

**The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN**

Dear Sir,

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application reference: EN010072: Application by Snowdonia Pumped Hydro Limited for an Order Granting Development Consent for the Glyn Rhonwy Pumped Storage Scheme.

Formal request by the Applicant to amend the draft Development Consent Order to remove plots from Compulsory Acquisition.

As advised at the hearing on 09 March 2016 Snowdonia Pumped Hydro Limited (the Applicant) has been in discussion with the landowners affected by the powers of compulsory acquisition under the proposed Development Consent Order (DCO) with a view to concluding voluntary agreements for acquisition of the affected interests in land. The Applicant is pleased to advise that voluntary agreements have now been concluded with three affected landowners. The Applicant therefore hereby submits a formal request for the amendment of the draft DCO to remove eight of the plots from the scope of the powers of compulsory acquisition.

The Applicant submits that this change is not material and has set out the reasoning for that at section 3 below. However, in order to allow the Examining Authority to determine whether this change is material the Applicant has included so far as possible with this request of all the information set out in Advice Note 16: how to request a change which may be material.

1 CHANGE REQUESTED

1.1 The Applicant seeks the Examining Authority's permission to remove the plots set out in the following Table 1 from compulsory acquisition under the draft DCO;

Table 1 – plots to be removed from Compulsory Acquisition		
Plot	Ownership	Description
22	Alwyn Morris and Elizabeth Veronica Morris	39,512 square metres of land at Pen Y Bwlch, Llanrug, Caernarfon forming private pasture land.
41	John David Mitchell and	15,709 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature

	Susan Mitchell	forestry land
42	John David Mitchell and Susan Mitchell	4,793 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry
43	John David Mitchell and Susan Mitchell	12,002 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land
56	Catrin Slade and Anita Daimond	20,879 square meters at Coed Ynys, Waenfawr, Caernarfon forming young forest
63	John David Mitchell and Susan Mitchell	10,236 square metres Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land
64	John David Mitchell and Susan Mitchell	7,529 square metres of land at Coed Nant Y Betws, Waunfawr, Caernarfon forming mature forestry land
71	Catrin Slade and Anita Daimond	2,151 square metres of land at Coed Ynys, Waenfawr, Caernarfon farming young forest

1.2 The plots which remain within the scope of compulsory acquisition are set out in Appendix 1 to this request.

2 REASON FOR CHANGE REQUESTED

2.1 The Applicant and the owners of the plots set out in Table 1 have now reached agreement allowing the Applicant to acquire the plots voluntarily. These agreements are in terms which give the Applicant comfort that powers of compulsory acquisition do not need to be retained as a fall back to voluntary acquisition. Accordingly, the Applicant requests that the plots are removed.

3 MATERIALITY

3.1 The Applicant does not consider the changes sought to be material. The change reduces the number of plots and owners who would be affected by compulsory purchase, lessens the potential impact of the DCO on private rights and reduces the number of powers sought.

3.2 The changes sought to the DCO concern only the plots which are subject to compulsory acquisition and do not involve any changes to the project itself. There is accordingly no change to the parameters of the project as assessed in the Environmental Statement. There are no new likely significant effects which require to be assessed and accordingly no further environmental information has been submitted along with this request.

3.3 The change sought does not include or require any change to the proposed development, the works, order limits or environmental effects. The Applicant submits

that the change would not deprive any person who should have been consulted of an opportunity to be consulted as there is no physical change to the development.

4 CONSEQUENTIAL AMENDMENTS TO CHANGE REQUESTED

- 4.1 A Schedule of application documents and consequential amendments required to these if this change accepted is set out as Appendix 2 to this request.
- 4.2 The proposed change does not affect the consents and licences required for the development. The current position on those is set out in the update on other consents and licences submitted for Deadline 2 under document reference SPH_GREX_WED2_01.

5 TRACK CHANGE DRAFT DCO AND EXPLANATORY MEMORANDUM

- 5.1 The applicant has submitted along with this request a track change of the DCO (revision 3B) and Explanatory Memorandum (revision 1) showing how the requested change would affect these documents.

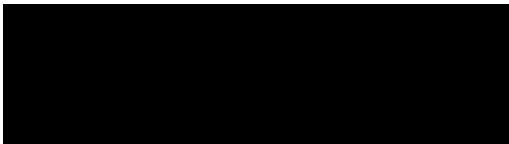
6 INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION) REGULATIONS 2010

- 6.1 There is no requirement under these regulations to take any action where plots are sought to be removed from compulsory acquisition rather than new plots being included. The Applicant therefore submits that this request accords with the provisions of the regulations.

7 ADDITIONAL CONSULTATION

- 7.1 The Applicant submits that no additional consultation is required. The change requested is not material and reduces potential interference with rights. No consultation is therefore required to safeguard the interests of any person potentially impacted.

Yours faithfully,



Dave Holmes

Managing Director, Snowdonia Pumped Hydro

Appendix 1

Table 2 – plots remaining within Compulsory Acquisition			
Plot	Ownership	Description	Acquisition and purpose
4	Gwynedd Council Unknown interests	182 square metres of land forming part of the disused railway at Llyn Padarn car park, Llanberis currently used as a cycle track	Acquisition of unknown ownership interests in the subsoil only. To permit the installation, operation and maintenance of underground pipes for overflow spillway and abstraction infrastructure.
7	Gwynedd Council Unknown interests	521 square metres of land forming part of the A4086 public highway at Llanberis	Acquisition of unknown ownership interests in the subsoil only. To permit the installation, operation and maintenance of underground pipes for overflow spillway and abstraction infrastructure.
65	Tyn Yr Onnen Farm Ltd.	4,793 square metres of land at Tyn Yr Onnen, Waunfawr, Caernarfon forming private pasture land	Acquisition of ownership to create and use an access track and to create a permanent diversion of a public right of way.

Appendix 2

Schedule of application documents and consequential amendment required if change accepted.

Document	Document Reference	Amendment required
Introduction to the applicant	1.01	No change
Application form	1.02	No change
Location plan	2.01	No change
Existing site layout plan	2.02	No change
Land plans	2.03	No change
Works plans	2.04	No change
Indicative site layout plans	2.05	No change
Indicative elevations and sections	2.06	No change
Nature conservation sites, habitats and diversity features	2.07.1	No change
Sites of landscape importance	2.07.2	No change
Water bodies in a river basin management plan	2.07.3	No change
Historic environment features	2.07.4	No change
Draft development consent order	3.01	The DCO will require to be amended to delete the reference to incorporation of the mining code at Article 21 as there are no longer any plots where this is relevant. Schedule 6 which sets out the rights which may be required in specified plots will also require to be deleted. Consequential amendments to numbering and cross referencing throughout the DCO will be required. These changes are shown in the draft DCO revision 3B submitted herewith.
Explanatory memorandum	3.02	The paragraphs relating to Article 21 and Schedule 6 will be deleted. Consequential amendments to numbering and cross referencing throughout the EM will be required. These changes are shown in the EM revision 1

		submitted herewith
Statement of Reasons	4.01	This will require amendments throughout to remove the references to the plots which are no longer subject to compulsory acquisition.
Funding Statement	4.02	No change
Book of Reference	4.03	This will require amendments throughout to remove the references to the plots which are no longer subject to compulsory acquisition.
Consultation report and summary	5.01 and 5.01.1	No change
Statement in respect of Statutory Nuisance	5.02	No change
No significant effects report	5.03	No change
Details of other consents and licences	5.04	No change
Environmental Statement	6.01 to 6.04	No change
Grid connection statement	9.01	No change
Planning statement and summary	10.01 and 10.02	No change
Design and access statement	10.03	No change
Glossary	10.04	No change