

## CORRECTION NOTICE

### THE GLYN RHONWY PUMPED STORAGE GENERATING STATION ORDER 2017 (S.I. 2017/330)

#### SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

5 October 2017

The Secretary of State received a request on 13 April 2017 on behalf of Snowdonia Pumped Hydro Limited (“the Applicant”) for the correction of errors in the Glyn Rhonwy Pumped Storage Generating Station Order 2017 (“the Order”) under Schedule 4 to the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

**Article 2 (Interpretation):** the omission of the definitions of “the book of reference” and “the land plans”.

*The Secretary of State’s rationale:* there are no plots subject to compulsory acquisition to list in the book of reference or show on the land plans so the definitions were included in error.

**Article 30(1) (Certification of plans etc):** the omission of Article 30(1)(a) (“the book of reference”) and Article 30(1)(b) (“the land plans”).

*The Secretary of State’s rationale:* there is no current version of the book of reference or land plans to be certified as, in the absence of any compulsory purchase provisions in the Order, these are not required.

**Schedule 1, Part 2, Requirement 20(11)(c) (Decommissioning plan):** the replacement of the original wording with the following wording, “*The authorised project is to be taken as “to be abandoned” where following commencement of development but prior to the commencement of generation, the undertaker knows that no construction work will be carried out within the next calendar year*”.

*The Secretary of State’s rationale:* to correct the drafting of the Requirement.

**Schedule 1, Part 2, Requirement 21(2) (Archaeological compensation and enhancement strategy):** the omission of Requirement 21(2)(a).

*The Secretary of State’s rationale:* the bomb store is not within the redline boundary of the Order nor within the ownership or control of the undertaker (being owned by Gwynedd Council), so correction is necessary to take this into account.

**Requirement 21(3) (Archaeological compensation and enhancement strategy):** new text has been inserted into Requirement 21(3) following “.....of the *Environmental Statement*” as follows: “*Where access is given by the landowner and*

*any tenant in occupation at the time surveys for the authorised development are required, the Undertaker will include the existing bomb store identified in chapter 11 of the Environmental Statement within the pre-commencement survey and the watching brief forming part of the archaeological compensation and enhancement strategy”.*

*The Secretary of State`s rationale:* to reflect the fact that the Undertaker has no legal right to access the bomb store without the permission of other parties, so the correction is needed to clarify the drafting.

**Schedule 6, Part 2, Sub-Paragraph 3(1) (Protection for Dwr Cymru Cyfyngedig (DCC)):** new wording as follows has been introduced to replace the existing paragraph - *“Regardless of any provision in this Order, the undertaker is not to acquire any DCC apparatus or its accessories or override or extinguish any easement or other interest of DCC or create any new rights over the same otherwise than by agreement with DCC in accordance with the provisions of this Schedule.”*

*The Secretary of State`s rationale:* to reflect the provisions of the Order as sought and remove erroneous references to the book of reference and land plans.

### **Requested Corrections that the Secretary of State is Not Minded to Make**

**Explanatory Note:** request that the second paragraph – *“For the purposes of the development that it authorises, Snowdonia Pumped Hydro Limited is authorised by the Order compulsorily or by agreement to purchase land and rights in land to use land, as well as to override easements and other rights.”* – should be deleted as it is incorrect, given that there are no compulsory acquisition powers within the Order.

The Explanatory Note does not form part of the Order and is not, therefore, subject to the relevant provisions of Schedule 4 of the 2008 Act. However, the position in relation to compulsory purchase is explained in the Explanatory Note to the Correction Order.