



Glyn Rhonwy Pumped Storage Development Consent Order

Deadline 2 – Table of DCO amendments



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Table of DCO Amendments requested - Submitted for Deadline 2

This table lists the changes sought to the DCO from Revision 2 to Revision 3A submitted for Deadline 2.

1. Changes requested by the Examining Authority

	Question number	Article/ Requirement	Question	Applicant response
None				

2. Representations with respect to DCO changes

2. Natural Resources Wales					
	Date of Representation	Section/paragraph	Comment	Consultee proposed revision	Applicant's Response
2.1	30.03.2016	Article 2 Definition of Environmental Statement	Definition of Environmental Statement shall be amended to include "means the environmental	Insert "together with appendices and figures"	The Applicant has amended the wording of Article 2 as follows: "environmental statement" means the environmental

			statement <u>together with appendices and figures</u> submitted with the application for this Order and certified as the environmental statement by the Secretary of State”.		statement <u>together with appendices and figures</u> submitted with the application for this Order and certified as the environmental statement by the Secretary of State;
2.2	30.03.2016	Article 4(1) Procedure in relation to approvals etc under requirements	4-(1) to be amended to “Where an application is made to or request is made of the relevant planning authority, <u>Natural Resources Wales</u> , a highway authority a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of	Insert “Natural Resources Wales”.	The Applicant has amended the wording of Article 4(1) as follows: —(1) Where an application is made to or request is made of the relevant planning authority, <u>Natural Resources Wales</u> , a highway authority, a street authority [...]

			<p>this Order such consent, agreement or approval must, if given, be given in writing and is not to be unreasonably withheld or delayed.”</p>		
2.3	30.03.2016	Article 6 Power to deviate	<p>“Power to deviate” to be amended to:</p> <p>6 (2) Deviation under paragraph (1) is not permitted if it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</p> <p>(3) Deviation shall not be permitted if not within the terms of any relevant Plan</p>	<p>Article 6(1) – insertion of “not”</p> <p>Insertion of new Article 6(3).</p>	<p>The Applicant considers that the proposed change to Article 6(2) would change the sense of the Article in such a way that it would run counter to the intention of the section, to provide that “Deviation is not permitted if it is unlikely to give rise to any materially new or materially different environmental effects” would mean that deviation is only permitted if materially new or different effects are likely. The</p>

			identified in Requirement 6 forming part of the CoCP.		<p>Applicant considers that the current wording better secures the intention and the introduction of “not” without amending “unlikely” to “likely” is an error. The Applicant has retained the current wording.</p> <p>The Applicant notes that the CoCP is intended to be living document which is reviewed and amended as appropriate throughout the development to respond to any changes.</p> <p>Requirement 23 specifically allows for amended plans to be substituted. The change proposed to Article 6 does not add any useful control as the relevant CoCP plans would have to be updated to match</p>
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					any deviation which affected their terms. The Applicant has not made any change.
2.4	30.03.2016	Article 17 – Discharge of water	17.—(1) to be amended to include requirement 20, as follows “Subject to requirements 6 (CoCP), 8 (water management plan), and 20 (Excess Water Management Strategy),....”	Insert “and 20 (Excess Water Management Strategy)”	The Applicant has not made any change. The change requested to Article 17 has already been made in response to the first relevant representation.
2.5	30.03.2016	Article 30 Operational land for purposes of the 1990 Act	Operational land for purposes of the 1990 Act to be amended with following text: 30. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)	Insertion of “ save that this Order shall not be treated (or have such effect) for the purpose of section 9(4)(d) Forestry Act 1967 (cases in which no licence is required) nor so treated (or have such effect).”	The Applicant has not made any change. Section 9(4)(d) of the Forestry Act 1967 provides that the requirement of a licence for felling does not apply to any felling which is immediately required for the purpose of carrying out development authorised by

			of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act) <i>save that this Order shall not be treated (or have such effect) for the purpose of section 9(4)(d) Forestry Act 1967 (cases in which no licence is required) nor so treated (or have such effect).</i>		planning permission granted or deemed to be granted under the Town and Country Planning Act 1990. This is the normal legal position and NRW have not explained why they consider it to be inappropriate in this case. Articles 31 and 32 give a power to remove trees, to require a felling licence runs directly counter to this power and the Applicant does not accept that it is necessary or expedient to deviate from the standard legal position.
2.6	30.03.2016	Article 39 Certification of plans etc.	39.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of	Insertion of “Environmental Statement” into Article 39 list Insertion of “management	The Applicant has amended the wording of Article 39(1) as follows —(2) The undertaker must, as soon as practicable after the

			<p>State copies of—</p> <p>(a) the book of reference;</p> <p>(b) the land plans;</p> <p>(c) access plan;</p> <p>(d) the works plans;</p> <p>(e) the indicative engineering drawings; and</p> <p>(f) the Environmental Statement</p> <p>(g) any other plans or documents referred to in this Order, for certification that they are true copies of the documents referred to in this Order.</p> <p>(2) A plan, management plan, statement or document so certified shall be admissible in any</p>	<p>plan, statement" into Article 39(2)</p>	<p>making of this Order, submit to the Secretary of State copies of—</p> <p>(a) the book of reference;</p> <p>(b) the land plans;</p> <p>(c) access plan;</p> <p>(d) the works plans;</p> <p>(e) the indicative engineering drawings and sections; and,</p> <p>(f) the environmental statement; and</p> <p>(f)(g) any other plans or documents referred to in this Order,</p> <p>The Applicant has amended the wording of Article 39(2) as</p>
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			proceedings as evidence of the authorised development part of the contents of the document of which it is a copy.”		follows A plan, management plan , statement or document so certified will be admissible in any proceedings as evidence of the contents of the document of which it is a copy.
2.7	30.03.2016	Schedule 1 part 2 Requirements Definition	COCP should refer to requirement 6 rather than requirement 5, as detailed.	Amend numbering	The Applicant has amended the definition as follows: “CoCP” means a Code of Construction Practice incorporating the plans listed at requirement 56 (CoCP) regulating the construction of the authorised development;
2.8	30.03.2016	Requirement 6 Code of Construction Practice	Code of Construction Practice to be amended to 6.—(1) No development of the site shall commence	Amend wording from “in consultation (where appropriate) with Natural Resources Wales”	The Applicant has not made the requested change as it considers it appropriate that the discharging authority can

			until a CoCP has been submitted to and approved in writing by the relevant planning authority subject to consultation in writing with Natural Resources Wales as required under this Part.		determine whether it is appropriate to consult NRW.
2.9	30.03.2016	Requirement 13 – land discovery strategy	Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be amended to ensure that the Local Planning Authority includes consultation with Natural Resources Wales prior to approving the relevant plans associated with these requirements.	Insert a requirement to consult NRW	The Applicant has not made the requested change as Requirement 13 already contains an obligation to consult NRW at 13(8).
2.10	30.03.2016	Requirement 17 - Construction	Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be	Insert a requirement to	The Applicant has amended the

		compound and temporary structures.	amended to ensure that the Local Planning Authority includes consultation with Natural Resources Wales prior to approving the relevant plans associated with these requirements.	consult NRW	<p>requirement as follows:</p> <p>17.(1) No phase of the authorised development may commence until for that phase details of the size, layout and location and external lighting of temporary buildings and structures to be formed in that phase have been submitted to and approved by the relevant planning authority in consultation with Natural Resources Wales.</p>
2.11	30.03.2016	Requirement 19(2) – external lighting scheme.	Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be amended to ensure that the Local Planning Authority includes consultation with Natural Resources Wales prior to	Insert a requirement to consult NRW	<p>The Applicant has amended the requirement as follows:</p> <p>(2) The relevant phase of the authorised development must not be brought into operation until the details submitted under sub-</p>

			approving the relevant plans associated with these requirements.		paragraph (1) have been approved by the relevant planning authority in consultation with Natural Resources Wales and the approved external lighting scheme has been installed.
2.12	30.03.2016	Requirement 20 (1) Excess water management strategy.	Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be amended to ensure that the Local Planning Authority includes consultation with Natural Resources Wales prior to approving the relevant plans associated with these requirements.	Insert a requirement to consult NRW	The Applicant is currently in discussion with NRW on a substantial change to the wording of this Requirement and has made no change at this time pending that revision.
2.13	30.03.2016	Requirement 22(3) decommissioning	Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be amended to ensure that	Insert a requirement to consult NRW	The Applicant has not made the requested change as Requirement 22 already

		plan	the Local Planning Authority includes consultation with Natural Resources Wales prior to approving the relevant plans associated with these requirements.	(The number has changed since the representation was drafted and the current number is 22.)	contains an obligation to consult NRW at 22(5).
2.14	30.03.2016	Requirements 21 and 22	Requirements 21 and 22 should be removed as these are duplicate of requirements 17, and 18.	Deletion of Requirements 21 and 22	The Applicant has not made the requested change as the duplicate requirements have already been removed and no further change is necessary at this time.

3. Gwynedd Council					
	Date of Representation	Section/paragraph	Comment	Consultee proposed revision	Applicant's Response
3.1	30.03.2016	Article 13	The Council requested in their track change comments to the draft DCO that stopping up be amended to prohibition and restriction.	Temporary prohibition or restriction on roads stopping up of streets 13.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily prohibit or restrict, stop up, alter or divert any street and may for any reasonable time-	Temporary stopping up prohibition and restriction of streets —(3) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up prohibit, restrict, alter or divert any street and may for any reasonable time [...]
3.2	30.03.2016	Schedules 3 and 4	The Council sought further clarity on the public right of way closures	Following discussion with Gwynedd Council a further annotation (Y) has been added to the access plan to	The Applicant has amended schedule 3 by inserting a new line for Public Right of Way 3 Waunfawr.

				clarify the closure and diversion of Public Right of Way 3 Waunfawr.	The Applicant has amended schedule 4 by deleting the line for Public Right of Way 3 Waunfawr.
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4. The Applicant's Changes			
	Article/ Requirement	Reason for change	Change
4.1	Article 6(1)(b) Power to deviate	To better define the vertical limits of deviation	<p>The Applicant has amended the requirement as follows:</p> <p>(a) in relation to the underground structures, vertically upwards or downwards to any extent which may be necessary or expedient from the ordnance datum levels shown in the indicative engineering drawings and sections, <u>and vertically downwards to a maximum of 10m from the ordnance datum levels shown in the indicative engineering drawings and sections.</u></p>
4.2	Requirement 5 Detailed design	To include a new parameter on work 2, the penstock	<p>The Applicant added into the parameters table for Work 2 as follows:</p> <p><u>4.5m</u> <u>(Maximum internal diameter)</u></p>

4.3	Requirement 11(2)(b)	To correct an errata	<p>The Applicant has amended the requirement as follows:</p> <p>(b) details of an operational noise management planassessment</p>
4.4	Requirement 17 - Construction compound and temporary structures.	To insert a requirement that details of external lighting of temporary buildings and structures be submitted and approved.	<p>The Applicant has amended the Requirement as follows;</p> <p>17. No phase of the authorised development may commence until for that phase details of the size, layout and location and external lighting of temporary buildings and structures to be formed in that phase have been submitted to and approved by the relevant planning authority in consultation with Natural Resources Wales.</p>