

Glyn Rhonwy Pumped Storage Development Consent Order

Deadline 2 – Status of Statements of Common Ground



PINS Reference	EN010072	
Document Ref.	SPH_GREX_SCGD2_01	
Author	SPH	
Revision	Date	Description
2	March 2016	Issued

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1. Introduction and Summary

1.1 Introduction

- 1.1.1 This document is provided by Snowdonia Pumped Hydro Ltd (SPH) in relation to the application for development consent for the Glyn Rhonwy Pumped Storage scheme.
- 1.1.2 On 9th February 2016, the Examining Authority (ExA) issued a letter detailing the Notice of Preliminary Meeting, first Open Floor and Issue Specific Hearings and a draft timetable for the examination in accordance with Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010. Annex C of this letter set out a list of the parties with whom the ExA wish to see Statements of Common Ground (SoCG) drafted.
- 1.1.3 Subsequently, on 16th February 2016 the ExA issued the timetable for the examination in accordance with Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010. This invited submission of completed and draft SoCGs by the specified deadline.
- 1.1.4 The Rule 6 and the Rule 8 letters requested the SoCGs be submitted to the ExA for Deadline 2 on Wednesday 13th April 2016.
- 1.1.5 The schedule provided in section 2 of this statement sets out the current progress made by the Applicant in agreeing Statements of Common Ground with the parties identified by the ExA.

2. Summary and Status of all requested Statements of Common Ground

Table 1 Summary of progress with agreeing Statements of Common Ground		
Stakeholder	Requested topics as per Rule 6	Status / Comment
1 Natural Resources Wales	<p>DCO, policy and Other consents</p> <p>Overall issues regarding the ES and mitigation and management</p> <p>Biodiversity and Ecology</p> <p>Landscape, visual impacts, good design and land use</p> <p>Noise and Vibration</p> <p>Water resources, flood risk, geology and ground conditions</p>	<p>1st draft comments received 17/3/16</p> <p>Revision 2 issued 29th March 2016</p> <p>SoCG now fully agreed with NRW and is being submitted for Deadline 2 (SPH_GREX_SCG_01) See Appendix G</p> <p>It should be noted that the Applicant and NRW have agreed not to sign the SoCG until after Deadline 2 in case amendments need to be made following the publication of responses to the Examining Authority's first written questions.</p> <p>A signed SoCG will be submitted for Deadline 3.</p>

		Air quality and other health impacts	
2	Gwynedd County Council	<p>DCO, policy and Other consents</p> <p>Overall issues regarding the ES and mitigation and management</p> <p>Biodiversity and Ecology</p> <p>Landscape, visual impacts, good design and land use</p> <p>Historic environment and archaeology</p> <p>Traffic, transport and public access</p> <p>Noise and Vibration</p> <p>Water resources, flood risk, geology and ground conditions</p> <p>Air quality and other health impacts</p> <p>Socio economics, tourism and recreation</p>	<p>A meeting was held on 7th March to discuss matters at which GCC indicated that 1st draft comments expected 18th March 2016 and that agreement of the SoCG is targeted for 30th March.</p> <p>Comments received on 18th March 2016.</p> <p>95% of the SOCG is now agreed and is being submitted for Deadline 2 (SPH_GREX_SCG_02)</p> <p>It should be noted that the Applicant and GC have agreed not to sign the SoCG until after Deadline 2 in case amendments need to be made following the publication of responses to the Examining Authority's first written questions.</p> <p>A signed and fully agreed SoCG will be submitted for Deadline 3.</p> <p>See Appendix H</p>
3	Snowdonia National Park Authority	<p>Landscape, visual impacts, good design and land use</p> <p>Air quality and other health impacts</p> <p>Socio economics, tourism and</p>	<p>SoCG agreed and signed 3rd March 2016</p> <p>SNPA indicated that only the potential for adverse landscape and visual impacts on Snowdonia and its landscape setting were considered by the National Park Authority when it was consulted on the proposals. The other issues as detailed lie outside the jurisdiction of</p>

		recreation	<p>the SNPA.</p> <p>This fully executed SoCG is submitted for Deadline 2 (SPH_GREX_SCG_03)</p>
4	Cadw	<p>Historic environment and archaeology</p> <p>Socio economics, tourism and recreation</p>	<p>1st draft sent to Cadw on 4th March, advised that our case officer has changed.</p> <p>Chased for response 16th March 2016</p> <p>Comments received 11th April 2016, no major concerns raised and is its anticipated a fully executed SoCG will be submitted for Deadline 3.</p>
5	The Crown Estate	Compulsory Acquisition (CA) and Common Land	<p>SoCG focuses on Common Land, CA no applicable. TCE have indicated their support for the project. SoCG also seeking approval to Article 40 (Crown Rights) of the DCO.</p> <p>Comments awaited from TCE.</p> <p>Update requested 22nd March 2016 and 12th April 2016</p>
6	SP Manweb	Compulsory acquisition and Common Land	<p>SoCG focuses on the grid connection and protective provisions within the draft DCO</p> <p>Draft SoCG sent out for comment on 16th March 2016</p> <p>Minor comments received which are currently being discussed with SP Manweb.</p>

			It is anticipated that a fully executed SoCG including agreement to the protective provisions will be provided for Deadline 3.
7	Welsh Government	DCO, policy and other consents Compulsory acquisition and common land	Discussions have taken place with Welsh Government who have indicated that a SOCG may not be required but are discussing this internally and will provide a written response regarding their position. Update requested 29 th March 2016 and 12 th April 2016 Out of Office received 12/4/16 indicates contact away until 19/4/16
8	Public Health Wales	Air Quality and other Health Impacts	Communication received from PHHW that they have already provided comments on the application and that the Local Planning Authority should manage any impacts locally and do not wish to enter a SoCG, any further comments to the NSIP process will be provided by Public Health England. Initial contact made with PHE, awaiting further communications.
9	Dwr Cymru	Compulsory Acquisition and Common Land (specifically protective provisions within the DCO)	Dwr Cymru have considered the provisions within the DCO, and have provided their own standard conditions (11 th April) for our comment. The Applicant is currently considering these provisions and will seek to reach agreement or Deadline 3.
10	Wales & West Utilities	Compulsory Acquisition and Common Land (specifically protective provisions within the DCO)	Original enquiry sent 16 th March 2016. Update requested 29 th March 2016 No SoCG required and confirmation received of acceptance of the protective provisions within the DCO.

			Email confirmation attached in Appendix A.
11	BT	Compulsory Acquisition and Common Land (specifically protective provisions within the DCO)	Telephone number provided as part of utilities search is incorrect, generic email address also provided and email sent 22 nd March 2016. Automated responses indicates response times being 20 working days. No further feedback received, alternate contact being sought.
12	Vodafone	Compulsory Acquisition and Common Land (specifically protective provisions within the DCO)	Email sent 22 nd March – no response received Telephone number located and advised a different email address, email resent 29 th March 2016 Email received indicating that infrastructure should not be affected by the Development. Copy of email attached as Appendix B
13	Isle of Anglesey County Council	DCO, Policy and other consents Traffic, transport and public access	Contact made with IACC, initially requested examples of documents which were sent. Response received stating support for the project and further confirmation that no SoCG is required. Email included in Appendix C
14	Conwy County Borough Council	DCO, Policy and other consents Traffic, transport and public access	Confirmed that they do not wish to enter into a SoCG. Email included in Appendix D (as previously submitted)

15	Denbighshire County Council	DCO, Policy and other consents Traffic, transport and public access	Verbal confirmation provided that they do not wish to enter into a SoCG. Update requested 14 th and 29 th March 2016 Confirmation received no SoCG required Email included in Appendix E
16	Powys County Council	DCO, Policy and other consents Traffic, transport and public access	Verbal confirmation provided that they do not wish to enter into a SoCG. Response received stating no requirement for SoCG Email included in Appendix F (as previously submitted)
17	Ceredigion County Council	DCO, Policy and other consents Traffic, transport and public access	Email sent – awaiting response. Update requested 29 th March 2016. No response still received

Appendix A – Wales and West utilities



Glyn Rhonwy Pumped Storage DCO, Llanberis

John [redacted] 2016 at 16:02
To: "ju [redacted]"
Cc: Je [redacted]

Jenny

Attached are our maps showing the IP mains (green dashed and dotted lines) in the area affected by the DCO, parts of the main are in the Street covered by NRSWA and or Stopping Up Orders as appropriate and part in private land covered by easement, I confirm that WWU are content with the recovery of cost provisions for new connections (Article 35) and the Protective Provisions (Article 36) detailed in Schedule 8 as set out in the attached Draft Development Consent Order revision 1.

In terms of whether the pipes remain or are diverted, your contractors will have to supply in due course to our Plant Protection Department full details of the development over and in proximity to the pipeline, we can then advise as to the need to divert or protect the mains.

Please let me know if anything else is required at this stage.

Regards

John P Singleton BSc. MRICS.
Senior Estates Surveyor,
Wales & West Utilities Ltd
Wales & West House
Spooner Close
Celtic Springs
Coedkernew
Newport
NP10 8FZ



From: Julie Drew-Murphy [mailto: [REDACTED]]
Sent: 29 March 2016 13:24
To: John Singleton
Subject: Re: FW: Glyn Rhonwy Pumped Storage DCO, Llanberis

Hi John

good to talk to you just now, as discussed attached are the protective provisions which we will be bound by within our consent these are standard provisions and in summary they are as follows

Article 28 (which provides a power to override rights)

Articles 33, 34, which provide that we may construct our Development over, under or remove or reposition apparatus belonging to statutory undertakers **subject to recovery of costs** of new connections (Article 35) and the Protective Provisions (Article 36) detailed in Schedule 8

i attach the relevant pages of the draft DCO for ease and the following provide links to our most recent site plans for your information

http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010072/2.%20Post-Submission/Application%20Documents/Plans/2.02_Existing_Site_Location_Plan_ISSUED.pdf

I'd be grateful if you could drop me a short email confirming you are happy with these provisions or if you require any changes to the wording

Many thanks

Julie

On 29 March 2016 at 13:00, John Singleton [REDACTED]

Julie

Jeff has asked me to draft an appropriate response, before I do so could you please give me a call to discuss, no phone number on your email.

Regards

Appendix B – Vodafone

Your ref
Our ref NRSWA/3.03/003110



Date 07-04-2016.

Attention:
Julie Drewmurphy
Quarrybattery

Smale House
114 Great Suffolk Street
London
SE1 0SL

C3requests@vodafone.com

Budget Estimate Diversion/Protection of Vodafone Apparatus

Dear Sirs,

New Roads and Street Works Act 1991

Proposed Works at: A4086, Glyn Rhonwy, Llanberis, north wales

I can confirm that Vodafone Limited does own underground apparatus within the area of your proposed works, but due to the nature and location of your works this apparatus should not be affected. However, should the need arise to alter the design of your proposed works, it is imperative that you contact me, at the email address above, to discuss the implications, and in particular, any increased risk to the integrity of the Vodafone duct(s) and fibre optic cable(s).

If you require a Vodafone supervisor on site during your works, it should be noted that a daily supervision charge of £600.00 plus VAT will be charged and is payable when the request for supervision is made. Please also note that four weeks notice is required. If Vodafone apparatus is found to be affected, all work causing possible risk to the network should stop and Vodafone's diversionary requirements will be re-assessed.

This letter is based upon the current information provided in respect of your proposed works and relates only to electronic communications apparatus forming part of the Vodafone: Fixed electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited. For enquiries regarding Vodafone: Mobile, please address your enquiry to rbsaccess@cornerstonemobile.net. Postal address available upon request.

This estimate will remain valid for a period of three months from the date of this letter and all works resulting from this estimate shall be subject to the terms and conditions of Vodafone and/or where applicable the terms and conditions dictated by the New Roads & Street Works Act 1991 and associated codes of practice.

Please note that under the Diversionary Works Code of Practice, Appendix C and the associated Regulations that apply, Promoters are only entitled to one desktop costing per any given scheme. Any change in scope or a subsequent request for a revised costing on the same scheme is then deemed chargeable and will only be reviewed under the C4 Process.

Yours faithfully

Diversionary Works Team
Vodafone

Vodafone Limited
The Connection, Newbury,
Berkshire, RG14 2FN, United Kingdom

Phone +44 (0)1635 33251
Fax +44 (0)1635 682729

vodafone.co.uk

Appendix C – Email Confirmation from Isle of Anglesey County Council



Glyn Rhonwy Pumped Storage DCO

Dewi R. Williams

31 March 2016 at 12:23

To: Julie Drew-Murphy

Julie,

That is correct.

Dewi

Dewi R. Williams B.Sc., C.Eng., F.I.C.E., C.I.H.T.,

Pennaeth Gwasanaeth Priffyrdd, Gwastraff ac Eiddo / Head of Service Highways, Waste and Property,

Cyngor Sir Ynys Môn / Isle of Anglesey County Council,

Swyddfa'r Sir, Llangefni,

Ynys Môn / Isle of Anglesey,

LL77 7TW.

From: Julie Drew-Murphy

Sent: 31 March 2016 11:50

To: Dewi R. Williams

Subject: Re: Glyn Rhonwy Pumped Storage DCO

Dewi

Thank you for your email.

Can i therefore just confirm that it is considered that the Authority does not have any objections to or concerns with the application and without prejudice to your position generally, it is not considered that a statement of common ground between Isle of Anglesey County Council and the applicant is necessary.

I would be grateful if you would confirm that you agree with this position.

Kind regards

Julie

On 29 March 2016 at 14:12, Dewi R. Williams <[REDACTED]>

Julie,

The effect that this scheme will have on Ynys Môn is negligible – it will not be visible and will not generate additional traffic or any environmental issues.

Any effects from the proposed scheme will be beneficial in terms of generating clean energy and local employment. I can't talk on behalf of the Council, but this service fully supports the scheme.

Hope this is sufficient.

Dewi

Dewi R. Williams B.Sc., C.Eng., F.I.C.E., C.I.H.T.,

Pennaeth Gwasanaeth Priffyrdd, Gwastraff ac Eiddo / Head of Service Highways, Waste and Property,

Cyngor Sir Ynys Môn / Isle of Anglesey County Council,

Swyddfa'r Sir, Llangefni,

Ynys Môn / Isle of Anglesey,

LL77 7TW.
[REDACTED]

From: Julie Drew-Murphy <[REDACTED]>
Sent: 29 March 2016 10:31
To: Dewi R. Williams
Subject: Re: Glyn Rhonwy Pumped Storage DCO

Hi Dewi

i was just wondering if you had further considered your position with regards to the need for a statement of common ground? We have a deadline of 30th March to provide an update to the Examining Authority and to submit agreed SoCG by 13th April. If you could therefore let me know if you would like a SoCG and if so to cover what areas i will draft and send it over for comment

Kind regards

Julie

On 16 March 2016 at 14:38, Julie Drew-Murphy [REDACTED]

Annwyl Dewi

nice to talk to you just now, i attached the SoCG that we are currently agreeing with Gwynedd Council as an example of the document we will be submitting to the examiner as part of the process, this one is rather detailed as the project is within their jurisdiction and will be the authority responsible for discharging all conditions

By way of comparison i also attach the SoCG we have agreed with the Snowdonia National Park Authority which focuses solely on landscape and visual impacts.

we are therefore flexible in our approach and can tailor the SoCG to cover those topics that you consider pertinent and keep it to the salient points.

Please let me know your thoughts and i will draft a SoCG specific to IACC

Best regards
Julie

--

[REDACTED]

Appendix D – Email Confirmation from Conwy Borough County Council



Glyn Rhonwy Pumped Storage DCO

David H Watson <[redacted]>

3 March 2016 at 14:10

To: Julie Drew-Murph [redacted]

Dear Julie – in light of the circumstances, I consider that a statement of common ground between Conwy County Council (Local Planning Authority) and the applicant is not necessary.

Please contact me if you wish to discuss further.

Regards

David Watson,

Pen Swyddog Cynllunio/Principal Planning Officer,

Rheoli Datblygu Adeiladu/Development & Building Control,

Gwasanaethau Rheoleiddio a Thai/Regulatory and Housing Services.

[redacted]
Feedback on service welcome at [online compliments form](#) or [online complaints form](#)

From [redacted]

Sent: 03 March 2016 13:12

To: David H Watson

Subject: Glyn Rhonwy Pumped Storage DCO

Dear David

I have tried to call this afternoon and left a message but i thought i would also summarise in an email.

As you may recall, we have previously written to Conwy County Council (in February 2015) as part of a statutory consultation exercise carried out pursuant to section 42 of the Planning Act 2008 ("the Act") in connection with Snowdonia Pumped Hydro (SPH) Limited's proposal for the construction, operation and maintenance of a pumped storage hydroelectric scheme near Llanberis, north Wales. As the generation capacity of the proposed development exceeds 50 MW, an application for a Development Consent Order ("DCO") is required under the Act.

Conwy County Council is a prescribed consultee under Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regulations") and a consultee under section 42 of the Act as a neighbouring authority.

SPH submitted its application to PINS for the above-mentioned DCO in October 2015. The

application was accepted by PINS for Examination by the Secretary of State, and the Examination commences on 8th March 2016, following the Preliminary Meeting on the same day. As a neighbouring authority, Conwy CC is an interested party for the purposes of the Planning Act 2008. Consequently, you should have received a copy of a letter sent by the Planning Inspectorate, on behalf of the Examining Authority, dated 9th February 2016 (a copy of this letter is attached for ease of reference). Within Annex C to the letter, the Examining Authority has identified that statements of common ground may assist in its consideration of the application by setting out where there is agreement between the applicant and interested parties, and where there is disagreement, in relation to the application.

We note that, thus far, Conwy County Council has not formally responded to a number of stages of the application process, including at the EIA scoping stage of the application and during the s42 consultation referred to above. It is also noted that Conwy County Council did not make any relevant representations in response to the applicant's consultation letter (under s56 of the Planning Act 2008) which was issued following the acceptance of the application in December 2015.

In light of the fact that Conwy County Council has not made any formal comment on the application to date, it is considered that the Authority does not have any objections to or concerns with the application. Therefore, without prejudice to your position generally, it is not considered that a statement of common ground between Conwy County Council and the applicant is necessary.

I would be grateful if you would confirm that you agree with this position.

I'd be grateful if you could confirm receipt of this e-mail and please don't hesitate contact me should you have any queries.

Kind regards

Julie

--

Mae'r neges e-bost hon ac unrhyw ymgysylltiadau yn gyfrinachol, ac wedi eu bwriadu ar gyfer yr un sy'n cael ei h/enwi yn unig. Gallent gynnwys gwybodaeth freintiedig. Ar gyfer yr amodau llawn ynglŷn â chynnwys a defnyddio'r neges e-bost hon ac unrhyw atodiadau, gweler www.conwy.gov.uk/ebost_ymwadiad

This email and any attachments are confidential and intended for the named recipient only. The content may

Appendix E – Email confirmation from Denbighshire County Council.



Glyn Rhonwy Pumped Storage DCO



31 March 2016 at 10:00

Julie,

I've picked up your email to Judith Williams.

I emailed the Planning Inspectorate on the 29th April 2016 to advise that Denbighshire County Council does not wish to engage in the DCO process in relation to the Glan Rhonwy scheme. I asked the case officer to remove us from the contact list to save future circulation of hard copy material.

The proposals do not appear to have any direct impacts on the County so we would not wish to offer comments on the acceptability of the scheme.

Regards.

Ian Weaver

Prif Swyddog Cynllunio
Principal Planning Officer

Gwasanaethau Cynllunio a Gwarchod y Cyhoedd/
Planning and Public Protection Service

Cyngor Sir Ddinbych /
Denbighshire County Council

Caledfryn, Ffordd y Ffair, Dinbych, LL16 3RJ /
Caledfryn, Smithfield Road, Denbigh, LL16 3RJ



From: Judith Williams
Sent: 31 March 2016 09:51
To: 'Julie Drew-Murphy'

Appendix F – Email confirmation from Powys County Council.



Glyn Rhonwy Pumped Storage DCO



29 March 2016 at 11:22

Dear Julie

I apologise for the delay in my response. I confirm that Powys County Council does not wish to comment on this application and therefore does not consider a Statement of Common ground to be necessary.

Kind regards

Jayne

From: [Redacted]
Sent: [Redacted]
To: [Redacted]
Subject: Re: Glyn Rhonwy Pumped Storage DCO

Dear Jayne

Following my previous email i have been asked to provide an update to the Planning Inspectorate with regards to progress in agreeing Statements of Common Ground by 30th March, I'd therefore be grateful if you could respond to my previous email of 3rd March so that i can provide this response to the Inspectorate.

Kind regards

Julie

On 14 March 2016 at 12:39, Julie Drew-Murphy [Redacted]

Hi Jayne

I'm just following up on my previous telephone call and subsequent email and wondered if you had had a chance to consider this.

Appendix G – NRW draft SOCG

Glyn Rhonwy Pumped Storage Development Consent Order

Statement of Common Ground



PINS Reference	EN010072	
Document Nos.	SPH-GREX-SCG-01	
Regulations		
Authors	Snowdonia Pumped Hydro	
Revision	Date	Description
3	April 2016	Final Draft for Deadline 2

Document Title Glyn Rhonwy Pumped Storage
Statement of Common Ground
With Natural Resources Wales

SPH Document Reference SPH-GREX-SCG-01

Issue Number V3

Date 4th April 2016

Drafted by		Julie Drew-Murphy/Catherine Anderson	
Approved by			
Date / initials check			

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1 PURPOSE OF THIS DOCUMENT

1.1 Introduction

- 1.1.1 This Statement Of Common Ground [SOCG] is made between SPH and NRW. It communicates where the parties agree and disagree in relation to the Development Consent Order application. It is used to simplify and streamline the planning process, and ensure that areas of agreement and disagreement are highlighted to the Planning Inspectorate.
- 1.1.2 PINS encourage the use of SOCGs to makes the planning process easier for all involved and helps focus the attention of the PINS on the most pressing issues.
- 1.1.3 This SoCG will be prepared jointly with Natural Resources Wales (NRW) and Snowdonia Pumped Storage (SPH) to set out the areas of agreement and disagreement between the two parties in relation to the Development Consent Order (DCO)

1.2 Structure of this SOCG

- 1.2.1 This document starts by setting out the background to the Development and the stakeholders who are entering into the SoCG. It also summarises the pre-application consultation, and any post-submission consultation that has subsequently occurred.
- 1.2.2 This SOCG relates to the following topics:
- The Environmental Statement (ES) (Documents 6.01, 6.02, 6.03 and 6.04);
 - The conclusions of Habitat Regulations Assessment Screening Report (HRA) / No Significant Effects Report (Document 5.03);
 - Abstraction license (Reference WA/065/0016/007, status Approved) and its variation application;
 - Discharge consent applications submitted under the Environmental Permitting Regulation 2010;
 - Bat licence (Reference 61619, status Approved); and
 - Flood Defence Consent (Reference NE2014LD130, status Approved) under the Water Resources Act 1991
- 1.2.3 Overall this SOCG is intended to give a clear position of the state and extent of agreement between the Parties as at the date on which this SOCG is signed and submitted to the Secretary of State.

1.3 Programme

- 1.3.1 The pre-application consultation process took place in February 2015. During that time SPH made available the Draft ES document (February 2015) for stakeholder review and comment under Section 42 and Section 47 of the Planning Act 2008, and all relevant consultation responses were taken under SPH's consideration and helped to shape the final ES. SPH also consulted on the Scoping Report, which gave stakeholders further opportunity to engage and comment on survey and EIA methodologies.
- 1.3.2 After discussing comments with stakeholders and updating the draft ES according to these, SPH submitted the final application for the Glyn Rhonwy Pumped Storage scheme on 20th October 2015. The application was accepted for examination by the Planning Inspectorate on 17th November 2015.

2 BACKGROUND

2.1 Planning History

- 2.1.1 The Development is located approximately 1.5km north west of Llanberis.
- 2.1.2 Quarry Battery Company (QBC) was granted planning permission (Ref: C12/1451/LL) by Gwynedd Council on the 19th February 2014 for the construction and operation of a 600MWh (megawatt hours) pumped storage scheme, with a capacity of 49.9MW, at the Glyn Rhonwy and Chwarel Fawr quarries, near Llanberis. The permission was granted under the Town & Country Planning Act 1990 (T&CPA).
- 2.1.3 An Environmental Impact Assessment (EIA) was undertaken of the approved scheme and the T&CPA application was accompanied by an ES.
- 2.1.4 Subsequent to the grant of planning permission under the T&CPA, SPH was established as a subsidiary of QBC to take the Development forward.
- 2.1.5 Due to changes in the energy market, the decision was taken by the applicant to increase the capacity of the approved scheme to 99.9MW. Therefore as the capacity of the scheme is above 50MW it now falls under the definition of a Nationally Significant Infrastructure Project (NSIP) and so requires a Development Consent Order (DCO) under the Planning Act 2008 ('the Act'), rather than Planning Permission under the T&CPA. The 99.9MW proposal is referred to throughout this document as 'the Development'.

2.2 Introduction to the Development

- 2.2.1 The quarry system has been numbered from Q1 in the west to Q8 in the east, which can be seen in Figure 1.2:
- Quarry 1 (Q1) – Chwarel Fawr;
 - Quarry 2 (Q2) – Chwarel Cefn Du;
 - Quarry 3 (Q3) – Cook;
 - Quarry 4 (Q4) – Ddol;
 - Quarry 5 (Q5) – unnamed (known locally as "Film Set Quarry");
 - Quarry 6 (Q6) – Glyn Rhonwy;
 - Quarry 7 (Q7) – unnamed; and
 - Quarry 8 (Q8) – former WWII munitions store (known locally as "the bombstore").
- 2.2.2 The Development utilises Q1 and Q6 and has seven main elements:
- A headpond - upper reservoir;
 - A tailpond - lower reservoir;
 - A power house - containing the combined pump/turbines;

- A penstock - the pipe connecting the headpond to the power house;
- A tailrace - the pipe connecting the power house to the tailpond;
- Pumping station; and
- Spillway infrastructure – a discharge point from the headpond and a joint discharge/abstraction point from the tailpond.

2.2.3 The Development at Glyn Rhonwy comprises of the following permanent features:

- one headpond (Q1), its dam, access shaft and spillway to the Nant Y Betws;
- one tailpond (Q6), its dam, access shaft and spillway to Llyn Padarn;
- a pumping station at Llyn Padarn;
- a power house at Glyn Rhonwy Industrial Estate Platform 5 (south of Q6) with an underground turbine hall housing turbines with an electrical output of up to 99.9MW;
- a penstock (connecting Q1 to the power house); and
- a tailrace (connecting the power house to Q6).

2.2.4 The Development also incorporates temporary features such as temporary construction compounds and lay down areas at Q1 and Q6.

2.3 Purpose of Pumped Storage

2.3.1 Pumped storage is a method of generating electricity at times of peak demand at short notice. This is achieved by releasing water from an upper reservoir, which passes through a turbine, into a lower reservoir. Water is then pumped back up during periods of low demand. The stored water in the upper reservoir is then ready for the next time of peak demand. In this way, storage can help level out peaks and troughs in energy supply. Pumped Storage is fast enough to also manage grid frequency.

2.4 Identification of Stakeholders

2.4.1 The remainder of this Statement of Common Ground focuses on matters of agreement or disagreement between SPH and NRW.

2.5 Natural Resources Wales

2.5.1 NRW is a Welsh Government sponsored body, which became operational from 1 April 2013. It assumes functions previously undertaken by Countryside Council for Wales, Environment Agency Wales, and the Forestry Commission Wales, and also assumes some other roles formerly taken by Welsh Government.

2.6 Consultation Schedule

2.6.1 Due to the planning history with NRW there has been consultation undertaken. The table below lists substantive consultation meetings

Table 1 – pre submission consultation with NRW		
Date	Form of consultation	Summary
2 nd February 2014	Meeting	Introduction to the project and DCO process
22 nd January 2015	Meeting	To discuss SI works and HRA screening
26 th March – 16 th July 2015	Meetings	Informal meetings to during preliminary GI works
30 th March 2015	Meeting	To discuss s42 response. NRW provided a formal response on the agenda and comments on the UXO report.
15 th July 2015	Meeting	To discuss results of the breeding bird and aquatic ecology surveys, UXO and amends to project description.

2.6.2 The following table lists all consultation undertaken with NRW since the submission of the DCO application (21st October 2016).

Table 2 – post submission consultation with NRW		
Date	Form of consultation	Summary
9 th November 2015	Meeting, follow up justification note and emails	Discussions regarding associated discharge consents and the number required and amendment to abstraction licence.

3 MATTERS OF SPECIFIC AGREEMENT

3.1 Matters of Specific Agreement

ID	Statement on which SPH seek agreement
Environmental Statement	
A. General	
3-A-1	The Environmental Statement (ES) comprises document reference 6.01, 6.02, 6.03, and 6.04 of the Application. The Parties are AGREED on all matters in relation to the adequacy and conclusions of the ES and in particular are AGREED on those matters set out below
B. Regulation and Policy Background	
3.B.1	<p>The Policy Framework information is set out in Chapter 5 of the ES and Chapter 4 of the Planning Statement.</p> <p>The Planning Act 2008 (the "Act") provides that an application must be decided in accordance with any relevant national policy statement (NPS) unless certain exceptions set out in section 104 of the Act apply. NPSs EN-1, and EN-5 are relevant for the purposes of the Development.</p> <p>The parties AGREE that the range of UK, Wales and local policy designations and evidence as set out in Chapter 5 of the Planning Statement (Document Reference 8.01 and 8.02W) and Chapter 5 of the ES (Document Reference 6.02).</p>
C. Methodology	

ID	Statement on which SPH seek agreement
3.C.1	<p>The methodology for the environmental impact assessment is set out in Chapter 2 of the ES, which describes the approach taken for all topics (except to the extent described in the methodology section in each topic chapter).</p> <p>Both Parties AGREE that the approach of identifying and assessing a realistic worst case scenario from within the Development parameters outlined in Chapter 4 is reasonable and appropriate and that the scenario assessed for each topic chapter cited below is appropriate.</p>
D. Landscape and Visual Impacts	
3.D.1	<p>The Landscape and Visual Assessment is contained in Chapter 6 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the landscape and visual impact assessment is contained in Section 6.5 and Section 6.6 of the ES and information on the baseline is contained in Section 6.7 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the landscape and visual assessment is appropriate.</p>
3.D.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of landscape and visual impacts has been undertaken.</p>
3.D.3	<p>Both Parties AGREE that an adequate assessment of the ASIDOHL has been undertaken.</p>
3.D.4	<p><i>Mitigation</i></p> <p>Both Parties AGREE that a Landscape and Reinstatement Plan is an appropriate way of agreeing the site landscape proposals including new planting to help screen the Development, reinstate any vegetation that is removed and also to encourage reinstatement of the new slate mounds at Q1. This Plan must be submitted to</p>

ID	Statement on which SPH seek agreement
	<p>and approved by the local planning authority before the commencement of the relevant stage of the Development (see Requirement 6). The new slate mounds are shown on Plan 2.05.1 (Indicative Site Layout Plan Sheet 1).</p> <p>It is agreed that a Landscape and Reinstatement Plan is an appropriate way to present outline proposals for the landscape reinstatement of any consented scheme. Due the scale of development, likely long duration in its construction and the timescales for landscape reinstatement and naturalisation of slate waste and monitoring, this scheme has many similarities to the restoration after use of a mineral working site.</p>
E. Ecology	
3.E.1	<p>The Nature Conservation / Ecology information is contained within Chapter 7 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the ecological impact assessment is contained in Section 7.3 and 7.5 of the ES and information on the baseline is contained in Section 7.6 of the ES (Document 6.02) and Appendices 7.1 to 7.20 (Document 6.03).</p> <p>Both Parties AGREE that the ecological receptors identified and discussed in Section 7.7 of the ES has been appropriately defined in relation to potential effects on such receptors.</p>
3.E.2	<p>Both Parties AGREE that the appropriate scope of desk study research and field surveys discussed in Sections 7.3.9 – 7.3.11 has been undertaken in respect of statutory designated species and habitats with the potential to be affected by the Development.</p>
3.E.3	<p>Both Parties AGREE that the Ecological Impact Assessment within the ES has been produced in accordance with the Institute for Ecology and Environmental Management ("IEEM") "Guidelines for Ecological Impact Assessment" (2006).</p>

ID	Statement on which SPH seek agreement
3.E.4	<p><i>Assessment (Habitats)</i></p> <p>Information regarding the impacts of the Development on habitats is contained in Section 7.8 and 7.10 of the ES.</p>
3.E.5	<p><i>Assessment (Protected Species)</i></p> <p>Information regarding the impacts of the Development on protected species is contained in Section 7.8 and Section 7.10 of the ES.</p> <p>Both Parties AGREE that the European Protected Species (EPS) for bat has been granted (reference 61619b:OTH:EPS:2015) and contained the mitigation strategy contained within Appendix 7.15 (Document 6.03).</p>
3.E.6	<p>Both Parties AGREE that the following protected species/groups may potentially be affected by the Development without appropriate mitigation: invertebrates including the small theridiid spider, aquatic invertebrates, fish including arctic char, amphibians, fungi, reptiles, bats, breeding birds including Schedule 1, Red and Amber species, badger, water vole, otter, red squirrel, lichens / bryophytes and the habitats outlined in Table 7-5 of Chapter 7.</p>
3.E.7	<p><i>Mitigation</i></p> <p>Information regarding ecological mitigation measures is discussed within Section 7.9 of the ES.</p> <p>Both Parties AGREE that significant effects on the species, habitats and supporting features outlined in Tables 7-5 to 7-9 in Chapter 7 Ecology are unlikely to occur due to the implementation of:</p> <ul style="list-style-type: none"> • an agreed Code of Construction Practice (CoCP) (to be secured by Requirement 6), • Breeding Bird Method Statement (to be secured by Requirement 6), • Habitat Management Plan (to be secured by Requirement 6), • Biosecurity Plan (Requirement 7)

ID	Statement on which SPH seek agreement
	<ul style="list-style-type: none"> • Control over working hours (Requirement 16), • A lighting scheme to be agreed (to be secured through Requirement 19) <p>Both Parties AGREED that the mitigation measures are appropriate and should ensure the protection of habitats during and post-construction as set out in the ES Chapter 7 Ecology and Chapter 18 Schedule of Mitigation.</p>
3.E.8	<p><i>Cumulative Effects</i></p> <p>Information regarding the ecological cumulative impact assessment is contained in Chapter 17 and Table 17-1 of the ES, and the No Significant Effects Report (Document 5.03).</p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within these documents, and that the cumulative effects of these have been adequately considered.</p>
F. Contaminated Land and Unexploded Ordnance	
3.F.1	<p>As outlined in Chapter 8 of the ES, preliminary site investigation works have been carried out in order to ascertain the presence of historical contamination and geotechnical conditions. Secondary more intrusive site investigation will be undertaken prior to construction.</p> <p>A Land Discovery Strategy is required by Requirement 7. Both Parties AGREE that this approach is appropriate for addressing land potentially affected by contamination</p>
G. Water Resources	
3.G.1	<p>The Water Resources Assessment is contained in Chapter 9 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the information on the baseline is contained in Section 9.5 and the assessment</p>

ID	Statement on which SPH seek agreement
	<p>methodology for the water quality and water resources impact assessment including the water balance model is contained in Section 9.6 of the ES. This is supported by Appendices 9.1 to 9.5</p> <p>Both Parties AGREE that the assessment methodology for the water resources assessment is appropriate.</p>
3.G.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of water resources impacts has been undertaken.</p>
3.G.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the implementation of a Code of Construction Practice (CoCP), Pollution Prevention Plan (PPP) and Water Management Plan (WTMP) as required by Requirement 6 is an appropriate way of securing the necessary mitigation.</p>
3.G.4	<p>Both Parties AGREE that an abstraction license has been granted (ref WA/065/0016/007) and that the restrictions outlined in the conditions of this license will be adequate to mitigate any adverse effects. Abstraction Licence variation application WPCC4512 has been submitted to vary abstraction licence WA/065/0016/007.</p>
3.G.5	<p>Both Parties AGREE that two Environmental Permit (discharge consent) applications have been submitted and been duly made (references YB3190HR (dewatering) and YB3690HU (operational spillways and relief valves) that cover the whole six discharges from the development during construction and operation and that the restrictions outlined in the conditions of these consents will be adequate to mitigate any adverse effects.</p>
H. Flood Risk	
3.H.1	<p>The Flood Consequences Assessment is contained in Chapter 10 of the ES (Appendix 10.1 ES ref 6.02).</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the flood risk assessment including the flood consequences assessment and breach analysis is contained in Section 10.5 and 10.6 of the ES.</p>

ID	Statement on which SPH seek agreement
	<p>Information on the baseline is contained in Section 10.7</p> <p>Both Parties AGREE that the assessment methodology for the flood Consequences assessment is appropriate.</p>
3.H.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of water resources impacts has been undertaken</p>
3.H.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the implementation of an Emergency Response and Flood Risk management Plan as required by Requirement 6 is an appropriate way of securing the necessary mitigation during construction phase as well as the wider CoCP.</p>
3.H.4	<p>Both Parties AGREE that the implementation of an Excess Water Management Strategy as required by Requirement 20 is an appropriate way of securing the necessary mitigation during operational phase as well as the legislative requirement to design and build the Development in line with the Reservoirs Act.</p> <p>The Reservoir Act, through the necessity of the appointment of a Construction Engineer to approve and oversee plans and construction, will determine the ability of the reservoir structures to manage excess water, to maintain the integrity of the reservoir.</p>
I. Noise	
3.I.1	<p>NRW has limited involvement concerning noise and will limit its remit on noise to any potential impact on protected species.</p> <p>NRW agree that the approach to any potential noise impact as a result of the development is suitable, and any residual impact can be mitigated with the final COCP and Breeding Bird Method Statement</p>
J. Air Quality	
3.J.1	<p>NRW has limited involvement concerning air quality and will limit its remit on air quality to any potential impact</p>

ID	Statement on which SPH seek agreement
	<p>on protected species.</p> <p>NRW agree that the approach to any potential air quality impact as a result of the development is suitable, and any residual impact can be mitigated with the final COCP and Breeding Bird Method Statement</p>
K. Code of Construction Practice	
3.K.1	<p>As outlined in Chapter 16 of the ES and Appendix 16.1 Code of Construction Practice, both parties AGREE that the Applicant has sufficiently outlined the mitigation measures to be undertaken during the construction phase to minimise and manage any potential impact on the surrounding environment from construction activities. These include dust, waste, water, emergency response and flood risk management, construction traffic management, pollution and noise management. Both Parties AGREE that this approach is appropriate for addressing environmental management during construction and that the CoCP will have to be finalised through DCO Requirement 6.</p>
L. Conclusions	
3.L.1	<p>Both Parties AGREE that Requirements 6, 7 11, 12, 13, and 20 of Schedule1 of the Draft DCO are necessary to deliver the agreed mitigation in respect of landscape, ecology, land potentially affected by contamination, unexploded ordnance, water resources, flood risk, noise, air quality and environmental management.</p>
The Conclusions of the NSER/HRA	
M. Introductions	
3.M.1	<p>The No Significant Effects Report (NSER) is document reference 5.03 of the Application.</p> <p>The Parties are AGREED on those matters set out below:</p>

ID	Statement on which SPH seek agreement
N. HRA Screening Assessment	
3.N.1	<p>The HRA screening assessment is contained within Section 4 of the NSER report. Information regarding in combination impact is provided in section 5.5 of the NSER report.</p> <p>Both Parties AGREE that adequate and sufficient consideration for potential impacts on following statutory designated sites has been undertaken as follows:</p> <ul style="list-style-type: none"> • Afon Gwyrfai a Llyn Cwellyn SAC; • Eryri / Snowdonia SAC; • Y Fenai a Bae Conwy / Menai Strait and Conwy Bay SAC; • Glynllifon SAC; • Glannau Mon: Cors heli / Anglesey Coast: Saltmarsh SAC; • Y Twyni o Abermenai i Aberffraw / Abermenai to Aberffraw Dunes SAC; • Coedydd Derw a Safleoedd Ystumod Meirion / Meirionnydd Oakwoods and Bat Sites SAC; • Liverpool Bay / Bae Lerpwl (Wales) SPA; • Corsydd Môn a Llyn / Anglesey and Llyn Fens Ramsar and SAC; • Pen Llyn a'r Sarnau / Llyn Peninsula and the Sarnau SAC; and, • Ynys Seiriol / Puffin Island SPA.
3.N.2	<p>Both Parties AGREE that the Development would not have a likely significant effect alone or in-combination on the designated features of:</p> <ul style="list-style-type: none"> • Afon Gwyrfai a Llyn Cwellyn SAC; • Eryri / Snowdonia SAC; • Y Fenai a Bae Conwy / Menai Strait and Conwy Bay SAC; • Glynllifon SAC; • Glannau Mon: Cors heli / Anglesey Coast: Saltmarsh SAC;

ID	Statement on which SPH seek agreement
	<ul style="list-style-type: none"> • Y Twyni o Abermenai i Aberffraw / Abermenai to Aberffraw Dunes • SAC; • Coedydd Derw a Safleoedd Ystlumod Meirion / Meirionnydd Oakwoods and Bat Sites SAC; • Liverpool Bay / Bae Lerpwl (Wales) SPA; • Corsydd Môn a Llyn / Anglesey and Llyn Fens Ramsar and SAC; • Pen Llyn a'r Sarnau / Llyn Peninsula and the Sarnau SAC; and, • Ynys Seiriol / Puffin Island SPA.
O. Conclusions	
3.O.1	It is agreed that the results of the ecological and water resources assessment within the ES and No Significant Effects Report indicate that the Development will not give rise to adverse effects on the integrity of any European site alone.
P. Other Consents and Licences	
3.P.1	<p><i>Introduction</i></p> <p>Several secondary consent applications have been submitted to NRW.</p> <p>The Parties are AGREED on those matters set out below:</p>
3.P.2	Deleted
3.P.3	It is agreed that UK Policy (EN1 – paragraph 4.10.6) states that, wherever possible, applicants are encouraged to submit applications for EPs at the same time as applying for development consent, however, EN-1 recognises this is not always possible and that a DCO application should not be refused on this basis unless the Secretary of State has "good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted" (EN-1 paragraph 4.10.8). In this case, SPH have now applied for all the required consents and licenses, and have already obtained approval for three.

ID	Statement on which SPH seek agreement
	NRW encouraged early submission of the discharge consent applications.
3.P.4	<p><i>Flood Defence Consent</i></p> <p>Both Parties AGREE that this consent has been approved (Reference NE2014LD130). The FDC that has been issued for the intake/discharge structure in Llyn Padarn is purely for the construction of the structure as per s109 of the WRA 1991. It does not relate to water quality/quantity from/into the structure during the operation of the structure.</p>
3.P.5	<p><i>Abstraction License</i></p> <p>Both Parties AGREE that this consent has been approved (Reference WA/065/0016/007). Variation application WPCC4512 has been received to vary this abstraction licence. The date for a decision on the variation application is 5 June 2016.</p>
3.P.6	<p><i>Bat License</i></p> <p>Both Parties AGREE that this consent has been approved (Reference 61619).</p>
3.P.7	<p><i>Discharge Consents</i></p> <p>Both Parties AGREE that two applications have been submitted covering the six discharges during construction and operation of the development.</p> <p>The determination date for the discharge consent applications is 18th June 2016. This date may be extended.</p>

4 Matters unresolved

5 Draft Development Consent Order

- 5.1.1 It is agreed that the amendments made to Article 17(1) as requested in NRW's Relevant Representation are appropriate and acceptable and the amendments to Articles 17(7) and 17(9) as requested by the Examining Authority are also appropriate and acceptable.
- 5.1.2 Gwynedd Council are responsible for discharging and enforcing all Requirements, under Schedule 9, and that a number of provisions within the DCO confer deemed consent if a consultee does not respond within 28 days (a 'guillotine'). It is AGREED that NRW are content with these provisions.

6 Confirmation of Agreement

Signed for and on behalf of Snowdonia Pumped Hydro Ltd

Signed:

Name:

Position:

Date:

Signed for and on Behalf of Natural Resources Wales

Signed:

Name:

Position:

Date:

Appendix H – Draft Gwynedd Council SoCG

Glyn Rhonwy Pumped Storage Development Consent Order

Statement of Common Ground
between Snowdonia Pumped Hydro Ltd and Gwynedd County Council



PINS Reference	EN010072	
Document Nos.	SPH-GREX-SCG-02	
Authors	Snowdonia Pumped Hydro	
Revision	4	Date 11 th April 2016

Document Title Glyn Rhonwy Pumper Storage
 Statement of Common Ground between Snowdonia
 Pumped Hydro Ltd and Gwynedd Council

SPH Document Reference SPH-GREX-SCG-02

Issue Number V4

 Date 11 April 2016

Drafted by		Julie Drew-Murphy
Approved by		
Date / initials check		

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1 PURPOSE OF THIS DOCUMENT

1.1 Introduction

- 1.1.1 This document comprises the Statement of Common Ground (“SOCG”) between Gwynedd Council (“GC”) and Snowdonia Pumped Hydro Ltd (“SPH”) relating to the application (“the Application”) for a Development Consent Order (“DCO”) submitted to the Planning Inspectorate (“PINS”) on 21st October 2015 for development of the Glyn Rhonwy Pumped Storage scheme (“the Project”). The Application was accepted for examination by the Secretary of State on 17th November 2015.
- 1.1.2 For the purpose of this SOCG, SPH and GC are jointly referred to as "the Parties".
- 1.1.3 SPH has applied to the Secretary of State under the Planning Act 2008 ("the Act") for a Development Consent Order to construct, operate and maintain:
- a pumped storage hydroelectric power plant and electrical connections on land at Glyn Rhonwy, Llanberis, Gwynedd, Wales;
 - a headpond at Chwarel Fawr together with associated dam and spillway infrastructure; an underground penstock;
 - a tailpond at Glyn Rhonwy together with associated dam and spillway infrastructure to Llyn Padarn;
 - powerhouse and ancillary buildings including underground turbine hall and access shaft, and underground tailrace to the tailpond;
 - an underground pumping station together with surface level control box; and
 - associated engineering, remediation and landscaping works, together with the diversion of public roads and rights of way and ancillary works.
- 1.1.4 The above elements are collectively referred to as “the Development”. The site within which the Development is located is entirely within the administrative boundary of GC.
- 1.1.5 The purpose of this SOCG is to set out agreed factual information between the Parties about the application. Preparation of this SOCG has been informed by discussions between the Parties.

- 1.1.6 Throughout this SOCG the phrase "It is AGREED" or "the Parties AGREE" is used as a precursor to any point that has been specifically agreed between the Applicant and GC. The phrase "It is not agreed...." "or the Parties do not agree" is used as a precursor to any point that the Applicant and GC wish to clearly state as not yet agreed. Points that are "not agreed" will be the subject of on-going discussion wherever possible to resolve or refine the extent of disagreement between the parties.
- 1.1.7 This SOCG relates to the matters agreed between the Parties on the content of the Environmental Statement submitted as part of the Application ("the ES") and other supporting documents.
- 1.1.8 Overall this SOCG is intended to give a clear position of the state and extent of agreement between the Parties as at the date on which this SOCG is signed and submitted to the Secretary of State.

1.2 Structure of this SOCG

- 1.2.1 The SoCG is structured to identify the matters of agreement between the parties in relation to the history of the application site and the pre-application and post-submission consultation that has occurred between the parties.
- 1.2.2 Following this, the SoCG is structured in accordance with the topics identified in the examiners Rule 6 Letter:
- A. Policy and Other Consents
 - B. Overall Issues regards the Environmental Statement (ES) and Mitigation and Management Plans
 - C. Biodiversity and Ecology
 - D. Landscape, Visual Impacts, Good Design and Land Use
 - E. Historic environment and Archaeology
 - F. Traffic Transport and Public Access
 - G. Noise and Vibration
 - H. Water Resources, Flood Risk, Geology and Ground Conditions
 - I. Air Quality and Other Health Impacts
 - J. Socio Economics, Tourism and Recreation
 - Draft Development Consent Order

2 MATTERS AGREED BETWEEN THE PARTIES

2.1 The Site & its Planning History

2.1.1 The Parties AGREE that the following section of this SoCG is an accurate account of the site and its planning history.

2.1.2 The Development is located approximately 1.5km north west of Llanberis.

2.1.3 Quarry Battery Company Ltd (“QBC”) was granted planning permission (Ref: C12/1451/LL) by GC on the 19th February 2014 for the construction and operation of a 600MWh (megawatt hours) pumped storage scheme, with a capacity of 49.9MW, at the Glyn Rhonwy and Chwarel Fawr quarries, near Llanberis. The permission was granted under the Town & Country Planning Act 1990 (T&CPA).

2.1.4 An Environmental Impact Assessment (EIA) was undertaken of the approved scheme and the T&CPA application was accompanied by an ES.

2.1.5 The quarry system within which the Project will be constructed and operated comprise the following: :

- Quarry 1 (Q1) – Chwarel Fawr;
- Quarry 2 (Q2) – Chwarel Cefn Du;
- Quarry 3 (Q3) – Cook;
- Quarry 4 (Q4) – Ddol;
- Quarry 5 (Q5) – unnamed (known locally as “Film Set Quarry”);
- Quarry 6 (Q6) – Glyn Rhonwy;
- Quarry 7 (Q7) – unnamed; and
- Quarry 8 (Q8) – former WWII munitions store (known locally as “the bombstore”).

2.1.6 The Project utilises Q1 and Q6 and has seven main elements:

- A headpond - upper reservoir;
- A tailpond - lower reservoir;
- A power house - containing the combined pump/turbines;
- A penstock - the pipe connecting the headpond to the power house;
- A tailrace - the pipe connecting the power house to the tailpond;
- Pumping station; and

- Spillway infrastructure – a discharge point from the headpond and a joint discharge/abstraction point from the tailpond.

2.2 GC's Status and Meetings

2.2.1 It is AGREED that GC is defined as a Category "B" local authority under section 43 of the Act.

2.2.2 It is AGREED that meetings, prior to the submission of the Application, were held with SPH and GC (along with others) on the following dates:

Date	Form of consultation	Summary
15/10/14	Meeting	Meeting to discuss the intention to submit a DCO application
1/12/14	Workshop	DCO workshop including discussions about the changes in the red line boundary
2/12/14	Meeting	Introduction to the Project and the DCO process
26/3/15 – 16/7/15	Meeting	Informal meetings during the preliminary GI
30/3/15	Meeting	Meeting to discuss the responses to s42 and comments on the UXO report.
15/7/15	Meeting	Meeting to discuss the results of the breeding bird and aquatic ecology surveys, UXO and amends to project description.

2.2.3 It is AGREED that meetings, following the submission of the Application, were held with SPH and GC(along with others) on the following dates:

Date	Form of consultation	Summary
07/03/2016	Meeting	Meeting to discuss the Submitted DCO and progress with the application, along with the proposed highway improvement works to Ffordd Cefn Du.

	Statement on which SPH seek agreement	SPH	Gwynedd Council
A. Policy and Other Consents			
A-1	The Policy Framework information is set out in Chapter 5 of the ES and Chapter 4 of the Planning Statement (Document Reference 8.01 and 8.01W).	Agree	Agree
A-2	<p>The Act provides that an application must be decided in accordance with any relevant national policy statement (NPS) unless certain exceptions set out in section 104 of the Act apply. NPSs EN-1, EN-3, and EN-5 are relevant for the purposes of the Development.</p> <p>The parties AGREE that the range of UK, Wales and local policy designations and evidence as set out in Chapter 4 of the Planning Statement (Document Reference 8.01) and Chapter 5 of the ES (Document Reference 6.02) are also of relevance.</p> <p>The Parties AGREE that the Project has been developed with appropriate consultation with local communities.</p> <p>The Parties AGREE that the site of the Project falls partly within the 'Glyn Rhonwy Redevelopment Site' allocation with the remainder allocated as 'white land' in the GCC Unitary Development Plan (the UDP).</p> <p>The Parties AGREE that that they do not intend to make further representations in respect of the regulatory and policy background as part of the examination.</p>	Agree	Agree

<p>A-3</p>	<p>There are a number associated consents, permits and licences required for the operation of the Development.</p> <p>It is AGREED that all necessary consents, permits and licences have been identified and are detailed in Document 5.04 of the ES, including plans to obtain them.</p> <p>It is AGREED that road improvements to the proposed access route to Quarry 1 will be carried out using GC's Permitted Development Rights through an Agreement under S278 of the Highways Act and is consistent with the details assessed within the ES and DCO.</p> <p>It is AGREED that all other consents required from GC not secured through the DCO will be obtained by the Contractor prior to works commencing and will be detailed in the CoCP</p>	<p>Agree</p>	<p>Agree</p>
<p>A-4</p>	<p>It is AGREED that the DCO contains provisions conferring deemed consent if no response is received within 28days.</p>	<p>Agree</p>	<p>Agree</p>
	<p>Statement on which SPH seek agreement</p>	<p>SPH</p>	<p>Gwynedd Council</p>
<p>B. Overall issues regarding the Environmental Statement (ES), Mitigation and Management Plans</p>			
<p>B-1</p>	<p>The Environmental Statement (ES) comprises the documents referenced 6.01, 6.02, 6.03, and 6.04 of the Application. The Parties are AGREED on all matters in relation to the adequacy and conclusions of the ES and in particular are AGREED on those matters set out below.</p> <p>It is AGREED that the ES forms a full and complete ES for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations).</p>	<p>Agree</p>	<p>Agree</p>

B-2	It is AGREED that the ES adequately assesses waste arising from the Development and that a Waste Management Plan will be produced and approved as part of the CoCP (Requirement 6) prior to commencement.	Agree	Agree
B-3	It is AGREED that the outline mitigation and management plans outlined in the DCO are adequate for the purposes of securing the DCO and further updates and approval will be sought prior to commencement.	Agree	Agree
B-4	It is AGREED that GC are the lead authority for reviewing and discharging the mitigation and Management plans and will consult with other appropriate bodies where appropriate.	Agree	Agree
B-5	It is AGREED that at the time of writing the ES the GI results were not available and that the results are confidential	Agree	Agree
B-6	It is AGREED that all operational and maintenance activities have been outlined and have been assessed appropriately, including major maintenance involving the replacement of components.	Agree	Agree
B-7	It is AGREED that the ES sufficiently considers the impacts and mitigation, as far as reasonably practicable, of decommissioning and that a decommissioning plan (Requirement 23) will be submitted for approval 12 months prior to the end of the life of the project, including such environmental information as GC may require.	Agree	Agree
B-8	The methodology for the environmental impact assessment is set out in Chapter 2 of the ES, which describes the approach taken for all topics (except to the extent described in the methodology section in each topic chapter). Both Parties AGREE that the approach of identifying and assessing	Agree	Agree

	the realistic worst case scenario of the Project parameters outlined in Chapter 4 of the ES is reasonable and appropriate and that the scenario assessed for each topic chapter cited below is appropriate.		
B-9	<p>The methodology for the environmental impact assessment is set out in Chapter 2 of the ES, which describes the approach taken for all topics (except to the extent described in the methodology section in each topic chapter).</p> <p>Both Parties AGREE that the approach of identifying and assessing the realistic worst case scenario of the Project parameters outlined in Chapter 4 of the ES is reasonable and appropriate and that the scenario assessed for each topic chapter cited below is appropriate.</p>	Agree	Agree
C. Ecology			
C-1	The Nature Conservation / Ecology information is contained within Chapter 7 of the ES.	Agree	Agree
C-2	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the ecological impact assessment is contained in Section 7.3 and 7.5 of the ES and information on the baseline is contained in Section 7.6 of the ES (Document 6.02) and Appendices 7.1 to 7.20 (Document 6.03).</p> <p>Both Parties AGREE that the ecological receptors identified and discussed in Section 7.7 of the ES have been appropriately defined in relation to potential effects on such receptors.</p>	Agree	Agree
C-3	Both Parties AGREE that the Ecological Impact Assessment within the ES has been produced in accordance with the Institute for	Agree	Agree

	Ecology and Environmental Management ("IEEM") "Guidelines for Ecological Impact Assessment" (2006).		
C-4	<p><i>Mitigation</i></p> <p>Information regarding ecological mitigation measures is discussed within Section 7.9 of the ES.</p> <p>Both Parties AGREE that the delivery of an agreed Code of Construction Practice (CoCP) and Habitat Management Plan (to be secured by Requirement 6) is appropriate and should ensure the protection of habitats during and post-construction.</p>	Agree	Agree
C-5	It is AGREED that the HRA covers an appropriate study area and impacts considered and the baseline data used to inform the assessment is appropriate. Furthermore the projects/plans included in the in-combination are appropriate	Agree	Agree
C-6	It is AGREED that the mitigation measures proposed are appropriate to reach a conclusion of no LSE and that the mitigation is appropriately secured within the DCO	Agree	Agree
C-7	It is AGREED that the mitigation proposed within the ES (Chapter 18) and secured within the DCO is adequate to protect ecological receptors during construction and operation.	Agree	Agree
C-8	It is AGREED that impacts on Habitats, designated sites, arctic charr, badgers, bats, breeding birds, other fish, reptiles, spiders, trees, hedgerows, invasive species and lichen have been adequately assessed within the ES, and appropriate mitigation proposed (chapter 18) and secured within the DCO.	Agree	Agree

D. Landscape, Visual Impacts, Good Design and Land Use			
D.1	The Landscape and Visual Assessment is contained in Chapter 6 of the ES.	Agree	Agree
D.2	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the landscape and visual impact assessment is contained in Section 6.5 and Section 6.6 of the ES and information on the baseline is contained in Section 6.7 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the landscape and visual assessment is appropriate.</p>	Agree	Agree
D.3	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of landscape and visual impacts has been undertaken.</p>	Agree	Agree
D.4	Both Parties AGREE that an adequate assessment of the ASIDOHL has been undertaken.	Agree	Agree
D.5	It is AGREED that impacts on the setting of Snowdonia National Park have been adequately assessed.	Agree	Agree
D-6	Both parties AGREE that the size, location, design and materials proposed for buildings, structures and fencing will be appropriately controlled by the provisions of Requirements 4, 17, 18, 21 & 22 which require approval prior to commencement.	Agree	Agree
D-7	It is AGREED that external lighting of the Development during all phases has been adequately assessed and will be subject to further approval prior to commencement (Requirement 19)	Agree	Agree

D-8	Both Parties AGREE that a Landscape and Reinstatement Plan is an appropriate way of agreeing the site landscape restoration proposals. This Plan must be submitted to and approved by the local planning authority before the commencement of the relevant stage of the Development (see Requirement 6). The new slate mounds are shown on Plan 2.05.1 (Indicative Site Layout Plan Sheet 1) and a cross section of the new mounds is provided in plan 2.06.3.	Agree	Agree
D-9	Both parties AGREE that the Development is an appropriate and acceptable use of the land.	Agree	Agree
D-10	Both parties AGREE that the cumulative assessment adequately assesses the grid connection and that the Developer has committed to underground cables.	Agree	Agree
E. Historic Environment and Archaeology			
E-1	The Archaeology and Cultural Heritage impact assessment is contained within Chapter 11 of the ES.	Agree	Agree
E-2	<i>Methodology / Data Collection / Baseline</i> Information regarding the assessment methodology for the Archaeology and Cultural Heritage impact assessment is contained in Section 11.5 of the ES and information on the baseline is contained in Section 11.6 the ES. Both Parties AGREE that the assessment methodology for the Archaeology and Cultural Heritage assessment is appropriate	Agree	Agree
E-3	Both Parties AGREE that an adequate assessment of Archaeology and Cultural Heritage impacts has been undertaken including impacts on Historic Landscape Character and the tentative World	Agree	Agree

	Heritage Site status.		
E-4	Both Parties AGREE that an Archaeological Compensation and Enhancement Strategy, which will include a Written Scheme of Investigation is an appropriate way of mitigating impacts and protecting archaeological features of interest, both known and unknown. Requirements 7 & 15 of the DCO.	Agree	Agree
F. Traffic, Transport and Public Access			
F-1	The Traffic and Transport impact assessment is contained within Chapter 12 of the ES. The assessment of impacts on Public Rights of Way is contained within Chapter 15 Socio Economics of the ES.	Agree	Agree
F-2	<i>Methodology / Data Collection / Baseline</i> Information regarding the assessment methodology for the traffic and transport impact assessment is contained in Section 12.5 of the ES and information on the baseline is contained in Section 12.6 and 12.7 of the ES. Both Parties AGREE that the assessment methodology for the traffic and transport assessment is appropriate	Agree	Agree
F-3	Both Parties AGREE that an adequate assessment of traffic and transport impacts has been undertaken and is contained within Section 12.8 of the ES.	Agree	Agree
	Both parties AGREE that adequate access, highway and other transport provisions for construction and operation have been provided.	Agree	Agree
F-4	<i>Mitigation</i>	Agree	Agree

	Both Parties AGREE that a Construction Traffic Management Plan is an appropriate way of agreeing preferred routes for construction traffic, any traffic management required and any restrictions and signage to reduce impacts to local communities. This Plan must be submitted to and approved by the local planning authority in conjunction with the local Highway Authority before the commencement of the relevant stage of the Development (Requirement 9).		
F-5	It is AGREED that the cumulative impact assessment appropriately include the electrical connection and the Caernarfon and Bontnewydd bypass.	Agree	Agree
F-6	It is AGREED that impacts to open access land will be mitigated through temporary and permanent closures and diversions of roads and public rights of way that are secured in articles 11 and 13, set out in Schedules 2, 3 and 4 of the DCO and explained in the Common, Access Land and Public Rights of Way Strategy (doc ref4.04) and associated plans. Reinstatement of temporary closures to be agreed with Gwynedd Council.	Agree	
F-7	It is AGREED that references to Green Road will be replaced with Ffordd Cefn Du	Agree	
G. Noise and Vibration			
G.1	It is AGREED that the scope of the noise assessment was agreed with GC		Agree

G.2	It is AGREED that a Statement in Respect of Statutory Nuisance has been provided as part of the application and that except for the 11 properties identified during part of the construction period, that with the mitigation and control measures proposed, which will be captured within and implemented by the Construction Traffic Management Plan (CTMP), Dust Management Plan (DMP) and Code of Construction Practice (CoCP), it is not anticipated that a statutory nuisance will result from the construction or operation of the Development	Agree	Agree
G.1	As outlined in Chapter 13 of the ES, the Applicant will liaise with local residents to resolve any noise and vibration issues. As required by Requirement 6 & 11, a Noise Management Plan will be prepared and then be implemented during construction. Requirement 11 requires an Operational Noise Assessment to be prepared. Both Parties AGREE that this approach is appropriate for addressing potential impacts of construction noise on sensitive receptors.	Agree	Agree
G-3	It is AGREED that the assessment of impacts includes those arising from blasting, drilling, use of conveyors and tunnel boring machine.	Agree	Agree
G-4	It is AGREED that the impact assessment for noise, vibration and overairpressure is appropriate and that the implementation of a noise management plan (Requirement 6 &11) and a Construction Traffic Management Plan (Requirement 9) is sufficient to manage the impacts	Agree	Agree
G-5	It is AGREED that all works falling outside of normal working hours as specified in the DCO (Requirement 16) will be agreed with GC prior to works commencing and may be subject to a Section 61 agreement	Agree	Agree

H. Water Resources, Flood Risk, Geology and Ground Conditions			
H-1	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Both parties AGREE that the baseline information used to inform the water resources, flood risk, geology and ground conditions is adequate for assessing the impacts.</p> <p>Both Parties AGREE that the assessment methodology for the flood risk assessment is appropriate and considers potential increases to run-off and changes in peak rates of run-off and climate change.</p>	Agree	Agree
H-2	<p>As outlined in Chapter 8 of the ES, preliminary site investigation works have been carried out in order to ascertain the presence of historical contamination and geotechnical conditions. Secondary more intrusive site investigation will be undertaken prior to construction.</p> <p>A Land Discovery Strategy is required by Requirement 7. Both Parties AGREE that this approach is appropriate for addressing land potentially affected by contamination</p>	Agree	Agree
H-3	<p>Both Parties AGREE that an adequate assessment of silting, contamination (inc from UXO, Aluminium or Copper) during construction and operation has been undertaken for private water supplies, Llyn Padarn, Nant y Betws and other identified water supplies.</p>	Agree	Agree
H-4	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the implementation of an Emergency Response and Flood Risk management Plan as required by Requirement 6 is an appropriate way of securing the necessary</p>	Agree	Agree

	mitigation during construction phase as well as the wider CoCP.		
H-5	Both Parties AGREE that the implementation of an Excess Water Management Strategy as required by Schedule 1, Requirement 20 is an appropriate way of securing the necessary mitigation during operational phase as well as the legislative requirement to design and build the Development in line with the Reservoirs Act.	Agree	Agree
H-6	Both Parties AGREE that the Implementation of the Pollution Prevention Plan and Water Management Plan (WTMP) (Requirements 6 & 8) is sufficient to manage run-off and water quality and that NRW's Pollution Prevention Guidelines will be adhered to at all times. It is further AGREED that the level of monitoring is to be AGREED with GC and NRW prior to commencement as part of the WTMP (Requirement 6)	Agree	Agree
H-7	It is AGREED that the development will be designed and built in full compliance with the Reservoirs Act 1975	Agree	Agree
H-8	Both Parties AGREE that an abstraction license has been granted (ref WA/065/0016/007) and that the restrictions outlined in the conditions of this license will be adequate to mitigate any adverse effects, and that a variation to the current licence is being sought.	Agree	Agree
H-9	Both parties AGREE that applications for discharge permits have been submitted to NRW (application reference WPCC4518) and will be considered within the timescales of the DCO.	Agree	Agree
H-10	It is AGREED that the Applicant has undertaken a Water Framework Directive assessment and is compliant.	Agree	Agree
I. Air Quality and other Health Impacts			

I-1	It is AGREED that impacts to local communities and other receptors including residential and other premises have been considered throughout the ES.	Agree	Agree
I-2	Both parties AGREE that impacts arising from dust generating activities such as blasting, construction of slate dams, spoil heaps, temporary storage mounds, roads, construction compounds and use of conveyors have been assessed within the ES (Chapter 14)	Agree	Agree
I-4	It is AGREED that the Dust Management Plan (Requirement 6) is an appropriate means of mitigating and reducing the impacts of dust from all dust generating activities.	Agree	Agree
I-5	It is AGREED that the Ordnance Management Strategy (Requirement 7) is an appropriate means to manage the potential presence and safe remediation of ordnance from the Development.	Agree	Agree
I-6	It is AGREED that air quality monitoring is required prior to commencement to gather appropriate baseline data. It is further AGREED that additional monitoring is to be undertaken during the works to ensure that effects do not breach acceptable thresholds. The specific methods are to be agreed with GC as part of the Pollution Control Management Plan in the CoCP in accordance with the protocols outlined in Table 14.8 of the ES		
J. Socio economics, Tourism and Recreation			
J-1	It is AGREED that the likely social and economic benefits of the Development are assessed in Chapter 15 and includes a commitment from the Applicant to source employment locally where possible, and the creation of a Community Benefits Fund to support	Agree	Agree

	local initiatives.		
J-2	Both parties AGREE that the assesement adequately assesses the impacts and mitigation appropriate to tourism and recreation receptors, including businesses, organisation, tourists, recreation and event participants and other receptors	Agree	Agree
J-3	It is AGREED that impacts to open access land will be mitigated through temporary and permanent closures and diversions of roads and publics rights of way that are secured in Schedules 2, 3 & 4 of the DCO and Common, Access Land and Public Rights of Way Strategy (doc ref4.04) and associated plans. Reinstatement of temporary closures to be agreed with Gwynedd Council. The impacts of which have been adequately assessed within Chapter 15.	Agree	Agree

3 THE DRAFT DEVELOPMENT CONSENT ORDER

- 3.1.1 It is AGREED that the Council have been provided with an opportunity to review the draft DCO provisions and comment upon the same.
- 3.1.2 A number of provisions within the DCO confer deemed consent if a consultee does not respond within 28 days (a 'guillotine'). It is AGREED that the Council has had the opportunity to review and respond as to their ability to comply with the guillotine provisions and agrees to the inclusion of the guillotine (Art13(7)).
- 3.1.3 The draft DCO seeks to include within the order a provision removing the need to obtain temporary traffic regulation orders under section 14 of the Road Traffic Regulation Act 1984. This is a prescribed consent and the Council as highway authority must consent to the inclusion of this provision. It is AGREED that the Council as highway authority has been consulted upon and consents to this provision. (Art 13(8)).
- 3.1.4 The draft DCO seeks to include within the order a provision removing the need to obtain hedgerows consent for the removal of any areas of hedgerows affected by the works. This is a prescribed consent and the Council as planning authority must consent to the inclusion of this provision. It is AGREED that the Council as planning authority has been consulted upon and consents to this provision. (Art 31).
- 3.1.5 The draft DCO seeks to include within the order a provision removing the need to obtain Tree Preservation Order consent for the works to trees within the Arfon Borough Council (1991) Tree Preservation order which may be affected by works at Q6. The provision requires that GC is consulted prior to any works being undertaken to trees within the TPO. This is a prescribed consent and the Council as planning authority must consent to the inclusion of this provision. It is AGREED that the Council as planning authority has been consulted upon and consents to this provision (Art 32).

4 Matters unresolved

4.1.1 As previously referred to it is considered that the following matters are unresolved:

4.2 Grid connection consenting

4.2.1 As outlined in the Grid Connection Statement (Doc Ref 7.01) the Applicant has accepted a Point of Connection Offer from SP Manweb. SPH are currently in communications with an Independent Connection Provider (ICP), who are undertaking a route options study, and are exploring a number of options for the consenting of the grid connection underground cable, which is anticipated to all be located within the Highway. The consenting options SPH are exploring include the use of permitted development rights or a full TCPA application. SPH would like to continue communications with GC regarding the consenting options for the grid connection.