



Glyn Rhonwy Pumped Storage Development Consent Order

Deadline 5 – Other consents and Licence Status Document



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Abbreviations & Glossary

APFP	Applications: Prescribed Forms and Procedure) Regulations 2009
CoCP	Code of Construction Practice
DCO	Development Consent Order
ES	Environmental Statement
HSE	Health & Safety Executive
MWe	Mega Watts Electrical – measure of energy, one million watts
NRW	Natural Resources Wales (formally Environment Agency Wales, Forestry Commission Wales and the Countryside Council for Wales)
NSIP	Nationally Significant Infrastructure Project
OFGEM	Office of Gas and Electricity Market
PC	Principal Contractor
SoS	Secretary of State
TPO	Tree Preservation Order

1 INTRODUCTION & SUMMARY

1.1 Introduction

- 1.1.1 This document is intended to provide an update to the Examiner on the status of each of the other consents and licences required for the Development. This document has been prepared for Deadline 5 (21st June 2016), however further updates to this document will be provided as the examination progresses.
- 1.1.2 Where relevant, this document refers to the Environmental Statement (ES) (Volume 2) and the Code of Construction Practice (CoCP) (Volume 3, Appendix 15.1 and as updated as part of the DCO).
- 1.1.3 Note all references to Green Road have been amended to Ffordd Cefn Du at the request of Gwynedd Council.

Table 1 Summary of Consents & Licenses				
Consent / Licence / Permit		Regulatory Regime	Consenting Authority	Status / Comment
1	Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	An exemption, as specified in the Electricity Act, has been submitted (19 th March 2016)
2	Building Regulation approval	Building Regulations 2010	Gwynedd Council	Application to be made following grant of the DCO for the design of the power house.
3	European Protected Species Licences	Conservation of Habitats and Species Regulations 2010	NRW	<p>A European Protected Species Licence will be required due to the presence of Lesser Horseshoe Bat in the tunnels. This has been approved (ref 61619). Discussions with NRW are ongoing regarding a variation to the licence to install mitigation in 2017.</p> <p>A European Protected Species Licence will also be required for the translocation of floating water plantain prior to construction if found within the working width for the spillway, this will be identified during pre-construction site investigation and a Licence sought if required.</p>
4	Badger Settle Closure Licence	Protection of Badgers Act 1992	NRW	The Phase 1 Habitat survey identified a badger sett within the Order Limits. Subsequent surveys

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			have found no use during the preliminary GI works. A pre-construction survey will be undertaken and the appropriate license will be obtained prior to construction.	
5	Health and Safety related consents	Health & Safety at Work Act 1974 All other relevant legislation Applicant specific requirements for onsite Contractors	Health & Safety Executive (HSE) The Applicant	Applications to be made by the Principal Contractor (PC) before construction commences, will be defined within construction contracts
6	Abnormal Loads For delivery of abnormal loads via the agreed delivery route	Road Vehicles (Authorisation of Special Types) (General) Order 2003	Department for Transport, Highways Agency, Gwynedd Council Highway Authority or police / bridge owners (if any and as appropriate)	This has not been sought within the DCO as this will be undertaken through the Construction Traffic Management Plan (Requirement 6) In addition, the appropriate applications will be made by the Principal Contractor prior to construction commencing, will be a condition of contract.

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7	Section 61 consent Control of noise on construction site	Control of Pollution Act 1974	Gwynedd Council	Agreement on operational hours and working methods will be sought from Gwynedd Council, through the Operational Noise Management Plan (Requirement 6) and pollution consent will be required for work outside normal hours outlined within the DCO Requirements
8	Abstraction Licence	Water Resources Act 1991	NRW	An abstraction licence for the initial filling of the reservoir from Llyn Padarn has been approved by NRW on the 20 th July 2015 ref WA/065/0016/007 for up to 2000m ³ a day, a variation to this licence was granted on 3 rd June 2016 ref WA/065/0016/007/V001, to abstract up to 3300m ³ per day.
9	Consent must be obtained for electro-fishing and removal of caught fish.	Section 5(2) or, from January 2011, 27A of the Salmon and Freshwater Fisheries Act 1975	NRW	Consent required from Environment Agency prior to the commencement of electro-fishing if required. Preconstruction surveys will determine if fish are present and electro fishing is required.

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10	Approval for translocation of species	Wildlife & Countryside Act 1981	Gwynedd Council	Method statement to be agreed with NRW for the translocation of slowworms from the Works Areas 1,3 and 4 inclusive
11	Storage of materials within the floodplain	Land Drainage Act	NRW	Storage of materials should be outside of the floodplain as far as reasonable practicable but any requirement to store materials within the floodplain must be agreed with NRW.
12	Diversion of Public Rights of Way (PRoWs)	Section 257 of the Town and Country Planning Act 1990.	Gwynedd Council	Temporary closure and diversion of PRoWs during construction, and permanent diversion for Q1 in operation. To be secured through the DCO. (Schedules 2-6)
13	Flood Defence Consent	Section 109 Water Resources Act 1991 Section 28E Wildlife and Countryside Act 1981	NRW	For the installation of the pumping station and discharge / abstraction outlet. This has been submitted and approved by NRW ref NE2014LD130.
14	Common Land Applications	Commons Act 2006	Welsh Government	Consent from the Welsh Ministers will be required to de-register part of the common (supplying replacement land in return), and for

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				<p>temporary works on the common land at the Development. Applications have to be made in both cases.</p> <p>These applications are being prepared, but have not yet been submitted. Informal consultation has taken place to inform the application, some responses have been made by local residents and other interested parties, results of the consultation will be included in the application.</p> <p>The Applicant is working on an agreement with the commoners to reduce any potential impact. They are also progressing with a local land agent who is liaising with the welsh government to quantify any potential changes to any commons management scheme in place on the common and how best to deal with these during the construction period and operation.</p> <p>Final drafts of the application are in preparation</p>

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			and the Applicant is seeking to submit the application as soon as possible.
15 Environmental Permit	Environmental Permitting Regulations 2012	NRW	Should the water currently contained within Q6 be found to be contaminated during preconstruction survey (Requirements 7), then prior to discharge the water will be treated. Permits to be sought as outlined in item 18 below.
16 Section 278 Agreement	Highways Act 1980	Gwynedd Council	It has been determined that the road improvements required to Ffordd Cefn Du will be carried out under a Section 278 Highways Act Agreement from the A4085 to Q1 and any improvements needed to the access from A4086 to Q6. A tripartite Agreement is being progressed with Gwynedd Council and the landowner (TCE). A letter of no impediment has been provided at Deadline 4 from TCE (SPH_GREX_WED4_04). A community event is being held on 29 th June 2016.

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17	Tree Felling Licence and Removal of Trees subject to Tree Preservation Orders (TPO)	Environmental Impact Assessment (Forestry) Regulations (1999) Town & Country Planning Act 1990	NRW	At Q1, forestry needs to be removed for public rights of way. Trees surrounding Q6 and Llyn Padarn are subject to a blanket TPO and are likely to be removed to facilitate the construction of the Development. This consent will be secured through the DCO. (Article 31) subject to approval from the LPA.
18	Water Discharge Activity	Environmental Permitting Regulations 2012	NRW	Separate permits to discharge are required for de-watering activities from both Q1 and Q6, scour valve discharge and any ongoing discharge required after the construction phase is completed. Applications have been submitted to NRW (ref WPCC4518 & WPCC4519). Further information requested by NRW was submitted on 13 th May. Since submission of the revised information NRW have very recently advised that due to the lack of a technical information required from a Principal Contractor and lack of clarity on the

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			<p>Operator, the Applicant and NRW have agreed to withdraw the discharge consent applications. NRW have stated in their response that they welcome the opportunity to receive these discharge consent applications at the appropriate time.</p> <p>Further information is provided as part of the Applicants response to Q3.12 of the Second Written Questions (SPH_GREX_SWQD5_01)</p>	
19	Storage of Explosives	Explosives Regulations 2014	Health & Safety Executive	The Principal Contractor and their explosives expert will determine the licences applicable for the storage of explosives and the security arrangements required.
20	Stopping Up and Diversion of Highways	Section 247 and 248 of Town & Country Planning Act 1990 (under Part III, Growth & Infrastructure Act 2013)	Secretary of State / Gwynedd Council / Gwynedd Highway Authority	<p>Temporary stopping up will be required on Ffordd Cefn Du, Clegir Road (only during high risk activities such as blasting and excavation) and the internal Glyn Rhonwy Industrial Estate roads.</p> <p>No diversions are proposed.</p> <p>To be secured through the DCO. (Schedule 4)</p>

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