



11 April 2016

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**Application by Snowdonia Pumped Hydro Limited for an Order Granting  
Development Consent for the Glyn Rhonwy Pumped Storage Scheme**

**Notice of Preliminary Meeting on 8 March 2016, draft examination timetable and  
other matters**

I am writing on behalf of Welsh Government in respect of your statutory public consultation on Snowdonia Pumped Hydro project.

Under the Government of Wales Act 2006 the Welsh Government has responsibilities in respect of Wales for a range of environmental and related issues. The proposed development has the potential to affect the environment in Wales.

As a general comment, the proposed development should be in accordance with the policies set out within the Welsh Government's Planning Policy Wales with particular reference to Technical Advice Note (TAN) 8: Planning for Renewable Energy  
<http://wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en>

**Transport**

As previously stated Transport division understands that a number of abnormal loads are required to construct the scheme. The applicant is requested to provide details of the number of abnormal loads, the dimensions of each abnormal load vehicle (including gross vehicle and axle weights) and the access route to the site from the port of entry or the Welsh border. The applicant is also requested to forward a copy of the draft Traffic Management Plan referred to in previous correspondence.

## **Planning**

*In response to Glyn Rhonwy Pumped Storage DCO  
Drafting queries on DCO as submitted (Doc No 3.01 Rev 0)*

### **Item 6 General**

The draft wording in the DCO indicates that a decision must have been given within 28 days. This therefore takes no account of whether all the necessary information has been provided to the consultee, or what would happen should further information be requested/required.

It is suggested that the most appropriate course of action would be to follow the normal town and country planning provisions of appealing for non-determination should a consultee fail to determine an application.

### **Item 10 . A2(1)**

The WG would agree that as the ability to include ancillary or associated development in a DCO in Wales is more restrictive than in England general terms should be avoided, and the definition of apparatus needs to be explicitly defined.

### **Item 11 A2(1)**

The reference to any other development authorised by this Order should be deleted as the DCO should only cover “authorised development” set out in Schedule 1. It would not be appropriate to allow such an ambiguous statement which could imply that items considered to be associated development are also authorised by the DCO.

### **Item 21 A6 (Power to deviate)**

If the applicant wishes to deviate the project beyond the limits assessed as part of the ES it is our view that a new Development Consent Order (or a modification) may be necessary as a new ES would be required. Therefore it would not be appropriate to expect the local planning authority to make such a determination if the project remains classified as a Nationally Significant Infrastructure Project.

### **Item 22 A7 (Operation)**

We note the view of ExA in point c), however as a general observation as electricity once generated cannot be stored it needs to be transmitted and consumed. Therefore if the project cannot transmit the electricity it cannot generate it, and therefore it raises a question (especially if the ability to get a grid connection is not known) as to what the DCO would actually be consenting?

Item 43.A31 (Felling or lopping of trees)

The Hedgerow Regulations 1997 are devolved, and therefore we would question whether it would be appropriate for the SoS to include within the DCO provisions that undermined the need for devolved consent. We note point d) made by the ExA.

If ExA conclude that such provision is appropriate we would suggest that at the very least a suitable provision/condition is included to prevent such clearance and removal of trees or hedges from taking place during the bird nesting season (i.e. April to September).

Item 55 Work No 1H

The need to replace open space land should be dealt with under Section 16 & 17 of the Commons Act 2006 in Wales. Therefore it is questioned as to whether it is appropriate for the DCO to include “replacement open space land”?

Item 57 Work No 3

The WG supports the ExA in querying why there is an open ended provision for “other ancillary buildings”. All development contained within the DCO should be necessary to enable the construction, operation, or maintenance of the generating station, and therefore should be clearly and fully identified if they are to be included as “authorised” development within the DCO.

Item 74. R23 (Decommissioning plan)

Whilst we note that the draft DCO includes a clause regarding the submission of a “decommissioning plan” (which now identifies a period of 124 years) it appears to be silent regarding the need to provide a bond or surety to ensure that suitable decommissioning could be undertaken should the applicant (or successor in title) cease to be trading and unable to carry out such decommissioning. In the absence of any such provision the Welsh Government would remain concerned that there could be an expectation that public money would be used to facilitate decommissioning and restoration which would be unacceptable.

Item 82. Schedule 9 (Discharge of requirements)

The WG is concerned that the provisions set out in Schedule 9 are inconsistent with the new Development Management procedures that have been introduced in Wales. In particular clause 2(3) which stipulates a 21 day period. In Wales where a statutory consultee is consulted on the approval of a condition they have a period of 21 days in which to provide a substantive response to the LPA. Therefore if the 5 day period (in which the LPA must consult) is added this provides a minimum timescale of 26 days.

Notwithstanding the above we note that the DCO does make reference to the Fee Regulations however 3(2) does not reflect the time period for the refund of a fee. Given the minimum time allowance should be extended to at least 26 days we would

suggest that the refund of the fee should also be amended from 4 weeks and reflect the timescales set out in the Fee Regulations to avoid any uncertainty.

### **Heritage/Historic Environment**

CADW have responded directly to the applicant on specific draft Statement of Common Ground. Cadw are a part of Welsh Government and therefore in the future any comments should be included in the general Welsh Government request.

### **Nature, Landscape & Outdoor Recreation**

There is quite an emphasis on the impacts of tourism and less on the impact of local recreational users and therefore perhaps local needs need to be emphasised more.

### **Marine Nature Conservation and Biodiversity**

Although the proposal is a land-based project, the Habitats Regulatory Assessment that supports the application has identified potential impacts to marine European designated sites that fall within the area of assessment. Potential impacts, we believe, could occur as a result of a water pollution/run-off incident. As such, we would advise that any comments made by Natural Resources Wales, our statutory nature conservation advisor, on this project should be taken into full consideration by the examining authority/Secretary of State for Energy and Climate Change when deciding this Development Consent Order.

### **Conservation/Nature**

There have been a number of incidents in the last few years where polluted run-off has been released during the construction phase of various schemes. These have, in the first instance, affected freshwater habitats immediately downstream of the incident.

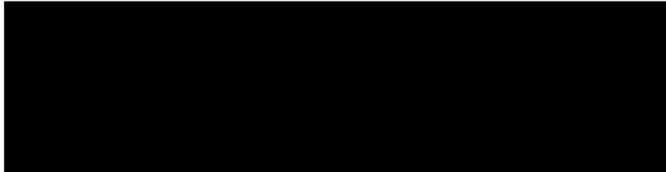
Consideration should also be given to the cumulative risk of such emissions from this project in combination with risks on other schemes. Of particular note is the proposed Bontnewydd/Caernarfon bypass, which may be under construction at the same time as this project. Even if such incidents initially affected different water-courses or catchments there could be an in-combination effect in the Menai Straits.

The developers should be aware at all times that they are working in a protected landscape. They should therefore engage with NRW and National Park staff at all stages of the scheme and have full regard for their advice and concerns.

**Water**

Welsh Government water policy would not take a direct interest in the regulation of this development – this is a matter for NRW to deal with in terms of abstraction and impoundment licences and any discharge constraints.

Yours faithfully



**Gwenllian Roberts**  
**Deputy Director, Head of Energy Wales Unit**