

## Deadline 4 – Table of DCO amendments



<b>PINS Reference</b>	EN010072	
<b>Document No.</b>	SPH_GREX_DCOD4_03	
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<b>Revision</b>	<b>Date</b>	<b>Description</b>
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## Table of DCO Amendments requested - Submitted for Deadline 4

This table lists the changes sought to the DCO from Revision 4 to Revision 5 submitted for Deadline 4.

### 1. Changes requested by the Examining Authority

	Source	Article/ Requirement	Question/Query/Action point	Applicant response
1.1	DCO drafting query 4	Article 2(1) Interpretation – definition of maintain	Action Point arising: Applicant and GC to develop wording to address maintenance matters, including a control mechanism by which the relevant planning authority would discharge the necessary requirements.	The Applicant has proposed a new Requirement 25 and is discussing the wording of that with Gwynedd Council. A new requirement will be proposed at Deadline 5 and a placeholder has been inserted at Deadline 4.
1.2	DCO drafting query 7	Article 13 (Temporary prohibition and restriction of streets)	ii) If variations on 'prohibit or restrict' are to be used in place of stopping up, can they be used consistently throughout the document?	The Applicant has amended Article 13 as follows:  1.— (1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily prohibit, restrict, alter or divert any street and may for any reasonable time- <ul style="list-style-type: none"> <li>(a) divert the traffic from the street; and</li> <li>(b) subject to paragraph (2), prevent all persons from passing along the street.</li> </ul> (2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary <b>stopping</b>

				<p><del>up</del>restriction or prohibition on use of, alteration or diversion of a street under this article if there would otherwise be no such access.</p> <p>(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily <del>stop</del> <del>up</del>restrict or prohibit use of, alter or divert the streets specified in columns (1) and (2) of Schedule 4 (streets to be temporarily <del>stopped</del> <del>up</del>prohibited or restricted) to the extent specified by reference to the letters shown on the access plan in column (3) of that Schedule.</p> <p>(4) The undertaker must not temporarily <del>stop</del> <del>up</del>prohibit or restrict use of, alter or divert-</p> <ul style="list-style-type: none"> <li>(a) any street specified as mentioned in paragraph (3) without first consulting the street authority; and</li> <li>(b) any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent may not be unreasonably withheld.</li> </ul> <p>(5) The undertaker may not temporarily <del>stop</del> <del>up</del>prohibit or restrict use of or divert any street unless and until any alternative or diverted route which is to be provided is in place and available for use by the public.</p> <p>(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute by the Tribunal as if the compensation were due, under Part 1 of the 1961 Act.</p> <p>(7) If a street authority fails to notify the</p>
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				<p>undertaker of its decision within 28 days of receiving an application for consent under paragraph (4) (b) that street authority will be deemed to have granted consent.</p> <p>(8) The undertaker is not obliged to obtain any order under Section 14 of the 1984 Act for the temporary <del>stopping</del><u>upprohibition</u> or <del>diversion</del><u>restriction of use</u> of any street which is authorised under this Order.</p> <p>(9) Any application for consent to which Article 13(7) applies must note the time period allowed by that Article on the letter accompanying that application.</p>
				<p>The Applicant has amended Schedule 4 to reflect the changes made to Article 13.</p>
1.3	DCO drafting query 9	Article 19(3) and 19(4) Compulsory acquisition of land	Action Point arising: Applicant to update Article to refer to relevant Works No.	<p>The Applicant has amended Article 19(3) as follows:</p> <p>(a) In this paragraph ‘the access land’ means the land numbered Plot 65 and described in Part 1 of the book of reference.</p> <p>(a) If the undertaker acquires compulsorily the access land then no later than the date mentioned in sub-paragraph (c) of this paragraph, the land to be given in exchange therefor <u>which forms work 1H</u> (‘the exchange land’) must vest in the persons in whom the access land was vested immediately before it was vested in the undertaker, subject to the like rights, trusts and incidents as attached to the access land except for the rights to a private water supply across the access land and described in Part 3 of the book of</p>

				reference.  (b) The date referred to in sub-paragraph (b) of this paragraph is the date on which the plot of the access land is vested in the undertaker;												
1.4	DCO drafting query 20	Schedule 1 Part 1 Authorised Development	Please could the applicant consider whether the identification of the locations of activities for which there are potential impacts can be improved by allocating 'further development' items (d)-(i) to specific Work Nos?	<p>The Applicant has amended Schedule 1 Part 1 by deleting items (d) to (i) from the list and inserting the following;</p> <p><a href="#">In connection with the works listed in column 2 the further development listed in column 1 of the table below:</a></p> <table border="1"> <thead> <tr> <th><a href="#">Column 1</a></th> <th><a href="#">Column 2</a></th> </tr> </thead> <tbody> <tr> <td><a href="#">temporary construction site offices</a></td> <td><a href="#">Works 1D, 3A and 4B</a></td> </tr> <tr> <td><a href="#">haul roads and hard standing on site for the parking of construction vehicles plant and machinery or for the vehicles of construction workers</a></td> <td><a href="#">Works 1A, 1B, 1C, 1D, 1G, 3A, 4B, 4C, 4D</a></td> </tr> <tr> <td><a href="#">extraction of materials by tunnelling, boring, blasting or digging, including any minerals present, necessary to undertake the Works</a></td> <td><a href="#">Works 1A, 1B, 2, 3A, 3B, 4A, 4C, 4E and 4F</a></td> </tr> <tr> <td><a href="#">use of any materials extracted by the undertaking of the Works to form dam structures and slate mounds</a></td> <td><a href="#">Works 1A, 1B, 1G, 2, 3A, 3B, 4A, 4C, 4E and 4F</a></td> </tr> <tr> <td><a href="#">reuse of slate and organic materials arising from reprofiling or landscape works to create</a></td> <td><a href="#">Works 1A, 1B, 1G, 2, 3A, 3B, 4A, 4C,</a></td> </tr> </tbody> </table>	<a href="#">Column 1</a>	<a href="#">Column 2</a>	<a href="#">temporary construction site offices</a>	<a href="#">Works 1D, 3A and 4B</a>	<a href="#">haul roads and hard standing on site for the parking of construction vehicles plant and machinery or for the vehicles of construction workers</a>	<a href="#">Works 1A, 1B, 1C, 1D, 1G, 3A, 4B, 4C, 4D</a>	<a href="#">extraction of materials by tunnelling, boring, blasting or digging, including any minerals present, necessary to undertake the Works</a>	<a href="#">Works 1A, 1B, 2, 3A, 3B, 4A, 4C, 4E and 4F</a>	<a href="#">use of any materials extracted by the undertaking of the Works to form dam structures and slate mounds</a>	<a href="#">Works 1A, 1B, 1G, 2, 3A, 3B, 4A, 4C, 4E and 4F</a>	<a href="#">reuse of slate and organic materials arising from reprofiling or landscape works to create</a>	<a href="#">Works 1A, 1B, 1G, 2, 3A, 3B, 4A, 4C,</a>
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				<a href="#">temporary haul roads, access tracks and compounds</a> <a href="#">4E and 4F</a>
				<a href="#">construction of temporary lay down storage areas and compounds and their restoration</a> <a href="#">1B, 1D, 1G, 3A, 4B, 4D, 4E</a>
1.5	DCO drafting query 22	Requirement 6(2) (Code of construction practice)	<p>i) Should reference be made to the final version of the draft CoCP submitted during the examination?</p> <p>ii) Should the final version submitted during the examination be a certified document?</p> <p>iii) Could the applicant suggest a mechanism by which it can be ensured that the certified draft CoCP establishes the minimum measures to be adopted in all later version of the CoCP and that there is no mechanism by which these can be relaxed?</p> <p>Action Point arising: Applicant to reconsider alongside relevant similar matters raised and discussed at the issue specific hearing on 17 May 2016.</p>	<p>The Applicant has created a new Requirement 8 as follows;</p> <p><b><u>Compliance with outline plans</u></b></p> <p><u>—(10) The following plans must comply with the provisions of the outline plans certified under Article 38 of this Order and address all of the matters set out in those outline plans:</u></p> <p><u>(a) Code of Construction Practice;</u></p> <p><u>(b) Dust Management Plan;</u></p> <p><u>(c) Construction Noise Management Plan;</u></p> <p><u>(d) Air Quality Baseline Monitoring Plan; and</u></p> <p><u>(e) Operational Noise Management Plan.</u></p>
1.6	DCO drafting query 23	Requirement 5(1) (Detailed design)	<p>Please specify a maximum height for the Q1 slate mounds and confirm whether this is consistent with the visual impact assessment and as represented on the photomontages?</p> <p>Action Point arising: Applicant to add in parameter to clarify extent.</p>	<p>The Applicant has added the parameter 360m AOD to Work 1B</p>

	DCO drafting query 24	Requirement 5(1) (Detailed design)	i) The height of 'other' ancillary buildings has been limited to 5m. Can their maximum length and width also be limited to help ensure that they remain ancillary in form and impact of the main building? Should 'other' be removed from the description?	The Applicant has added a maximum width parameter of 6m and a maximum length parameter of 12m
1.7	DCO drafting query 30	Requirement 10 Silt Management Plan	Action Point arising: Applicant to correct wording.	The Applicant has amended Requirement 10(2) as follows:  (2)The plan must be consistent with the mitigation requirements set out by Chapter 9 of the Environmental Statement. <del>The water management plan is to include details of the surface and foul water drainage system, including means of pollution control.</del>
1.8	DCO drafting query 32	Requirement 18 (Archaeological compensation and enhancement strategy)	Should reference be made to the need for the final Archaeological Compensation and Enhancement Strategy to accord with a (site wide) Written Scheme of Investigation?  Action Point arising: Applicant to consider whether this can be added to the detail of the Requirement.	The Applicant has added a new sub-paragraph (5) to the requirement as follows;  (5) The strategy required under sub-paragraph (1) must accord with the side wide written scheme of investigation.  The Applicant has corrected erroneous references in this requirement to a scheme to strategy.
1.9	DCO drafting query 33	Requirement 19 (Construction hours)	Action Point arising: Applicant to consider rewording to indicate the circumstance that are to apply .	The Applicant has not made any change. The Applicant considers that attempting to foresee and specify every deviation which would be permitted at

				this stage would be unduly restrictive.
1.10	Issue specific hearing query 12.3	Requirement 5 (Detailed design)	Applicant to consider securing the quarry design to ensure that the visual impact is consistent with the ES	The Applicant has amended Requirement 5(3) by inserting a new (c) as follows:  for works 1A and 4A, details of the quarry linings and slate facings.

2. The Applicant's changes						
	Article/ Requirement	Reason for change	Change			
2.1	Article 6 (2)  (Power to deviate)	Further to NRW's clarification of the proposed change to this article the Applicant agrees that it would be preferable to use the term Likely rather than unlikely.	Article 6(2) is amended as follows;  Any deviation under paragraph (1) is <del>only</del> not permitted if it is <del>unlikely</del> likely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.			
2.2	Requirement 5(1), detailed design parameters	Following review of the parameters by the engineer it was noted that the incorrect figure had	Requirement 5(1) is amended as follows:  <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 5px;">1A</td> <td style="padding: 5px;">Q1 Scour tower</td> <td style="padding: 5px;"><del>393mAOD</del><u>395mAOD</u></td> </tr> </table>	1A	Q1 Scour tower	<del>393mAOD</del> <u>395mAOD</u>
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		been given where the height of the opening and not the top of the scour towers had been used, this has been corrected.	<table border="1"> <tr> <td>4A</td> <td>Q6 Scour tower</td> <td><del>+54.5m</del><u>156m</u> AOD</td> </tr> </table>	4A	Q6 Scour tower	<del>+54.5m</del> <u>156m</u> AOD									
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2.3	Requirement 5(1), detailed design parameters	Following review of the parameters by the engineer it was noted that the incorrect figure had been given for pipe diameters, as shown in the indicative drawings the correct figure is 900mm and only one pipe is required.	<p>Requirement 5(1) is amended as follows:</p> <table border="1"> <tr> <td>1A</td> <td>Q1 <del>spillway</del><u>Scour/ discharge</u> infrastructure <del>(Input)</del></td> <td></td> <td></td> <td></td> <td><del>800mm</del> <u>900mm</u> (Maximum pipe diameter)</td> </tr> <tr> <td><del>1A</del></td> <td><del>Q1 spillway</del> infrastructure <del>(output)</del></td> <td></td> <td></td> <td></td> <td><del>450mm</del> <del>(Maximum pipe diameter)</del></td> </tr> </table>	1A	Q1 <del>spillway</del> <u>Scour/ discharge</u> infrastructure <del>(Input)</del>				<del>800mm</del> <u>900mm</u> (Maximum pipe diameter)	<del>1A</del>	<del>Q1 spillway</del> infrastructure <del>(output)</del>				<del>450mm</del> <del>(Maximum pipe diameter)</del>
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2.4	-	<i>Consequential to the creation of a new requirement 8</i>	Subsequent renumbering of all following Requirements Consequential amendment of references throughout the Order												
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