

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

Date: 10th August 2016

Dear Sir,

GLYN RHONWY PUMPED STORAGE SCHEME

PROJECT REFERENCE: EN 010072

Thank you for your draft DCO, RIES report, and rule 17 letter dated 20th July 2016.

We provide the following responses in respect of Deadline 7:

RESPONSES TO THE ExA's WRITTEN QUESTIONS WITHIN RULE 17 LETTER

Please see annex A for NRW's answers to the relevant questions.

COMMENTS ON THE ExA's DRAFT DCO

Requirement 6: While NRW accept the ExA's view that the applicant is correct in that the Reservoirs Act 1975, section 12A makes provision for the production of flood plans (onsite or emergency plans), we would draw the ExA's attention to the point that the creation of a flood plan is only required when a notice is served on the reservoir undertaker by the Minister. Prior to serving such a notice, the Minister must consult with the undertakers, NRW, Local Authority and any other person considered relevant. We have not been consulted on a proposed notice to date.

Without a notice from the Minister, there is no requirement to prepare a flood plan; however we consider it to be best practice for the undertaker to do so.

The only other process by which the scheme's operator might be required to produce such a plan would be where an independent Inspecting Engineer employed to carry out a periodic inspection may include in their inspection report, "recommendations as to measures to be taken in the interests of safety"; a recommendation could include the production of a flood plan, and if so it would become a statutory requirement on the undertakers to prepare a plan to the satisfaction of the engineer.

Our view concerning the efficacy of making the production of such a plan a requirement of the DCO is bolstered by the Flood Consequences Assessment, Volume 3 I Appendix 10.1 of the Environmental Statement, which indicates in section 6.4.4 that a failure of either of the reservoirs could endanger life. We therefore advise the Inspector that the safety of the people living and working downstream of the reservoirs would be increased by the creation of a flood plan, albeit that a reservoir failure is considered a low likelihood event. Further, the Flood Consequence Assessment, p31 states: "An appropriate emergency plan will be developed in conjunction with ... [NRW] ... and GC to ensure that an effective and coordinated response to any emergency can be implemented to further mitigate the potential consequences of such an event." The applicant has therefore indicated a willingness to prepare a flood plan.

With the above points in mind, we advise the Inspector to consider whether reliance on the mechanisms described above is sufficient, or whether the DCO should include a specific condition. This may be a matter which the Inspector considers necessary to discuss with the Minister directly.

Requirement 7 – as has been highlighted previously (in our letter to you on the 4th July 2016), NRW would strongly recommend that the previously, separate requirement relating to the Land Discovery Strategy be reinstated. NRW have been consulted on the outline Land Discovery Strategy. However, this lacked any scope and detail. The previous requirement 16 within draft DCO version 5 specified the scope of the proposed Strategy. This would be consistent with NRW's wording of recommended conditions within any Town and Country Planning Act permission. Currently, no scope of the proposed Strategy has been submitted to the Examination.

Requirement 9 comment 1 - The ExA asked whether NRW is content that the draft Requirement 9 addresses the issues it raised concerning the water management plan [REP5-049, question 1.16] particularly regarding the requested 12 months of post-construction monitoring. The applicant must have adequate monitoring to ensure confidence in any baseline data. The baseline must ensure it takes seasonality into consideration -winter through to summer. With this in mind a specified timescale for the duration of monitoring is not necessarily required, but the applicant will need to demonstrate with confidence that monitoring will provide an adequate baseline. NRW therefore believe that 12 months of post-construction monitoring should be specified to eliminate any doubts concerning seasonality of the sampling.

Requirement 9 ExA's comment 2 - The ExA's comment confirms that the Silt Management Plan, Habitat Management Plan, and Land Discovery Strategy specific requirements have been deleted. Regarding the Land Discovery Strategy, please see our comments regarding requirement 7 above. We are satisfied that the requirements for the Silt Management Plan and Habitat Management Plan may be included within requirement 6. However, we would request that an Implementation Timetable is secured within the Habitat Management Plan, which was stipulated within requirement 15 (2) of DCO version 5.

NRW are now satisfied with the wording of Schedule 8 sub-paragraph 2(3).

COMMENTS ON THE REPORT ON IMPLICATIONS FOR EUROPEAN SITES (RIES)

NRW wish to reiterate that any applications made to it under the Environmental Permitting Regulations would also be subject to NRW's own assessment on European Sites. We agree with paragraph 3.24 of the report.

Our comments are also 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.

Yours' sincerely,



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

Request number	Request to	Request	NRW Response
1.	Other consents		
1.4.	Natural Resources Wales (NRW)	<p>NRW has stated [REP6-017] that it is unable to comment on point 1(d) of the ExA's Rule 17 letter [PD-020] in the absence of a valid Environmental Permit application.</p> <p>a) Does NRW accept that the ExA's request is consistent with paragraphs 4.10.7 and 4.10.8 of the Overarching National Policy Statement for Energy (EN-1)?</p> <p>b) Please could NRW respond to point 1(d) without prejudice to its determination of any future Environmental Permit applications and on the basis of information currently available to it and as listed in the Examination Library, rather than any information that has not yet been provided to it in an application?</p> <p>c) Does NRW require its response to be conditional on other matters?</p>	<p>a) NRW has responded as fully as possible to the Examining Authority's questions to date. It is a matter for the Examining Authority whether the requirements of paragraphs 4.10.7 and 4.10.8 of EN-1 are satisfied.</p> <p>b) As previously explained, NRW is not in a position to respond to question 1(d) of the ExA's Rule 17 letter dated 27 June 2016 in the absence of a valid application.</p> <p>c) It isn't clear what is being asked of NRW under this question. Please could the ExA clarify?</p>
1.5.	Applicant NRW	<p>a) Please could NRW clarify whether the matter that it has mentioned [REP6-017] regarding "<i>the legal requirements of an operator as per the Environmental Permitting Regulations 2010 (Schedule 5, paragraph 13), and Regulatory Guidance Note 13</i>" were material to the Environmental Permits that have been granted on the scheme and, if they were, why a similar approach could not be adopted for the withdrawn Environmental</p>	<p>a) The Water Resources abstraction licence and its variation has been granted under separate legislation to the environmental permit applications relating to the discharges. Water Resources licences are issued under the Water Resources Act 1991, as amended by the Water Act 2003. Any person/operation/company is entitled to apply for an abstraction licence. Therefore, these cannot be compared to the Environmental Permitting Regulations 2010 as water abstraction has a separate legislative regime to the discharge of potentially polluting water/effluent. The</p>

Request number	Request to	Request	NRW Response
		<p>Permits?</p> <p>b) Was NRW able to agree the Environmental Permit application for the previous T&CPA scheme and, if so, please could it clarify why it is unable to do so for the DCO application?</p> <p>c) Please could NRW clarify whether it is possible for an Environmental Permit to be granted subject to conditions relating to further information to be provided by the Principal Contractor and Operator for approval by NRW at a later date, and if not, why not?</p>	<p>other licences or permits, e.g. EPS bat licences or Flood Defence Consent that have been granted for the scheme were also not relevant to the Environmental Permitting Regulations.</p> <p>b) No Environmental Permits were applied for regarding discharges for the previous T&CPS, prior to the withdrawn applications in January 2016.</p> <p>c) NRW is not able to comment in absence of a valid application.</p>
1.6.	Applicant NRW	<p>a) Please provide a copy of the "<i>Schedule 5 Notice under the Environmental Permitting (England and Wales) Regulations 2010, dated 5th April 2016</i>" mentioned by NRW [REP6-017] in its response to the ExA's Rule 17 letter [PD-020].</p> <p>b) Please could the Applicant demonstrate whether it has provided, or is able to provide, the technical information requested in the Schedule 5 Notice?</p> <p>c) Please could NRW respond to the Applicant's points [REP6-001] regarding further clarity on the outstanding information, whether it would be possible for NRW to accept a certain level of information without the Principal Contractor and Operator being in place and whether the Applicant could resubmit the discharge consent applications during</p>	<p>a) A copy of the Schedule 5 notice has been sent under the same cover as this response. We also enclose a copy of the permit withdrawal response to the applicant, highlighting the deficiencies of the Environmental Permit application.</p> <p>c) Officers from NRW's permitting function attended a pre-application meeting with the applicant (21/07/2016) to discuss issues surrounding the "Operator" and the prospect of re-submitting permit applications in due course.</p>

Request number	Request to	Request	NRW Response
		the course of the examination?	
1.7.	NRW	<p>a) Further to previous difficulties [REP5-049, question 1.35] regarding the format of comments provided by Oggy East [REP2-049] on the Applicant's Discharge Consent Supporting Statement, and in fulfilment of its role as the Statutory Nature Conservation Body and without prejudice to the determination of any future Environmental Permit applications, please could NRW comment on the Applicant's responses to those comments [REP5-005, appendix 1.35] and Oggy East's original comments that have been reformatted in the Applicant's response?</p> <p>b) In doing so, please could NRW respond to all matters relating to the application for development consent, whether or not there is some degree of overlap with the Environmental Permit?</p> <p>c) Which, if any, of the matters raised in Oggy East's comments does NRW consider are not relevant to the DCO application?</p>	All of the matters raised in Oggy East's representation are to be considered under the Environmental Permitting regime, and therefore it would not be appropriate for NRW to provide substantive comment for the DCO process.
1.8.	NRW	a) Further to its previous response [REP5-049, question 1.36] regarding the request to comment on matters regarding the Water Discharge Consent relevant to the application for development consent raised by the Snowdonia Society [REP2-051, pages 6-8] and in fulfilment of its role as the Statutory Nature Conservation Body and without prejudice to the determination of any future Environmental Permit	All of the matters raised in the Snowdonia Society's representation are to be considered under the Environmental Permitting regime, and therefore it would not be appropriate for NRW to provide substantive comment for the DCO process.

Request number	Request to	Request	NRW Response
		<p>applications, please could NRW respond both to the Snowdonia Society's comments and the Applicant's response [REP5-005, appendix 1.36] to all matters relating to the application for development consent, whether or not there is some degree of overlap with the Environmental Permit?</p> <p>b) Which, if any, of the matters raised in the Snowdonia Society's comments does NRW consider are not relevant to the DCO application?</p>	

2. Environmental Statement, management plans and strategies			
Environmental Statement – general matters			
2.1.	Applicant Gwynedd Council NRW	The Applicant has referred [REP5-005, question 1.8] to the potential reprofiling of existing slate mounds in Work 1G and Work 4C. Please clarify how the final height and plan extent of the reprofiled mounds are anticipated to compare with the existing and, if they are different, demonstrate how the impacts have been assessed and how the detailed design dimensions and other parameters are secured?	NRW would assume that the detailed design dimensions and other parameters be secured through requirement 5(3)(d).
2.2.	Applicant Gwynedd Council NRW	a) Further to the Applicant's response to the SWQs [REP5-005, question 2.4], could an appraisal of the alternative locations for the pumping house near Llyn Padarn be undertaken once further information is available on the consents required to pass the gas pipeline and following any further ground investigations, further investigations	c) NRW would assume that the detailed design and location of the pumping house near Llyn Padarn be secured through requirement 5(3)(a).

		<p>of the background noise levels at the alternative locations and the detailed design and if so, please comment on the manner in which this appraisal could be secured in the draft DCO [REP6-012]?</p> <p>b) In finalising the position of the pumping station please could the Applicant demonstrate how it intends to minimise impacts as well as ensure that they are not significant?</p> <p>c) Please could the final location, as well as the detailed design, be submitted for approval by the relevant planning authority in consultation with NRW and please could the applicant suggest how this is secured?</p>	
Management plans and strategies – general matters			
2.7.	NRW	<p>a) Please can NRW, with respect to the mitigation of potential impacts on receptors within its remit as the Statutory Nature Conservation Body, comment on the following management plans and strategies submitted by the Applicant at deadlines 5 and 6 [REP5-009, REP5-010, REP5-011, REP5-012, REP5-021 and REP6-009] and the Breeding Bird Method Statement in the outline CoCP [REP6-007, section 4.7].</p> <p>b) Further to its previous concerns [REP5-049, question 1.15], is NRW content that its comments made in previous representations are reflected in the plans?</p>	<p>a) NRW are not in a position to comment further on noise and air impacts from construction projects. NRW are satisfied that any impact from noise and air quality will be managed by either the Code of Construction Practice or the respective EPS licences. The updated Excess Water Management Plan (EWMS) has not taken into account the comments that we made within our letter on the 2nd June 2016.</p> <p>NRW are satisfied with the other outline plans. NRW will continue to make comments on these plans as and when they are developed further. Our comments are 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.</p> <p>b) NRW are satisfied that its comments made in previous representations are reflected in the plans,</p>

			except for as in a) above, the comments with respect to the EWMS. Please also refer to our response to 7.14 below.
3.	Biodiversity, ecology and geological conservation		
	Habitats Regulation Assessment (HRA)		
3.1.	NRW	<p>a) Please could NRW comment on the Applicant's response [REP6-002, page 6.10] to its earlier submission regarding the potential impacts of air overpressure and light illumination on lesser horseshoe bats?</p> <p>b) Is NRW satisfied with the Applicant's assessment that hibernating bats in tunnels will not be impacted by air overpressure?</p> <p>c) Does NRW have any other concerns regarding potential impacts on lesser horseshoe bats?</p>	<p>a) and b) As previously confirmed, NRW have no information relating to effects of air overpressure on bats.</p> <p>c) NRW have no other concerns regarding lesser horseshoe bats</p>
3.2.	Applicant NRW	<p>a) Please provide an update on the application for an amended European Protected Species License for lesser horseshoe bats referred to in the Applicant's response to the SWQs [REP5-005, question 3.14] and the likely timescales for this to be determined?</p> <p>b) Based on the information currently available to it and without prejudice to its determination of any applications, does NRW have any reason to believe that this will not be granted?</p>	NRW received an amendment request form for the European Protected Species licence on the 20 th July 2016, and the amendment licence was issued on the 27 th July 2016.
	Other biodiversity, ecology and geological conservation		
3.3.	Gwynedd Council NRW	a) Please could GC and NRW respond to the Applicant's statements [REP5-005, question 3.16] [REP6-002, page 4-5] that it cannot	Although there are numerous mollusc species within Llyn Padarn SSSI (e.g. aquatic snails, pea mussels), none of these are interest features within the SSSI

		<p>find the report quoted by GC and that the ES did not identify molluscs in the vicinity of the spillway infrastructure?</p> <p>b) Please could NRW comment on the likelihood of impacts on molluscs and whether it is necessary to secure a method statement to avoid a harmful impact on their favourable conservation [REP2-037, paragraph 7.5.4]?</p>	<p>citation. Neither are NRW aware of any protected mollusc species present in the lake. In any case, given that the footprint of the spillway / intake infrastructure is relatively small, we do not expect this issue to be of any concern, and are confident that any impacts will be of an insignificant and temporary nature.</p>
3.4.	Applicant NRW	<p>a) Is it intended that the Reptile Method Statement [REP6-007, paragraph 4.6.13] is to be submitted to the relevant planning authority in consultation with NRW prior to the commencement of the works and, if so, please could this be clarified?</p> <p>b) Please could the applicant expand this section of the outline CoCP [REP6-007, paragraph 4.6.13] to include the minimum measures which they intend to include in the final Reptile Method Statement?</p> <p>c) Please could NRW comment on the minimum measures they wish to see secured in this section of the outline CoCP [REP6-007, paragraph 4.6.13]?</p>	<p>c) We would expect the translocation methodology adopted by the developer to follow best practice guidelines, particularly the timing of the work. However, NRW have noted that the numbers of reptiles at the site is relatively low, and that a proportionate response is required. A competent ecologist will need to oversee the work.</p>
3.5.	Applicant Gwynedd Council NRW	<p>Further to Applicant's response to the SWQs [REP5-005, question 3.23], please add the need to quantify and agree tree loss with the relevant planning authority in consultation with NRW to the Habitat Management Plan section of the outline CoCP [REP6-007, section 4.6].</p>	<p>No further comment.</p>
3.9.	Applicant Gwynedd Council NRW	<p>a) The Applicant has stated [REP5-005, question 3.27] that noise and vehicle movement on Ffordd Cefn Du will not create a barrier to the continuity of habitats.</p>	<p>b) We would expect the applicant to identify any appropriate mitigation required in this case.</p>

		<p>Please justify this for the predicted increases in traffic during construction [APP-079].</p> <p>b) Please could GC and NRW comment?</p>	
3.10.	Applicant NRW	<p>a) Please clarify the risks of Nuttall's waterweed in Llyn Padarn being disturbed during construction or operation and the risks of it being abstracted to the reservoirs, either during the initial filling or in the future.</p> <p>b) Please could the specific relevant mitigation measures be described more fully in the outline Biosecurity Plan [REP5-022, section 3.6]?</p>	<p>b) Although NRW have indicated that we are content with the Biosecurity Plan (Revision 1), we will provide comments on any further revisions produced further to the PINS comments.</p>
Traffic and transport			
5.8.	NRW	<p>Further to its response to the SWQs [REP5-049, question 6.16], please could NRW comment on the potential impacts of the Applicant's consideration of the Alternative Access to Q1 [REP4-015] on biodiversity?</p>	<p>NRW agree with the summary of effects on ecology as described in the Applicant's document.</p>
6. Noise, vibration and air overpressure			
6.1.	NRW	<p>Further to its response to the [SWQs REP5-049, question 7.1], please could NRW comment on the Applicant's response [REP5-005, question 7.1] regarding potential noise and vibration impacts from piling works in Llyn Padarn?</p>	<p>NRW would advise Gwynedd Council as appropriate.</p>
6.2.	Applicant Gwynedd Council NRW	<p>a) Further to the Applicant's response to the SWQs [REP5-005, question 7.1(c)], should the requirement for the Piling Method Statement and associated noise and</p>	<p>As 6.1 above.</p>

		<p>vibration limits to be submitted to and approved by the relevant planning authority in consultation with NRW be secured in the outline Construction Noise Management Plan (CNMP) [REP5-011]?</p> <p>b) Please include more information on the minimum measures to be included in the Piling Method Statement in the outline CNMP [REP5-011].</p>	
7.	Water resources, contaminated land, flood risk and climate change		
7.1.	NRW	<p>Please could NRW comment on the Applicant's suggestion [REP6-002, page 6-18] that the proposal to form a drain between Q5 and Q6 should not require an amendment to the drainage consent application?</p>	<p>The prospect of a forming a drain between Q5 and Q6 was discussed in an environmental permitting meeting between the applicant and NRW on 21st July 2016. SPHL confirmed that they do not intend to pursue the requirement of a drain from Q5 at this current point in time.</p> <p>NRW confirmed that should SPH intend form a drain from Q5 to Q6 in the future, they would need to discuss this with NRW, and where necessary a permit would be applied for/variation to any future permit.</p>
7.3.	NRW Applicant	<p>a) Further to the Applicant's response [REP6-002, page 6-19] to NRW's earlier comments [REP5-049, question 8.11] is NRW satisfied with the Applicant's suggestion that the Environmental Permit is the appropriate place to secure discharge rates?</p> <p>b) Please could the Applicant clarify the reason for increasing the pipe diameter for the Q1 scour/discharge infrastructure from 800mm to 900mm [REP6-012] and whether there are any consequences for the impact assessment or for the Environmental Permit?</p>	<p>a) If an application for an environmental permit is submitted in the future, then rates and volumes will be assessed during the determination process of the applications. Where it is deemed relevant, these figures may be present within conditions of an environmental permit, or referred to as part of the supporting documentation. However, the Excess Water Management Strategy is also a document submitted as part of the DCO, and is within requirement 16. Therefore discharge rates will also be relevant to the DCO.</p>

7.14.	NRW	Please could NRW comment on the Applicant's response [REP6-002, page 6-22] to its earlier comments [REP5-048, agenda item 11.1] and clarify whether they expect any amendments to be made to the outline Excess Water Management Plan [REP6-009] secured in the draft DCO [REP6-012], or whether they are content that the matters they comment on can be addressed at the post consent stage (if consent is granted) once the detailed design is finalised?	In the DCO process, NRW's responses to the EWMS only extend to the land-use aspects. Environmental Permit-specific issues will be dealt with in the event that a permit application is made. We are satisfied that the matters raised within our earlier DCO comments can be addressed at the post-DCO consent stage (if consent is granted) once the detailed design is finalised.
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Abbreviations			
ALA 1981	Acquisition of Land Act 1981	LMP	Landscape Management Plan
AP	Affected Person	LPA	Local Planning Authority
AONB	Area of Outstanding Natural Beauty	LSE	Likely Significant Effects
BoR	Book of Reference	LVIA	Landscape and Visual Impact Assessment
BPM	Best Practicable Means	MMP	Materials Management Plan
BS	British Standard	MW	Megawatts
CA	Compulsory Acquisition	NRW	Natural Resources Wales
CNMP	Construction Noise Management Plan	NPS	National Policy Statement
CoCP	Code of Construction Practice	NSER	No Significant Effects Report
COPA	Control of Pollution Act 1974	NSIP	Nationally Significant Infrastructure Project
CRoW	Countryside and Rights of Way Act 2000	ONMP	Operational Noise Management Plan
CTMP	Construction Traffic Management Plan	PA2008	The Planning Act 2008
DCO	Development Consent Order	PINS	The Planning Inspectorate
EIA	Environmental Impact Assessment	PM	Preliminary Meeting
EM	Explanatory Memorandum	PPV	Peak Particle Velocity
EN-1	Overarching National Policy Statement for Energy	PRoW	Public Rights of Way
EPA	Environmental Protection Act 1990	RIES	Report on the Implications for European Sites
EPS	European Protected Species	RR	Relevant Representation
ES	Environmental Statement	SAC	Special Area of Conservation
ExA	Examining Authority	SI	Statutory Instrument
FWQ	First Written Questions	SoCG	Statement of Common Ground
GAPS	Gwynedd Archaeological Planning Services	SoS	Secretary of State
GC	Gwynedd Council	SNPA	Snowdonia National Park Authority
GLVIA3	Guidelines for Landscape and Visual Assessment 3rd Edition	SPA	Special Protected Area
HGV	Heavy Goods Vehicle	SSSI	Site of Special Scientific Interest
HMP	Habitat Management Plan	SWQ	Second Written Questions
HRA	Habitats Regulation Assessment	TAN	Technical Advice Note
HSE	Health and Safety Executive	T&CPA	Town and Country Planning Act 1990
IAQM	Institute of Air Quality Management	TPO	Tree Preservation Order
ICNIRP	International Commission on Non-Ionizing Radiation Protection	UXO	Unexploded Ordnance
IP	Interested Party	WFD	Water Frameworks Directive
ISH	Issue Specific Hearing	WMP	Waste Management Plan
L&RP	Landscape and Reinstatement Plan	WR	Written Representation
LIR	Local Impact Report	WSI	Written Scheme of Investigation

Notice of request for more information
Environmental Permitting (England and Wales)
Regulations 2010

Notice requiring further information

To: Chris Williamson
12a Head Street
Haslstead
Essex
C09 2AT

Application number: WPCC4518 & WPCC4519

Natural Resources Wales, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit. The information requested should be sent to the following address by 29/04/2016.

Information should be sent to:

Wales Permitting Centre
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Name	Date
Stephanie Jenkins	05/04/2016

Authorised on behalf of Natural Resources Wales

Ffôn/Tel 03000 654551
Ffacs/Fax 02920468874
Ebst/Email Stephanie.Jenkins@cyfoethnaturiolcymru.gov.uk
Stephanie.Jenkins@naturalresourceswales.gov.uk

Canolfan Trwyddedu Cymru (Caerdydd), Cyfoeth Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd. CF24 0TP

Wales Permitting Centre (Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff. CF24 0TP

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Schedule

In order to effectively assess your application, we require the following documentation to be submitted by the date noted above:

- Environmental Risk Assessment
 - Including WFD Assessment
- Environmental Management System
 - Including Water Management Plan
 - Including Water Monitoring Strategy
- Excess Water Strategy
- Silt Management Plan
- Bio-Security Plan

Ffôn/Tel 03000 654551
Ffacs/Fax 02920468874
Ebost/Email Stephanie.Jenkins@cyfoethnaturiolcymru.gov.uk
Stephanie.Jenkins@naturalresourceswales.gov.uk

Canolfan Trwyddedu Cymru (Caerdydd), Cyfoeth Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd. CF24 0TP

Wales Permitting Centre (Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff. CF24 0TP

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk
www.naturalresourceswales.gov.uk

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: WPCC4518 &
WPCC4519

Ty Cambria
29 Newport Road
Cardiff
CF24 0TP

Ebost/Email:
Stephanie.Jenkins@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 654551

FAO: Chris Williamson
Quarry Battery
12A Head Street
Halstead
Essex
CO9 2AT

07/07/2016

Application for an environmental permit withdrawn

Dear Mr Williamson,

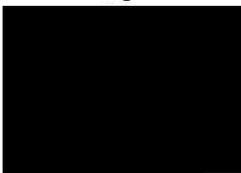
Many thanks for your email dated 17/06/2016, stating Snowdonia Pumped Hydro's wish to withdraw their applications for two environmental permits to regulate discharges at Glyn Rhonwy former slate quarries, Llanberis. We accept the withdrawal of the applications, and have updated our systems accordingly.

As per your request, this letter details the necessity of an Operator in order to fulfil the legal requirements of the subsequent applications. Furthermore, as requested it summarises the remaining technical issues of the (now withdrawn) applications. Please see the relevant appendices below.

Natural Resources Wales are happy to liaise with both the applicant and consultant with regards to a re-submittal of the applications in due course.

If you would like to discuss the content of this letter, or have any further queries please do not hesitate to contact me.

Kind Regards,



Stephanie Jenkins
Water Quality Permitting Officer

Appendix 1

Operation of the scheme

The Environmental Permitting Regulations 2010 states that:

"operator" in relation to a regulated facility, means –

- (a) the person who has control over the operation of the regulated facility,
- (b) if the regulated facility has not yet been put into operation, the person who will have control over the regulated facility when it is put into operation"

As per Regulatory Guidance Note 3

"we must not grant or transfer a permit if we consider that the applicant will not be the operator, that is, the person who will have control over the operation of the regulated facility; or if we consider they will not operate it in accordance with the permit"

(Schedule 5, paragraph 13 EPR 2010)

The Regulations state that before a regulated facility is put into operation, the person who will have control over its operation is also treated as the operator. SPHL have continuously denied claim to the operation of the schemes, by passing responsibility to the Principal Contactor (PC) - not yet appointed - or to the Development Consent Order (DCO) - not yet granted. As a result, we would be in breach of the above legislation to knowingly grant a permit under these circumstances.

Whilst it is common for a permit to be granted and transferred to a separate company/individual at a later date, NRW must be satisfied at the time of issue that we are issuing the permit to the Permit Holder who will be responsible for the site. The supporting documentation (requested) must support this, and must not contradict the aforementioned legislation.

Appendix 2

Lack of technical information

The examples below give a concise indicator of the insufficiency of the information provided in the supporting documents. Due to the large amount of technical disparity, it would not be practical to list all missing information. However NRW have previously stated they are happy to meet with the applicant to further discuss the issues, and are still happy to do so.

To reiterate this is not an exhaustive list but is drafted purely as an example of missing information, or where a full detailed explanation has not been submitted but is required. As a result, NRW were unable to assess and determine the applications.

Environment Management System

- “A formal EMS will be developed and agreed prior to any discharge being undertaken under an environmental permit” (page 1)
- “Normal and emergency procedures will be put in place... are controlled.”(page 1)
- “All site activities will be managed by strict procedures... environmental risk” (page 3)

Excess Water Management Strategy

- “This strategy therefore cannot go into detail on precise water levels, flow rates and volumes... within the system” (Section 1.1.2)
- “Prolonged period of the system being out of operation” (Section 2.4.7)

Biosecurity Plan

- “This draft biosecurity plan has been developed by the Applicant and will be adopted by the Principal Contractor upon the award of the contract” (Section 1.1.3)
- “The responsibility for delivery of this plan will lie with the Principle Contractor who as yet has not been appointed and therefore these responsibilities will be completed at a later date” (Section 1.2.1)
- The applicant references the following surveys within the Biosecurity plan however we have not been in receipt of the surveys (Section 2.2.5):
 - Phase 1 habitat survey
 - Aquatic plant survey
 - Fish survey
 - Aquatic invertebrate survey

Water Management Plan

- “The WTMP will initially be prepared by the PC..... it will essentially be a plan prepared by and implemented by the PC” (section 1.5.1)