

Glyn Rhonwy Pumped Storage Development Consent Order

Statement of Reasons



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1 SUMMARY

- 1.1 This Statement is submitted by the Applicant to set out the reasons and justification for seeking powers of compulsory acquisition in the application for a development consent order under the Act for the construction and operation of a pumped storage facility with an export capacity of 99.9 megawatts. This Statement has been prepared in accordance with the provisions of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2007.
- 1.2 This Statement forms part of the suite of documents submitted with the Application for a development consent order including powers of compulsory acquisition. This Statement should be read in conjunction with articles 19 to 28 and Schedule 6 of the draft Glyn Rhonwy Pumped Storage Order 201[X] (Document Reference: 3.01), the Book of Reference (Document reference: 4.03) and the land plans (Document reference: 2.03). The Book of Reference identifies those persons with an interest in the Order Land.
- 1.3 The Applicant's rationale and justification for seeking powers of compulsory acquisition are set out herein. The Applicant considers that there is a clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the Order to secure the land and interests over and under land which are required for the Development. The public benefit of allowing the Development to proceed outweighs the infringement of private rights which would occur should powers of compulsory acquisition be exercised.

2 INTRODUCTION

- 2.1 This Statement:
- (a) sets out the background against which the Order is made, and provides a description of the Development;
 - (b) explains the need for the Development;

- (c) provides a statement of the statutory authority for the proposed acquisition of land and rights by the Applicant;
- (d) describes the Order lands;
- (e) sets out the policy background;
- (f) explains the relationship between the Order and the Human Rights Act 1998;
- (g) sets out the Applicant's justification for making the Order;
- (h) refers to special categories of land;
- (i) describes the nature of related consents, licences and permissions which will be required for the Development;
- (j) describes the case for acquisition of individual interests and rights and explains the Applicant's engagement with affected landowners and third parties;
- (k) outlines potential barriers to implementation; and
- (l) Considers the funding implications of the Development.

2.2 The purpose of the Order is to authorise the construction and operation of a 99.9MW pumped hydro scheme which will help to meet the identified national need for a diverse mix of energy generating capacity.

2.3 The Applicant has attempted to acquire the rights to land voluntarily and to date has successfully completed agreements with the majority of the known landowners within the Order Limits. The Applicant has been unable to acquire the necessary rights to the remaining Plots and accordingly require to access powers of compulsory acquisition.

2.4 The granting of powers of compulsory acquisition is necessary to allow the Applicant to deliver a nationally significant infrastructure project for which there is a clear, identified, national need.

3 DEFINITIONS

3.1 In this Statement the following definitions have been used;

Act means the Planning Act 2008

Access Land	Means land designated in terms of the Countryside Rights of Way Act 2000 and open to the public for the purposes of recreation
Applicant	means Snowdonia Pumped Hydro Limited, a company incorporated in England (Company Number 08644844) having its registered office at 1 Finsbury Circus, London, EC2M 7SH, who has made the Application and is the proposed acquiring authority for compulsory acquisition purposes.
Application	means the application for development consent made to the Secretary of State for Energy and Climate Change by Snowdonia Pumped Hydro Limited to construct and operate a pumped storage facility with an output capacity of 99.9 mega watts (MW) at the disused Glyn Rhonwy and Chwarel Fawr slate quarries, near Llanberis, Gwynedd, Wales.
Book of Reference	means the document in five parts produced in accordance with the provisions of Regulation 7 and given Document Reference 4.03.
Common or Common Land	means land registered as a Common under the provisions of the Commons Act 1965
Convention	means the European Convention on Human Rights
Development	means a pumped storage facility consisting of upper and lower reservoirs, pipe, a power house, pumping station, spillways and ancillary development with an output of 99.9 megawatts at Glyn Rhonwy and Chwarel Fawr quarries, near Llanberis, Gwynedd, Wales and known as Glyn

Rhonwy Pumped Storage.

Development Site	means the area extending to 91.24 hectares at Glyn Rhonwy and Chawrel Fawr Quarries, near LLanberis shown outlined in red on the plan submitted as part of the Application and given Document Reference .
Funding Statement	means the Funding Statement setting out how the costs of compulsory acquisition will be met submitted as part of the Application in accordance with Regulation 5(2)(h) and given Document Reference 4.02.
Grid Connection Statement	means the statement setting out how the Development will be connected to the grid submitted as part of the Application in accordance with Regulation 6(1)(a)(i) and given Document Reference 9.01.
Guidance	means the Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land published by the Department for Communities and Local Government, September 2013.
LPA	means the Local Planning Authority for the administrative area of the Gwynedd Council.
National Grid	National Grid plc, the systems operator of the grid.
NPS EN1	means the overarching National Policy Statement for Energy (EN-1) published by the Department of Energy and Climate Change, 2011.
Open Space	means any land used for the purposes of public recreation.

Order	means the Glyn Rhonwy Pumped Storage Order 201[X].
Order Land	means the land and rights over land for which compulsory powers of acquisition are sought in the Order as set out in the Book of Reference.
Order Limits	means the land to which the Application relates as shown outlined in red on the plan submitted as part of the Application and given Document Reference 2.05.
Plot	means each piece or area of land identified individually in Book of Reference and any reference to a Plot or Plots or a numbered Plot shall be construed accordingly.
PPW	means Planning Policy Wales, seventh edition issued by the Welsh Government in July 2014
PRoW	means a Public Right of Way
Regulations	means the infrastructure Planning (Applications, Prescribed Forms and Procedure) Regulations 2009 and “Regulation” shall be a reference to the appropriate part of those Regulations
UDP	means the Gwynedd Unitary Development Plan

4 BACKGROUND TO DEVELOPMENT

- 4.1 The Quarry Battery Company Limited was granted planning permission by Gwynedd Council on the 19th February 2014 (Ref: C12/1451/LL) for the construction and operation of a 600 megawatt hours pumped storage facility, with an output of 49.9 megawatt (MW), at the Glyn Rhonwy and Chwarel Fawr quarries, near Llanberis. The approved development was

determined under the Town and Country Planning Act 1990. Subsequent to the grant of planning permission, The Quarry Battery Company Limited established the Applicant as a special purpose vehicle to take the development of the Development forward. The Quarry Battery Company Limited currently holds a majority shareholding in the Applicant.

- 4.2 Following a review of the approved development in the context of the Capacity Market which was introduced under Electricity Market Reform, the Applicant discussed the approved development with investors and construction contractors and determined that the approved development would be more commercially and economically viable if its generation capacity could be increased. The Applicant identified that a development with capacity of 1.3 million cubic metres of stored water and an output of 99.9MW rather than the 49.9MW approved under the extant planning permission will be more viable. The current Application for the Development therefore seeks consent for the construction and operation of a pumped storage facility with an output of 99.9MW at the Glyn Rhonwy and Chwarel Fawr quarries, near Llanberis in North Wales.

5 DEVELOPMENT DESCRIPTION

- 5.1 The Development is comprised of seven main elements:
- (a) A headpond - upper reservoir;
 - (b) A tailpond - lower reservoir;
 - (c) A power house - containing the combined pump and turbines;
 - (d) A penstock - the pipe connecting the headpond to the power house;
 - (e) A tailrace - the pipe connecting the power house to the tailpond;
 - (f) Pumping station; and

(g) Overflows – a discharge point from the headpond and a joint discharge/abstraction point from the tailpond.

5.2 The Development consists of four works which have subdivided into elements as set out in Schedule 1 of the DCO. Work 1 consists of the works required to form the head pond including the construction of the dam, the formation of new waste slate tips, pipework and overflow and operational fencing, maintenance track and gates. Work 1 also includes a temporary construction compounds and facilities required for the construction of the work, fencing of the construction site, diversion of and provision of alternative access and public rights of way arrangements including relocation of a car park. Plots 41, 42, 43, 56, 63, 64, 65 and 71 fall within the area of Work 1.

5.3 Work 2 is the underground penstock which runs from the headpond in the west of the site to the power house towards the east. The area required for Work 2 includes Plot 22.

5.4 Plots 4 and 7 sit within Works 3 and 4. Work 3 includes the construction of the underground electricity generating station equipment, the power house building, switchgear station, turbine hall, other ancillary buildings, structures and plant including car parking, security fencing and a temporary construction compound. Work 4 includes the formation of a dam for the tail pond, re-profiling of adjacent spoil mounds and stabilisation of the northern quarry wall, access roads, the construction of joint overflow and abstraction infrastructure, drainage works, and further temporary construction compounds and construction of an underground permanent pumping station, above ground kiosk or control box, a spillway and ancillary infrastructure.

6 NEED FOR THE DEVELOPMENT

6.1 There is a cascade of international and national obligations, directives and policy statements that combine to place the UK on a legally binding path to reduce carbon dioxide emissions on an incremental basis,

ultimately by 80% by 2050. At the international level The Kyoto Protocol (to the United Nations Framework Convention on Climate Change (1997)) forms the highest level of international agreement on Climate Change across 189 States.

- 6.2 At the EU level the "20 20 by 2020 package commits the European Union ("EU") to a 20% reduction in its greenhouse gas emissions by 2020 and sets a target of deriving 20% of the EU's final energy consumption from renewable sources in that same timeframe. In order to achieve the overall EU renewable energy target of 20% individual targets have been set for each Member State (with the UK's target being 15%). The Renewable Energy Directive (2009/28/EC) also provides for European Climate Change Opportunity, where the European Commission set the emissions reduction target at 20% "rising to 30% if there is an international agreement". The Climate Change Act 2008 introduced a legal requirement on the UK Government to cut emissions by 80% compared to 1990 levels by 2050.
- 6.3 The Government has set out their aim to have a diverse mix of electricity generating technologies and fuels. As the UK introduces more low carbon sources of electricity generation, such as onshore and offshore wind, more storage will be needed to manage electricity demand. Solar, wind and tidal energy do not produce electricity consistently and cannot readily respond to changes in demand. NPS EN1 provides (at 3.3.2) that "(t)he Government needs to ensure sufficient electricity generating capacity is available to meet maximum peak demand, with a safety margin or spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events". Pumped storage is an efficient electricity storage technology that works at the scale of the National Grid. The system uses electricity to pump water from a lower reservoir to a higher reservoir. Pumping would normally happen during the night when electricity demand is low. During the day, the water is allowed back through a hydro-turbine to generate electricity again to meet sudden spikes in

consumer electricity demand. The unique ability of pumped storage to provide electricity quickly is recognised in paragraph 3.3.31 of NPS EN-1. This type of storage helps the National Grid to balance the supply and demand for electricity from second to second.

- 6.4 Pumped storage is an aid to a low carbon future. It is flexible and responsive technology which supports and complements the use of renewable energy through the grid. The Development will play a valuable role in balancing supply and demand as the percentage of renewables supplying power to the UK's electricity grid continues to increase. The Development will accordingly contribute towards the UK Government's aim of creating a sustainable mix of energy production sources and assist in meeting low -carbon energy production needs. The role of electricity storage in compensating for the intermittency of renewable energy generation is acknowledged at paragraph 3.3.12 of NPS EN-1.

7 POWERS OF COMPULSORY ACQUISITION

- 7.1 The Application has been made under the Act for a development consent order granting consent to construct and operate the Development, including powers of compulsory acquisition for the land necessary to do that. In section 120 the Act provides what may be included within development consent orders and that such orders may include provisions on matters ancillary to the development consented. Those ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land as set out in Schedule 5 to the Act.

- 7.2 Section 122 of the Act sets out the purposes for which compulsory acquisition may be authorised and lists the conditions which must be met. This provides that the Secretary of State must be satisfied that the land;

- (a) is required for the development to which the development consent relates;

- (b) is required to facilitate or is incidental to that development; or
- (c) is replacement land which is to be given in exchange for the order land under section 131 or 132; and

that there is a compelling case in the public interest for the land to be acquired compulsorily.

- 7.3 Acquisition of any unknown interests in the ownership of the subsoil of Plots 4 and 7 is sought. This is to ensure that all necessary rights to install, operate, maintain, replace and decommission pipework for abstraction and discharge of water are obtained.
- 7.4 Rights to install, maintain and, if necessary, decommission underground pipework and ancillary equipment and apparatus are sought over Plot 22 for the penstock. On this plot the right to enter land and undertake site and ground investigation works is also sought to allow such further investigation as is required to finalise the line of the penstock. As the works on this plot will not permanently interfere with the surface the Applicant considers it appropriate to seek only the necessary rights to facilitate the development rather than seeking ownership of the Plot.
- 7.5 Rights to occupy and use Plot 41 are sought to provide access, working areas and compounds and other construction related use. Temporary occupation will be required for a maximum period of four years for construction. It is anticipated that temporary occupation will not be required for the maximum period and occupation will cease earlier where the use has ceased and it is practical and safe to remove from the land at an earlier time. Acquisition of rights is sought in preference to a power under the DCO to temporarily occupy due to the requirement for further occupation at decommissioning and having regard to length of time for which occupation may be required.
- 7.6 Acquisition of the freehold and any leasehold interests in Plot 42 is sought. Plot 42 comprises mature forestry land to the north of the Nant-y-Betws watercourse and will be adjacent to the diverted public right of way

to be formed on Plot 64. This Plot is required to provide replacement Open Space land for the acquisition of Plot 65. It is accordingly replacement land under s131 of the Act. Acquisition of the plot is necessary to allow the ownership to be vested in the seller of the Open Space in accordance with the provisions of section 131.

- 7.7 Acquisition of the freehold and any leasehold interests in Plot 43 is sought. This Plot will form the site of the dam for the upper reservoir and is also required to allow the installation, maintenance and use of the overflow spillway infrastructure to the Nant Y Betws watercourse. The upper dam and reservoir will be permanently fenced with no access except for authorised personnel. The level of interference with current rights which will be caused by the Development is accordingly such that acquisition of lesser interests would be insufficient.
- 7.8 Plots 63 and 71 will form part of the temporary road and footpath diversions. Rights are accordingly sought to form, maintain, remove and allow temporary public use of a road over this plot.
- 7.9 Plots 64 and 65 are required to form a permanent footpath diversion. The applicant requires to be able to create public rights of way over these plots to provide alternatives to those which will be stopped up. Accordingly acquisition is sought to enable the Applicant to create alternative public rights of way. As ownership is only required to make the necessary dedication as a public right of way the Applicant proposes to offer ownership of these plots back. Such an offer would be made following dedication and subject to the reservation of any rights required to retain the public footpath.
- 7.10 Where not otherwise stated, all plots temporarily occupied will be reinstated to their original condition following cessation of the Applicant's use thereof. The reinstatement of temporary use areas will be secured through the DCO requirements.

Extinguishment of and interference with private rights

- 7.11 Private rights of access currently exist across tracks on Plots 41, 43, 56 and 71. As the access tracks will be diverted and realigned it is necessary for the Applicant to extinguish these rights and divert the access along the temporary diversions during construction and onto the realigned permanent tracks following construction. Where access currently runs through the area which will be permanently fenced the access right will be extinguished and replaced with access over the diverted public rights of way around the fence. The holders of such rights will be able to use the public road which will run to the south of the fenced area and the various tracks connecting into that diverted road and the public road diversions will be available for vehicular use by the affected landowners throughout construction.
- 7.12 Plot 65 is subject to a number of rights to the benefit of a private water supply. No authority is sought to extinguish those rights however it may be necessary to undertake works which interfere with it in constructing the access on Plot 65. Authority is therefore sought to culvert, replace, divert and otherwise alter any watercourse, pipework or infrastructure related to the private water supply which is situated within Plot 65.
- 7.13 No extinguishment or interference with the rights of statutory undertakers is sought through compulsory acquisition. The proposed DCO contains provisions regulating the Applicant's rights within the Order limits as regards the apparatus of statutory undertakers

8 JUSTIFICATION FOR COMPULSORY ACQUISITION

- 8.1 The Applicant has set out the extent of acquisition and the use to which it is intended to put each Plot included within the compulsory acquisition provisions of the Order in Table 1.

Table 1		
Plot	Description of Land	Purpose and Extent of Acquisition

4	182 square metres of land forming part of the disused railway at Llyn Padarn car park, Llanberis currently used as a cycle track	<p>Acquisition of unknown ownership interests in the subsoil only.</p> <p>To permit the installation, operation and maintenance of underground pipes for overflow spillway and abstraction infrastructure.</p>
7	521 square metres of land forming part of the A4086 public highway at Llanberis	<p>Acquisition of unknown ownership interests in the subsoil only.</p> <p>To permit the installation, operation and maintenance of underground pipes for overflow spillway and abstraction infrastructure.</p>
22	39,512 square metres of land at Pen Y Bwlch, Llanrug, Caernarfon forming private pasture land.	<p>Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development.</p> <p>Acquisition of rights of access over the surface of the land, for the purpose of monitoring, surveying and carrying out ground investigations, and rights to undertake intrusive ground investigations including boreholes and trial pits.</p> <p>Acquisition of rights to install,</p>

		operate, maintain and repair the penstock and any equipment or apparatus therein.
41	15,709 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land	<p>Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development.</p> <p>Acquisition of rights to occupy and use land for the formation of construction compounds, laydown and storage areas, storage of plant, car parking and the installation of temporary structures and hardstanding.</p>
42	4,793 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry	Acquisition of ownership to provide replacement Open Space, which ownership is to be vested in the owner of Plot 65 should that plot be compulsorily acquired.
43	12,002 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land	Acquisition of ownership to allow construction of the dam and overflow spillway to the Nant Y Bewts watercourse and to create a permanent diversion of a public right of way.
56	20,879 square meters at Coed Ynys, Waenfawr, Caernarfon forming young	Acquisition of ownership is required to allow creation of a slate waste tip and a permanent

	forest	diversion of a public right of way.
63	10,236 square metres Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land	Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development. Acquisition of rights to create, maintain, use and make available for public use temporary diversion of a public right of way.
64	7,529 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land	Acquisition of ownership to create and use a permanent diversion of a public right of way.
65	4,793 square metres of land at Tyn Yr Onnen, Waunfawr, Caernarfon forming private pasture land	Acquisition of ownership to create and use an access track and to create a permanent diversion of a public right of way.
71	2,151 square metres of land at Coed Ynys, Waenfawr, Caernarfon farming young forest	Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development. Acquisition of rights to create, maintain, use and make available for public use a temporary diversion of a public

		right of way.
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- 8.2 The penstock will be created by tunnelling from the quarries at either end. While this method reduces surface interference and has a lesser impact than trenching from the surface it is more sensitive to varying ground conditions. Ground investigations on the site have shown areas of very hard dolorite deposits which will be avoided. The penstock route has therefore been delineated wide enough to allow for the precise route of the pipework to be finalised once further investigation works are complete. Plot 22 is therefore wider than will be required for the penstock itself as at this time the precise route of the penstock cannot be finalised at this stage. Rights to install, operate and maintain a single penstock are therefore sought over all of Plot 22 to ensure that the necessary flexibility in siting this is secured. The penstock will be approximately 50m below ground level at the upper reservoir and 90m below ground level at the lower reservoir.
- 8.3 Acquisition of the freehold of Plot 43 is required for the construction of the dam for the upper reservoir. The Applicant requires to ensure that they have the necessary rights to construct and maintain the dam for the 125 year life of the Development. The siting of the dam is largely determined by the topography of the site. The dam will be constructed of reused extracted material from the formation of the reservoir and site clearance in so far as possible with further material imported only if required. The dam size is partially influenced by the method of construction which will reuse material extracted on the site, thereby reducing overall impacts. While this leads to a larger footprint for the dam than a concrete structure it is considered preferable to importing concrete onto the site. The traffic implications of that approach would be significant and not reusing extracted material would create a need for substantially more spoil disposal than the proposed construction method requiring increased landtake for the creation of further slate waste tips.

Access to the dam will be limited to authorised persons through the use of permanent fencing for health and safety reasons. It is therefore considered that ownership of the freehold is required.

- 8.4 The acquisition of Plot 56 is required to allow formation of a slate waste tip. It is not possible to recycle of all the slate which will be extracted from the formation of the reservoirs into the construction of the dams as some of the material is likely to be unsuitable for such use and the integrity of the dam structures cannot be compromised. Exporting the slate waste offsite is undesirable as the traffic impact would be much higher than the impacts of the new slate waste tips. The new slate waste tips required, including that in Plot 56, have been designed and sited to be close to the existing tips in order to minimise visual impact.

Site selection

- 8.5 Glyn Rhonwy was selected following a detailed mapping exercise, undertaken by The Quarry Battery Company Limited in 2011, to examine the feasibility of pumped storage throughout Great Britain against key indicators including:
- (a) the geology, ground conditions and terrain;
 - (b) accessibility;
 - (c) safety and feasibility of construction;
 - (d) the physical shape and sizes of the reservoirs and requirements for dams;
 - (e) the distance between the reservoirs and the distance to the distribution network;
 - (f) the environmental sensitivity of the site; and
 - (g) whether any effects of the development could feasibly be designed out or mitigated.

- 8.6 It is rare to find the combination of features that make a site suitable for Pumped Storage development. The best sites are not constrained by their grid connection, have significant elevation and meet various environmental parameters. Glyn Rhonwy fits these characteristics. In addition it is a brownfield ex-industrial site and further feasibility and environmental assessment concluded that potential environmental effects could be minimised or mitigated through sensitive design or the application of mitigation measures.
- 8.7 The site has been selected for redevelopment within the following Gwynedd Council policies:
- (a) Policy C6 Redevelopment Policy - for its proximity to Llanberis and Caernarfon and the role that Gwynedd Council acknowledge Glyn Rhonwy could play in creating year-round employment (UDP), 4.2.14); and
 - (b) For its ability to act as a catalyst for redevelopment in the rest of the Llanberis catchment area as explained in the justification for development given in the Caernarfon Development Catchment Area document of the UDP.
- 8.8 The size of the dams and reservoirs are primarily driven by the volume of the system and the method of construction to be used. In order to ensure that the dam is constructed with a suitable incline it is necessary to have a sufficient land to allow construction up to the maximum permitted footprint area.
- 8.9 The penstock route is 114m wide. A single tunnel will be bored and/or blasted within that route and will have a 4.5m internal finished diameter. The width of the route has been determined at 114m to allow flexibility in the precise siting of the penstock having regard to the outcomes of detailed ground investigation and the known dolorite deposits.
- 8.10 The PRow and diversion routes are 20m wide, a single PRow or diversion of appropriate width to its intended use will be created within

each plot. The routes to be formed within these plots will be micro-sited having regard to ground conditions and the mitigation of impacts. The area occupied by the PRowS will be the minimum necessary to permit the works to create and maintain highway and footpaths and ancillary works, including any drainage provision if required.

Consideration of alternatives to Plots affected by compulsory acquisition

8.11 The Applicant has selected the site due to the suitability for pumped hydro which necessitates that some elements must be located in the areas identified in order that the existing quarries can be utilised. The reasons for selecting each of the Plots included within the Order Land are set out in Table 2.

Table 2		
Plots	Proposed acquisition	Reason for selection
4, 7	Acquisition of ownership of the subsoil to permit the installation, operation, maintenance, repair and replacement of underground pipes for spillway and abstraction.	Crossing the cycle track and highway is unavoidable to reach Llyn Padarn. This route avoids existing structures.
22	Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development. A right of access to the surface, for the purpose of	The land is extensive north to south, and is situated in between the upper reservoir and the lower reservoir. In order to use the reservoirs the penstock must run through this area. It was not feasible to go around this plot.

	<p>monitoring, surveying and carrying out ground investigations.</p> <p>Rights for the installation, operation, maintenance, repair and replacement of an underground penstock.</p>	
41	<p>Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development.</p> <p>Rights of temporary occupation to provide construction working area.</p>	<p>This area is immediately adjacent to the construction site for the upper reservoir and dam and is the nearest suitable available area which is not constrained by existing slate tips.</p>
42	<p>Acquisition of ownership to form replacement Open Space</p>	<p>This area is undesignated, will be adjacent to a public right of way and adjoins land which is to become Access Land (Plot 43).</p> <p>The plot lies within the area which the Applicant proposes to dedicate as Access Land and will therefore be surrounded on all sides by land subject to this designation. It is a natural and logical infill to the proposed Access Land and a suitable alternative to the Open Space being acquired.</p>

43	Acquisition of ownership to allow construction of the dam and overflow spillway to the Nant Y Bewts watercourse and to create a permanent diversion of a public right of way.	<p>This land is unavoidable because the dam requires to be sited in this position in order to utilise the existing quarry void efficiently. A smaller Roller-Compacted-Concrete dam was considered, but assessment of this option concluded that it would have had a higher cost, greater visual impact, and increased slate tip land requirements over the selected option.</p> <p>The overflow spillway infrastructure requires to run from the dam to the Nant Y Betws. To relocate this to the west would mean that it ran under the existing slate tip increasing the movement of material required and rendering access for maintenance more disruptive.</p> <p>The inclusion of the overflow spillway in the same plot as the permanent diversions minimises land take and the number of ownerships affected.</p>
56	Acquisition of ownership to allow creation of slate waste tip and permanent diversion	The other potential sites for the creation of slate tips were discounted as topographical data demonstrated that these

	of a public right of way.	would have a higher visual impact, or would be of much lower volume and therefore more extensive for the same net volume of slate. This plot represents the best solution in landscape impact and use terms.
63, 71	Acquisition of rights to create and use temporary diversion of a public right of way. Acquisition of rights of access over the land for the purposes of constructing, maintaining and decommissioning the Development.	The temporary diversion requires to link into the permanent diversion. This route follows existing tracks where possible to minimise the impact.
64	Acquisition of ownership to create and use an access track and to create and make available for public use a permanent diversion of a public right of way.	The alternative option of placing the diversion on the north side of the Nant Y Betws would have increased the potential for pollutants to enter the watercourse and reduced the land available for slate tips.
65	Acquisition of rights to create and use an access track and to create and make available for public use a permanent diversion	The alternative option of placing the diversion on the north side of the Nant Y Betws would have increased the potential for pollutants to enter the watercourse and reduced the

	of a public right of way.	land available for slate tips.
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8.12 The development of pumped hydro storage as a necessary component of a sustainable, lower carbon electricity generation and is supported by national policy. The selection of Glyn Rhonwy is supported by local planning policy and is a suitable and sustainable location. The reuse of the existing abandoned slate extraction site reduces the impact of the Development as the existing voids will form the basis of the reservoirs, material extracted will be reused in construction of the dams and the waste slate tips can be located and formed with reference to the existing tips maintaining the character of the site and minimising the visual impact.

8.13 In the absence of compulsory acquisition all of the land required to allow the Development to be constructed and operated may not be acquired and the Development will not proceed. The majority of the land and rights required for the construction and operation of the Development have been obtained voluntarily. Negotiations with landowners have been ongoing since 2012. In order to progress the Development the Applicant needs to have certainty that the remaining required land can be obtained within a reasonable timeframe and to be able to evidence this certainty to its funders. Given the clear policy support for the development of projects of this type, the granting of powers of compulsory acquisition to the Development represents a proportionate and legitimate interference with private rights for the public benefit.

9 THE DEVELOPMENT SITE AND ORDER LAND

Location

9.1 The Development Site covers an area of 91.24 ha located on the slopes of Cefn Du mountain above Llyn Padarn, approximately 1.5km north west of Llanberis and 11km south east of the town of Caernarfon. The Development is located within the administrative boundaries of Gwynedd

Council. The Development Site lies within a sparsely populated area and is 1km from the boundary of Snowdonia National Park.

Description

- 9.2 The area subject to the Application is located wholly within the administrative area of Gwynedd Council and comprises of several disused quarries pits and slate tips, woodland, grazing land and an industrial estate platform. The slopes around the quarries are built up with slate waste and interspersed with the remains of outhouses and quarry workings, scattered over steep grazing land. The neighbouring land is mainly agricultural, although, there is an industrial estate between Glyn Rhonwy and the Llyn Padarn and a large industrial complex to the south of the site towards Llanberis. Slate waste mounds lie to the north of the quarry system and other land use consists of open grazing land and commercial forestry in the south west.
- 9.3 Water has collected in two of the quarries, especially in Quarry 6 with an estimated depth of approximately 17m.
- 9.4 Three adopted highways cross the site, including the A4086, Ffordd Clegir and an unnamed road (locally known as ‘the Green Road’), as well as several Public Rights of Way (PRoW).
- 9.5 Access to the site is restricted and the quarries themselves are fenced off. Some quarries and buildings, including the industrial estate in the area including Work 4, have suffered vandalism in the form of fly-tipping, graffiti and damage to the fencing.
- 9.6 The majority of the eastern end of the site containing Works 3 and 4 is in the ownership of Gwynedd Council. The Applicant and Gwynedd Council have entered into an exclusivity agreement dated 5 March 2014 pursuant to which Gwynedd Council has agreed to enter into a 125 year lease of property (as defined therein) to permit the construction and operation of the Development.

- 9.7 The majority of the western end of the site including much of Work 1 is in the ownership of the Crown Estate. The Applicant and The Crown Estate have entered into an option agreement dated 16 March 2015 pursuant to which the Crown Estate has agreed to enter into a 125 year lease of the property (as defined therein) to permit the Applicant to undertake the construction and operation of the Development
- 9.8 On some Plots occupied by Gwynedd Council a risk of unknown ownership interests in the land has been identified. In order to address any unknown interests the specific plots where a risk of unknown interests has been identified have been included within the Order Land to the extent of the unknown interest only.
- 9.9 Option agreements to acquire the necessary rights to or ownership of land and interests required to construct and operate the Development have been concluded for the majority of the site.

10 PLANNING POLICY POSITION

- 10.1 A detailed consideration of the planning policy position is set out in the Planning Statement (Document reference: 10.01). This section provides a summary of that position.

National Planning Policy

- 10.2 The National Policy Statement for Energy (NPS EN-1) provides the overarching planning policy which the development will be assessed against in accordance with the Act. In Section 3.1, NPS EN-1 states that, “It is for industry to propose new energy infrastructure projects within the strategic framework set by Government. The Government does not consider it appropriate for planning policy to set targets for or limits on different technologies...The IPC should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure.”

- 10.3 NPS EN-1 refers specifically to electrical energy storage in Section 3.3. It states that the development and deployment of these technologies at the necessary scale has yet to be achieved and goes on to envisage that high renewable pathways will require more storage into the future. NPS EN-1 acknowledges that storage will play an important role in a low carbon electricity system.
- 10.4 Planning Policy Wales (PPW) Chapter 12 states that one of the key aims of national policy is to “promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency.” In achieving high renewable pathways and a low carbon electricity system, storage is an essential component and therefore goes towards the policy aim of promoting the generation and use of renewable and low carbon energy sources¹.

Local Planning Policy

- 10.5 The UDP comprises the statutory development plan for the area. It is supportive of pumped storage (Policy C27) and the re-use of previously development land at Glyn Rhonwy Redevelopment Site (Policy C6).

Other material planning considerations

- 10.6 The following policy and guidance represent material considerations to the development proposals
- (a) Minerals Technical Advice Note (MTAN)1: Aggregates promotes the after use of mineral extraction sites for other uses where these are suitable.
 - (b) The Gwynedd Local Planning Authority Supplementary Planning Guidance: Development Brief Caernarfon Dependency Catchment Area (2009) identifies Glyn Rhonwy as a redevelopment site for mixed use development which creates quality employment opportunities.

¹ Chapter 12

- (c) The emerging Anglesey and Gwynedd Joint Local Development Plan Deposit Plan policy PS7 seeks to ensure that the area realise its potential for renewable and low carbon energy as well as supporting communities which have suffered decline after quarrying has ended.

11 ENGAGEMENT WITH AFFECTED PARTIES

- 11.1 The Applicant has entered into discussions with the relevant landowners and has successfully reached agreement with the majority of landowners to secure the necessary rights over the land required for the Development rather than seek powers of compulsory acquisition under the Order. Over time, in response to consultation, improved data and impact mitigation, the Development has evolved. Whilst negotiations with landowners has continued over a number of years, as a result of changes to the amount of land required or the proposed use of land, agreement for the acquisition of rights over or under certain Plots of land have yet to be secured.
- 11.2 The majority of the Plots for which acquisition is sought have been included either to address unknown interests with whom no agreement can be reached or landowners who are in negotiation with the Applicant but where legal agreement has yet to be concluded and therefore cannot yet be relied upon. In order to provide certainty to the Development and ensure funding can be achieved, powers of compulsory acquisition are sought over such Plots. This parallel approach of making the Application (including powers of compulsory acquisition) and conducting negotiations to acquire land by agreement is in accordance with paragraph 25 of the Guidance.
- 11.3 The methodology behind the Company's attempts to reach agreement is set out below:
 - (a) The Applicant initially carried out a desk-based study to reference the land within the boundary of the Development;

- (b) When available, extracts from the Land Registry were sourced to establish ownership, otherwise local agents or site visits were undertaken to establish land ownership boundaries and contact details;
- (c) Letters were then set to the relevant address informing the identified landowner(s) of the Development which included asking for a confirmation of interests in the land;
- (d) This exercise was followed up with face-to-face meetings with identified landowners to better explain and describe the project, and the proposed use of the relevant land;
- (e) Thereafter with advice provided by land agents and legal advisers, both the Applicant and the identified landowners proceeded to agree terms for securing the rights to the land and to conclude the necessary legal documentation.

11.4 To date the Applicant has secured the majority of the rights in the land required for the Development, however some unknown interests remain. Additionally some negotiations are progressing but legal documentation has not yet been completed. The Applicant is accordingly requesting compulsory acquisition powers for the acquisition of interests, right and use of land not secured by the close of the examination of the Application or where any agreement reached is not complied with.

Plots 4 and 7; Gwynedd Council and unknown interests

11.5 Gwynedd Council are the main landowner for the lower half of the site, including the location of the tailpond, lower dam, power house, lower access roads, spillway, pumphouse and abstraction point. The Council was first contacted regarding the scheme in 2006, but negotiations did not commence until 2009/10. The Council was keen that any planning application was not prejudiced or seen to be pre-determined by a lease arrangement, and negotiations as to securing the rights to land pursuant to a 125 year lease therefore did not commence until more recently. An

option agreement to enter into a lease is expected to be completed shortly with the Council for these areas. There remains uncertainty regarding the ownership of the land beneath the highway and the cycle path that run along the western edge of Llyn Padarn and compulsory acquisition of the unknown interests (only) in these areas is sought. Gwynedd Council has been consulted on and consented to the acquisition of unknown interests in Plots 4 and 7.

Plot 22; Alwyn Morris and Elizabeth Veronica Morris

11.6 Mr Morris was first contacted in 2012 when negotiations commenced. Heads of terms were agreed in March 2015, subject to contract. The drafting of an option agreement to secure the rights over and under land owned by Mr Morris is progressing and engrossments are being prepared. Whilst the Applicant expects to complete an agreement and so not require compulsory acquisition, until such time as an agreement has been completed powers of compulsory acquisition are required. Should an agreement be completed no compulsory acquisition will be exercised unless Mr Morris is in breach of his obligations under the agreement.

Plots 41, 42, 43, 63, and 64; John David Mitchell and Susan Mitchell

11.7 Mr and Mrs Mitchell were first contacted in 2013 when negotiations commenced. Other land owned by Mr and Mrs Mitchell is already subject to a completed agreement and negotiations are also being undertaken with regard to the voluntary acquisition of further land outside of the Development Site boundary. Due to evolution in scheme design, acquisition of the ownership of Plots 43 and 64 and rights over Plots 41 and 63 is now sought. Plot 42 is required to replace Open Space being acquired as Plot 65. Negotiations to acquire the rights sought have progressed to an advanced stage but have not yet been concluded. Should agreement be reached before any compulsory power is exercised then the Applicant will not acquire these plots compulsorily unless Mr and Mrs Mitchell are in breach of their obligations under the agreement.

Plots 56 and 71; Catrin Slade and Anita Daimond

11.8 Misses Slade and Daimond were first contacted in 2013 when negotiations commenced. The Applicant has met with the landowners on multiple occasions and engaged in extended correspondence. Negotiations had progressed to Heads of Terms stage, however agreement could not be reached at that time. Agreement in principle has now been reached and documents are being drafted however these have not yet been completed. Should agreement be reached before any compulsory power is exercised then the Applicant will not acquire these plots compulsorily unless Misses Slade and Diamond are in breach of their obligations under the agreement.

Plot 65; Tyn Yr Onnen Farm Ltd.

11.9 The owner of Tyn Yr Onnen Farm Limited was first contacted in 2013 when negotiations commenced. Terms have informally been agreed and the legal drafting of an option agreement to acquire rights to land is progressing. The Applicant expects to complete the agreement and so not require compulsory acquisition, however as agreement has not yet been completed, the Applicant is seeking powers of compulsory acquisition over the Plot. Should the agreement be completed before any compulsory power is exercised then the Applicant will not seek to acquire Plot 65 compulsorily unless the owner is in breach of their obligations under that agreement.

11.10 Plot 65 forms Open Space, accordingly any compulsory acquisition of this Plot will trigger acquisition of and vesting in Tyn Yr Onnen Farm Limited of Plot 42 as replacement land in accordance with section 131 of the Act.

12 SPECIAL CATEGORY LAND

Special Category Land – Open Space

12.1 Part of Plot 22 and all of Plot 65 fall within the area of Access Land and therefore constitute Open Space for the purposes of compulsory acquisition. In order to replace the Open Space affected by the acquisition of Plot 65 it is also proposed to acquire Plot 42 as replacement open space.

Plot 22

12.2 An area of Plot 22 forms Open Space, this area is shown hatched in green on the Land Plans. The only interference proposed with the surface of Plot 22 is for ground investigation works and access rights. The ground investigation works will occupy only small areas of the plot for short periods of time. The long term use of the plot will be for the penstock which will have no surface impact. There are no structures, vents or equipment related to the penstock proposed on the surface of the land in Plot 22. The penstock will be located at approximately 50m to 90m below current ground level and will be installed using tunnelling or boring rather than being excavated through trenching on the surface. Some temporary restrictions on access may be required for health and safety reasons during underground blasting of the penstock route. The penstock will be maintained through internal access.

12.3 The interference with the land at Plot 22 is therefore very limited. During operation there would be no interference at all unless access required to be taken over the land which interference would be minor, temporary and not disadvantageous. Public rights of access and recreation will be unaffected by the Development on this plot following construction of the penstock route and are therefore no less advantageous. There are no closures of public rights of way over the Plot. It is not proposed to interfere with or extinguish any rights over this plot and the current use of the Plot for sheep grazing will therefore be unaffected. The acquisition of rights in this Plot therefore does not render it any less advantageous to the current owners or rights holders. The Applicant submits that in terms of s132 of the Act the Order land will be no less advantageous once burdened with the rights sought. Accordingly the Applicant seeks in the

DCO a statement that the requirements of section 132(2) are met and special parliamentary procedure is not required.

Plot 65 and Plot 42

12.4 Plot 65 is a small area of pasture land lying to the south of the upper reservoir. It is proposed to use this plot to form a permanent diversion of a public right of way. This public right of way will link PRoW 9 Waunfawr with the realigned public road (Green Road). Acquisition of the plot is required to allow dedication as a public right of way. It is not proposed to seek any change in the status of Plot 65 which will remain as Access Land but with a diverted public right of way created over it. The replacement Open Space will be designated as Access Land.

12.5 The Applicant proposes to provide replacement Open Space through the acquisition of Plot 42. The neighbouring plot (Plot 43) will be dedicated as Access Land following construction of the Development. The replacement land will accordingly be adjacent to Access Land and the public right of way to be formed on Plot 43 and will therefore benefit from this access link. The proposed replacement land lies within a gap between designated areas of Access Land and within a forested area which is subject to a title burden requiring dedication as Access Land in the future. The Applicant is seeking to acquire the forested area and trigger dedication as Access Land in order to provide replacement Open Space for other land affected by the Development (but not included within compulsory acquisition) as set out in the Common, Access Land and PRoW Strategy (Document reference 4.04). Dedication of the voluntarily acquired forestry land and Plot 43 will result in the replacement land area being surrounded on all sides by Access Land. It would therefore be a logical addition to the Access Land and would form part of a parcel of 66 acres of land available for use by the public for recreation. The Applicant accordingly submits that Plot 42 forms replacement land which, once designated as Access Land, will provide the same benefits and rights to the public as the Open Space to be acquired. Accordingly the Applicant seeks in the DCO a statement that

the requirements of section 131(4) are met and special parliamentary procedure is not required.

Special Category Land – Common Land

- 12.6 No compulsory acquisition of Common Land is sought under the Order. The Development would cause permanent interference with the rights of Commoners and the Applicant has accordingly sought replacement land. The deregistration of the areas of common and the proposed replacement land will be considered as part of separate Commons Act applications, which will also be seek powers to carry out works on other Common land.
- 12.7 Parts of the Order Limits falls within registered commons CL15, CL18 and CL19. The interference with CL18 and CL19 is limited in that the temporary diversion route crosses these areas of Common Land. The Development will interfere with the rights of commoners on Common CL15 by reducing access to pasture and reducing access to the quarry area.
- 12.8 Much of Work 1 is situated on CL15 and includes the area where the upper reservoir will be formed and which will be permanently fenced. The permanent loss to the common will be 32 acres. This is proposed to be replaced by 40 acres of grazing on land immediately to the north the existing common giving an overall benefit to the common of 8 acres. The Applicant has commissioned a survey and report on the features and conditions of the existing Common and replacement land to allow a full consideration of the impact of the Development. This will be fully considered as part of the applications to be made by the Applicant under the Commons Act 2006 to be submitted as soon as possible following the submission of the Application. The Applicant has assessed the level of interference with commoners' rights and where interference is temporary have proposed the further provision of replacement land for the use of the commoners to offset that interference. The temporary interference with the common will affect 30 acres of commons. The

provision of temporary replacement land extending to 25 acres located adjacent to the exchange land to be provided in place of the area of permanent interference is under negotiation by the Applicant who is seeking to finalise an option agreement. Should the Applicant be unable to provide the 25 acres of temporary replacement land they would propose to compensate commoners for the temporary interference with right monetarily.

12.9 All of the exchange land for the area of CL15 to be deregistered is Access Land. The Access Land is the only available, suitable land adjacent to the Common which can be offered as replacement land. The replacement of Common Land with Access Land would reduce the area of open space available for public recreation overall. The Applicant recognises that a net loss of open space is undesirable and has accordingly negotiated the acquisition of 64.2 acres of forestry land to the south of the Development Site, which acquisition will allow the Applicant to exercise a covenant requiring designation of this land as Access Land and make the forestry open to public access for recreation. The objective of this is to replace the loss of Access Land caused by the change in status of Access Land to Common Land.

12.10 Overall the permanent area of Open Space land including Common Land and Access Land following the construction of the Development would be increased by 32.8 acres, thereby providing an overall long term public benefit in terms of Open Space.

Statutory Undertakers

12.11 Gwynedd Council has an ownership interest in two Plots (4 and 7) over which compulsory acquisition of any unknown interest is sought in order to allowing the laying of pipes required for the abstraction and discharge of water. The Council's interest is not being acquired as a suitable right has been agreed voluntarily. There is some dubiety as to the extent of the Council's interest and compulsory acquisition of any other interest is sought to regularise the position and protect the undertaker. Plot 7 forms

part of the A4086 public highway; while the Council owns the land to either side of the highway it cannot be conclusively shown that the subsoil of the adopted highway is in their sole ownership. Compulsory acquisition of any unknown interest in the subsoil of the adopted highway is accordingly sought.

12.12 Statutory undertakers rights and apparatus have been identified in plots 4 and 7. The Applicant is in negotiation with the affected statutory undertakers to agree how the authorised development can be installed in coexistence with statutory undertakers apparatus. As set out in this statement no powers to extinguish the rights of statutory undertakers are sought. The DCO will provide appropriate powers to control any interaction with both known and unknown statutory undertakers.

13 HUMAN RIGHTS

13.1 The Human Rights Act 1998 incorporated the Convention into domestic law. The Convention includes provision in the form of Articles, the aim of which is to protect the right of the individual.

13.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention and in exercising its powers of compulsory acquisition the Applicant is acting as a public authority for the purpose of the Human Rights Act 1998 so must be conscious of the need to strike a balance between the rights of the individual and the interests of the public.

13.3 Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 which 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 relevant national and international laws. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is for a legitimate purpose and is fair and proportionate in the public interest.

13.4 The Order has the potential to infringe the rights of the affected parties. Such infringement has to be weighed against the public benefit in allowing the Order. There would be significant public benefit brought about by the Development to which the scheme relates. As demonstrated by national policy there is a clear public interest in enabling the development of pumped hydro storage facilities to support the expansion of renewable energy generation. The public benefit should be weighed against the limited land take, and that the Applicant is seeking the minimum rights necessary to allow the Development to succeed.

13.5 The rights of owners of interests in the Order Land under the Human Rights Act 1998 have been taken into account by the Applicant when considering whether to make the Order and in considering the extent of the interests to be comprised in the Order. The Applicant considers that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interest. The Applicant has had due regard to the requirement to minimise interference wherever possible and is only seeking to acquire the minimum land take reasonably necessary to allow the Development to proceed.

13.6 It is also a right to have a fair and public hearing. As explained in section 11 above, appropriate consultation took and is taking place in the planning process with an opportunity given for interested parties to make representations and the Applicant remains committed to pursuing active engagement with landowners in with regard to compulsory acquisition. Those directly affected by the Order will be entitled to statutory compensation.

14 COMPENSATION

14.1 The Applicant is a subsidiary of The Quarry Battery Company Limited (“QBC”). The Applicant was established as a special purpose vehicle to progress the Development. QBC is at the forefront of developing new

large scale electricity storage projects that are now considered as a fundamental requirement in decarbonising the UK electricity infrastructure.

- 14.2 The cost of constructing the Development is approximately £160million. This figure includes £1.5million for the costs of acquiring land both compulsorily and under option together with rental costs of leased land throughout the build phase. The budget has accordingly made substantial provision for land costs and compensation claims.
- 14.3 The Development has been funded by private equity to date. In order to undertake construction of the Development borrowing in the form of commercial debt and the investment of further equity will be required. Currently QBC holds a majority shareholding in the Applicant. In order to meet the capital cost of the Development at the Applicant will require to issue further shares, this may result in QBC no longer retaining its majority shareholding position. The Applicant has engaged in discussions with various institutions which demonstrate that the Development will meet the investment return hurdle rate and will be able to secure commercial funding at an acceptable cost.
- 14.4 The Applicant, on the basis of advice received from Bilfinger GVA, specialist compensation surveyors and valuers, determined that the maximum liability to compensation for land and rights which may be compulsorily acquired would be £190,000. The proposed Development Consent Order contains, at article 26 a requirement that this sum is secured for the benefit of affected landowners before any power of compulsory purchase can be exercised. As it is anticipated that many of the plots currently included within the compulsory acquisition powers will be acquired by voluntary agreement, the Order seeks the flexibility to reduce the secured amount to reflect that. Such reduction will be subject to the written approval of the LPA in order to ensure that landowners and rights holders remain properly protected.

14.5 Bilfinger GVA were also retained to undertake an independent exercise to determine the scope and cost of blight exposure for the Development. on the basis of this assessment, the Applicant has concluded that there are eight potential blight plots and areas, representing a total blight exposure of £110,000 including associated costs. Provision to cover this potential exposure has been made within the Development budget.

15 ABSENCE OF IMPEDIMENTS

15.1 A table showing all of the other consents and licences require to construct and operate the Development and setting out how the Applicant proposes to deal with each is attached at Schedule 1. It is considered that none of these other consents or licences represents an impediment to the delivery of the Development.

Grid connection

15.2 The Development will be connected to the electricity distribution network via a new electrical connection. This will be exported from an onsite substation to an offsite substation near Pentir. The provision and consenting of the grid connection will be determined at a later stage following options appraisal and costing but will be undertaken either by the distribution network operator or an independent connection provider. Given that the grid connection route will run mainly along the adopted highway it is considered that this is not an impediment to the delivery of the Development. Further detail on the proposed grid connection statement is provided in the Grid Connection Statement (Document 7.01).

Commons Act applications

15.3 The Applicant has prepared applications for consent to execute works on the Common (section 38) and to deregister the parts of the Common where the development of the Development will permanently interfere with the rights of the commoners (section 16). These applications will be submitted shortly after the submission of the application for development

consent. As summarised herein the public benefit for the granting of such consent can be demonstrated and it is not considered that the need to obtain these other consents represents an impediment to the delivery of the Development.

16 CONCLUSION

- 16.1 The land and other interests, together with the suspension and extinguishment of matters affecting the Order Land, subject to compulsory acquisition in the Order represents the minimum level of interference reasonably required to facilitate the Development. The purpose of the powers of compulsory purchase for the Development in the Order justify interfering with the rights of those persons with an interest in the land proposed to be acquired. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is therefore proportionate.
- 16.2 The need for the Development, suitability of the Order Land and the support for such projects in NPS EN-1 demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily. All reasonable alternatives to compulsory acquisition have been explored. The Applicant has clearly set out what each Plot of the Order Land will be used for and why it is required. Given the national and local need for the Development and the support for it found in policy, as well as the suitability of the Order Land, compulsory acquisition of the Order Land, other interests together with the suspension and extinguishment of matters affecting the Order Land identified by the Applicant for the Development is justified.
- 16.3 The requisite funds to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition should the Development proceed, have been included in the budget for the Development.

16.4 The Applicant therefore respectfully submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Order for the purposes of the Development meets the conditions of Section 122 of the Act. For the reasons summarised in this Statement, the Applicant considers the Order to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the Order.

17 FURTHER INFORMATION

Inspection of Documents

17.1 Hard copies of the Application may be examined at:

- (a) Gwynedd Council Headquarters, Castle Street, Caernarfon, LL55 1SE; and
- (b) Llyfrgell Llanberis Library, Capel Coch Road, Llanberis, LL55 4SH

17.2 Electronic copies may be inspected at:

- (a) Llyfrgell Caernarfon Library, Pavilion Hill, Caernarfon, LL55 1AS
- (b) Waunfawr Surgery, Liverpool House, Waunfawr, LL55 4AG
- (c) Llyfrgell Deiniolen Library, Tŷ Elidir, High Street, Deiniolen, LL55

Negotiation of Sale

17.3 The Applicant believes it is in contact with all relevant owners and occupiers. Owners and occupiers of property affected by the Order who believe they are affected but who are not in contact with the Applicant should contact Snowdonia Pumped Hydro;

By mail at: Snowdonia Pumped Hydro, FREEPOST Ceeda, 14 High Street, Yarm, TS15 9AE

or by email to: info@snowdoniapumpedhydro.com.

Compensation

17.4 Compensation for the compulsory acquisition of land is governed by statute. The Department of Communities and Local Government has published series of booklets on compensation which may be of interest to affected persons;

- (a) Booklet No. 1 - Compulsory Purchase Procedure;
- (b) Booklet No. 2 - Compensation to Business Owners and Occupiers;
- (c) Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
- (d) Booklet No.4 - Compensation for Residential Owners and Occupiers; and
- (e) Booklet No.5 – Reducing the Adverse Effects of Public Development: Mitigation Works.

17.5 Copies of these booklets are obtainable, free of charge, from:

Communities and Local Government Publications
Camberton House
Goldthorpe Industrial Estate
Rotherham S63 9BL
Tel: 0300 123 1124
www.gov.uk/government/collections/compulsory-purchase-system-guidance

Schedule 1 - Table of Additional Consents

In this table:

“Q1” means Quarry 1, known as Chwarel Fawr, lying within Work 1 and forming the site of the upper reservoir and dam of the authorised development.

“Q6” means Quarry 6, known as Glyn Rhonwy, lying within Work 4 and forming the site of the lower reservoir and dam of the authorised development.

Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status
1	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	An exemption, as specified in the Electricity Act, will be applied for
2	Building Regulation approval	Building Regulations 2010	Gwynedd Council	Application to be made following granting of the DCO for the design of the power house.
3	European Protected Species Licences	Conservation of Habitats and Species Regulations 2010	NRW	A European Protected Species Licence will be required due the presence of Lesser Horseshoe Bat in the tunnels. This has been submitted already to NRW and has been registered (ref 61619). A European Protected Species Licence will also be required for the translocation of floating water plantain prior to construction if found within the working width for the spillway.

Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status
4	Badger Settle Closure Licence	Protection of Badgers Act 1992	NRW	The Phase 1 Habitat Survey identified a badger sett within the Order Limited. Subsequent surveys have found no use during the works. A pre-construction survey will be undertaken and the appropriate license obtained prior to construction.
5	Health and Safety related consents	Health & Safety at Work Act 1974 All other relevant legislation	Health & Safety Executive (HSE)	Applications to be made by the Principal Contractor before construction commences
6	Abnormal Loads For delivery of abnormal loads via the agreed delivery route	Road Vehicles (Authorisation of Special Types) (General) Order 2003	Department for Transport, Highways Agency, Gwynedd Council Highway Authority or police / bridge owners (if any and as appropriate)	This has not been sought within the DCO as this will be undertaken through the Construction Traffic Management Plan. In addition, the appropriate applications will be made by the Contractor prior to construction commencing.

Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status
7	Section 61 consent Control of noise on construction site	Control of Pollution Act 1974	Gwynedd Council	Agreement on operational hours and working methods will be sought from Gwynedd Council and pollution consent will be required for work outside working hours. Outlined in Requirement 16.
8	Abstraction Licence	Water Resources Act 1991	NRW	An abstraction licence for the initial filling of the reservoir from Llyn Padarn has been approved by NRW on the 20 th July 2015 ref WA/065/0016/007 for up to 2000m ³ a day. A variation to this licence will be submitted shortly after DCO submission for the required increase in abstraction to 3300m ³ .
9	Consent must be obtained for electro-fishing and removal of caught fish.	Section 5(2) or, from January 2011, 27A of the Salmon and Freshwater Fisheries Act 1975	NRW	Consent required from Environment Agency prior to the commencement of electro-fishing if required.
10	Approval for translocation of species	Wildlife & Countryside Act 1981	Gwynedd Council	Method statement to be agreed with NRW for the translocation of slowworms from within work areas 1, 3 and 4 inclusive.

Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status
11	Storage of materials within the floodplain	Land Drainage Act	NRW	Storage of materials should be outside of the floodplain as far as reasonable practicable but any requirement to store materials within the floodplain must be agreed with NRW.
12	Diversion of Public Rights of Way (PRoWs)	Section 257 of the Town and Country Planning Act 1990.	Gwynedd Council	Temporary closure and diversion of PRoWs during construction, and permanent diversion for Q1 in operation. To be secured through the DCO.
13	Flood Defence Consent	Section 109 Water Resources Act 1991 Section 28E Wildlife and Countryside Act 1981	NRW	For the installation of the pumping station and discharge / abstraction outlet. This has been submitted and approved by NRW ref NE2014LD130.
14	Common Land Applications	Commons Act 2006	Welsh Government	Consent from the Welsh Ministers will be required to de-register part of the common (supplying exchange land in return), and for temporary works on the common land at the Development. Applications have to be made in both cases. These applications are being prepared, but have not yet been submitted.

Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status
15	Environmental Permit	Environmental Permitting Regulations 2012	NRW	Should the water currently contained with Q6 be found to be contaminated, then prior to discharge the water will have to be treated.
16	Section 278	Highways Act 1980 / Town & Country Planning Act 1990	Gwynedd Council	Planning and Highways consents will be required for the highway improvements required for the Green Road from the A4085 to Q1 and any improvements needed to the access from A4086 to Q6. A separate planning application under the Town & Country Planning Act 1990 will be submitted.
17	Tree Felling Licence and Removal of Trees subject to Tree Preservation Orders (TPO)	Environmental Impact Assessment (Forestry) Regulations (1999) Town & Country Planning Act 1990	NRW	At Q1, forestry needs to be removed for public rights of way. Trees surrounding Q6 and Llyn Padarn are subject to a blanket TPO and are likely to be removed to facilitate the construction of the Development. This consent will be secured through the DCO.
18	Water Discharge Activity	Environmental Permitting Regulations 2012	NRW	Separate permits to discharge are required for de-watering activities from both Q1 and Q6, scour valve discharge and any

	Consent / Licence / Permit	Regulatory Regime	Consenting Authority	Status
				ongoing discharge required after the construction phase is completed.
19	Storage of Explosives	Explosives Regulations 2014	Health & Safety Executive	The Principal Contractor and their explosives expert will determine the license applicable for the storage of explosives and the security arrangements required.
20	Stopping Up and Diversion of Highways	Section 247 and 248 of Town & Country Planning Act 1990	Secretary of State / Gwynedd Council / Gwynedd Highway Authority	Temporary stopping up will be required on Green Lane, Clegir Road (only during high risk activities such as blasting and excavation) and the internal Glyn Rhonwy Industrial Estate roads. To be secured through the DCO.