

## **Annex A – Written Representation by the Natural Resources Body for Wales (NRW)**

### **Project Reference EN 010072**

This Written Representation is based on the information provided within the submitted application documents and is made without prejudice to any subsequent comments NRW may wish to make on any further information submitted, or when consulted on any subsequent versions of the 'Requirements', Development Consent Order (DCO), Statement of Common Ground (SoCG) or other documents, by the Applicant, the Examining Authority or any of the regulatory bodies involved in authorising different aspects of the development proposals.

### **Environmental Permits**

The applicants have submitted the required Environmental Permit applications that will cover all discharges from the development, both within the construction phase and operational phase of the development. Determination of these applications is ongoing. The determination date for these applications is currently the 18<sup>th</sup> June 2016, although this date may be extended. NRW has issued a notice on the 5<sup>th</sup> April 2016 under Schedule 5 paragraph 4 Part I of the Environmental Permitting (England and Wales) Regulations 2010, requiring the provision of information by 29 April 2016. The applicant has agreed to provide the requested information by the 29<sup>th</sup> April 2016. NRW are not in a position to comment further until the receipt of the further information.

The applicants have also submitted a variation to the existing abstraction licence, for initial filling of the quarries of water from Llyn Padarn, and topping up of the quarries when necessary. As above, determination of this application is ongoing, with the current determination date as the 5<sup>th</sup> June 2016.

These Environmental Permits will have necessary mitigation measures included as conditions, and will not contradict, or undermine the Draft Development Consent Order and its requirements.

### **Contaminated Land**

Within the application, and specifically the Environmental Statement, previous contaminative land uses have been considered, and a Land Discovery Strategy will be submitted as part of a DCO Requirement, which is consistent with our standard approach to dealing with land contamination. Requirement 13 (c) requires the applicants to deal with, and remediate any contamination that is identified.

### **Ecology - Designated Sites, including SSSIs and Natura 2000**

We are satisfied that the Environmental Statement has adequately assessed the ecological matters of the development.

We have considered the revised No Significant Effects report, document 5.03. We agree with the conclusion that the proposal is not likely to have a significant effect on the Natura 2000 sites listed providing that mitigation measures, specified within the Schedule of Mitigation (Environmental Statement Volume 2B, Chapter 18), and within the Code of Construction Practice (CoCP), and its associated Plans, are adhered to.

We are also satisfied with the conclusion of the Environmental Statement regarding impact on Sites of Special Scientific Interest (SSSI). Llyn Padarn SSSI, being the most relevant site as this is where the main discharge from the scheme will flow into, and where the water to fill the development will be abstracted from.

### **Flood Risk**

The Flood Consequences Assessment submitted with the DCO application has demonstrated that flood risk for this site can be adequately managed through the implementation of the Excess Water Management Strategy (DCO requirement 20).

### **Landscape**

We agree that a Landscape and Reinstatement Plan, submitted in accordance with requirement 6 is an appropriate way to present outline proposals for the landscape reinstatement of any consented scheme. Due the scale of development, likely long duration in its construction and the timescales for landscape reinstatement and naturalisation of slate waste and monitoring, this scheme has many similarities to the restoration after use of a mineral working site.

In order to clarify the contents of a Landscape and Reinstatement Plan, in addition to the Outline Landscape Reinstatement Plan (OLRP) we recommend that Detailed Landscape Reinstatement Plans (DLRPs) are prepared for different areas/ phases of the site as the works progress.

The following sets out the range of information to be included in the OLRP and DLRP:

**a) *Outline Landscape Reinstatement Plan***

- A schedule of landscape reinstatement performance objectives;
- Associated landscape works;
- Planting, reinstatement and maintenance requirements
- Phasing of any construction operations, indicating the landscape reinstatement work associated with each phase and timescale for implementation;
- An outline management plan for the lifetime of the development;
- Areas of advance landscape works which can be implemented to bring about the integration of the development at the earliest possible stage;
- The employment of a landscape architect to advise and monitor the implementation of the landscape works and remedy any failures to the agreed reinstatement works.

**b) *Detailed Landscape Reinstatement Plan***

Where the site development is proposed to be phased a Detailed Landscape Reinstatement Plan for that area and timescale for implementation is to be submitted to the LPA and its approval in advance of work commencing. To include detailed proposals and specifications and any variations to the outline plan, in response to site factors such as ground conditions and knowledge gained.

**Water Resources**

We are satisfied that the Environmental Statement has adequately assessed any potential impacts upon water resources from the development.