



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [GlynRhonwy@pins.gsi.gov.uk](mailto:GlynRhonwy@pins.gsi.gov.uk)

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To all interested parties and others  
By email

Your Ref:

Our Ref: EN010072

Date: 9 February 2016

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Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by Snowdonia Pumped Hydro Limited for an Order Granting Development Consent for the Glyn Rhonwy Pumped Storage Scheme**

#### **Notice of Preliminary Meeting on 8 March 2016, draft examination timetable and other matters**

I write to you following my appointment by the Secretary of State for Communities and Local Government<sup>1</sup> as the Examining Authority (ExA) for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure. **Please take the time to read this letter and all of its annexes as they contain notifications about hearings, procedural decisions and other important information.** A Welsh version of this letter is available on our website:

<http://infrastructure.planningportal.gov.uk/document/3699522>

I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

#### **Your status in the examination**

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008 (PA2008).

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<sup>1</sup> Decision published, here: <http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010072/2.%20Post-Submission/Procedural%20Decisions/Appointment%20of%20Examining%20Authority.pdf>

If you have made a 'relevant representation', have a legal interest in the land affected by the proposal, or are a relevant local authority, you have a formal status under the PA2008 as an 'interested party' in the examination process.

Statutory parties and other consultees that have not made a relevant representation will not automatically be an interested party. However, following the Preliminary Meeting, they will have a further opportunity to notify the Planning Inspectorate that they wish to be treated as an interested party.

As an interested party you will receive notifications from the Planning Inspectorate about the examination throughout the process and you may make written and oral submissions regarding the proposal.

If you are not sure whether you are an interested party, please contact the case team using the details at the top of this letter. Information regarding the formal status of interested parties and how you can get involved in the process is set out in the Planning Inspectorate Advice Note 8 on our website:

<http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### **Award of costs**

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The "Awards of costs; examinations of applications for development consent orders" is available on our website:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/guidance/>

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Stuart Cowperthwaite*

**Stuart Cowperthwaite**  
**Examining Authority**

### **Annexes**

- Annex A** Details of the Preliminary Meeting
- Annex B** Agenda for the Preliminary Meeting
- Annex C** Procedural decisions made by the Examining Authority
- Annex D** Draft timetable for examination of the application
- Annex E** Notification of first hearings
- Annex F** Agenda for the issue specific hearing relating to the draft DCO
- Annex G** Availability of relevant representations and application documents
- Annex H** Initial assessment of principal issues

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## Details of the Preliminary Meeting

<b>Date of meeting:</b>	<b>Tuesday 8 March 2016</b>
<b>Seating available from:</b>	<b>9.00 am</b>
<b>Meeting begins:</b>	<b>9.30 am</b>
<b>Venue:</b>	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR
<b>Access and parking:</b>	Paid parking is available at Lakeside, A4086, Gwynedd, Llanberis, LL55 4TA

<http://en.parkopedia.co.uk/parking/attraction/electric-mountain/>

**A note regarding the venue:** *The Electric Mountain Visitor Centre has been selected as the location for the Preliminary Meeting (and other examination events) as it satisfies all of the Planning Inspectorate's programming requirements. The Visitor Centre is owned by First Hydro Company, the electricity generator responsible for the management and operation of the pumped storage plants at Dinorwig. First Hydro Company is part of the GDF Suez Energy International business line, which is responsible for GDF Suez's energy activities in 30 countries across five regions worldwide. The applicant for the Glyn Rhonwy scheme, Snowdonia Pumped Hydro Limited, is responsible for the delivery of the Glyn Rhonwy scheme and is entirely independent of both GDF Suez and First Hydro Company.*

In the event of bad weather or other exceptional circumstances that cause this meeting not to be held, an alternative date as detailed below has been reserved. Should the meeting not go ahead an update and an updated draft timetable will be posted on our website, here:

<http://infrastructure.planningportal.gov.uk/projects/wales/glyn-rhonwy-pumped-storage/>

<b>Alternative date:</b>	<b>Tuesday 15 March 2016</b>
<b>Seating available from:</b>	<b>9.00 am</b>
<b>Meeting begins:</b>	<b>9.30 am</b>
<b>Venue:</b>	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR
<b>Access and parking:</b>	Paid parking is available at Lakeside, A4086, Gwynedd, Llanberis, LL55 4TA

**Os hoffech gwneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y Cyfarfod Rhagarweiniol dylech nodi ni o'ch dymuniad i wneud hyn gan fydd cyfieithydd ar gael. Hefyd, mae croeso i chi gwneud sylwadau ysgrifenedig yn y Gymraeg.** Os oes angen, bydd cyfieithiad o'r Gymraeg i'r Saesneg ar gael drwy clustffonau.

The purpose of the Preliminary Meeting is to enable views to be put to the Examining Authority (ExA) about the way in which the application is to be examined. It is important to appreciate that **this meeting deals only with procedure, and not the merits of the application.** The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on our website at:

<http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-4v3.pdf>

To assist in the running of a fair, efficient and effective meeting and to ensure that all relevant views can be heard, groups of individuals who have similar views on the procedure are strongly encouraged to choose one representative to speak for the group.

The agenda for the meeting is in **Annex B**. This has been set following the initial assessment of the principal issues arising on the application, which are set out in **Annex H**. As a result of this assessment the ExA will wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider changes may be needed to the draft examination timetable set out in **Annex D**.

### **Attending the Preliminary Meeting**

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Richard Price, Case Manager. We need to receive your confirmation **by 23 February 2016**. Please see below for administrative arrangements for this meeting.

It will help the management of the meeting if you could tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make. Please note that you are **not** required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any hearings that are arranged. Should you no longer wish to be an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

### **After the Preliminary Meeting**

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. An audio recording of the meeting will also be published on our website.

**The examination of the application will primarily be a consideration of written representations about the application,** along with any oral representations made at the hearings. All relevant and important matters will be taken into account when the ExA makes his recommendation to the Secretary of State for Energy and Climate Change, who will take the final decision in this case.

### **Administrative arrangements for the Preliminary Meeting**

Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The ExA may exercise his discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

**If you wish to make any submissions on matters not set out in the agenda,** including any wish to speak in Welsh, please write to Richard Price, Case Manager, setting out the submissions that you wish to make **by 23 February 2016**. The ExA will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if he considers that this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and made available at the locations listed in **Annex G** as soon as practicable after the meeting. An audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

The Planning Inspectorate will send you a copy of the procedural decision setting out how the application is to be examined as soon as practicable after the meeting.

## Agenda for the Preliminary Meeting

**Date:** 8 March 2016

**Meeting Start Time:** 9.30 am

**Venue:** Mynydd Gwefru Electric Mountain, Llanberis,  
Gwynedd, LL55 4UR

Time	Item No.	Item
9.00am		Seating available
9.30am	1	Preliminary Meeting opens: <ul style="list-style-type: none"> <li>Welcome and introductions</li> </ul>
	2	Examining Authority's (ExA) remarks about the examination process including initial assessment of principal issues
	3	Draft timetable for the examination – see <b>Annex D</b>
	4	Deadlines for submission of: <ul style="list-style-type: none"> <li>All written representations</li> <li>Local Impact Reports</li> <li>Responses to ExA's written questions</li> <li>Statements of Common Ground</li> <li>Notifications relating to hearings</li> </ul>
		Break (if required)
	5	Hearings and accompanied site inspection (ASI): <ul style="list-style-type: none"> <li>Date of ASI to application site and surrounding area (The ExA has already undertaken a number of unaccompanied site inspections, details of which can be found on our website, here: <a href="http://infrastructure.planninginspectorate.gov.uk/document/3528248">http://infrastructure.planninginspectorate.gov.uk/document/3528248</a>)</li> <li>Date of issue specific hearing on draft Development Consent Order</li> <li>Dates reserved for open floor hearings</li> <li>Time period reserved for other issue specific hearings</li> </ul>

		<ul style="list-style-type: none"><li>• Time period reserved for compulsory acquisition hearings</li></ul>
12.30pm approx.	6	Close of the Preliminary Meeting

**Please note:** Please be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the meeting will conclude as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

## Procedural decisions made by the Examining Authority

The Examining Authority (ExA) hereby notifies all interested parties of the following deadlines:

1. The deadline of **23 February 2016** as the date by which any interested party must notify the ExA of their wish to be heard at an open floor hearing to be held on **8 March 2016**.
2. The date of **8 March 2016 at 1.00 pm** as the date and time of an open floor hearing. This has been scheduled on the same day as the Preliminary Meeting to simplify attendance arrangements for interested parties and to ensure that they have an early opportunity to give their views on the application. At the close of the Preliminary Meeting the Examining Authority will confirm if the Open Floor Hearing for 8 March and Issue Specific Hearing 9 March will proceed.
3. The date of **9 March 2016 at 9:30 am** as the date and time of an issue specific hearing in respect of the draft Development Consent Order (DCO). This has been scheduled on the day after the Preliminary Meeting to simplify attendance arrangements for interested parties and to ensure that they have an opportunity to discuss the draft DCO early in the process. At the close of the Preliminary Meeting the ExA will confirm if the Open Floor Hearing on 8 March 2016 and Issue Specific Hearing on 9 March 2016 will proceed.
4. The deadline for a statutory party who has not made a relevant representation or a local authority without direct responsibility in the proposed development area, to notify the ExA of their wish to be considered an interested party is **13 April 2016**. Notification should be sent to [GlynRhonwy@pins.gsi.gov.uk](mailto:GlynRhonwy@pins.gsi.gov.uk) or in writing addressed to the Glyn Rhonwy Case Team, at the address and set out at the top of this letter.

The ExA has also made the following procedural decisions:

### 1. Statements of Common Ground (SoCG)

In relation to some of the principal issues identified in **Annex H**, the preparation of SoCGs between the applicant and certain interested parties would assist the examination. The draft timetable for the examination therefore provides a deadline for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying at an early stage in the examination process not only where there is agreement, but also where the differences lie. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further examination. It

should also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the applicant and the other relevant interested party or parties, and submitted by the applicant.

SoCGs are requested to be prepared for each topic area identified for the principal issues, as follows:

A. DEVELOPMENT CONSENT ORDER (DCO), POLICY AND OTHER CONSENTS

**SoCGs between the applicant, the Welsh Government, Gwynedd Council, Natural Resources Wales (NRW) and other relevant consenting authorities** to include:

- The identification of national and local policy, including national policy statements, renewable, low carbon and energy storage policies, and their relevance.
- The identification of all consents, permits or licenses required before the development can become operational, progress in obtaining them, timescales for them being granted and whether relevant measures will be consistent with the assessment and will align with the draft DCO.
- The relationship between the draft DCO and existing Town and Country Planning Act 1990 approval(s).
- The guillotine periods for consent by relevant authorities.
- Whether draft DCO articles A9 and A37 are required, or should be amended or added to.
- Other relevant principal issues identified for this topic area.

B. OVERALL ISSUES REGARDING THE ENVIRONMENTAL STATEMENT (ES) AND MITIGATION AND MANAGEMENT PLANS

**SoCG between the applicant, Gwynedd Council and NRW** to include:

- The assessment of wastes arising from the development.
- The need for drafts of mitigation and management plans in addition to those provided to date.
- Gwynedd Council's and NRW's respective roles for the discharging and reviewing of mitigation proposals.
- The need to submit the results of the 2015 ground investigation to the examination and implications for the ES.
- Whether the operational and maintenance activities defined in the draft DCO have been appropriately assessed and mitigated.
- Whether decommissioning impacts and mitigation have been considered sufficiently.
- Other relevant principal issues identified for this topic area.

C. BIODIVERSITY AND ECOLOGY

**SoCG between the applicant, Gwynedd Council and NRW** to include:

- European sites and qualifying features considered in the Habitats Regulation Assessment (HRA) – has the applicant adopted an appropriate study area.
- Scope of the impacts considered in the HRA and the baseline data used to inform the assessment.
- Mitigation measures required to conclude no likely significant effects and the extent to which they are secured in the draft DCO.
- Agreement with the plans/projects included in the in-combination HRA.
- The degree to which ecological receptors have been adequately protected during construction and operation.
- Impacts on habitats and designated sites.
- Impacts on arctic charr, badgers, bats, breeding birds, other fish, reptiles and spiders.
- Impacts on trees, hedgerows, invasive species and lichen.
- Opportunities for enhancement.
- Other relevant principal issues identified for this topic area.

D. LANDSCAPE, VISUAL IMPACTS, GOOD DESIGN AND LAND USE

**SoCGs between the applicant, Gwynedd Council, Snowdonia National Park Authority, NRW and SP Manweb** to include:

- The assessment of landscape and visual impacts in the ES.
- Impact on the setting of Snowdonia National Park.
- Size, location, design and materials of the proposed buildings, structures, fencing and external lighting.
- Site restoration proposals.
- Acceptability of the proposed land uses.
- Cumulative impacts with the grid connection and the potential for cables to be overhead.
- Other relevant principal issues identified for this topic area.

E. HISTORIC ENVIRONMENT AND ARCHAEOLOGY

**SoCG between the applicant, Gwynedd Council and Cadw** to include:

- The impacts of the development on the heritage assets and their settings.
- Impacts on Historic Landscape Character Areas.
- The tentative World Heritage Site status.
- Mitigation measures other than the recording of assets.
- Other relevant principal issues identified for this topic area.

F. TRAFFIC, TRANSPORT AND PUBLIC ACCESS

**SoCGs between the applicant, Gwynedd Council, SP Manweb and other relevant local authorities** to include:

- The adequacy of access, highway and other transport provisions for construction and operation.
- Finalising construction routes and impacts on communities and other receptors, including the route between quarry 1 and the A4085.

- Cumulative impacts with the grid connection and with the Caernarfon and Bontnewydd bypass.
- Temporary and permanent closures and diversions of roads and public rights of way. Impacts on open access land.
- Other relevant principal issues identified for this topic area.

G. NOISE AND VIBRATION

**SoCG between the applicant, Gwynedd Council and NRW to include:**

- Impacts on communities and other receptors, including residential and other premises and on other developments constructed or permitted.
- The assessment of impacts arising from blasting, drilling, the use of conveyors and the tunnel boring machine.
- The quantification of noise, vibration and air overpressure levels for all relevant construction and operation activities. Whether the impacts are sufficiently understood.
- Noise, vibration and air overpressure limits and whether these should be secured.
- Activities permitted outside normal working hours.
- Other relevant principal issues identified for this topic area.

H. WATER RESOURCES, FLOOD RISK, GEOLOGY AND GROUND CONDITIONS

**SoCG between the applicant, Gwynedd Council and NRW to include:**

- The adequacy of the baseline information and the confidence that the likely impacts of the development are sufficiently understood.
- Impacts on private water supplies, Llyn Padarn, Nant-y-Betws, and other water bodies. The potential for silting and contamination, including by unexploded ordnance, aluminium or copper, during construction and operation.
- The control of run-off and water quality monitoring during construction and operation.
- The extent to which the development would create an increased flood risk to receptors and under what conditions. Consideration of any changes in peak rates of run-off and whether the assessment sufficiently considers climate change.
- Abstraction and discharge licenses and Reservoirs Act 1975 consents.
- Compliance with Water Framework Directive requirements.
- Other relevant principal issues identified for this topic area.

I. AIR QUALITY AND OTHER HEALTH IMPACTS

**SoCGs between the applicant, Gwynedd Council, NRW, Snowdonia National Park Authority and Public Health Wales to include:**

- Impacts on communities and other receptors, including residential and other premises and on other developments constructed or permitted.

- Impacts arising from dust-generating activities, including blasting, the construction of slate dams, spoil heaps, temporary storage mounds, roads, construction compounds and the use of conveyors.
- The specific mitigation measures proposed for each dust-generating activity and their effectiveness in reducing impacts.
- The likelihood of unexploded ordnance being present and the relevant measures required.
- Electro-magnetic field impacts and International Commission on Non-Ionizing Radiation Protection guidelines.
- Other relevant principal issues identified for this topic area.

J. SOCIO-ECONOMICS, TOURISM AND RECREATION

**SoCGs between the applicant, Gwynedd Council, Snowdonia National Park Authority and Cadw** to include:

- The likely social and economic benefits of the development, the need for these to be local and how they will be secured.
- The degree to which the interests of tourism and recreation receptors, including businesses, organisations, tourists, recreation and event participants and other receptors, have been adequately protected during the construction and operation of the development.
- The impacts of temporary and permanent losses of access.
- Other relevant principal issues identified for this topic area.

K. COMPULSORY ACQUISITION (CA) AND COMMON LAND

**SoCGs between the applicant, the Welsh Government, Crown Estates and Statutory Undertakers** to include:

- Statutory undertakings (rights/apparatus) operated in the public interest which would be interfered and draft DCO protective provisions.
- Agreement to acquire rights to Crown Estate land.
- Whether applications to deregister common land and carry out works on the common are progressing correctly and that there is a reasonable prospect of their being granted within an acceptable and predictable timeframe.
- Whether the relevant tests in Planning Act 2008 would be met.
- Other relevant principal issues identified for this topic area.

As well as the specific points noted above, it is requested that each of the SoCG for topic areas C-J also address the following matters for the ES chapters relevant to each topic area:

- Environmental Impact Assessment methodology including the plans/projects included within and the assessment of cumulative effects.
- Data collection methods including approach to modelling and presentation of results, including forecast methodologies.
- Baseline data and analysis.
- Use of expert judgements and assumptions.

- Identification and sensitivity of receptors with the potential to be affected by the proposed development and quantification/qualification of potential impacts.
- Nature of the likely impacts (direct and indirect) on receptors and consideration of 'worst case' Rochdale Envelope scenarios.
- Suitability and specificity of proposed mitigation measures, justification that they will result in the residual impacts and security of such mitigation within the draft DCO.
- The significance of each residual impact and the overall significance of impact for the relevant chapter(s) of the ES.

It is requested that all SoCG include:

- A summary statement of matters agreed.
- A summary statement of matters not agreed or outstanding.

## **2. Habitats Regulations 2010 (as amended)**

The examination must include a process that provides sufficient information to enable the Secretary of State for Energy and Climate Change to meet their statutory duties as the Competent Authority under the Habitats Regulations 2010 (as amended) relating to European sites. In order to inform the ExA's report and recommendation to the Secretary of State on this application and to provide stand-alone information for the Secretary of State, the applicant is requested to revise the screening matrices provided in the No Significant Effects Report (NSER) to address the following:

*Qualifying features:*

- Please revise the screening matrices to include the species/habitats which are present as qualifying features, but not primary reasons for the selection of the European sites and provide footnotes to demonstrate how these qualifying features have been considered in the NSER. If more information is required to support the assessment of potential Likely Significant Effects (LSE) on these qualifying features, please provide this information alongside the revised screening matrices.
- Geyers Whorl Snail has been identified within this screening matrix. This feature is listed on Joint Nature Conservation Committee's website as a qualifying feature of this site. This is not however listed as a qualifying feature on the European Commission (EC) database which the applicant's screening matrices have been compared against.
- 'Dunes with *Salix repens* ssp. *Argentea*' is repeated twice in the screening matrix for the Y Twyni o Abermenai i Aberffraw / Abermenai to Aberffraw Dunes Special Area of Conservation (SAC). Please remove this duplication.

You are advised to consult with National Resources Wales to agree the correct qualifying features which should be included in the screening matrices.

*Effects considered:*

- The effects considered within the screening matrices are listed in the Table on pages 2-3 in Appendix B of the NSER. This Table confirms that Effect 3 (disturbance to species) is only relevant to Glynllifon SAC. Please remove the 'Effect 3' column from all matrices where it is not relevant to that particular European Site.
- Construction noise (Effect 2) has been scoped into the assessment for all European sites within 5 km of the proposed development (NSER Table 3.3). Please revise the screening matrices to remove references to construction noise effects (Effect 2) where they have not been assessed in respect to a particular European Site (i.e. outside of 5 km).
- Where potential construction noise effects have been considered on European sites within 5 km of the proposed development, please revise the screening matrices to ensure that noise has only been considered against qualifying features which are known to be susceptible to noise.
- Table 3.3 of the NSER confirms that the potential effect of nutrient enrichment/eutrophication on Afon Gwyrfai SAC has been screened into the assessment. However, this effect is not referenced in the corresponding screening matrix. Please review the information provided within the NSER and revise the screening matrices where relevant to refer to every effect considered within the NSER.

*Information provided in the footnotes:*

- The screening matrices do not consistently provide references to the sources of evidence used to reach the stated conclusions. Please revise the screening matrices to address current inconsistencies in referencing and to ensure that the information provided in the footnotes is clearly referenced and easily accessible. Where mitigation has been relied on to reach a conclusion of no LSE, please amend the footnotes of the relevant screening matrices to confirm how this/these measures have been secured in the draft DCO or through other means.

The screening matrix template is available to download from our website:

<http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/06/Advice-note-10v4.pdf>

The date by which the completed matrices must be received from the applicant is at Deadline 1 on **Wednesday 30 March 2016**.

### Draft timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1.	<p><b>Preliminary Meeting</b></p> <p>At the close of the Preliminary Meeting the ExA will confirm if the open floor hearing scheduled for 8 March 2016 and issue specific hearing scheduled for 9 March 2016 will proceed.</p>	<p><b>Tuesday 8 March 2016 (9.30 am to 12.30 pm)</b></p>
2.	Open floor hearing	<p><b>Tuesday 8 March 2016 (1.00 pm)</b></p>
3.	Issue specific hearing relating to draft Development Consent Order (DCO) matters	<p><b>Wednesday 9 March 2016 (9.30am)</b></p>
4.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Updated examination timetable</li> <li>• ExA's first written questions</li> </ul>	<p><b>Wednesday 16 March 2016</b></p>
5.	<p><b>Deadline 1</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Post-hearing documents including any written summary of an oral case put at a hearing and any documents/amendments requested by the ExA</li> <li>• The applicant's draft screening matrices summarising the effects on European sites as requested in <b>Annex C</b></li> <li>• Responses to comments on any additional representations and submissions received prior to the Preliminary Meeting</li> <li>• Any other information requested by the ExA under 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (the Exam Rules)</li> </ul>	<p><b>12 noon Wednesday 30 March 2016</b></p>
6.	<p><b>Deadline 2</b></p> <p>Deadline for receipt by ExA of:</p>	<p><b>12 noon Wednesday 13 April</b></p>

	<ul style="list-style-type: none"> <li>• Comments on relevant representations (RRs)</li> <li>• Comments on the applicant's draft screening matrices summarising the effects on European sites</li> <li>• Summaries of all RRs exceeding 1500 words</li> <li>• Written Representations (WRs) by all interested parties. All parties should submit their full written case and supporting evidence at this stage, as any representations to be heard at a hearing should be based on the content of RRs or WRs</li> <li>• Summaries of all WRs exceeding 1500 words</li> <li>• Local Impact Reports (LIRs) from any local authorities</li> <li>• Responses to the ExA's first written questions</li> <li>• The applicant's revised draft DCO</li> <li>• Statements of Common Ground</li> <li>• Comments on post-hearing documents</li> <li>• Notification of wish to speak at a compulsory acquisition hearing</li> <li>• Notification of wish to make oral representations at any further issue specific hearings</li> <li>• Notification of wish to speak at a further open floor hearing</li> <li>• Representations relating to locations to view at the site or in the surrounding area which are considered to be relevant for the ExA during further unaccompanied site inspections (USI)</li> </ul> <p><b>Note:</b> The ExA has already undertaken USIs, details of which can be found on our website, here:  <a href="http://infrastructure.planninginspectorate.gov.uk/document/3528248">http://infrastructure.planninginspectorate.gov.uk/document/3528248</a></p> <ul style="list-style-type: none"> <li>• Representations relating to locations to view at the site or in the surrounding area which are considered to be relevant for the ExA during an accompanied site inspection (ASI) to better understand representations made or to see land and interests where there is no opportunity to gain public access</li> <li>• Notification from statutory parties, or a local authority without direct responsibility in the proposed development area, of a wish to be considered an interested party</li> <li>• Comments on any further information requested by the ExA and received to Deadline 1</li> <li>• Any other information requested by the ExA under Rule 17 of the Exam Rules</li> </ul>	<b>2016</b>
7.	Issue by the ExA of: <ul style="list-style-type: none"> <li>• Notification of the date, time and place for further issue specific hearings, open floor hearing and compulsory acquisition hearings</li> </ul>	<b>Monday 18 April 2016</b>
8.	<b>Deadline 3</b>	<b>12 noon</b>

	<p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs</li> <li>• Responses to comments on RRs</li> <li>• Comments on LIRs</li> <li>• Comments on responses to ExA's first written questions</li> <li>• Comments on the applicant's revised draft DCO</li> <li>• Comments on any further information requested by the ExA and received to Deadline 2</li> <li>• Any further information requested by the ExA under Rule 17 of the Exam Rules</li> </ul>	<p><b>Wednesday 27 April 2016</b></p>
9.	Time reserved for <b>open floor hearing</b> (if required)	<p><b>Monday 16 May (Evening)</b></p>
10.	Time reserved for <b>issue specific hearing(s)</b>	<p><b>Tuesday 17 May 2016</b></p>
11.	Time reserved for <b>issue specific hearing(s)</b>	<p><b>Wednesday 18 May 2016 (Morning)</b></p>
12.	Time reserved for <b>compulsory acquisition hearing</b> (if required)	<p><b>Wednesday 18 May 2016 (Afternoon)</b></p>
13.	Time reserved for <b>accompanied site inspection</b> (if required)	<p><b>Thursday 19 May 2016</b></p>
14.	<p><b>Deadline 4</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing documents including any written summary of an oral case put at any hearing and any documents/amendments requested by the ExA</li> <li>• The applicant's revised draft DCO</li> <li>• Comments on any further information requested by the ExA and received to Deadline 3</li> <li>• Any further information requested by the ExA under Rule 17 of the Exam Rules</li> </ul>	<p><b>12 noon Thursday 26 May 2016</b></p>
15.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• ExA's second written questions (if required)</li> </ul>	<p><b>Tuesday 7 June 2016</b></p>

16.	<p><b>Deadline 5</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to the ExA's second written questions</li> <li>• Comments on the applicant's revised draft DCO</li> <li>• Comments on any further information requested by the ExA and received to Deadline 4</li> <li>• Any further information requested by the ExA under Rule 17 of the Exam Rules</li> </ul>	<p><b>12 noon</b> <b>Friday 17</b> <b>June 2016</b></p>
17.	Time reserved for <b>issue specific hearing</b> (if required)	<b>Wednesday</b> <b>6 July 2016</b>
18.	Time reserved for <b>compulsory acquisition hearing</b> (if required)	<b>Thursday 7</b> <b>July 2016</b>
19.	<p><b>Deadline 6 *</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Post-hearing documents including any written summary of an oral case put at any Hearing and any documents/amendments requested by the ExA</li> <li>• The applicant's final draft DCO</li> </ul> <p><b>*Note: If hearings at items 17 and 18 are not held then this deadline will not be required</b></p>	<p><b>12 noon</b> <b>Thursday</b> <b>14 July</b> <b>2016</b></p>
20.	<p>Publication by ExA of:</p> <ul style="list-style-type: none"> <li>• ExA's draft DCO (if required to facilitate examination)</li> <li>• Report on Implications for European Sites (RIES)</li> </ul> <p><b>*Note: If the hearings at items 17 and 18 are not held then the publication date will be Tuesday 5 July 2016</b></p> <p><i>A banner on the Glyn Rhonwy project pages of our website will be updated on this day to confirm the documents published.</i></p>	<p><b>Friday 22</b> <b>July 2016*</b></p> <p><b>Tuesday 5</b> <b>July 2016</b></p>
21.	<p><b>Deadline 7</b></p> <ul style="list-style-type: none"> <li>• Comments on the ExA's draft DCO</li> <li>• Comments on Report on Implications for European Sites (RIES)</li> <li>• Comments on any further information requested by the ExA and received to Deadline 6</li> <li>• Any other information requested by the ExA under Rule 17 of the Exam Rules</li> </ul> <p><b>*Note: if the hearings at items 17 and 18 are not held then the deadline date will be Tuesday 19 July 2016</b></p>	<p><b>12 noon</b> <b>Wednesday</b> <b>3 August</b> <b>2016*</b></p> <p><b>12 noon</b> <b>Tuesday 19</b> <b>July 2016</b></p>

22.	<p><b>Deadline 8</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on the ExA's draft DCO</li> <li>• Responses to comments on Report on Implications for European Sites (RIES)</li> <li>• Comments on responses to ExA's second written questions</li> <li>• Comments on any further information requested by the ExA and received to Deadline 7</li> <li>• Any other information requested by the ExA under Rule 17 of the Exam Rules</li> </ul> <p><b>*Note: if the hearings at items 17 and 18 are not held the deadline date will be Tuesday 26 July 2016</b></p>	<p><b>12 noon Wednesday 10 August 2016*</b></p> <p><b>12 noon Tuesday 26 July 2016</b></p>
23.	The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting	<b>Thursday 8 September 2016</b>

### Notification of first hearings

As detailed above the Examining Authority (ExA) will be holding the following hearings. This annex advises of the dates, times and places of forthcoming hearings which will be held during the course of the examination. Arrangements for the hearings are set out below.

Date	Hearing Type	Venue	Start Time
8 March 2016	Open floor hearing	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR	1.00 pm (seating available from 12.30 pm)
9 March 2016	Issue specific hearing relating to draft DCO matters	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR	9.30 am (seating available from 9.00 am)

In the event of bad weather or exceptional circumstances that cause these hearings not to be held, alternative dates have been reserved, as detailed below. Should the hearings not go ahead an update and an updated draft timetable will be posted on our website:

<http://infrastructure.planningportal.gov.uk/projects/wales/glyn-rhonwy-pumped-storage/>

Date	Hearing Type	Venue	Start Time
15 March 2016	Open floor hearing	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR	1.00 pm (seating available from 12.30 pm)
16 March 2016	Issue specific hearing relating to draft DCO matters	Mynydd Gwefru Electric Mountain, Llanberis, Gwynedd, LL55 4UR	9.30 am (seating available from 9.00 am)

Interested parties who wish to speak at one or more of the forthcoming hearings should notify Richard Price, Case Manager, at the postal or email address detailed in the letter above **by 23 February 2016**. Please inform us if you plan to attend the hearing even if you do not wish to speak. If you represent an organisation it is helpful for us to know the name of the organisation and of the individual(s) attending. It would also assist us if you could notify us of any special needs you may have (e.g. disabled access, hearing loop etc.) or if you wish to speak in Welsh. You must ensure that your interested party reference number is included in your correspondence.

An agenda for the issue specific hearing related to draft DCO matters is attached to this letter at **Annex F** and sets out detailed timings, arrangements for the day and the topics to be discussed.

Each interested party is entitled to make oral representations at the hearings (subject to the ExA's powers of control over the hearings). Guidance under the Planning Act 2008 provides that at hearings it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations. Questioning at the hearings therefore will be led by the ExA. The time allocated is estimated, based on the matters identified for consideration. The ExA may conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Equally, if there are additional matters to be dealt with, or there are submissions that take a considerable amount of time at any hearing, there may be a need to continue the session at a later scheduled hearing.

**Note regarding the open floor hearing:** Each interested party that wishes to speak should assume that they will be allowed a maximum speaking time of 10 minutes in total for all submissions that they wish to make in this session. Please note that in the event that there are an exceptional number of potential submissions, it may be necessary to be more restrictive.

### Agenda for the issue specific hearing relating to the draft DCO

Time	Item no.	Item
9.00am		Seating available
9.30 am	1	Welcome and introductions
	2	Examining Authority's (ExA's) opening remarks about the running of the hearing
	3	Applicant to give an overview of the draft DCO and what it hopes to achieve
	4	Detailed discussion on the draft DCO, including drafting queries on the DCO, as submitted. A schedule of the drafting queries has been published on our website, here: <a href="http://infrastructure.planninginspectorate.gov.uk/document/3619250">http://infrastructure.planninginspectorate.gov.uk/document/3619250</a>
	5	Summary of actions and post-hearing documents requested by the ExA
	6	Any other business and the ExA's closing remarks
5.00 pm approx.	7	Close of hearing

## Availability of relevant representations and application documents

Relevant representations and the application documents are available on our website:

<http://infrastructure.planningportal.gov.uk/projects/wales/glyn-rhonwy-pumped-storage/>

The documents are also available for electronic inspection and copying at:

### Caernarfon Library

Pavilion Road  
Caernarfon  
Gwynedd  
LL55 1AS

Opening times:	Monday	9.30 am – 7.00pm
	Tuesday	9.30 am – 7.00pm
	Wednesday	9.30 am – 1.00pm
	Thursday	9.30 am – 7.00pm
	Friday	9.30 am – 7.00pm
	Saturday	9.30 am – 1.00pm
	Sunday	CLOSED

Copying charges:	A4 (black and white)	10 p
	A4 (colour)	50 p
	A3 (black and white)	20 p
	A3 (colour)	£1

### Gwynedd Council

Headquarters  
Castle Street  
Caernarfon  
LL55 1SE

Opening times:	Monday	9.00 am – 5.00 pm
	Tuesday	9.00 am – 5.00 pm
	Wednesday	9.00 am – 5.00 pm
	Thursday	9.00 am – 5.00 pm
	Friday	9.00 am – 5.00 pm
	Saturday	9.00 am – 5.00 pm
	Sunday	CLOSED

Copying charges:	A4 (black and white)	10 p
	A4 (colour)	50 p
	A3 (black and white)	20 p
	A3 (colour)	£1

## **Llyfrgell Llanberis Library**

Capel Coch Road

Llanberis

LL55 4SH

Opening times:	Monday	CLOSED
	Tuesday	2.00 pm – 6.00 pm
	Wednesday	CLOSED
	Thursday	10.00 am – 12.00 pm 1.00 pm – 5.00 pm
	Friday	2.00 pm – 6.00 pm
	Saturday	CLOSED
	Sunday	CLOSED

Copying charges:	A4 (black and white)	10 p
	A4 (colour)	50 p

## **Initial assessment of principal issues**

This is the initial assessment of the principal issues arising from consideration by the Examining Authority (ExA) of the application documents and relevant representations received.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters when he writes his recommendation to the Secretary of State after the examination has concluded.

These principal issues, together with any relevant matters arising from the Preliminary Meeting, the first open floor hearing and the first issue specific hearing relating to draft DCO matters, will form the basis of the ExA's first written questions.

### **1. Development consent order (DCO), policy and other consents**

- a) Whether section 104 or 105 of the Planning Act 2008 applies and the regard to be made to national policy statements, local impact reports, local policy and any other important and relevant matters.
- b) Relevant Welsh policy in Planning Policy Wales and in Technical Advice Notes (TANs); and the relevance of the Gwynedd Unitary Development Plan, the Eryri Local Development Plan and the draft Anglesey Gwynedd Joint Local Development Plan.
- c) The relevance of Minerals Planning Policy Wales and Minerals Planning Guidance, including for noise, vibration and air quality.
- d) The relevance of the Glyn Rhonwy Development Plan and Implementation Strategy (2008) and its availability.
- e) The relevance of renewable energy policies, of low carbon development policies and of specific policies for energy storage. The contribution that the development would make in addressing climate change mitigation.
- f) Other consents, permits and licenses required for the development to become operational. Comfort that these will be obtained within acceptable and predictable timeframes. Comfort that the measures required to obtain the consents and licenses will be consistent with the environmental assessment and the draft DCO.
- g) The relationship between the draft DCO and the existing Town and Country Planning Act 1990 (TCPA) approval(s) and need for a mechanism to avoid a 'pick-and-mix' between them.
- h) Justification of the extent of the Order limits, including the inclusion of quarry 7, parts of quarries 2 and 5, the width of the penstock route, the width of the quarry 6 outflow corridor and the alternative locations for the pumping station.

- i) The definitions of 'commence' and 'maintain' and whether these are consistent with the Environmental Statement (ES).
- j) The extent of deviation, whether the impacts have been assessed and any consequences for mineral or other rights.
- k) The need for Article A9, given the defence provided by section 158 of PA2008.
- l) Article 17(3) and the need for discharges of water to be consented by Natural Resources Wales (NRW).
- m) The need for Article 37 and whether the matters are covered sufficiently elsewhere in UK law.
- n) The listing and updating of all certified plans and documents.
- o) Information provided on the dimensions of buildings, tunnels, shafts and other structures. The need to provide the maximum plan dimensions of the dams and the maximum plan dimensions and height of the slate mounds.
- p) Whether the 28 day periods imposed for various consents by relevant authorities are reasonable.
- q) Other matters included in the agenda for the first issue specific hearing relating to the draft DCO.

## **2. Overall issues regarding the Environmental Statement and mitigation and management plans**

- a) The level of significance that is considered a 'significant effect' in EIA terms for each topic area.
- b) Discrepancies between the areas of the development quoted in the ES, including the figure of 97.77 ha quoted in chapter 6 as compared to the 91.24 ha quoted in chapter 1.
- c) The maximum and minimum Rochdale Envelope parameters, whether the 'worst case' scenarios for the impact assessment in each topic chapter could be summarised in a table and whether the parameters are secured in the draft DCO.
- d) Whether the results of the 2015 ground investigation can be made available to the examination and any implications for the impact assessment, mitigation proposals, management plans or the draft DCO.
- e) The nature and quality of the anticipated wastes arising from the development and how this has been taken into account within each relevant topic chapter of the ES.
- f) The assessment of impacts due to the potential re-profiling of the existing slate mound adjacent to quarry 6.
- g) Construction methods anticipated for the works in and adjacent to Llyn Padarn, including the means by which sediment will not be disturbed, and the associated impacts.

- h) The length of the construction programme, whether there is sufficient contingency and any implications of the duration being longer than assessed.
- i) Whether the impacts during decommissioning have been considered sufficiently.
- j) Whether the mitigation hierarchy has been taken into account when carrying out the assessment and whether this is reflected in the mitigation measures.
- k) Ongoing updating and development of the schedule of mitigation provided in ES chapter 18 during the examination to assist with the coordination of the mitigation measures included in the ES, the draft DCO, the draft Code of Construction Practice (CoCP), other draft mitigation and management plans and any further measures or changes identified during the examination.
- l) The rationale for the split of mitigation measures between the draft DCO, the draft CoCP and the plans forming the appendices to the draft CoCP. The potential to streamline the documents so that relevant information is not provided in multiple places.
- m) The level of detail provided for draft mitigation and management plans listed in draft DCO requirement 6(2) and in the draft CoCP, including the draft CoCP itself. Whether they provide sufficient detail on the specific mitigation measures required to address the impacts of the development, or are too generic. Whether mitigation measures should be set out in full in the plans rather than by reference to the ES.
- n) The need for drafts of the further mitigation and management plans, in order to demonstrate how the proposed mitigation measures would be delivered through each of the specified plans.
- o) Whether the final mitigation and management plans and commitments for these to accord with the outline or draft plans are adequately secured. Arrangements for the approval, consultation, operation and monitoring of the plans post-DCO consent and throughout the life of the development. Ensuring that the minimum standards and provisions set out in the outline or draft plans are complied with and avoiding any 'tailpiece' changes.
- p) Clarification of the various management and mitigation roles identified in the draft CoCP and elsewhere, including the Environmental Clerk of Works, the Project Environmental Manager, the Environmental Manager, the Environmental Officer and the Ecological Clerk of Works, the need to specify suitable qualifications and how the roles are secured.
- q) Progress in discussions regarding the alternative locations of the pumping station.
- r) Identification of requirements to comply with environmental regulatory regimes, including environmental permit applications to NRW. Progress in submitting applications. Comfort that consents,

permits and licenses will be obtained within acceptable and predictable timeframes. Comfort that the measures required to obtain them will be consistent with the ES and the draft DCO.

- s) The overall significance of residual impact for each topic area.

### **3. Biodiversity and ecology**

- a) The scope of the biodiversity and ecology assessment.
- b) The Habitats Regulation Assessment (HRA) and whether there are likely to be significant effects on any Natura 2000 sites, including queries raised in the procedural decision regarding the Habitats Regulations 2010 (as amended) in Annex C and any NRW comments on the draft matrices received during the examination.
- c) Whether all relevant European Sites have been screened in the HRA and whether all qualifying features have been correctly identified.
- d) Confirmation that the development is not connected with or necessary in the management for nature conservation of any of the European Sites considered in the No Significant Effects Report.
- e) The definition of 'significant effect' in the context of the HRA, with reference to any established guidance.
- f) The appropriateness of the baseline data used for the HRA.
- g) The results of the 2015 ground investigation and any implications for the HRA, the ecological impact assessment, mitigation proposals, management plans or the draft DCO.
- h) The extent of any modelling used to inform levels of dilution and dispersion of discharge into water bodies linked to the European Sites.
- i) Indirect impacts, including construction noise, vibration and lighting, on lesser horseshoe bats linked to the Gyllifon Special Area of Conservation (SAC). The level of the detail provided on the mitigation/enhancement measures for lesser horseshoe bats, including the use of other tunnels and how they are secured.
- j) Whether any other impacts need to be considered in respect to the Gyllifon SAC.
- k) The mitigation measures proposed for the Afon Gwyrfai SAC, including those for water pollution impacts, and how they are secured.
- l) Whether the conditions of a discharge license would offer sufficient protection for European Sites that are hydrologically linked to the development.
- m) In-combination assessment with the grid connection and the Dinorwig hydroelectric scheme for the HRA.
- n) The assessment and mitigation of impacts on bats, including potential impacts from blast induced vibration and air overpressure,

and how this is secured. Surveys of tunnel 16 and impact assessment.

- o) The scope of the lichen surveys undertaken and the impacts.
- p) Impacts on fish in the Nant-y-Betwys, including from changes in water flows, from contamination and from noise and vibration.
- q) Impacts on Schedule 1 Species using quarry 5. Impacts on species for which breeding or other information is confidential.
- r) The need to mitigate impacts on badgers.
- s) The inclusion of invasive species control measures in the draft CoCP.
- t) Inconsistencies between the draft Habitat Management Plan (HMP) and the draft CoCP, for example regarding pre-construction surveys for arctic charr. Whether the draft DCO, for example requirement 12, should set out the species that require additional pre-construction surveys.
- u) The purposes of the various pre-construction surveys and any monitoring, who is involved, how results will be interpreted and acted upon and how the surveys and monitoring will be secured.
- v) The removal, cutting or lopping of trees and hedgerows, including those subject to tree preservation orders. Identification of locations and justification of necessity at each location. Calculation of the amount of any compensation to any person who suffers loss. Tree replacement, including in the vicinity of the spillway infrastructure and pumping station.
- w) Timing of the works and seasonal effects.
- x) Opportunities for enhancement, reference to paragraph 5.3.4 of the Overarching National Policy Statement for Energy (EN-1).
- y) Clarification that all biodiversity and ecology mitigation measures mentioned in the ES have been secured, including any discharging and reviewing.

#### **4. Landscape, visual impacts, good design and land use**

- a) The approach that has been employed for the landscape and visual impact assessment and whether it is consistent with the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition (GLVIA3), including how the degree of significance derives from sensitivity and magnitude criteria. The specific application of professional judgement and the developments included in the cumulative assessment.
- b) The statement in the Design and Access Statement that 'all drawings submitted with the DCO are indicative and do not represent the final design'. Confirmation of the worst case parameters and evidence to demonstrate how these have been assessed in the landscape and visual impact assessment
- c) Whether all photomontages have been updated from the approved TCPA scheme as necessary, are fully applicable to the DCO

development and represent a 'worst case' scenario, including with respect to dam and spoil heap dimensions.

- d) The acceptability of summer only photomontages.
- e) Consideration of the presence of an interpretive board with respect to receptors and the value of the view from viewpoint 6.
- f) Impact on the setting of Snowdonia National Park and on the Llyn and Anglesey Areas of Outstanding Natural Beauty (AONB).
- g) The magnitude of change during construction, including considerations of duration and of moving elements.
- h) Impacts during operation, including maintenance activities.
- i) Impacts on geological landscapes.
- j) The assessment of the magnitude of impact on the national park or a designated landscape when part of the area is impacted.
- k) Impacts of lighting on 'dark sky' status locations.
- l) Mitigation measures, including tree protection and replacement, the siting of temporary installations, site restoration, replacement of removed vegetation, re-colonisation of vegetation on slate mounds, reinstatement of stone walls and surfacing of tracks, and how this will be secured.
- m) Suitability of the draft DCO provisions for the design and materials of the proposed buildings, structures, fencing and external lighting.
- n) Consideration of alternative locations for the pumping station.
- o) Whether the proposed land use is considered acceptable, noting the increase in the area of the development since TCPA approval.
- p) Cumulative impacts with the grid connection during construction and operation. The likelihood of any tree or hedgerow removal for the grid connection. The likelihood of all or part of the cable route being overhead and the need to consider an overhead grid connection as the 'worst case' scenario.

## **5. Historic environment and archaeology**

- a) Differences between the approved TCPA scheme and the DCO development, additional site walkover and survey information obtained since the TCPA approval and the consideration of scoping and the conclusions of the assessment by Gwynedd Archaeological Planning Services (GAPS) and Cadw.
- b) Whether full coverage of the areas within the site boundary was achieved as part of the suite of walkover surveys.
- c) The results of the 2015 ground investigation and any implications for the historic environment and archaeology impact assessment, mitigation proposals, management plans or the draft DCO.
- d) Impacts arising from future site investigations, including along the penstock corridor.

- e) Whether impacts have been assessed for all of the 334 heritage assets identified in Appendix 11.1 of the ES.
- f) The potential impacts of peat loss on the historic environment.
- g) The impacts of the proposed landscaping strategy, including planting or re-profiling of land, on archaeological assets.
- h) The location of the Cefn Du radio station and impact assessment.
- i) The sensitivity attributed to the historic landscapes.
- j) The Assessment of the Significance of Impact of Development on Historic Landscapes scoring of impacts on Historic Landscape Character Areas (HCLAs) 07 and 45. The significance of moderate visual impacts at HCLAs.
- k) Impacts on the setting of Dolbadarn Castle.
- l) Impacts on the listed buildings, Scheduled Ancient Monument and Dinorwig Quarry Landscape that lie within the 1km study area.
- m) Future proofing the tentative World Heritage Site status.
- n) The potential extent of micro-siting and how it has been taken into account within the assessment.
- o) Whether the recording of assets should be considered as a mitigation measure, with reference to paragraph 5.8.19 of EN-1. Consequences for the residual significance.
- p) Securing the commitments to undertake monitoring, avoid surviving remains, recording, a landscape survey, the publication of results, further evaluation, obtaining the advice and support of an expert in the industrial archaeology of the region, consultation with the archaeological advisor to Gwynedd Council (GAPS) and the delivery of other mitigation, enhancement and compensation measures.
- q) The archaeological compensation and enhancement strategy and how it relates to the specific mitigation measures proposed in the ES.
- r) Further archaeological investigations. The scope of the Written Scheme of Investigation and whether it has been agreed with relevant parties.
- s) Consideration of interrelating impacts, including visual impacts on the historical landscapes and visual impacts on Dolbadarn Castle.
- t) Cumulative impacts on the historic environment from the grid connection, particularly given the proximity.
- u) Whether interested parties agree with the applicant's conclusion that "any adverse impacts on archaeology or cultural heritage will be heavily outweighed by the significant benefits that the development will bring".

## **6. Traffic, transportation and public access**

- a) The level of significance that is considered a 'significant effect' in EIA terms.

- b) Finalisation of construction routes, the need to secure the routes in the draft DCO and the implications for the validity of the assessment if they differ from those considered in the ES. The need to avoid Caernarfon.
- c) Whether the scope of the baseline traffic surveys is appropriate for the DCO development. Consideration of traffic flows during peak tourist seasons.
- d) Trip generation calculations for construction and the basis of the figures for the total number of movements of each type of vehicle.
- e) Increases in traffic, including on minor roads during construction, and the transportation of large modular units.
- f) The identification of locations sensitive to road traffic impacts.
- g) Whether a 15% increase in HGV and other vehicle trips can be considered a 'minor effect' and whether a 'high effect' on a local road can be considered not significant.
- h) Basis of the categorisations of magnitude of effect and how together with the value of the receptor the prescribed level of significance has been reached in respect to each effect, including for borough / district receptors. The application of professional judgement.
- i) Whether a 25% increase in predicted construction traffic movements represents a 'worst case' scenario.
- j) The nature, quantity and transport of the anticipated wastes arising from the development, and the impacts. The 'worst case' scenario for transport of excess slate material off-site, including calculation of excavated material volumes, bulk factors and dam and spoil heap slope angle, stability and volumes, and the impacts.
- k) The assessment of 'worst case' scenario traffic impacts outside normal construction hours, including additional working that would be approved under draft DCO requirement 16 and any activities not defined as 'construction work'.
- l) Construction phase traffic levels after months 29 to 40 for the route to quarry Q1.
- m) The impacts of temporary closures of Ffordd Clegir.
- n) The assessment of 'worst case' scenario traffic impacts during the operation of the development, including maintenance activities, mitigation measures and how these will be secured.
- o) The potential for the development to attract tourists and the impacts of any associated increase in traffic levels.
- p) Details of the mitigation included in the construction traffic management plan and the health and safety plan, including the need for any speed limits, banksmen and escort vehicles for the route between quarry 1 and the A4085. Justification that the mitigation will result in the residual significances quoted.

- q) The travel plan, whether it should include operational traffic movements and how it will be secured.
- r) Consent and standards required for the temporary and permanent diverted sections of the Llanberis-Waunfawr mountain road and of public rights of way (PRoW), including consideration of any sections of bridleway and standards for horse riding.
- s) Identification of highway consents required for works required for the delivery of the development during construction and for it to become operational, including any Highways Act 1980 s278 agreements and any works outside those proposed in the draft DCO. Comfort that consents will be obtained within acceptable and predictable timeframes. Comfort that the measures required to obtain the consents and licenses will be consistent with the assessment and the draft DCO.
- t) Confidence levels in the residual transport impacts.
- u) Detailed mitigation measures to reduce potential effects on pedestrians and cyclists and how these will be secured. The availability of suitable public footways between the development and bus stops on the A4086.
- v) The extent of open access land and the impact of temporary or permanent access restrictions.
- w) Cumulative impacts on traffic and transport with those arising from the grid connection, including the extent of temporary road closures and the extent to which the cable will need to be laid within the carriageway. Provision within the traffic mitigation strategy to manage cumulative impacts associated with the grid connection.
- x) Cumulative impacts on traffic and transport with those of the access route to the western part of the development together with the construction of the Caernarfon and Bontnewydd bypass. Provisions within the traffic mitigation strategy.
- y) Whether interested parties agree with the applicant's conclusion that "the residual traffic effects from the construction and operation of the development are not significant".

## **7. Noise and vibration**

- a) The approach that has been employed for the noise and vibration assessment, including the basis of the sensitivity and magnitude criteria and the specific application of professional judgement.
- b) The level of significance that is considered a 'significant effect' in EIA terms.
- c) Whether noise levels above limits can be considered minor effects. Whether a major vibration effect is for a Peak Particle Velocity of 10 mm/s or >1.0 mm/s.

- d) The 2012 and 2015 baseline noise surveys. Whether the lower or higher of these values should be used in the construction noise assessment.
- e) Noise, vibration and air overpressure impacts on human and ecological receptors, including during construction, blasting, drilling and the use of conveyors.
- f) The vibration levels that may cause structural damage. The potential for HGV movements to impact the structural integrity of buildings, including the concerns mentioned in relevant representations.
- g) The adequacy of the assessment of noise, vibration and air overpressure impacts from blasting and of the proposed mitigation measures, including any restrictions in frequency, timing and simultaneous blasting at more than one location. Identification of the 'worst case' scenario. Human perception of air overpressure. Relevant noise, vibration and air overpressure limits. The need for trial blasts. Whether a maximum instantaneous charge of 100 kg at quarry 6 is a practical limit. Monitoring, recording, communication and complaint procedures.
- h) The use of BS5228 and Minerals Planning Guidance 11. The need for façade correction factors for noise.
- i) Quantification of predicted vibration levels, including from construction traffic and the tunnel boring machine. Quantification of noise, vibration and air overpressure from blasting. Quantification of impacts from drilling. The basis for the professional judgements of magnitude of effects and significance.
- j) Identification of and compliance with noise and vibration limits during construction and operation and whether the limits should be secured in the draft DCO, noting the uncertainties regarding construction methods and blasting and that equipment such as turbines are yet to be selected. The need to increase limits for an 8 week period per year.
- k) Whether the geographical extent to which predicted construction noise levels will exceed the limit can be indicated on a map. Durations of noise-generating activities. Measures if construction noise limits are exceeded and how these are secured.
- l) Whether sufficient measures have been taken to avoid or minimise nuisance from construction and traffic noise or vibration at residential properties and any requirements for communication, monitoring and complaints procedures. The establishment of a local liaison group. Community consultation and communication plans.
- m) With reference to the measures proposed to mitigate construction traffic noise, the process to ensure that road irregularities do not exceed 20mm and how this is secured.
- n) The need for and anticipated extent of acoustic screening, including earth/spoil bunds. Their proposed size and location and the

assessment of any impacts associated with their construction, operation and site restoration.

- o) Restrictions on construction activities or noise levels outside normal working hours, including blasting and other noisy activities and how this is secured. The anticipated extent of works, noise and vibration levels outside normal working hours required under a Control of Pollution Act 1974 s61 agreement.
- p) Justification that the identified mitigation measures will reduce the impacts to the extent assessed. Whether all mitigation measures have been adequately secured. Measures to be included in the construction noise management plan and in the construction traffic management plan.
- q) Operational noise, including from night-time pumping, equipment and due to maintenance activities. Low frequency noise. The acceptability of the BS4142 rating method. The process for establishing operational noise limits, comfort that these will be met, mitigation and how this will be secured. The need for an operational noise management plan.

## **8. Water resources, flood risk, geology and ground conditions**

- a) The level of significance that is considered a 'significant effect' in EIA terms.
- b) The use of the 2015 walkover survey to inform the baseline conditions in the ES and the Water Frameworks Directive assessment.
- c) The results of the 2015 ground investigation and any implications for the water resources, flood risk and geology assessment, mitigation proposals, management plans or the draft DCO.
- d) Suitability of the baseline information on groundwater conditions and drainage pathways for the impact assessment, including knowledge of existing tunnels, culverts, drainage systems and fractures in the bedrock. The need for, scope and timing of further investigations. The confidence that the likely impacts of the development are fully understood and appropriately mitigated. The possibility that further information obtained on the baseline conditions might lead to a need for works that are outside the scope of the draft DCO to deliver.
- e) The confidence that other surface water bodies within the study area, including any that are potentially used for private water supplies, are not connected to the site.
- f) Confirmation of the need for temporary re-profiling of the northern wall of quarry 6 and the potential stabilisation of the existing slate tip to the north.
- g) Impacts associated with the sealing of quarry 6. The need for, scope and timing of investigations of the surface water drainage system. Agreement on the scope of the survey work, the need for and scope of any mitigation measures and how these are secured.

- h) Impacts on drainage pathways, including the effects of fracturing caused by blasting and the mobilisation of existing sources of contamination.
- i) The potential for unexploded ordnance (including mercury and lead), copper or aluminium to contaminate water bodies, including consideration of slate dust generated by blasting and handling. The potential for contaminated sediment in crevices in quarry 1 and quarry 6.
- j) The potential for discharged water to result in temperature changes or nutrient enrichment in Llyn Padarn. The need for a water treatment facility, location and any associated impacts. Whether a Designated Site Consent Order will be required for working within the Llyn Padarn Site of Special Scientific Interest.
- k) Confidence in the impacts assessed on the hydrological connectivity of Llyn Padarn with the Afon Rhythallt given the uncertainty regarding the area closest to the spillway infrastructure.
- l) The sensitivity of private water supplies used in the assessment. Gaps in information about private water supplies to residential properties. Confidence that the spatial scope of the assessment is sufficient to capture potential effects on other potable water supplies in the wider area. Confidence that existing supplies will be maintained.
- m) Specific measures to avoid water contamination and silting to water bodies, including activities including slate excavation and handling, grouting and the use of bentonite during construction. Contamination and silting from run-off from new slate dams, spoil heaps and access tracks constructed using slate waste during construction and operation.
- n) The mechanism to ensure that that the detailed design of all surface water infrastructure, including the spillway and scour into the Nant-y-Betwys, is agreed in consultation with NRW. The need for significant discharges from quarry 1 into the Nant-y-Betwys during operation. The need to secure a minimum distance of 10m between the new slate mounds and the Nant-y-Betws. Access track crossings of the Nant-y-Betwys.
- o) The control of run-off during construction. The need for settlement lagoons, their proposed size and location and the assessment of any impacts associated with their construction, operation and site restoration. Other mitigation measures required to control soil erosion. How the mitigation measures will be secured.
- p) The difference between a 'flood consequences assessment' and a 'flood risk assessment'. Updates required for the DCO development. The suitability of a qualitative assessment. The processes for a quantitative assessment and comfort that will be approved. Climate change impacts.
- q) Whether the test should be 'no increase in flood risk', noting the statement in the ES chapter 18 schedule of mitigation that this would

be ensured and having regard to national and local policy. Whether the criteria for a 10 mm increase in flood level to 100 residential properties or a 50 mm increase in flood level to 10 industrial properties should be considered to be not significant.

- r) Flood defence consent. The assessment of changes in peak rate of run-off due to loss of wooded areas and increases in areas of hard standing, slate dams and spoil heaps and any resulting impacts on flood risk. The consequences of any loss in storage capacity in the existing quarries and workings.
- s) The purpose of the excess water management strategy, the impacts it is intended to mitigate and the measures to be included in the draft CoCP.
- t) Abstraction and discharge licenses, including progress in agreeing a variation to the existing abstraction license, progress in securing the necessary drainage consents under the Environmental Permitting Regulations 2012 and demonstration of how these will be obtained during the examination period.
- u) Comfort that Reservoirs Act 1975 consents will be obtained within an acceptable and predictable timeframe and that the dam design considered in the assessment will be consented. The risk of a breach and emergency planning.
- v) Water quality monitoring, including whether the Afon Seiont should be included. The action plan setting out measures to be taken if adverse or unusual results are identified and how this is secured. Concerns raised in relevant representations regarding the adequacy of monitoring. The need for the draft CoCP to refer to water quality monitoring in all relevant water bodies, including the Nant-y-Betwys.
- w) The detail of mitigation measures to be included in the pollution prevention plan and in the silt management plan. With reference to ES chapter 18 schedule of mitigation, the need to comply with rather than 'have regard to' CIRIA Document C650 and NRW Pollution Prevention Guidelines.
- x) The need for the silt management plan, as referenced in the draft CoCP, to include for measures for all relevant water bodies, including the Nant-y-Betwys. The need for the draft CoCP to refer to temporary drainage measures to locations in addition to any slopes disturbed by the construction works.
- y) Compliance with Water Framework Directive requirements, including the potential creation of new water bodies.
- z) Cumulative impacts with the grid connection, including water quality in Llyn Padarn and where the grid connection crosses the Afon Rhythallt.

## **9. Air quality and other health impacts**

- a) Adherence with local policy.

- b) The level of significance that is considered a 'significant effect' in EIA terms.
- c) Development-specific dust generating activities in addition to those mentioned in the Minerals Technical Advice Note, including the construction of the slate dams, spoil heaps, temporary storage mounds, roads and construction compounds, use of conveyors and the proximity of receptors to these.
- d) The assessment of any impacts from blasting the penstock or tailrace.
- e) The assessment of emissions to air during the operational phase, including from plant, vehicles and maintenance activities.
- f) Basis of the categorisations of magnitude of effect and how together with the value of the receptor the prescribed level of significance has been reached in respect to each effect. The application of professional judgement.
- g) The specific mitigation measures proposed for each dust generating activity, including any restrictions on the locations of activities such as slate crushing and temporary storage mounds, and how these are secured.
- h) The detail of mitigation measures to be included the air pollution control management plan and the dust management plan and how these will be secured. The need for the dust management plan mitigation measures set out in the draft CoCP to include specific provisions for blasting, slate crushing, construction of the slate dams, spoil heaps, temporary storage mounds, roads and construction compounds and the use of conveyors.
- i) The air quality baseline monitoring plan and additional monitoring to be undertaken during the works. Who is involved, how results will be interpreted and acted upon, dust deposition limits and how the monitoring will be secured.
- j) The accuracy with the presence and locations of any unexploded ordnance is known. The likelihood of remnants of a former bomb pile and unexploded ordnance in quarry 6. The potential for impacts arising from unexploded ordnance within and outside the Order limits, including in quarry 6 and in the former WWII munitions store in quarry 8. Mitigation measures, including the ordnance management strategy and any measures required before any munitions are discovered, and how these are secured.
- k) Statutory nuisance and health impacts, including those arising from electro-magnetic fields, vibration, air pollution, pollution of private water supplies, increases in pests and blasting and as mentioned in Public Health Wales' and Public Health England's relevant representations. Adherence with International Commission on Non-Ionizing Radiation Protection guidelines.
- l) The purpose of draft DCO requirement 10 and which aspects of the dust management plan should be detailed in the draft DCO.

- m) Whether the draft CoCP should include more specific and detailed information on mitigation measures for each potential impact on air quality and other health impacts, on the parameters of the proposed monitoring and the minimum measures that they intend to deliver.

## **10. Socio-economics, tourism and recreation**

- a) The assessment methodology, including the basis of the categorisations of magnitude of effect, value of the receptors and how the level of significance has been reached in respect to each effect. The application of professional judgement.
- b) The level of significance that is considered a 'significant effect' in EIA terms.
- c) The robustness of the 2012 primary data collection for the DCO development.
- d) Updates to the 2012 baseline surveys for the new Order limits and the approved application for the caravan park currently under construction close to the Order limits.
- e) Consultation with accommodation providers, tourism attraction and recreational facilities, providers and tourists.
- f) Quantification of the likely economic benefits of the development and measures to be taken to realise them, including employment, supply chain benefits and any intentions regarding the 'financial contributions for the benefit of local community' mentioned in the Planning Statement and the 'meet the buyer' events. How these will be secured.
- g) Impacts on the availability of tourism accommodation during construction.
- h) Commitments to use local labour, including consideration of socio-economic, transport and accommodation impacts.
- i) Impacts on recreation and tourism, including on tourists, traffic, walking, running, cycling, horse-riding, bird-watching, rock-climbing, fishing, canoeing, swimming and other watersports in Llyn Padarn and the lagoons. Impacts on Llyn Padarn's bathing water status. Possibility of entrapment or snagging on infrastructure in Llyn Padarn. Impacts on facilities and businesses, including holiday accommodation and the caravan park currently under construction close to the Order limits.
- j) Impacts of noise from blasting, including on PRoW, permissive routes and cycle routes, camping and caravanning sites and on events. Impacts of temporary closures of Fford Clegir on Brynteg Holiday Home Park. The communication of blasting activities and temporary closures to the local community.
- k) Impacts on PRoW, public open space and informal routes. The provision of alternatives, and the maintenance and enhancement of accessibility, including for tourism and recreation activities such as

walking, running, horse riding and cycling. PRow diversions, temporary closures and the replacement of access land.

- l) Measures to mitigate impacts on recreation and tourism and how these will be secured.

#### **11. Compulsory acquisition (CA) and common land**

- a) Nature, extent and scope of land, rights and other compulsory powers sought, including access for maintenance, temporary possession, powers to override easements and rights under streets.
- b) Whether the powers sought are required for the development to which the development consent relates, whether they are legitimate, necessary and proportionate and whether reasonable alternatives have been explored sufficiently.
- c) Whether there is a compelling case in the public interest that justifies interference with the human rights of those affected.
- d) Project funding, guarantees for compensation and whether adequate funding is likely to be available for CA within the statutory period. The ability for the amount guaranteed in respect of payment of compensation to be changed and whether this should be agreed by the local planning authority or the Secretary of State. Whether the provision for potential blight exposure should be included in the amount guaranteed in respect of payment for compensation.
- e) Accuracy of the book of reference, including the identification of persons to be listed within Category 3.
- f) Special category land, including authorisations to acquire Crown land, statutory undertakers land or to interfere with statutory undertakers' equipment. The adequacy of the option agreement with The Crown Estate.
- g) The need to acquire ownership interests in the subsoil of Plots 4 and 7 and any implications of this on statutory undertakers.
- h) Whether Plot 22, when burdened with the Order right, will be no less advantageous than it was before to its' owners, other persons with rights over it, and the public.
- i) The obligation on the applicant to acquire Plot 42 as replacement land and the mechanism for designating it as open space. The need for the agreement of the 64.8 acres of Countryside and Rights of Way Act 2000 replacement land and its' designation to go ahead for Plot 42 to have any value as open space.
- j) Whether each plot of replacement land will be no less advantageous than it was before to its' owners, other persons with rights over it, and the public.
- k) Consequences of the exchange of open space pasture land with open space forestry land.
- l) The necessity of the plan size of the dam for the upper reservoir and the plan size and location of the slate waste tip, given the

implications for the acquisition of Plots 43 and 56. Consideration of alternatives to have steeper slopes to the dam and tip, other forms of dam construction, other locations for the slate waste or export of the slate waste offsite.

- m) The necessity for CA if a party whose rights are sought to be acquired by voluntary agreement is in breach of their obligations under an options agreement. Alternative mechanism to resolve a breach.
- n) The extent of existing open space in the vicinity of the development, the assessment of temporary and permanent impacts and mitigation.
- o) The identification of all temporary closures and possessions, including Fford Clegir, and any draft DCO provisions. Time limits for the temporary use of land.
- p) Whether potential risks or impediments to the development have been properly identified and managed.
- q) Identification of all acquisition and consents proposed outside the draft DCO, including those related to common land, deregistration and the provision of exchange land. Comfort that these will be obtained in acceptable and predictable timeframes and with all the necessary rights.
- r) Whether triggers should be required for other acquisitions, consents, licenses and other matters before CA should be permitted under the draft DCO.