



Glyn Rhonwy Pumped Storage Development Consent Order

Deadline 1 – Table of DCO amendments



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Table of DCO Amendments requested - Submitted for Deadline 1

This table lists the changes sought to the DCO from Revision 0 to Revision 2 submitted for Deadline 1.

ExAs drafting queries on DCO as submitted

	Question number	Article/ Requirement	Question	Applicant response
1.1	2	General	Can the next version comply with current SI drafting conventions (see Section 2 of PINS Advice Note 15 – Drafting development Consent Orders), e.g. can the word “shall” be replaced by “must”, “is to be”, “are to be” etc where the context permits ?	A number of amendments have been made to address this point throughout the DCO.
1.2	4	General	Can any plans referred to in A2 and elsewhere each be identified by Drawing and Revision Numbers in subsequent versions of the draft DCO?	A number of amendments have been made to address this point throughout the DCO.
1.3	5	General	A number of articles make provision for “compensation to be determined, in case of dispute, under Part 1 of the 1961 Act”. It is acknowledged that a provision in this form is in the various MPs and is commonplace in DCOs and other Orders. However, Part 1 of the 1961 Act only relates to compensation for compulsory acquisition. In order for	The Applicant has amended the wording of Article 13(6) as follows: Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute by the Tribunal as if the compensation

			there to be certainty that it would apply in other situations e.g. the temporary stopping up of streets under A13), should a modification be included as with the other compensation provisions in Schedule 7? If not, why not?	were due , under Part 1 of the 1961 Act.
1.4	6	General	A number of provisions confer deemed consent if a consultee does not respond within 28 days (a 'guillotine'). (b) Should those provisions contain an express requirement that the application for consent should contain a statement drawing the consultee's attention to the guillotine?	The Applicant has amended the guillotine provisions in Articles 13, 14, 17, 18 and Schedule 8 to include a requirement to note the guillotine.
1.5	7	Short title	As the NSIP that would be given development consent would be a generating station, should this be reflected in the short title as with other made power generation DCOs?	The Applicant has amended the title as follows: The Glyn Rhonwy Pumped Storage (Generating Station) Order 201[X]
1.6	8	Article 1 Citation and commencement	See query 5 [7] above	The Applicant has amended the citation as follows: This Order may be cited as the Glyn Rhonwy Pumped Storage (Generating Station) Order 201[X] and shall come into force on [***].

1.7	9	Article 2(1) Interpretation	Should there be definitions of “AOD” which is used in Schedule 1, “indicative drawings and sections” (A6) and “design and access statement” (R19)?	<p>The Applicant has inserted a definition of AOD as follows;</p> <p><u>“AOD” means above ordinance datum (and is the height relative to average sea level at Newlyn, Cornwall, UK);</u></p> <p>The Applicant has inserted a definition of indicative engineering drawings and sections as follows:</p> <p><u>“indicative engineering drawings and sections” means the engineering drawings and sections for the authorised development having drawing numbers 2.02, 2.05.1, 2.05.2, 2.05.3, 2.05.4, 2.05.5, 2.06.1, 2.06.2, 2.06.3, 2.06.4, 2.06.5, 2.06.6, 2.06.7, 2.06.8, 2.06.9, 2.06.10 and 2.06.11; and certified by the Secretary of State as the indicative engineering drawings and section for the purposes of this order</u></p>
1.8	10	Article 2(1) Definition of apparatus	“other infrastructure” is a very general term. Should the definition be more limited e.g. “...cables, ducts or other similar infrastructure situated in....”	<p>The Applicant has amended the definition of apparatus to the following:</p> <p>“apparatus” means any equipment, pipes, cables, ducts or other <u>similar</u> infrastructure situated in or over the Order limits including any means of access to the same.</p>

1.9	13	Article 2(1) Definition of land plans	The underlined phrase should be “land plans”?	The Applicant has amended the definition of land plans as follows: “the land plans” means the plans having drawing numbers 141004-EXPA-LAND-001 Revision H, 141004-OVER-LAND-001 Revision H, and 141004-OVER-LAND-002 Revision H. certified as the land plan plans by the Secretary of State for the purposes of this Order;
1.10	14	Article 2(1) Definition of limits of deviation	a) Article 6 does not refer to this phrase, nor is it used elsewhere in the DCO?	The Applicant has deleted the definition in its entirety.
1.11	-	Article 2(1) Definition of public communications provider	<i>Consequential amendment made by the Applicant</i>	The Applicant has inserted a new definition into Article 2(1) as follows: “public communications provider” has the same meaning as in section 151 (1) of the Communications Act 2003; and
1.12	16	Article 2(1) Definition of Order Land	e) Are the ‘limits of the land required for the authorised development’ the same as the Order limits – if so, should that phrase be used for clarity?	The Applicant has amended the definition as follows: “Order land” means the land required for or affected by the authorised development, shown coloured pink, green and blue on the lands plans subject to

				<p>compulsory acquisition, shown on the land plans which is within the limits of the land required for the authorised development and which is described in the book of reference.</p>
1.13	18	Article 2(1) Definition of street	<p>Do any of the streets affected by the development have verges?</p> <p>Are any dual carriageways?</p> <p>If not, why is it necessary to extend the definition in the 1991 Act?</p>	<p>The Applicant has amended definition of street as follows:</p> <p>“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;</p>
1.14	19	Article 2(1) Definition of works plans	<p>Should the underlined words be combined with A2(4) ?</p> <p>“....shown on the works plans”?</p>	<p>The Applicant has amended the definition of works plans as follows:</p> <p>“the works plans” means the plans <u>having drawing numbers; GR 150818 DCO 2.04a v3, GR 160329 DCO 204b v16, GR 160329 DCO 2.04c v16 and GR 160329 DCO 2.04d v16, and</u> certified as the works plans by the Secretary of State for the purposes of this Order and references in this Order to Work Nos. shall be a reference to the works described in Part 1 of Schedule 1 (authorised development) and shown on the works plan</p>

1.15		Article 2(4) Interpretations	<i>(consequential to query 19)</i>	The Applicant has amended as follows: References in this Order to a numbered work are references to a work number in Part 1 of Schedule 1 (authorised development), and shown on the works plans.
1.16	20	Article 3(2) Development Consent etc. granted by the Order	Should this be clarified e.g. "...each numbered work may only be constructed within the area shown for that numbered work on the works plans"	The Applicant has amended as follows: Subject to article 6 (power to deviate) the authorised development each numbered work may only be constructed within the lines or situations area shown for that numbered work on the works plans.
1.17	21	Article 2(1) (Article 6 – Power to deviate)	c) There should be a definition of "indicative engineering drawings and sections" in this Article or A2(1)?	The Applicant has inserted a new definition into Article 2(1) as set out at query 9.
1.18	22	Article 7 Operation of generating station subject to requirement to obtain a licence	d) A7(2) should be extended to include "...or to authorise the transmission of electricity"?	The Applicant does not consider that this change is appropriate, however the Applicant agrees to amend the Article to remove the reference to transmission.

1.19	23	Article 8 Benefit of Order	Should this paragraph refer to 5 <u>working</u> days?	<p>The Applicant has amended 8(7) as follows:</p> <p>The date specified under (6)(b) must not be earlier than the expiry of five <u>working</u> days from the date of the receipt of the notice.</p>
1.20	28	Article 17(7) Discharge of water	<p>The form of the paragraph is based on the Model Provision, and intended to reflect the repeal of s 85 of the Water Resources Act 1991 (referred to in the MP) and the introduction of the regime in the Environmental Permitting (England and Wales) Regulations 2010, but the provisions of the Act and Regulations are expressed differently (S85 identifies a number of offences, whereas Regulation 12 precludes certain activities in the absence of an environmental permit). Would the intention of the article be more clearly addressed by recasting A17(7) such as “This article does not authorise any groundwater activity or water discharge activity within the meaning of the Environmental Permitting (England and Wales) Regulations 2010”?</p>	<p>The Applicant has amended as follows:</p> <p>This article does not authorise the entry into controlled waters of any matter whose entry<u>groundwater activity</u> or <u>water discharge into controlled waters is prohibited by regulation 12</u><u>activity within the meaning</u> of the Environmental Permitting (England and Wales) Regulations 2010.</p>
1.21	29	Article 17(10) [17(9)] Discharge of water	<p>a) Should the express reference to NRW be removed as it is unnecessary and the responsible authority may change in future?</p> <p>b) Paragraph (2) relates to disputes. Should this be a</p>	<p>The Applicant has amended as follows:</p> <p>This article does not relieve the undertaker of any requirement to obtain from Natural Resources Wales<u>any</u> permit or licence under any other legislation that may be required to authorise the</p>

			reference to paragraph (3)?	making of a connection to or, the use of a public sewer or drain by the undertaker pursuant to paragraph (1) or the discharge of any water into any watercourse, sewer or drain pursuant to paragraph (2) (3).
1.22	30	Article 18 Authority to survey	As drafted the article has no requirement for reinstatement. Should a paragraph be added e.g. “As soon as practicable following the exercise of any powers under paragraph (1), any apparatus or equipment must be removed and the land must be restored to the reasonable satisfaction of the owners of the land.”?	The Applicant has inserted a new Article 18(8) as follows: <u>As soon as practicable following the exercise of any powers under paragraph (1), any apparatus or equipment must be removed and the land must be restored to the reasonable satisfaction of the owner of the land.</u>
1.23	31	Article 19 Compulsory acquisition of land	a) The BoR includes Plot 42 as replacement land for Plot 65. Although paragraph (3) refers to this arrangement, is the applicant satisfied that A19 does authorise the acquisition of the exchange land (it is noted that the reference to “required as replacement land” in MP18 has not been included in A19).	The Applicant has amended Article 19(1) as follows: Subject to paragraph (3) of this article the undertaker may acquire compulsorily so much of the Order land as is specified in the book of reference and which is required for the authorised development or to facilitate, or is incidental, to it <u>or is required as replacement land.</u>
1.24	32	Article 19 Compulsory	b) This provision for exchange land appears to apply only if the access land is acquired compulsorily. Insofar as A19	The Applicant does not consider that this change is

		<p>acquisition of land</p>	<p>authorises the acquisition of the access land, s131 will apply whether or not the land is ultimately acquired under that authority. Should the word “compulsorily” be deleted from A19(3)(b)?</p> <p>c) “....Part 3 of the Book of Reference?”</p> <p>e) Is the phrase “which shall remain vested across the access land” necessary, as the exchange will not transfer the rights, trusts and incidents from the access land to the new land but create equivalent new rights over the exchange land (the water supply through the access land is protected by A23)?</p>	<p>appropriate.</p> <p>The Applicant has amended as follows:</p> <p>If the undertaker acquires compulsorily the access land then as from the latest of the dates mentioned in sub-paragraph (c) of this paragraph, the exchange land shallmust vest in the persons in whom the access land was vested immediately before it was vested in the undertaker, subject to the like rights, (including rights of common), trusts and incidents as attached to the access land except for the rights to a private water supply across the access land and described in Part 43 of the Bookbook of Reference which shall remain vested across the access land<u>reference</u>.</p> <p>The dates referred to in sub-paragraph (b) of this paragraph are:</p> <p>the date on which the plot of the access land is</p>
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				<p>vested in the undertaker;</p> <p>the date on which the exchange land is vested in the undertaker.</p> <p>The power to compulsorily acquire the access land can only be exercised by the undertaker if the exchange land is acquired compulsorily by the undertaker at the same time (unless the exchange land has already been acquired by the undertaker by agreement.)</p>
1.25	33	Article 21 Incorporation of the mineral code	a) A21(1) incorporates Parts 2 and 3 of Schedule 2 to the ALA 1981 subject to modifications. However modification (d) refers to paragraph (1(1) of that Schedule, which is in Part 1 which is not incorporated in the Order (and not therefore subject to modifications). What is intended here?	<p>The Applicant has amended as follows:</p> <p>Parts 1, 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) are incorporated in this Order and shallwill apply to the exercise by the undertaker of the powers</p>
1.26	34	Article 22 Compulsory acquisition of rights	<p>a) Should A22(1) read “The undertaker may acquire compulsorily such rights over the Order land as is specified in the book of reference and which may be required for any purpose” (as in A19(1)?</p> <p>b) As this paragraph relates to private rights only, should it be in A23 not A22?</p> <p>c) As the BoR does not make provision for any rights to be</p>	<p>The Applicant has amended Article 22(1) as follows:</p> <p>(1) The undertaker may acquire compulsorily such rights over the Order land as is specified in the book of reference and which may be required for any purpose for which that land may be acquired under article 19 (compulsory acquisition of land) by creating them as well as by acquiring rights already in existence.</p>

			suspended, why is the phrase “or suspension” included?	
1.27	35	Article 23(1) Private rights	<p>Various plots in Part 3 of the BoR benefit from rights of vehicular access that are to be extinguished. Paragraph 7.11 of the Statement of Reasons says that these rights will be diverted onto permanent tracks following construction. How is this secured by the DCO?</p> <p>This should presumably be A23(1)(b)?</p>	<p>The Applicant has amended as follows:</p> <p>Subject to the provisions of this article, all private rights over the Order land and which are specified as to be extinguished in the book of reference shall<u>are to</u> be extinguished, <u>to the extent set out in part 3 of the book of reference-</u></p>
1.28	36	Article 23(1) Private rights	Should this read “...extent set out in Part 3 of the [BoR]”?	
1.29	37	Article 23(4)(a) Private rights	Can the applicant explain the references in this paragraph to appropriation and temporary possession (e.g. there appears to be no provision elsewhere in the DCO for appropriation or temporary possession)?	<p>The Applicant has amended as follows:</p> <p>Paragraphs (1) to (3) sh<u>will</u> have effect subject to—</p> <p>(a) any notice given by the undertaker before—</p> <p style="padding-left: 40px;">(i) the completion of the acquisition of the Order land or the acquisition of rights over or affecting the Order land, <u>or</u></p> <p style="padding-left: 40px;">(ii) the undertaker's appropriation of it,</p> <p style="padding-left: 40px;">(iii)<u>(ii)</u> the undertaker's entry onto it, <u>or</u></p> <p style="padding-left: 40px;">(iv) the —undertaker's —taking —temporary</p>

				possession of it,
1.30	38	Article 23(6) Private rights	b) As the Article does not make provision for any rights to be suspended, why is the phrase “or suspension” included?	<p>The Applicant has amended Article 23(6) as follows:</p> <p>Any person who suffers loss by the extinguishment or interference with suspension of any private right under this article shall be entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, by the Tribunal as if the compensation were due under Part 1 of the 1961 Act.</p>
1.31	39	Article 23(7) Private rights	This paragraph is not explained in the EM. As A23(1) and (2) limit private rights to be extinguished or interfered with to those specified in the BoR, and no restrictions, trusts or incidents are specified there, why is this paragraph necessary?	The Applicant has deleted 23(7)
1.32	40	Article 25 and elsewhere	In the next version of the DCO, can the applicant either amend the references to “the tribunal” to “the Tribunal” for consistency with A2(1), or amend that definition	The Applicant has amended the references throughout the DCO
1.33	43	Article 31 Felling or	a) Should A31(1) be expressly subject to A32, so that it	The Applicant has inserted a new paragraph (5) in

		lopping of trees	will not apply to trees in conservation areas?	Article 31 as follows: (5) Nothing in this Article shall authorise any works to any tree subject to a Tree Preservation Order.
			b) The article goes further than the title suggests, as it includes a power to remove hedgerows within the Order limits without the need for consent under the Hedgerows Regulations 1997. Should the title therefore include reference to removal of hedgerows?	The Applicant has amended the title as follows: Felling or lopping of trees and removal of hedgerows
1.34	44	Article 32 Trees subject to tree preservation orders	a) Please identify, by reference to the relevant application documents, the tree areas and groups of trees referred to in this Article	The Applicant has submitted a plan showing the TPO designations and the Order limits and has amended Article 32(2) as follows; ...of the Arfon Borough Council (1991) Tree Preservation Order relating to groups of trees and woodland at Glyn Rhonwy, Llanberis in the County of Gwynedd and as shown on the TPO plan. -
1.35		Article 2(1)	<i>Consequential to query 44</i>	The Applicant has inserted a new definition; "TPO plan" means the plan having drawing number GR 160323 7.2 v4 certified by the Secretary of State as the TPO plan for the purposes of this Order
1.36	46	Article 35(4) Recovery of costs of	a) Although this Article follows Model Provision 32, what is the justification in this application for the limited definition	Article 35(4) has been deleted and a definition of public communications provider has been inserted

		new connections	of “public utility undertaker”? The definition in the Highways Act 1980 refers only to suppliers of gas or hydraulic power, and not, e.g. water or electricity.	into article 2(1) as set out at 1.11 above.
1.37	47	Article 36 Protection of interests	a) “protection of electricity....”? b) Is there any reason for excluding public communications providers from protection under Schedule 8?	The Applicant has amended the Article as follows: Schedule 8 (protection of f electricity, gas, water and sewerage undertakers <u>and public communications providers</u>)
1.38	48	Article 37 Removal of human remains	“such re-interment or cremation”?	The Applicant has corrected the spelling to re-interment.
1.39	52	Article 41	This article should have a heading – e.g. “Arbitration”?	The Applicant has inserted the heading Arbitration.
1.40	55	Work No1H	The words after the semi-colon are not a description of the work to be undertaken but should rather be included as a separate requirement in Part 2?	The Applicant has amended as follows: Work No 1H – replacement open space land; only works necessary to comply with any requirement under this Order or any environmental licence for the authorised development shall be undertaken within this area.
1.41		Requirement 18	(consequential to query 55)	The Applicant has created a new requirement 18as follows: <u>Works on Replacement open space (Work 1H)</u> <u>18. Only works which are required to comply with</u>

				any requirement under this Order or any environmental licence for the authorised development are to be undertaken on Work 1H.
1.42	56	Work No3	No work No 3B is identified.	<p>The Applicant has amended Work 3 as follows:</p> <p>an above ground power house building containing workshop, turbine hall access shaft, connection to Work No 3B, internal crane and administration and control building;</p> <p>The Applicant notes that this query has been overtaken by drafting changes and that while there is now a 3B that was not the substance of this query.</p>
1.43	58	Work No 4A	<p>Water level of up to 154m OD</p> <p>A scour tower within the reservoir?</p> <p>Spillway infrastructure to Llyn Padarn?</p>	<p>The Applicant has amended Work 4 as follows:</p> <p>(a) a reservoir holding up to 1.3 million cubic metres of water with an operational water level of 154m AOD;</p> <p>(b) a scour tower, within the reservoir;</p> <p>(c) spillway infrastructure, to Llyn Padarn;</p>
1.44	60	Schedule 1 part	Generally, can the requirements in the next version of the DCO be revised to substitute the word “shall” with “must”,	Amendments proposed on this point are listed at

		(Requirements)	“is to” or otherwise as appropriate to reflect modern SI drafting conventions	query 2 (1.1) above.
1.45	61	Requirement 2 Time limits	“...on which this Order comes into force”?	The Applicant has amended as follows: The authorised development must be commenced within 5 years from the date on which this Order takes effect <u>comes into force</u> .
1.46	63	Requirement 4 Phasing plan	a) ‘landscape plan’ is undefined b) Should this requirement include provision for a longstop period for the use of the temporary construction compounds, or require the written scheme to provide such a longstop?	The Applicant has amended as follows: (1) The phasing plan shall <u>must</u> include timescales for the reinstatement or restoration of temporary construction compounds in line with the provisions of the landscape <u>and reinstatement</u> plan, which reinstatement or restoration shall <u>must</u> commence within 4 weeks of the cessation of use of the temporary construction compound concerned.
1.47	64	Requirement 5 Detailed design	a) Several parameters are described as ‘Maximum site area’ where this parameter covers a number of areas (e.g. construction compounds), is this intended to be an aggregate maximum area or a maximum for each one?	The Applicant has amended as follows: In Work 1B: 935000m ³ (max <u>aggregate</u> volume <u>all new slate mounds</u>) Maximum extents shall <u>must</u> be 10m away from the Nant Y Betws, 4m away from PRoWs and 2m away from any other area not forming part of the Works.

				<p>In Work 1D; 72,000sq.m. (Maximum <u>(aggregate)</u> site area <u>of all Q1 construction compounds</u>)</p>
1.48		Requirement 5 Detailed design	c) Should this requirement read "...in accordance with the approved plans <u>and details</u> and any other approvals...."?	<p>The Applicant has amended Requirement 5(6) as follows:</p> <p>(1) The authorised development must be carried out accordance with the approved plans and <u>details and</u> any other approvals given by the relevant planning authority pursuant to this requirement.</p>
1.49	65	Requirement 6 Code of construction practice	"....CoCP, which is to specify measures to mitigate...."?	<p>The Applicant has amended as follows:</p> <p>The CoCP, which <u>specified is to specify</u> measures to mitigate the impacts of constructions works, must be substantially in accordance with the principles and restrictions set out in Appendix 16.1 of Volume 3 of the Environmental Statement, and must incorporate the following plans</p>
1.50	66	Requirement 7 Other required plans and strategies	<p>"commence" has a specific definition in A2(1) which already expressly excludes ground investigation; does it need to be referred to in this requirement?</p> <p>(This also applies to R13 (Land discovery strategy))</p>	<p>No change made.</p> <p>The Applicant acknowledges this is not strictly necessary but considers that it is clearer to express the Requirement in these terms. If the ExA</p>

				disagrees the Applicant is happy to delete the words “other than ground investigation or site clearance for the temporary construction compounds and access works”.
1.51	67	Requirement 11 Noise Management Plan	This plan is to be incorporated in the CoCP, but under R11(2) is to apply after construction as well. Would the DCO be clearer if the Noise management plan was to be a stand-alone plan outside the CoCP, which on its title would appear to relate to construction works only ?	The Applicant has amended as follows: Noise management plan <u>plans</u> — (1) The <u>construction</u> noise management plan shall <u>is to</u> include— (a) a piling method statement; (b) a construction vibration risk assessment; (c) an operation noise assessment and (d) <u>(c)</u> details of the mechanisms by which failures of noise controls will be investigated and appropriate mitigation or remedial works will be implemented.
1.52		Requirement 7	<i>Consequential change from query 67</i>	The Applicant has amended as follows: In Requirement 7(1) a new (h) has been inserted <u>(h) operational noise management plan.</u>
1.53		Requirement 11	<i>Consequential change from query 67</i>	The Applicant has amended as follows:

				<p>(2) The operational noise management plan is to include—</p> <p>(a) an operational noise assessment; and</p> <p>(b) details of an operational noise management plan.</p> <p>(2)(3) Subject to requirement 2423 the authorised development must be carried out and operated in accordance with the approved construction noise management plan and operational noise management plan including any measures specified in the operational noise assessment.</p>
1.54	68	Requirement 16 Construction Hours	a) As drafted , this requirement could be interpreted as restricting working hours on all days except public holidays. Should it be re-drafted e.g. “Construction work must not take place on public holidays, or outside the hours of.....”?	<p>The Applicant has amended as follows:</p> <p>16.(1) Construction work for the authorised development must not take place on public holidays or outside the hours of—</p> <p>07:00 to 19:00 on Monday to Friday, and</p> <p>07:00 to 13:00 on Saturdays,</p> <p>excluding public holidays, except with the prior written approval of the relevant planning authority.</p>
	69	Requirement 17 Construction	Should this requirement also make provision for the removal of the temporary buildings and structures after a	The Applicant has inserted a new sub-paragraph (3)

1.55		compound and temporary structures	defined period? (R21 appears to duplicate this requirement)	as follows: All temporary buildings and structures must be removed within 3 months of the cessation of construction. The sites of any temporary building or structure must be reinstated in accordance with the landscape and reinstatement plan as soon as practicable following removal
			(R21 appears to duplicate this requirement)	Requirement 21 has been deleted. Consequential renumbering to following requirements.
1.56	70	Requirement 21 [18] Fencing and other means of enclosure	This requirement seems superfluous having regard to requirement 22 which duplicates and extends its provisions?	Requirement 22 has been deleted. Consequential renumbering to following requirements.
1.57	71	Requirement 19 External lighting	This should define the 'design and access statement' referred to in the requirement?	Requirement 1 has been amended to insert a definition of design and access statement as follows: "design and access statement" means the design and access statement related to the authorised development having document reference 8.03 and certified by the Secretary of State in accordance with Article 39 of this order;
1.58	72	Requirement 21 [22] excess water	"....an ^u excess water management strategy must.."?	The Applicant has amended as follows:

		management strategy		Prior to the operation of the authorised development for the generation of electricity the an excess water management strategy
1.59	73	Requirement 22 Fencing and other means of enclosure	This requirement refers to details as being 'agreed', whereas others refer to them as being 'approved'. Is there any reason for this inconsistency?	<p>The Applicant has amended as follows:</p> <p><u>No phase of the authorised development may commence until details of the proposed means of enclosure for that phase which are in accordance with details described in the environmental statement have been submitted to and Construction compound and temporary structures</u></p> <p>— No phase of the authorised development may commence until for that phase details of the size, layout and location of temporary buildings and structures to be formed in that phase have been submitted to and approved in writing by the relevant planning authority.</p> <p>(3)(2) The temporary buildings and structures must be must be installed in accordance with the approved details.</p>
1.60	74	Requirement 22 [23] Decommissioning plan	Please explain how the LPA is to judge 'the life of the development consent' or whether electricity generation has 'permanently ceased' so as to calculate when the	<p>The Applicant has amended as follows:</p> <p>No later than 12 months prior to<u>124 years from</u> the expiry of date upon which generation commences on</p>

			decommissioning plan is due	<p>the life of the authorised development consent or, where use for the generation of electricity permanently ceases before that date no later than 2 months following permanent cessation of use of the authorised development, the undertaker shall<u>must submit to</u> the relevant planning authority written details of a decommissioning plan for the authorised development together with a such environmental information as may be required or reasonably requested by the relevant planning authority.</p> <p><u>the undertaker must notify the relevant planning authority in writing of—</u></p> <ul style="list-style-type: none"> <u>(i) the date of commencement of generation on the authorised development; and</u> <u>(ii) the date upon which use of the authorised development ceased</u> <u>(iii) with 5 working days of the occurrence of each event.</u>
1.61	75	Schedule 7 Modification of compulsory	As drafted the word 'from' would be duplicated in the section as amended. Should the wording to be substituted in (a) be reduced to "a right is purchased"?	<p>The Applicant has amended paragraph 2(2)(a) as follows:</p> <p>(a) for the words "land is acquired or taken" there</p>

		acquisition enactments for creation of new rights, paragraph 2(2)(a)		shall be substituted the words “a right is purchased from ”; and
1.62	76	Schedule 7 Modification of compulsory acquisition enactments for creation of new rights, paragraph 6	“...overridden by the deed , the right which is to compulsorily acquired.....” (comma inserted for clarity)	The Applicant has amended as follows: to be overridden by the deed, the right which
1.63	78	Schedule 8 Protection for electricity, gas, water and sewerage undertakers, paragraph 6	This paragraph refers to apparatus ‘in or along any railway of the undertaker’. What railways are to be provided as they are not described in Schedule 1?	The Applicant has amended paragraph 6(2) as follows: In settling those terms and conditions in respect of alternative apparatus to be constructed in or along any railway <u>the land</u> of the undertaker, the arbitrator shall— (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the railway <u>authorised development</u> and for securing any subsequent alterations or adaptations of the alternative

				<p>apparatus which may be required to prevent interference with any proposed works of the undertaker or the traffic on the railway; and</p> <p>(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or along the <u>railwayland</u> for which the alternative apparatus is to be substituted.</p>
1.64	-	Schedule 8 Protection for electricity, gas, water and sewerage undertakers,	<i>Consequential change</i>	The Applicant has amended the Article to include public communications providers

ExA Action Points following the Issue Specific Hearing on DCO drafting held on 09 March 2016

	Action Point	Article/ Requirement	Action	Applicant response
2.1	3	General	Ensure that all plans and drawings mentioned in the draft DCO include Drawing and Revision Numbers, including “indicative engineering drawings and sections” works key plans and land key plans.	The Applicant has added in the further requested references and where updated plans have been submitted has updated the revision number in the DCO.
2.2	5(b)	General	(b) Consider revising the proposed amendment to make notice of the ‘guillotine’ more prominent, for example by including it in the covering letter for any application.	The Applicant has amended the wording in Articles 13(9), 14(3), 17(9) and 18(7) to require that the guillotine is noted on the letter accompanying the application.
2.3	8	Article 2(1) Definition of maintain	Consider more precisely defining the extended definition of “maintain” by reference to the examples given in the applicant’s response, and ensuring consistency between the definition and the ES.	The Applicant has amended the definition as follows; “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and ; reconstruction and replacement includes works which can be carried out from within the development including but not limited to relining on inner facings and replacement of components but will not include construction works on land outwith the authorised development and;

				"maintenance" shall <u>is to</u> be construed accordingly;
2.4	10	Article 7 Operation of generating station subject to requirement to obtain a licence	Remove "and transmitting" from A7(1).	The Applicant has amended the Article to delete "and transmitting".
2.5	14	Article 22 Compulsory acquisition of rights	Consider moving A22(4) to A23.	The Applicant considers that the provisions of article 22(4) are already provided within Article 23 at paragraph (6). The Applicant has deleted Article 22(4).
2.6	16	Article 26 Guarantees in respect of payment of compensation etc.	Formulate an amendment to A26 to recognise that guarantees may need to be in place for at least 20 years.	The Applicant has amended Article 26(5) as follows: (5) The security required under this article is to be in place for a maximum <u>minimum</u> of 20 years from the date on which the relevant power is exercised. <u>The security may be reduced by the amount equivalent to any claims paid prior to the expiry of the 20 years at the discretion of the undertaker.</u> (6)
2.7	18(a)	Article 31 Felling or lopping of trees and	Provide a note of why the applicant considers that no hedgerow plan is required.	The Applicant has provided a hedgerow plan and made the following amendment to Article 31;

		removal of hedgerows		(3) The undertaker may remove any hedgerows within the Order limits and shown on the hedgerow plan that may be required for the purposes of carrying out the authorised development.
2.8		Article 2(1)	<i>Consequential to action point 18(a)</i>	The Applicant has inserted a definition of hedgerow plan as follows: "hedgerow plan" means the plan having drawing number GR 160324 HEDGE v2 and certified by the Secretary of State as the hedgerow plan for the purposes of this Order.
2.9	23	Schedule 1	Consider providing further elaboration of "ancillary activities" within Schedule 1 Work 1G reflecting the examples given in the applicant's response.	The applicant has amended Work 1G as follows: Work 1G – reprofiling of existing slate mounds, grouting of connecting tunnels, and access, including ancillary activities during construction to be reinstated once operational. perimeter grouting, stabilisation works, pollution prevention works, laying of geotextiles for ground protection, temporary storage of materials and plant and fencing.
2.10		Work 3(d)	<i>Consequential to Action Point 24</i> <i>Work 3 has been renumbered, this work is now 3A(d)</i>	The Applicant has amended Work 3A(d) as follows: (d) Other ancillary permanent buildings, structures

				and plant ...
2.11		Work 3(e)	<i>Consequential to Action Point 24</i> <i>Work 3 has been renumbered, this work is now 3A(e)</i>	The Applicant has amended Work 3A (e) as follows; (e) a construction compound, temporary laydown storage area and temporary construction site offices ; facilities including site offices and welfare buildings ;
2.12		Requirement 5 Detailed design	<i>Consequential to Action Point 24</i>	The Applicant has inserted a new line in the table of of maximum parameters in Requirement 5(1) providing the maximum height of any unspecified ancillary permanent buildings in Work 3A will be 5m.
2.13	26	General	Review the draft DCO for further need to reflect SI drafting language (several instances of "shall" remain).	The Applicant has made a number of changes throughout the DCO. The Applicant considers that the remaining instances of "shall" are the correct 2.14drafting in context.
2.14	28	Requirement 4 Phasing plan	Consider revising the draft DCO to ensure that the 'longstop' period also applies to the temporary construction compounds.	No c2.15hange made. The Applicant considers that this has been addressed with the changes made at 1.46 and 1.55 above.
2.15	29	Requirement 5 Detailed design	Consider revising the draft DCO to provide more detailed parameters for the permanent	The Applicant is seeking detailed input on this point and no changes have been made to this requirement at this time.

2.16	30	Requirement 7 Other required plans and strategies	Ensure consistency between usage of expressions relating to “commence” in the requirements and the definition in A2.	The Applicant considers that the use is consistent and no changes have been made to this requirement at this time.
2.17	31	Requirement 16 Construction Hours	Consider wording to limit the scope of the tailpiece, reflecting the examples given in the applicant’s response.	The Applicant has amended the requirement by addition as follows: (3) In extending working hours under (2) the relevant planning authority will have regard to the impact on residents and users of any land affected.
2.18	32	Requirement 22 Decommissioning plan	Note on what is meant by permanent cessation for the purposes of requiring submission of a decommissioning plan, and how that is to be monitored.	The Applicant has inserted a new sub-paragraph (3) as follows: (3) Use will be taken to have permanently ceased where: (i) no electricity is generated for a continuous period of 12 months unless works to repair, refurbish or maintain any part of the authorised development are ongoing, or (ii) the authorised development is unoccupied by the undertaker for a continuous period of 6 months.

Representations with respect to DCO changes

3. Natural Resources Wales					
	Date of Representation	Section/paragraph	Comment	Consultee proposed revision	Applicant's Response
2.1	20.01.16	Article 17	<p>DCO Requirements will play an important role in securing appropriate environmental risk management measures and ensuring that the impacts of the development are minimised.</p> <p>Relevant provisions will need to be developed further and approved by NRW during the course of the examination.</p> <p>Article 17 of the draft Development Consent Order entitled "Discharge of Water", also needs to refer to requirement 20 "Excess Water Management Strategy".</p>	<p>Article 17 of the draft Development Consent Order entitled "Discharge of Water", also needs to refer to requirement 20 "Excess Water Management Strategy".</p>	<p>The Applicant has made the changes requested.</p> <p>Article 17 is amended as follows:</p> <p>(1) Subject to requirements 6 (CoCP) and 8 (water management plan) and 20 (excess water management strategy) the undertaker may use...</p>

4. Gwynedd Council					
	Date of Representation	Section/paragraph	Comment	Consultee proposed revision	Applicant's Response
	18 March 2016 Response to draft SoCG and comments on draft DCO	Article 13	No comment has been given, the proposed change has been tracked into the draft.	Title: Temporary prohibition or restriction on roads stepping up of streets Article 13(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily prohibit or restrict, step up, alter or divert any street and may for any reasonable time-	The Applicant is seeking to clarify the Council's concern and reasons for the proposed change before responding to it.
	18 March 2016 Response to draft SoCG and comments on draft DCO	Article 32	The Council is concerned this would allow in effect the felling of protected trees without consultation beforehand.	The insertion of "as agreed beforehand" into Article 32(1)	The Applicant has made the requested change and has amended Article 32(1) as follows; (1) The undertaker may fell or lop any tree specified in this article, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with

					the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development and as agreed in advance with the relevant planning authority.
	18 March 2016 Response to draft SoCG and comments on draft DCO	Schedules 2,3,4 and 5	Request that reference to 'Green Road' should be replaced with 'Ffordd Cefn Du'.	Replacement of Green Road with Ffordd Cefn Du	The Applicant has amended the road name in Schedules to Ffordd Cefn Du.
	18 March 2016 Response to draft SoCG and comments on draft DCO	Schedule 4	The Council is unsure of what is proposed for the temporary diversion of PRoW 3 stated as illustrated by a dashed brown line on the access plan - this does not appear to be marked on the access plan	-	The Applicant considers that the hatched brown line is not easily seen as it lies under the blue line. For clarity the Applicant has amended the description to the blue line on this section.

Applicant's DCO changes

5. The Applicant's changes			
	Article/ Requirement	Reason for change	Change
5.1	Preamble	To reflect the appointment of a single appointed person	The Applicant has deleted references to the Panel.
5.2	Article 8 Benefit of Order	To include undertakers in the same position as the Applicant who are formally exempted from requiring a transmission licence.	Article 8(5) is amended as follows; (5) The consent of the Secretary of State is not required for a transfer or grant for an agreed period of the benefit of any of the provisions (and any related statutory rights) to another body licensed under section 6 of the 1989 Act, <u>or formally exempted from requiring such a licence.</u>
5.3	Schedule 1 Part 1 Work 3	In order to better define the areas for each element of the works Work 3 has been divided into 3A and 3B.	The Applicant has amended Schedule 1 Part 1 work 3 as follows; Work No <u>33A</u> – (a) an above ground power house building containing workshop, turbine hall access shaft, <u>connection to Work No 3B</u> , internal crane and administration and control

			<p>building;</p> <p>(b) electrical switchgear station building containing gas insulated switchgear and associated control rooms, and infrastructure (including cables) to provide a 132kV connection to the distribution network;</p> <p>(c) main and auxiliary transformers;</p> <p>(d) Other ancillary <u>permanent</u> buildings, structures and plant including car parking, security fencing and entry point including permanent operational perimeter fencing, internal access, connections to existing site drainage and utilities, landscaping and other boundary treatments and security lighting;</p> <p>(e) a construction compound, temporary laydown storage area, and temporary construction <u>facilities including site offices and welfare buildings</u>;</p> <p><u>Work No 3B -</u></p> <p>(a) creation of an underground turbine hall, installation of up to two underground turbines and their associated fittings, holding bay, water</p>
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			<p>treatment plant, stoplocks, and other ancillary machinery;</p> <p>(b) a tailrace; and</p> <p>(c) a temporary construction tunnel and shaft.</p>
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