

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

Date: 27th April 2016

Annwyl Syr/Fadam / Dear Sir/Madam,

GLYN RHONWY PUMPED STORAGE SCHEME

PROJECT REFERENCE: EN 010072

Thank you for your Notification of Hearings and a revision to the Examination timetable letter, dated 18th April 2016.

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.

We provide the following responses in respect of Deadline 3.

ISSUE SPECIFIC HEARINGS (17TH & 18TH MAY 2016)

We plan on attending the Issue Specific Hearing on the 17th May 2016.

We are not planning to attend the Issue Specific Hearing on the draft DCO on 18th May 2016.

COMMENTS ON WRITTEN REPRESENTATIONS

We have considered the written representations submitted by other parties on or before 13 April 2016 (Deadline 2).

A significant number of concerns have been raised regarding the previous historic uses of the site. We are satisfied that these concerns will be fully addressed within Requirement 13, Land Discovery Strategy of the draft Development Consent Order. Requirement 13 (3) requires the applicant or undertaker to carry out any remediation in accordance with a submitted and approved Land Discovery Strategy.

We do not wish to make any further comments on any written representations.

RESPONSES TO COMMENTS ON RELEVANT REPRESENTATIONS (RRS)

There are no comments on the relevant representations submitted by NRW on 15 January 2016.

COMMENTS ON LOCAL IMPACT REPORTS (LIRS)

We do not have any comments on the LIRs.

COMMENTS ON RESPONSES TO EXA'S FIRST WRITTEN QUESTIONS

We make the following comments:

Drainage

Within the applicant's response to Question 8.8, they have stated that the Application includes "the proposal to form a drain, consisting of a tunnel between the base of Q5 under the Clegir Road and discharging into Q6." The application for the discharge consents did not include this potential additional flow, and therefore if such a proposal is to be implemented, the information relating to the discharge consent application needs to be updated or amended.

Within document reference, SPH's Deadline 2 – Table of DCO amendments: Requirement 20 (1) Excess water management strategy it is stated: "The Applicant is currently in discussion with NRW on a substantial change to the wording of this Requirement and has made no change at this time pending that revision."

We wish to make clear that NRW has not been in discussion with the applicant regarding a change to the wording of this requirement. We have, however, been in discussion regarding amending the wording of the Water Management Plan (requirement 8) and also including an additional requirement relating to a Drainage Plan.

Landscape

We are satisfied that the approach to the Landscape and Reinstatement Plan suggested by ourselves directly to the applicants during the Examination, and included within our written representation at Deadline 2, has been taken on board, and included within section 4.6 of the updated Code of Construction Practice.

COMMENTS ON THE APPLICANT'S REVISED DRAFT DCO

On 30 March 2016, NRW submitted advice and comments 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). In that document, we suggested a number of amendments to the provisional draft DCO (document 3.01) as submitted within the application. Some of the amendments we have suggested have been accepted and

incorporated into the revised draft DCO; others have not (including our recommendations in relation to amendment of Articles 6 and 30).

Article 6(2), (3)

Unfortunately, as the applicant identified in its Deadline 2 response to relevant representations, NRW's submissions dated 30 March 2016 contained a typographical error, for which we apologise. Our suggested amendment of Article 6(2) should have read:

'deviation under paragraph (1) is not permitted if it is likely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.'

We consider that our suggested amendment of Article 6(2) of the draft DCO is preferable in order to ensure consistency with EIA legislation. In our view, as drafted, Article 6(2) in its use of the word 'unlikely' is not consistent with EIA legislation, which is premised on 'likely' effects.

Article 30

In respect of our suggested amendment of Article 30 of the draft DCO, NRW concedes this point. We are satisfied with provision made in the DCO for protection and mitigation for any tree felling to be subject of the Habitat Management Plan, as set out in requirement 12 (see: Part 2 of Schedule 1 to the draft DCO).

Our comments are provided without prejudice to any decision NRW may make on any application made to it by the applicant for an Environmental Permit under the Environmental Permit Regulations 2010 (EPR), or Abstraction Licence under the Water Resources Act 1991.

Please contact Gareth Thomas, glyn.rhonwy@cyfoethnaturiolcymru.gov.uk or telephone 03000 65 3786 for further advice about this representation.

Yn gywir / Yours' faithfully,



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