

From: Tony Grant [REDACTED]
Sent: 03 July 2016 22:01
To: Glyn Rhonwy Pumped Storage Scheme
Subject: Deadline 6 submission from ID: 10031948

Good evening,

Please find my latest submission below.

Submission for Deadline 6 - 4th July 2016

Previously, I was asked to comment on the Applicant's plans with respect to noise, etc. and I outlined the fact that no matter what facts, figures and fiction are contained in the Applicant's NMPs submitted to ExA, they always contain the caveat that, once a principal contractor has been appointed, or once work starts, everything will be re-assessed. So, whilst we are in danger of continually going round in circles, I have taken various sections from the Applicant's document SPH_GREX_SWQD5_01, and highlighted in bold where these statements occur, as well as adding comments of my own. And frighteningly, it appears to me that, should the DCO be granted, the Applicant can change any of these parameters without due consideration of any of the points raised in contention, since my reading of the documentation is that the ExA will have agreed that this is satisfactory, as it has been published within the Applicant's submissions.

From section 6: Traffic and transport

6.9

b. *It is not considered that a cap on the number of HGV movements is required as the CTMP includes a commitment for the Contractor to monitor all construction traffic movements and share this information with Gwynedd Council. It also then commits the Contractor to agree a strategy with Gwynedd Council for reducing movements wherever possible should they exceed the **previously agreed levels**. **This would then provide the Contractor with some flexibility**. Although it should be stressed that all construction traffic has been increased by 25% above what is expected.*

i. *a record of all construction traffic will be kept by the Contractor, Should the movements **be greater than predicted**, the EM will agree a strategy with the Local Authority to reduce wherever possible the vehicle movements to and from the site.*

Again, from calculations made by Dr. Jane Huuse & Mike Vitkovitch, construction traffic has increased by far more than 25%.

6.10 & 6.11

I have made comments on this towards the end of this submission

6.12

'A further impact traffic may have on pedestrians is fear and intimidation. The impact of this is dependent upon the volume of traffic, its HGV composition, its proximity to people or the lack of protection caused by such factors as narrow pavement widths. Whilst the dangers have been recognised, there are no commonly agreed thresholds for estimating levels of danger, or fear and intimidation, from known and physical conditions.'
Furthermore, it should be mentioned that this was not included within either the 2012 ES or the 2015 ES as it was not raised as a topic for consideration by the Local Authority through the ES Scoping. It has been accepted by SPH that Ffordd Cefn Du will require improvement in order to appropriately accommodate the construction phase of the development, and as such the road is being widened to 4m above the cattle grid along with passing places. This will therefore provide an improvement over the existing carriageway with a wider road width as well as dedicated passing places to allow an HGV to safely pass a pedestrian. Furthermore, through the CTMP all construction vehicles will be limited to 20mph on Ffordd Cefn Du, this along with the proposed works to Ffordd Cefn Du will therefore reduce levels of fear and intimidation through the construction phase.

It should be noted that there is NO PAVEMENT, narrow or otherwise along the entire length of Ffordd Cefn Du, and that the widening with passing places is ABOVE the cattle grid. The majority of pedestrians, especially schoolchildren, use the section of Ffordd Cefn Du from below the cattle grid and on to the crossroads, and there is no scope for significant widening or introducing passing places here.

6.15 & 6.18

Comment below

From section 7: Noise, vibration and air overpressure

7.1

*As stated in the response to question 6.4 of ISH (REP4--014), the actual piling methods for the outfall to Llyn Padarn are **not yet confirmed** and are subject to a detailed design. At this stage, the likely piling methods for the proposed sheet piling are piling hammer or vibro-piling. The closest receptors will be the recreational users of Llyn Padarn. The potential impacts are likely to be localised and temporary in nature but will be confirmed as part of the detailed construction noise and vibration assessment which will be undertaken **once the principal contractor has been appointed**, as detailed in the updated construction noise management plan (CNMP).*

There follows a table (BS5228-1) of piling methods and the corresponding A weighted sound pressure levels. However, these are specified as 'LAeq' which means the sound has been AVERAGED. And using guidelines from the University of Salford, which the Applicant has cited as a reference, I once again quote the following:

'A-weighted measurements only correlate well with the perceived loudness at low sound levels, as originally intended, so many people object to the general use, often supported by regulations, for most noise measurements.'

7.2

A maximum limit for air over pressure is 150dB (Lin), which will result in a loud noise heard for a very short duration up to 3 times per day (likely to be up to 2 blasts per day) at set time periods. The residents would have been notified of blasting in advance, and therefore the overall significance of impact would likely be minor adverse.

I strongly object to this assessment, as I cannot conceive of any of the residents accepting this level of noise as being 'minor adverse'. 120dB is the threshold of pain, and, whilst no resident (nor worker, I imagine) is going to be near enough to experience the sound at this level (in the case of the workers, they would have to wear ear defenders at least) it will still be as close to intolerable as makes no difference for the majority of the residents.

7.4

Due to intermittent nature of the operation of the pumping station, any noise effects are only expected for short durations.

Hours, minutes, seconds? A completely meaningless statement which does nothing to reassure residents that their concerns are heeded.

7.5

*If the batching plant is required to be used outside normal construction working hours, a Section 61 Agreement **can be applied for**, which would detail the **predicted** noise from the ground batching plant and any mitigation measures which will be in place to reduce and manage the noise impacts.*

Just one of many potential problems being left to future consideration/decisions by parties over whom residents have no say/involvement/notification/input.

7.7

Please see comments below with respect to this and its appendix.

7.9

a)

*The working hours requirement (number 13 in revision 6 of the DCO) has been amended to allow a specific exemption for underground excavation works. As previously advised the Applicant considers **it may be necessary or advantageous to allow some deviation from the standard hours**, including where doing so lessens impacts (for example on works to public highways). The Applicant does not agree that this should only apply to underground excavation works and considers that there may have been some minor confusion on this point between variations of the standard hours which applies more widely and 24-hour working which is limited to underground works only.*

a. *The ES assessed 24 hr working for the penstock construction. The construction hours requirement in the DCO has been amended to explicitly allow for underground excavation*

ion works outwith the prescribed construction hours. The plant and equipment assessed is detailed in ES Appendix 13.1 part 2 Construction Noise Equipment. As stated in the response to question 7.19 FWQ (SPH_GREX_FWQD2_01), Section 61 agreements will be used to manage and control noise and vibration from construction activities outside the standard working hours. As stated in our response to GC answer to question

7.19 of FWQ (REP3--

026) **the Applicant is reluctant to specify at this stage every occasion where such an extension may be requested** for critical path activities in unforeseen circumstances but also where extending the works outside normal hours may help to reduce the overall impact e.g it may be preferable to have road closures over weekend or night, or at Llyn Padarn the impact on users may be reduced by compressing the construction works into fewer days by **extending the working day**. However the potential impacts would be assessed **once the principal contractor has been appointed**.

7.10

- a. Operational vibration has not been considered as a potential issue for the development, given the location of the operational plant, distances to the NSRs, and appropriate design, e.g. vibration isolation of the plant. Therefore operational vibration was not addressed in the ES chapter 13. However as part of the detailed design stage, **operational vibration will be investigated and assessed if necessary** to ensure there are no significant vibration effects.

Please refer to the information provided by Mike Vitkovitch with respect to ground borne vibration, showing that this investigation is necessary, nay essential, and should be addressed before construction starts.

7.13

The proposed limits for noise, vibration and air over pressure as detailed in Appendix A of the CNMP (submitted at Deadline 5 as doc ref: SPH_GREX_DC0D5_04) are the same as in the ES, as they are based on recognised industry standards and guidance.

The limits are based on recognised industry standards, guidance and the existing background levels at representative NSRs. **Detailed assessments will be undertaken prior to construction by the PC** to determine the potential construction noise and vibration impacts, **As part of the detailed design stage a detailed operational noise and vibration assessment, including LFN and GBV /GBN will be undertaken and if necessary** mitigation will be incorporated into the design to achieve the operation noise and vibration limits.

I once again throw up my hands in horror to think that the Applicant has submitted proposals to ExA but admits that they are not yet 'detailed'. And to labour the point, should the DCO be granted, this assessment MUST be undertaken, although I, for one, would have thought that permission would NOT be granted unless and until such detailed assessment had been carried out.

The following information will be agreed **post consent stage**:

└ Monitoring locations for the updated baseline noise monitoring

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Construction and operational noise limits, based on the background noise levels from the updated noise survey and the guidance in MPG 11 and BS 4142

└ Piling noise and vibration limits

└ Vibration traffic assessment including pre and during construction surveys- locations to be agreed

└ Schedule of Condition surveys along Fford Cefn Du- properties to be agreed pre-construction.

└

Noise and vibration monitoring locations during construction to demonstrate compliance with construction noise and vibration limits

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Monitoring location(s), monitoring type, duration and specifications for noise monitoring at Glyn Peris guest house during construction.

└ Blasting over pressure limit (maximum limit provided in CNMP)

└ Blasting Time periods

└

Noise monitoring locations during operation to demonstrate compliance with operational noise limits.

Both the updated CNMP and ONMP provide further information about monitoring to ensure that the construction/ operation noise and vibration limits are achieved and provides details about how any breaches of limits (or complaints) should be investigated and actioned, where appropriate.

Appendix A of the CNMP and ONMP, sets out the maximum limits which the Development will have to comply with, as set out in industry guidance, and also the methodology for setting Development-specific limits where these may be lower than the industry maximum allowable.

Both detailed construction and operational noise and vibration assessments, along with proposed mitigation measures, demonstrating compliance with the appropriate limits will be submitted to and approved by GC prior to construction/operation.

Again, there's reference to the 'industry standards' which is a useful 'get out' clause to cover the lack of specific on-site data, which will only be gathered 'once the PC has been appointed'. Once again, I think that ExA should nip this abrogation of responsibility in the bud.

7.16

As previously stated, at this stage it is not possible to clarify the durations of any potential exceedances, as this will be confirmed **once the PC has been appointed**, construction method and programme are confirmed and the construction noise assessment has been updated.

So, the Applicant agrees with me. At one stage, I was going to ask the Applicant to specify what equipment was being used to measure sound levels at any designated NSR, but, no matter how professional, sophisticated or expensive the equipment utilised may be, it, and the results derived therefrom, are totally useless if it is not used by people who have the experience concerning its correct installation, operation and interpretational skills to evaluate the subsequent data set/s. For instance, you could give someone the world's best paint, brushes, palette, easel, canvas, etc. but that doesn't mean they could produce a work of art comparable to one of the Great Masters.

There are several appendices at the end of the replies to ExA questions, and I now refer to Document Reference: SPH_GREX_WED5_01
Appendix 7.7 - Property Surveys

Firstly, here are some of the Applicant's statements with respect to this issue:

*The assessment of potential vibration effects on properties along Ffordd Cefn Du will have a three step approach. A structural engineer will assess **how far vibrations might travel along the road** and across the surrounding area in relation to the ground conditions in order to identify which properties will be most vulnerable to vibration effects. A Chartered Building Surveyor will then conduct a Schedule of Condition of properties within the scope identified along Ffordd Cefn Du to record the existing conditions prior to the commencement of works. A Schedule of Condition is a photographic record which would provide a source of reference in the event of any perceived impact of the project on the property. Following the survey, the surveyor **may recommend any further surveys** which might be required. Those further surveys will then be undertaken as appropriate.*

*Residents with properties which are deemed vulnerable by the structural engineer will be contacted to request permission and inform them that **the Applicant will pay for their property to be surveyed in order to prepare a Schedule of Condition**. The resident will be sent a reminder letter if no initial response is received. If a resident rejects access then they will not receive a Schedule of Conditions survey and may find it harder to evidence any potential claim in the future for any damages to their property **unless they have instructed their own surveys**. The residents will be notified of this in writing.*

It should be noted that the Schedule of Condition is not a structural survey but the surveyor will make comment on more prevalent defects.

Structural surveys are not proposed in the first instance. These should be carried out by a qualified Structural Engineer where appropriate. **The existing poor condition of Ffordd Cefn Du**, may exacerbate any vibration effects from construction traffic. However, the Applicant will be upgrading the road to a new surface with the proposed highway improvement works which will make the risk of structural effects from construction traffic unlikely.

The Applicant acknowledges that full structural surveys can be intrusive to residents – there may be the need to dig up some areas to see foundations, take some core samples, or drill into walls, for example. Other preliminary surveys will also be required for the more intrusive work, such as testing for asbestos before drilling into any walls.

Here again are we are not given any exact commitment to do what is outlined, as the first step is to have a Structural Engineer assess '**how far vibrations might travel along the road**', but since the properties of the most concerned residents about the road surface, this seems a pointless exercise.

The next step is to have a Chartered Building Surveyor conduct a preliminary survey, which consists of taking photographs and using them to assess the property, and then '**may recommend any further surveys**' that he deems necessary. Now I find these initial steps wholly unsatisfactory. If I am buying a property, I am happy to look at an estate agent's photographs, and subsequently go and view it, but if I wish to purchase, I would require a Chartered Surveyor of my choice to actually survey the property and make recommendations as to its condition.

So, the Applicant's assertion is that 'A Chartered Building Surveyor' and 'a qualified Structural Engineer' may be employed to undertake investigative work, but '**Structural surveys are not proposed in the first instance**'. Judging from the inadequacies and inaccuracies contained in their previous submitted material to this project by their so-called professional experts, I suggest that should the DCO be granted, then a proviso is placed on the surveys such that the Applicant funds a survey of properties by the Chartered Surveyor and/or qualified Structural Engineer of the individual resident's choice, and does so before ANY work, either road widening or construction of any form relating to the development.

At first reading, the highlighted phrase '**the Applicant will pay for their property to be surveyed**' leads one to believe that this is so, but follows this up by saying that residents must allow access '**unless they have instructed their own surveys**'. But as I've already said, due to the lack of confidence in the abilities of the Applicant's chosen experts in other areas, it would seem logical that, as many of the residents will be acquainted with professionals in these fields who have the inherent local knowledge necessary to undertake the work in the most efficient manner, then their employment would be advantageous. And since the residents talk to each other, it could well be that agreement could be reached on the employment of one individual or firm to deal with the investigation. The other advantage of local expertise is their proximity, thus being able to quickly access the area and evaluate any damage following an accident or incident, and advise on remedial action.

'The existing poor condition of Ffordd Cefn Du' is only poor above the cattle grid, and is perfectly adequate alongside the domestic properties. Furthermore '*The Applicant acknowledges that full structural surveys can be intrusive to residents – there may be the need to dig up some areas to see foundations, take some core samples, or drill into walls, for example*'. I cannot imagine where the Applicant gets this 'professional advice and guidance' from, but it certainly isn't from anyone qualified in the field of Chartered Surveying or Structural Engineering. Furthermore, local Chartered Surveyors will already know whether properties have any foundations, and I have yet to encounter a survey that needs to drill into a wall to ascertain its integrity, especially not the three foot thick stone walls of many of the local cottages (but I'm sure several residents would say 'you're welcome to try'). And as for '*testing for asbestos*', I doubt there was much used in construction prior to the 20th Century.

Would I be correct in thinking that the dire warnings expressed by the Applicant in this paragraph are intended to strike fear and trembling into those considering letting a survey take place from the Applicant's designated representatives? Why of course not, because in section 6.12 we find the following assertion from the Applicant '*the proposed works to Ffordd Cefn Du will therefore reduce levels of fear and intimidation through the construction phase*', phew, thank goodness, reassurance from the masters of obfuscation, ambiguity, inaccuracy and cognitive dissonance.

I will now turn my attention back to the previous sections 6.10, 6.11, 6.15 and 6.18 in particular.

6.10 & 6.18

Figure 4 of the Highway Improvement document submitted at Deadline 3 (SPH_GREX_WED3_03) is correctly aligned although it does not show the priorities being changed but does show the kerbs built out and single file traffic North to South. This will be sent to GC Highways shortly for agreement.

The remainder of the drawings have been agreed with GC Highways and will be shown at the highways improvement event to be held on the 29th June 2016.

Would that ExA had a representative at this event held in Caeathro on 29th June. I'm sorry I did not have my camera with me to record the misrepresentation of the Groeslon crossroads. There were four photographs supposedly depicting each of the four road accesses to the crossroads, but instead of showing the most problematic access up Ffordd Cefn Du, one of the other roads was shown from two slightly different angles - obfuscation? You bet.

6.11

- a. *The Applicant has identified suitable land and respective landowners and is awaiting the highway improvement event to be held on the 29th of June 2016 to gather further feedback from the local community. Following the event, the Applicant will engage with landowners and seek to secure*

temporary parking arrangements through individual legal agreements with the landowners for temporary use. This will also be included in the s278 agreement with Gwynedd Council.

- a. *The temporary car park will be located as close to those residents as much as possible. However, the Applicant wishes to clarify that the temporary car park will only be required during the day while the highway improvements are being undertaken and residents will be able to park their cars back in the evenings and prior to the improvements works commencing the next morning. After the road improvement works have been completed, during the main construction period, the car park will again only be used during the days when abnormal loads will be travelling to Q1 from the A4085. The ELO will ensure that all residents including those with disabilities, young children or school children will have sufficient notice*

The ExA will not be surprised to learn that there was NO information on display regarding a car park, nor was any information forthcoming when the Applicant's representatives on site were directly questioned about the alleged car park. Feedback from the event will be sparse at best, and an entirely unrepresentative response to these submissions by the Applicant. I reiterate what I have said before, and which the applicant has disagreed with:

'I am appalled that the Applicant can be so dismissive and oblivious to the real thrust of our objections'

To which the Applicant replied:

'The Applicant acknowledges the points made by the Respondent but does not accept that the Applicant has been dismissive.'

No, in the present case, simply seemingly oblivious.

6.15

*The construction route from the A4085 to Q1 is via Ffordd Cefn Du and this has been written into the CTMP which then defines the approved **routes** to be used by Contractors. Penalties will be included in the Contract should any vehicle not follow this **route**. Any penalty could involve the affected Contractor being removed from the site.*

I am very tempted to highlight this section using the largest typeset available. I hope that ExA can ensure that all parties, SPH, GC and the PC are aware of the penalties stipulated herein, and that they are strictly adhered to without fear or favour. However, there is already a fudging of the issues involved. Note the first mention of 'routes' plural, to be used, which subsequently becomes 'route' singular. Ah, so any deviation of traffic can be ascribed to a typing error.

I point this out because there are a few minor roads in the area which are portrayed on Satnav systems, but which are entirely unsuitable for large, commercial vehicles. Should the construction work proceed, and should the volume of traffic cause disruption to transport locally as has been indicated, then the temptation will be to find alternative routes (approved or otherwise). We frequently experience this in our width restricted lane, signposted as being unsuitable for 'wide vehicles', such signage being ignored by drivers religiously following Satnav.

In light of the concerns expressed by the residents, and also what feedback may have been derived from the meeting in Caeathro on 29th June, I cannot comprehend how the Applicant can ignore the detailed plans submitted to the ExA by Mike Vitkovitch concerning the access route via Glyn Rhonwy. Here is someone who is clearly an expert in the field of Civil Engineering, with years of experience behind his proposal, unlike the ostrich-like attitude of the so-called experts employed by the Applicant.

In conclusion, I am reminded of a quote from one of my other fields of interest, Philosophy, which neatly sums up the Applicant's approach to the whole endeavour:

'The natural inclination is to try to find ways - even if they are far fetched or illogical - to explain away anything which disproves or disagrees with our opinions. I believe that one's called cognitive dissonance.'

Tony Grant
Wauanfawr