

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	The Executive Committee
Date:	9th June 2014
Subject:	Options in relation to securing improvements to the A5025 to facilitate the development proposals of Horizon Nuclear Power
Portfolio Holder(s):	Cllr Richard Dew
Head of Service:	Dewi R Williams, Head of Service (Environment and Technical)
Report Author: Tel: E-mail:	Arwel R Roberts X2311 arrht@ynysmon.gov.uk
Local Members:	Richard Owain Jones, Aled Morris Jones, Will Hughes, John Griffith, Kenneth P Hughes, Llinos Medi Huws, Gwilym O Jones, Richard Dew.

A –Recommendation/s and reason/s
<p>1 Recommendations</p> <p>1.1 To note discussions to date with Horizon Nuclear Power (HNP) in relation to potential construction and improvement works required to the A5025 to facilitate the construction and operation of the proposed new nuclear power station at Wylfa;</p> <p>1.2 To authorise Officers to progress discussions with HNP to establish the most appropriate approach to ensuring delivery of the works required to the A5025 including investigating working in partnership with HNP and discussing and working up a framework under which such an arrangement might proceed.</p> <p>1.3. To note that any partnering/joint working arrangement progressed under 1.2 (above) will be brought back to the Executive for consideration before it is entered into by the Council.</p> <p>Reasons :-</p> <p>2 Introduction</p> <p>2.1 Officers have had informal discussions with HNP over the past 12 months on a number of issues connected with the development of Wylfa Newydd. Part of these discussions have centred around HNP’s intentions to undertake/fund construction and improvement works to the A5025 in order to facilitate the construction and</p>

operation of the new nuclear power station.

2.2 The discussions with Officers have identified a number of issues which need further consideration in the context of progressing the consenting of these works. They include design, planning, procurement, consultation and land acquisition.

2.3 What has become clear is that there needs to be a close working relationship with HNP. However, depending upon the approach adopted in relation to the various issues, it might be that that relationship takes one of a number of forms including, potentially, a partnership arrangement between the Council and HNP.

2.4 This report is looking at this in more detail and is seeking authority for Officers to explore this further with HNP.

3 Background

3.1 It is important that the Council's role in relation to the A5025 works is clear in order to provide clarity in respect of the responsibilities the Council has going forward and to ensure promotion of the works is undertaken in an appropriate manner. If the Council's position is not clarified, it will make it very difficult going forward for the Council to retract from any position taken now. It is also likely to delay matters if the Council's role needs to be revisited part way through the project. It is going to be of importance to HNP to ensure the relationship between the Council and HNP is clarified so matters can progress as required.

3.2 In terms of the Council's role, unless a different arrangement is entered into, the Council will be acting as Local Planning Authority and Local Highway Authority, effectively responding to any application by HNP in the normal way. However it might be (and in fact is more likely to be) appropriate for the Council to assist with promotion of the Highway work, in which case a more formal arrangement needs to be discussed and considered which may result in a joint partnership arrangement or some other commitment around cooperation. It is these discussions which the Council Officers wish to progress.

4 Issues

4.1 Officers understand that HNP is under a tight timescale with respect to consenting and delivering the A5025 construction and improvement works. In fact HNP has indicated that a planning application may be submitted as early as spring 2005. Therefore a clear strategy needs to be put in place now to ensure the consenting and delivery of these works are advanced.

4.2 The A5025 is a County Road and therefore the management and responsibility for it falls to the Council as Local Highway Authority. Any works of improvement or construction to the A5025 would ordinarily be carried out by the Council. Where highway construction and improvement works are funded by a private developer, such works need to be approved by the Council and strict arrangements put in place to ensure they are delivered and completed in accordance with the Council's requirements. The Council's role in the design and implementation of the works would be crucial.

4.3 As things stand, whilst the Council has had some discussions in relation to design progress, it has not had involvement at the level considered necessary to understand what is intended or required to the A5025 and it is unclear on where matters have got to internally with HNP. Clearly understanding design is key and the Council will need to have a clear role in relation to this. It is understood that some works are required within existing highway boundary, but it is not clear the extent of those works and how much of the intended improvements/construction fall on land currently not part of the A5025. The answer to this is likely to in part influence the role the Council takes.

4.4 Planning is also an issue. Factors such as the scope of the application and the approach to and scope of the environmental statement need to be settled. HNP's intentions in relation to that application and dealing with online and offline improvements needs to be discussed further. Identity of the applicant (HNP or IACC or both) is also a relevant factor which needs consideration. There may well be advantages and disadvantages to each which may influence the type of arrangements put in place with HNP.

4.5 Consultation is a key issue and should be approached methodically and carefully. It is important for the Council to know what role it will be expected to play in consultation and whether that is one of simply responding to the scheme or whether it is actively promoting works. The approach to consultation will to a large extent be governed by the type of arrangement it enters into with HNP.

4.6 A further issue is the position of landowners affected by the proposals. HNP has previously indicated a requirement to enter the land for surveys, which it is doing with agreement of the various landowners. However, if it proved necessary for HNP to require access, they would need to rely upon the statutory powers of IACC. Those powers could only realistically be used in the context of a scheme which IACC were aligned with and cooperating fully in. Related to this is the degree of control HNP has

over the land required to deliver the A5025 highway works. If they are in control of all the land required then arrangements could be entered into for delivery of those works subject to planning etc. However if they do not control all of the land then it may be that powers of compulsory acquisition need to be exercised. In relation to highways, it is the Council who has powers of CPO and it would only be able to consider the use of those and subsequently exercise such powers if it were in the position of promoter of the scheme.

4.7 It is important that these and other issues are explored fully with HNP. Although discussions have taken place the Council considers that it has reached a point where some of these issues need to be crystalized so that a position can be taken in relation to the most appropriate approach. If joint promotion is considered to be the most appropriate way to progress the works then thought needs to be given to the basis upon which that joint promotion is advanced including the terms and responsibilities of each party.

5 Considerations

5.1 The key consideration is what relationship should be adopted with HNP. The various options need to be looked at which will include HNP promoting proposals on its own, HNP working closely with the Council, HNP partnering with the Council or, potentially, the Council promoting the works on its own. Early indications are that some sort of partnering relationship would be advantageous to progressing the various consents needed for the works, and in some cases partnership or close cooperation will be essential. It is not as yet clear what form this should take and this needs further investigation.

5.2 A further consideration is the need for the Council to seem to be acting fairly, within its powers and ensuring it is able to take on a role as potential promoter, Local Planning Authority and Local Highway Authority. This will be dependent upon the form of relationship entered into with HNP and the necessity to ensure that the various roles and responsibilities are defined appropriately.

5.3 There is also a need to ensure that the Council's role is not seen, in promoting works on the A5025, as pre-judging any wider development proposals by HNP. Again, the protection of the Council's position in this regard will need to be considered and, if necessary, documented.

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

Options are still under review. As noted above, early indications are that a partnering/cooperation arrangement will, at the very least, be advantageous and, possibly, essential. However, this depends upon a number of factors which need to be discussed further.

C – Why is this a decision for the Executive?

This is a matter which falls within the remit of the Executive. Given the timeline the Council understands Horizon has in mind for promoting the A5025 works, it is crucial that the various issues associated with this are discussed and finalised so that a decision can be taken as to the arrangements between the Council and HNP to advance the A5025 proposals. This report is seeking the Executive's endorsement to discussions continuing between HNP and the Council on this basis, whilst recognising that any final decision, including the terms of such arrangement, if that is considered the most appropriate way forward, is to be brought back to the Executive in due course.

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

There are a number of policies/decisions which are relevant to the Energy Island developments and this decision would not be inconsistent with those.

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

There should be no impact of the Council's budget in respect of this decision.

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)	
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)

Risks are identified in section 5 (considerations). There is a risk that the relationship between the Council and HNP is not defined appropriately (or is defined too late) which might have an adverse impact. There are additional risks in the Council not being seen to be acting appropriately in its role as either a promoter or as local planning or highway authority or pre-judging HNP's wider development proposals. Discussing and documenting the relationship between the Council and HNP should help mitigate these risks.

1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

F - Appendices:

None

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

None