

Glyn Rhonwy Pumped Storage Development Consent Order

Statement of Common Ground

between Snowdonia Pumped Hydro Ltd and Gwynedd Council



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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 Gwynedd Council'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

A-3	<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>	Agree	Agree
A-4	<p>It is AGREED that the DCO contains provisions conferring deemed consent if no response is received within 28days.</p>	Agree	Agree
	Statement on which SPH seek agreement	SPH	Gwynedd Council
B. Overall issues regarding the Environmental Statement (ES), Mitigation and Management Plans			
B-1	<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>	Agree	Agree

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 Ecology and Environmental Management ("IEEM") "Guidelines for	Agree	Agree

	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	<i>Methodology / Data Collection / Baseline</i> 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. Both Parties AGREE that the assessment methodology for the landscape and visual assessment is appropriate.	Agree	Agree
D.3	<i>Assessment</i> Both Parties AGREE that an adequate assessment of landscape and visual impacts has been undertaken.	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 DCOv3 and explained in the Common, Access Land and Public Rights of Way Strategy (doc ref 4.04 Rev.1) and associated plans. Reinstatement of temporary closures to be agreed with Gwynedd Council.	Agree	Agree
F-7	It is AGREED that references to Green Road will be replaced with Ffordd Cefn Du	Agree	Agree
G. Noise and Vibration			
G.1	It is AGREED that the scope of the noise assessment was agreed with GC	Agree	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	Agree	Agree

	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		
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. This was confirmed through a Statement of Agreed Position between the parties that was presented at the Issue Specific Hearing on 17th May 2016 and submitted to the Examination at Deadline 4. It is AGREED that the management of noise will be implemented as two plans – a Construction Noise Management Plan and an Operational Noise Management Plan. The Statement of Agreed Position is included as Appendix 1 to this SoCG.	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	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.	Agree	Agree

H-4	<i>Mitigation</i> 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.	Agree	Agree
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. This was confirmed through an Agreed Statement of Position between the parties that was presented at the Issue Specific Hearing on 17 th May 2016 and submitted to the Examination at Deadline 4. A copy of the Agreed Statement of Position is included as Appendix 1 to this SoCG.	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	Agree	Agree

	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 local initiatives.	Agree	Agree
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 to be Agreed

4.1 Preface

- 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.

5 Confirmation of Agreement

Signed for and on behalf of Snowdonia Pumped Hydro Ltd

Signed: 

Name: Dave Holmes

Position: Managing Director

Date: 25th May 2016

Signed for and on Behalf of Gwynedd Council

Signed: 

Name: Gareth Jones

Position: Senior Manager, Planning, Environment and Public Protection Service

Date: 26 May 2016

Appendix 1:

Statement of Agreed Position on Matters of Noise, Vibration, Dust Deposition and Air Overpressure between Snowdonia Pumped Hydro Ltd and Gwynedd Council

Glyn Rhonwy Pumped Storage Development Consent Order

Statement of Agreed Position on Matters of Noise, Vibration, Dust Deposition and Air Overpressure between Snowdonia Pumped Hydro Ltd and Gwynedd Council

Following the issue of the Examining Authority's Agenda (dated 18th April 2016) for the issue Specific Hearing on 17th May 2016, and in the interests of providing clarity to the Examination, the Applicant and Gwynedd Council have met and discussed the points raised under *Agenda Item 8: Noise, vibration, dust deposition and air overpressure limits*.

Gwynedd Council and the Applicant agree that it is inappropriate for specific limits on noise, vibration, dust deposition and air overpressure to be set within a DCO Requirement. Both parties agree that the appropriate mechanism for the control and management of these matters is a series of detailed management plans prepared by the Applicant for approval by Gwynedd Council prior to the commencement of development. By taking this approach, it will allow for the production of comprehensive management strategies based on up-to-date guidance and standards, informed by input from the appointed Principal Contractor, and, if required, updated baseline surveys.. This is the approach that would be delivered by Requirements 6 and 7. The management plans relevant to the matters identified under Hearing Agenda Item 8 are as follows:

- Code of Construction Practice;
- Dust Management Plan;
- Construction Noise Management Plan;
- Air Quality Baseline Monitoring Plan;
- Operational Noise Management Plan.

Gwynedd Council and the Applicant agree that the Conditions relating to these matters within the extant 2012 T&CPA permission could be usefully refined and improved through the management plan process proposed under the DCO (specifically, Requirements 6 and 7). This improvement would provide clarity and certainty to both the Applicant and Council on the control of these matters and the effective enforcement of that control.

It is agreed by both parties that the management plans listed above would address the provisions of the following conditions on the extant T&CPA permission – 24, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47.

The Applicant has agreed to provide draft management plans to Gwynedd Council for comment and approval. The parties have agreed that the each draft management plan will provide a methodology to establish a baseline position; identify the sources of any disturbance / impact; specify the relevant legislative context (e.g. for noise this would be Minerals Planning Guidance 11 and / or BS5228); establish the framework for fixing the limits (using the 2012 T&CPA permission as context); set out the processes for monitoring, audit, and response, and detail the community liaison mechanisms that will be established.

The parties agree that the approach is in line with the model provisions in relation to these matters and Planning Inspectorate Advice Note 15: Drafting Development Consent Orders.

The agreed approach is consistent with the Applicant's and the Council's written submissions to the Examination at Deadlines 2 and 3 and with the Council's submitted Local Impact Report.

The agreed draft plans will be submitted to the Examination at Deadline 5. These plans will then be finalised and submitted to Gwynedd Council for formal approval prior to the commencement of development as per DCO Requirements 6 and 7. A mechanism for performance monitoring and reporting would be agreed within the management plans and compliance would be enforced by Gwynedd Council.