



Meeting note

File reference	EN010072 Glyn Rhonwy Pumped Storage
Status	Final
Author	Hannah Dickson
Date	16 September 2015
Meeting with	Snowdonia Pumped Hydro Ltd (SPH)
Venue	Conference Room 3, Temple Quay House, Temple Quay, Bristol BS1 6PN
Attendees	Planning Inspectorate Ken Taylor – Infrastructure Planning Lead Hannah Dickson – Case Officer Hannah Nelson – EIA Advisor Vicki Hodgson – Lawyer The Applicant Dave Holmes – SPH Ben Lewis – Bilfinger GVA Julie Drew-Murphy – SPH Paula McGeady – Burgess Salmon Catherine Anderson - AECOM
Meeting objectives	Project update and draft documents feedback
Circulation	All attendees

Summary of key points discussed and advice given

Welcome and Introductions

Introductions were made and The Planning Inspectorate outlined its openness policy and ensured the applicant understood that any issues discussed and advice given would be recorded and placed on the Planning Inspectorate's website under s.51 of the Planning Act 2008. Any advice given does not constitute legal advice upon which the applicant (or others) can rely.

Project Update

The applicant confirmed that they intend to submit the application in the next 2-4 weeks. They are also in a position to send PINS the information that is required prior to submission, such as the GIS shapefile and list of Local Authority contacts. This should be sent to the Inspectorate this week.

Feedback on draft documents

Development Consent Order (DCO) and Explanatory Memorandum (EM)

Prior to the meeting the Inspectorate provided the applicant with a schedule of minor matters relating to the DCO and Explanatory Memorandum (attached to this meeting note). The following matters were discussed at the meeting:

Extant planning permission

There is an extant planning permission, granted under the Town and Country Planning Act 1990 (TCPA) for a pumped storage scheme at the site. The Inspectorate queried how the applicant proposed to ensure that, in the event the DCO consent was implemented, only the DCO consent and no part of the planning permission was constructed. This will be important for discharge of requirements, monitoring and enforcement purposes. The Inspectorate suggested that a mechanism is provided to ensure that should works be began on one project the consent for the other would fall away. The applicant was advised to explore options for this such as achieving this through an article in the DCO or a separate s106 agreement.

Schedule of works and parameters (requirement 4)

The Inspectorate advised that the table of parameters should refer to the numbered works for clarity. The parameters table should be updated to incorporate all elements in the schedule of works.

Requirement 4(2) was not appropriate as it would circumvent the procedure for seeking approval for a change to a DCO under schedule 6 of the Planning Act 2008. The applicant should seek to ensure that the parameters set out in the table would adequately deal with all scenarios for the final project design. If there remains the possibility that the applicant may need to seek agreement to exceed a maximum parameter it was advised that this should be limited to specific elements of the development and adequately justified. This would need to be set out in a manner that did not usurp schedule 6 of the PA2008, for example permitting a maximum length or width to be varied (following approval of the relevant planning authority) but not an overall maximum volume.

Vertical limits of deviation

Currently there is no base line depth for the sub-terrestrial works to make Article 6(1)(b) effective. The applicant confirmed that the indicative engineering drawings would provide this. The Inspectorate advised the drafting of the DCO would need to be updated to reflect this and the relevant drawings would need to become a certified document.

Connection to the electricity network

Currently the drafting of work 3(b) includes the phrase "and infrastructure (including cables) to provide a 132kV connection". As DCOs in Wales cannot include associated development, the Inspectorate queried the nature of this work. The applicant clarified that this was the infrastructure to enable the generating station to be connected to the 132Kv connection and this was not part of the connection itself. The applicant will consider revised drafting to seek to ensure that this is clear.

Clarification of the description and nature of some of the works

The Inspectorate raised the following detailed points to seek clarification:

- Work 1B – the phrase “unconstrained areas” does not seem clear or sufficiently precise. The applicant agreed to consider redrafting this to provide clearer wording.
- Work 4A(g) – The term “adjacent” in relation to the slate mounds could suggest that the slate mounds are located outside of the area of work 4A. The applicant agreed to review this and clarify the wording.
- Work 4C may be a repetition of work 4A(g). The applicant agreed to check and clarify.
- In several cases the works allow for restoration of some of the temporary works (ie compounds and car parks). However there did not seem to be a mechanism for the details of the restoration schemes to be agreed with the relevant planning authority nor a trigger to ensure the restoration is undertaken. The applicant agreed to review this and redraft the DCO as necessary.

Requirements

The Inspectorate queried the applicants approach to the requirements. Currently the applicant was not proposing there to be a Construction Environmental Management Plan (CEMP) requirement. However there would be a Code of Construction Practice which would encompass a number of the elements often included in a CEMP as well as other requirements.

The applicant agreed that it would be helpful for a review of the wording of the requirements to seek to ensure that the wording is as consistent as possible.

There are a number of ‘plans’ which will mitigate the impact of the development during construction and operation. The Inspectorate advised that it will be important that the Examining Authority (ExA) can understand how all mitigation measures will be delivered and how the requirements relate to each other. The applicant was advised to submit a mitigation tracker with the application to demonstrate how each mitigation measure will be delivered. Given the number of ‘plans’ proposed it would be helpful to provide a diagram illustrating the hierarchy of the plans. This should assist in demonstrating how the plans will complement (and not contradict) each other. It should also be clear which plans related to construction and which to the operational phase.

Penstock (work 2)

It is not clear from the current description that this work is underground. The applicant agreed to revise the drafting to provide clarity.

Article 22 (incorporation of the mineral code)

The EM suggests that acquisition of minerals is sought for plot 22, however it doesn't appear that the drafting of article 22 allows for this. The applicant agreed to review and update the drafting.

Article 27 (guarantees of payment)

Unlike other articles in some made DCOs, this article does not secure the financing for the project or the construction contracts to be in place prior to development commencing. This would ensure that, once commenced, measures are in place to ensure the project can be completed. The applicant raised some concerns that it may be necessary for the contractors to do some intrusive exploratory works prior to finalising the construction methods therefore informing the contracts and cost. Such works may exceed exceptions in the definition of “commence” in the draft DCO. The Inspectorate advised that a solution may be that there is a bespoke definition of

“commence” in relation to this article to allow for any necessary works to be undertaken which will inform the final construction methods.

It was recognised that the relevant planning authority may not have the in house expertise to approve the details of the financing and construction contracts. The applicant was advised to look at article 7 of the Swansea Bay Tidal Generating Station Order 2015 which provided a mechanism to assist the relevant planning authority in considering this type of information.

Articles 11 and 13

In the current draft it appears that articles 11 (stopping up of streets) and 13 (public rights of way) both deal with the same public footpaths (as set out in schedule 3). The applicant advised that as well as a number of public rights of way a small number of informal footpaths would be affected. This currently did not appear to be reflected in schedule 3 and the Inspectorate advised that the addition of a separate schedule relating to each article may provide the necessary clarity.

Definition of “commence”

The definition of commence in article 2 excludes “site clearance” and “demolition”. These exclusions are likely to be inappropriate in some circumstances particularly in the context of requirements 11 (habitat management plan) and 13 (archeology) where the mitigation ‘plans’ are likely to need to be approved before site clearance and demolition takes place. The applicant was advised to address this, for example through revising the wording of these requirements to prevent demolition and site clearance taking place before the ‘plans’ have been approved.

Requirements – approval process

The applicant was advised to ensure that article 4 (procedure in relation to approvals etc. under requirements) reflected all legislative aspects that relate to planning conditions under the TCPA such as the provision of an appropriate fee.

The approach to the approval of requirements was discussed including whether a bespoke application and appeals process could be provided rather than utilising the TCPA legislation. The Inspectorate advised that such an approach was possible; however the applicant should seek agreement on the approach with the relevant planning authority. The Inspectorate further advised that if utilising the TCPA procedure works for both parties that may be a more straightforward approach.

Article 31

The Inspectorate queried whether it was possible that the trees and hedgerows to be removed could be set out in a schedule, or if not an approval mechanism put in place to allow for control as to the extent and method of removal.

The applicant advised the nature of the vegetation on the site was such that providing a schedule within the DCO would not be possible and considered that the mitigation plans secured in the requirements did provide for an appropriate approval mechanism. The Inspectorate advised the applicant to ensure that this was clear (such as through a cross reference to the relevant requirement(s) in the article). The matter in respect of the definition of “commence” set out above is also relevant to this issue.

Compulsory Acquisition

The Inspectorate raised some issues on how the CA Articles of the draft DCO had been drafted. The Applicant explained that the Articles in question had not been fully developed and would be amended before submission.

Funding Statement

The applicant was advised to update the funding statement to reflect any changes made to article 27.

Works Plans

The overlap of works 1B, 1D, 1G was identified by the Inspectorate as being unclear. The Inspectorate suggested that the applicant consider colouring these works differently or create a small insert to give clarity. Following the meeting the applicant provided an updated version of sheet 1 of the draft work plans. This provided an inset for the relevant part of the plan. The Inspectorate can advise this provides greater clarity.

Book of Reference, Land Plans and Statement of Reasons

The Inspectorate confirmed that previous advice given to the applicant in relation to the Book of Reference still applies and that the applicant should refer back to this to ensure all previous feedback is addressed. The applicant confirmed that the feedback would be taken on board in preparing the submission version.

Paragraph 9.9 of the Statement of Reasons – The Inspectorate queried the status of the 'Unknown interests to be acquired' which are plots 4 and 7. The applicant confirmed that Gwynedd Council own the plots, but there was not clarity on all the interests on these plots.

'Common Land in Wales' – the applicant was asked to provide an update on the current position. The applicant responded to confirm that progress was being made and consultation could be undertaken shortly and the appropriate applications made.

The Inspectorate queried how the situation with land acquisition and common land would be set out in the application documentation so that the ExA would have a clear understanding of the situation. The applicant confirmed that a document will be submitted with the application that would clarify the position.

Anticipated timescales and next steps

The applicant confirmed that they intend to submit the application in the next 2-4 weeks, but will keep PINS informed. As well as sending the GIS shapefile and list of Local Authority contacts. The applicant intends to submit a copy of the electronic index for the application for review prior to submission.

Deposit locations were discussed. The Inspectorate advised that no hard copy deposit locations would be required unless the applicant considers this to be necessary. The Inspectorate will identify locations to be used as electronic access points from the applicant's consultation report and send posters to these locations in the pre-examination period.

With regard to Statement of Common Grounds (SoCGs), the applicant confirmed that they have been in regular contact with NRW and Gwynedd Council. There are no

formalised SoCGs to date. Given the on-going relationships the applicant is confident they are generally aware of the areas of agreement and disagreement and will be progressing with SoCGs in earnest as soon as the application is submitted.

The documents that are to be translated into Welsh will not be submitted with the application but should be ready by the end of the acceptance period. As such the applicant considered that it would not be appropriate that the application documents were published on submission but rather after the translated documents were available.

The applicant queried whether it was possible to expedite the examination process. The Inspectorate advised that, in some cases, it is possible to seek a condensed examination period. However this would require the applicant and other parties to be able to work to an accelerated time table. For example the applicant would need to seek to agree SoCGs early. If the application is accepted further discussions on this matter can take place with the Case Manager.

Finally, the applicant informed PINS of three changes to the scheme. The changes are:

- 1) An increase in the schemes capacity of the reservoirs to 1.3 million cubic metres of water
- 2) Moving the location of the Pumping Station, within the Order Limits. Precise location not yet confirmed.
- 3) Movement of excess material from Q6 to Q1 via a conveyor within the constructed penstock. Material would be located in the excess slate mounds already proposed.

The applicant explained that the reason for the first change, which they consider to be non-material, is simply as a result of more accurate data, they have found that the reservoirs will accommodate more water than they previously anticipated. The second change is due to responses to consultation. The third change is as a result of more accurate data showing greater excess material to be present in Q6 than previously anticipated. The applicant confirmed that the Consultation Report has been updated to set out these changes and the applicant's justification as to why these are not material. These changes have also been discussed with NRW and Gwynedd Council and the applicant will be providing copies of the relevant correspondence/meeting notes within the consultation report.

Schedule of minor changes and feedback – Glyn Rhonwy draft docs review

Documents reviewed: Statement of Reasons, Book of Reference and Land Plans

Book of Reference/Land Plans

Please refer to our previous comments made to you on 15 May 2015 regarding the Book of Reference and Land plans. A brief breakdown of PINS previous comments are as follows:

- It may be helpful to clearly label category 1 and category 2 persons in the Book of Reference. We note that the Book of Reference is still unclear.
- There are still no part 2 persons listed in the Book of Reference.
- Part 3 and part 4 persons should be replicated in part 1 in line with DCLG Guidance.
- 'Open country land' is referred to in part 5, although the definition of part 5 at the beginning of Book of Reference refers to 'Open space'.



The Planning Inspectorate

EN010072 Glyn Rhonwy Pumped Storage Draft Documents feedback meeting

Wednesday 16 September 2015, 10am

Conference Room 3 – Ground Floor 2 RiverGate
Bristol BS1 6EW

Attendees:

Planning Inspectorate	Snowdonia Pumped Hydro Ltd (SPH)
Ken Taylor (Infrastructure Planning Lead)	Dave Holmes – SPH
Hannah Dickson (Case Officer)	Sarah Nixon – SPH
Vicki Hodgson (Lawyer)	Ben Lewis – Bilfinger GVA
Hannah Nelson (EIA Advisor)	Julian Boswall – Burgess Salmon
	Catherine Anderson – AECOM

Agenda

1. Welcome and introductions;
2. PINS' openness policy
3. Project update
4. Feedback on draft documents
 - o DCO and Explanatory Memorandum
 - o Funding Statement
 - o Work Plans
 - o Book of Reference, Land Plans and Statement of Reasons
5. Project update / refresher;
6. Anticipated timescales and next steps
7. AOB.