

Case Manager
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 30th March 2016

Annwyl Syr/Fadam / Dear Sir/Madam,

GLYN RHONWY PUMPED STORAGE SCHEME

PROJECT REFERENCE: EN 010072

RESPONSE TO THE FIRST DRAFT DEVELOPMENT CONSENT ORDER

- 1.1 The purpose of the Natural Resources Body for Wales (NRW) is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used. In this context sustainably means with a view to benefitting and in a manner designed to benefit the people, environment and economy of Wales now and in the future. Our functions are set out in the Natural Resources Body for Wales (Functions) Order 2012. Our advice and comments to the Planning Inspectorate (PINS) are therefore provided in the context of this remit.
- 1.2 The advice and comments contained in this Written Representation are provided as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2010 (as amended) and 'interested party' under s102(1) of the Planning Act 2008 (as amended).
- 1.3 We recommend the following amendments to the provisional draft Development Consent Order, document 3.01 as submitted within the application:

Page 5, definition of Environmental Statement shall be amended to include "means the environmental statement **together with appendices and figures** submitted with the application for this Order and certified as the environmental statement by the Secretary of State".

Page 7, 4-(1) to be amended to "Where an application is made to or request is made of the relevant planning authority, **Natural Resources Wales**, a highway authority a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval must, if given, be given in writing and is not to be unreasonably withheld or delayed."

Page 7, “Power to deviate” to be amended to:

6 (2) Deviation under paragraph (1) is not permitted if it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.
(3) Deviation shall not be permitted if not within the terms of any relevant Plan identified in Requirement 6 forming part of the CoCP.

Page 12, Discharge of water 17.—(1) to be amended to include requirement 20, as follows
“Subject to requirements 6 (CoCP), 8 (water management plan), and 20 (Excess Water Management Strategy),....”

Page 19 Operational land for purposes of the 1990 Act to be amended with following text: 30.
Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act) **save that this Order shall not be treated (or have such effect) for the purpose of section 9(4)(d) Forestry Act 1967 (cases in which no licence is required) nor so treated (or have such effect).**

Page 25, insert reference to the Environmental Statement and plans, statement at “Certification of plans etc. 39.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the book of reference;
- (b) the land plans;
- (c) access plan;
- (d) the works plans;
- (e) the indicative engineering drawings; and
- (f) **the Environmental Statement**
- (g) any other plans or documents referred to in this Order, for certification that they are true copies of the documents referred to in this Order.

(2) A plan, **management plan, statement** or document so certified shall be admissible in any proceedings as evidence of the **authorised development part of the** contents of the document of which it is a copy.”

Page 28, Part 2, Requirements Definition COCP should refer to requirement 6 rather than requirement 5, as detailed.

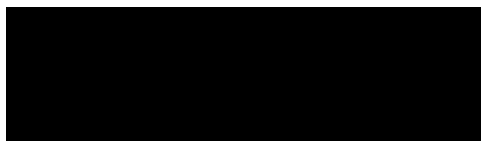
Page 31, Requirement 6 (1) Code of Construction Practice to be amended to 6.—(1) No development of the site shall commence until a CoCP has been submitted to and approved in writing by the relevant planning authority subject to consultation in writing with Natural Resources Wales as required under this Part.

Requirements 13(1), 17(1) 19(2), 20(1), 23(3) shall be amended to ensure that the Local Planning Authority includes consultation with Natural Resources Wales prior to approving the relevant plans associated with these requirements.

Requirements 21 and 22 should be removed as these are duplicate of requirements 17, and 18.

Please contact Gareth Thomas, glyn.rhonwy@cyfoethnaturiolcymru.gov.uk or telephone 03000 65 3786 for further advice/clarification regarding the above. We are happy to deal with any further issues arising in writing (or attend future hearings, if considered necessary).

Yn gywir / Yours' faithfully,



Mr. RICHARD NINNES
HEAD OF ECOSYSTEMS, PLANNING, AND PARTNERSHIPS