP which defines the scope of works associated with the Authority's Strategic Policy

and Consent Position. It also highlighting resources required in advance of the formal PPA Agreement being signed.

- 4.2.2 The Pre-PPA Enabler Programme Document is presently with HNP and a response is awaited from the Company regarding payment for certain retrospective works carried out by the Authority in 2010 (including necessary studies to meet with HNP timescales).

4.3 Formal PPA

- 4.3.1 The second phase of the process is the development and endorsement of the Authority to the formal PPA itself. In this respect discussions are in hand with HNP in agreeing defined work packages with the view to completing draft work over the next few months with the intention of signing the formal Agreement in July this year.
- 4.3.2 The proposed Agreement will be based on the template presently being worked up between HNP and south Gloucestershire Council in relation to HNP's new nuclear build development proposal at Oldbury. However the PPA will be specific to the requirements of this Authority. The Agreement will be framed so as to agree in advance individual Work Packages required to meet the PPA Programme and ensure that the various work Packages are appropriately resourced and funded.

5.0 Conclusion

- 5.1 A PPA is a recognised means of increasing capacity to deal with consenting issues so as not to impact on day to day service provision. It is therefore imperative that the Authority secures a PPA with HNP to ensure that the Authority undertakes its statutory consenting requirements for the new build, but also to minimise impact on existing services.
- 5.2 The EIP is making good progress in securing additional resources through the PPA, but rapid agreement and endorsement by Members is required to maintain momentum and ensure that the IACC secure necessary resources in a timely manor.

6.0 Recommendations

- 6.1 To note and agree the pre PPA Enabling work undertaken to date and further work on this up to the formal approval of the formal PPA agreement in summer 2011.

- 6.2 To seek endorsement in respect of preparation of the formal Planning Performance Agreement (PPA) with Horizon Nuclear Power (HNP) due for approval by the Executive in the summer of 2011.
- 6.3 To note and agree the content of this report and to be periodically updated on progress.

Rhys Lloyd Jones
Economic Development Unit
04/02/2011