

## Glyn Rhonwy Pumped Storage Development Consent Order

Deadline 7 – Applicants response to Third Party submissions at Deadline 6

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### **1. NRW**

## **1.1 Introduction**

- 1.1.1 A number of submissions were made by Interested Parties at Deadline 6 on 4<sup>th</sup> July 2016.
- 1.1.2 The Applicant will not be providing a response to the submissions made, with the exception of NRW whose submission and response is provided in Section 2.
- 1.1.3 The Applicant has provided responses to all the queries raised within the submissions at previous Deadlines. The Applicant feels that it would not be helpful to repeat these previous submissions.

# 1 Natural Resources Wales

NRWs response includes comments on the draft DCO, Draft Management Plans and the request for further information under Rule 17 of the Infrastructure Planning (Examination Procedures) Rules 2010 (as amended)

Paragraph in Response	Applicants Response
<p><b>The Applicant’s Final Draft DCO</b></p> <p>We strongly recommend that the previously separate Land Discovery Strategy requirement (requirement 16 within draft DCO version 5) is reinstated within the final DCO, as explained below.</p> <p>We remind the ExA of our previous comments relating to requirement 9 (5) (i) and (ii) that 12 months of pre commencement and post completion water monitoring is required.</p> <p>We are satisfied with the outline contents of the Landscape and Reinstatement Plan within section 4.3 of the Code of Construction Practice. However, NRW may need to be specified as a consultee to detailed proposals and phasing plans under requirement 5 (3). This is unless the Local Planning Authority, Gwynedd Council has a</p>	<p>The Land Discovery Strategy requirement was deleted following the outline Land Discovery Strategy becoming a certified document under article 36 (item u). Compliance with the outline plan is secured by requirement 8 (item o). To have both a certified outline setting out the minimum content of the strategy and a requirement doing the same would be unnecessary duplication and risks creating inconsistencies.</p> <p>There is nothing in requirement 5 which would prevent NRW being consulted where the planning authority wished to do so. If NRW wish to be specified as a consultee under this requirement the Applicant has no objection. The ExA amendment to specify this has been accepted at Deadline 8 by the Applicant.</p> <p>Requirement 9 (5) (ii) provides that surface water monitoring will be</p>

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<p>landscape specialist employed to advise them of the adequacy of the submitted details with regard to any landscape impact upon the Snowdonia National Park.</p>	<p>undertaken for a minimum of 12 months prior to the start of any construction works of the authorised development and also 12 months post-construction. Requirement 9(5) (i) provides that monitoring of private water supplies will be undertaken for six months prior to commencement and (iii) provides that monitoring will be undertaken throughout the construction programme and for a minimum of 6 months post completion. The Applicant considers this period to be sufficient as the wider catchment will have been already sampled as part of the surface water pre-commencement baseline and it also provides additional time to seek agreement from landowners. The 12 months of surface water sampling will be undertaken in parallel. This has been agreed with Gwynedd Council Post construction monitoring has been addressed through a new requirement 10 and requires 12 months of post completion monitoring for surface water and 6 months for private water supplies.</p>
<p><b>Outline Ordnance Management Strategy and Land Discovery Strategy</b></p> <p>As we advised previously in the process, while we welcome the</p>	<p>The Applicant has previously outlined the differences to the OMS and LDS in response to ExA Second Written Question 8.14. It is important to note that both the OMS and LDS are intrinsically linked and overlap</p>

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<p>Ordnance Management Strategy, this is outside our remit and we are not in a position to comment on the adequacy of the strategy. The strategy document appears to cover the risks to employees rather than the environment. The Health and Safety Executive and/or the Ministry of Defence would be better placed to comment, or to advise who should comment. NRW consider the Ordnance Management Strategy (OMS) as being a precursor to the site investigation for land contamination, which was previously part of the Land Discovery Strategy (LDS) Requirement, Requirement 16 within draft DCO version 5.</p>	<p>in relation to any unexploded ordnance (UXO) which may have an adverse effect on human health or controlled water but they should not contradict each other. The OMS is not just restricted to site investigation activities but to all enabling and construction related activities.</p>
<p>The OMS is required in order to ensure that it is safe for the contaminated land consultants and contractors to move onto the land and carry out the land contamination site investigation (SI).</p> <p>The OMS should also provide information that will inform the land contamination specialists and help them to design and target their site investigation to ensure that areas of potential contamination are investigated. The findings of the OMS should also help the land contamination specialists devise appropriate analysis suites. The</p>	<p>The Applicant considers that the OMS should clearly deal with the presence of UXO and its removal. The LDS will deal with any additional remediation as required. Any additional mitigation measures such as pollution prevention will be dealt with via the CoCP, Pollution Prevention Plan, Water Management Plan and Silt Management Plan. The Applicant does not see the need to duplicate mitigation measures within Management Plans when there are topic specific plans which cover all enabling and construction related</p>

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<p>OMS also needs to contain adequate pollution prevention measures for the management of slate fine runoff.</p>	<p>activities.</p>
<p>NRW consider the OMS as a separate investigation to the land contamination site investigation that will be carried out under the requirement for the land discovery strategy. The risks to the environment will be addressed by the intrusive site investigation, subsequent risk assessment, and remediation, as previously included within requirement 16 (2).</p>	<p>Noted</p>
<p>We note that the previous Land Discovery Strategy requirement (previously requirement 16) has now been removed, and the Land Discovery Strategy is now included within requirement 6. <b>We strongly recommend that the previously separate Land Discovery Strategy requirement (requirement 16 within draft DCO version 5) is reinstated within the draft DCO as the requirement stipulated what would be required within the Strategy.</b> We find the recently submitted Land Discovery Strategy (as set out in document reference SPH_GREX_DCOD5_08) lacking in any detail, and only refers to previously unidentified contamination. It is acknowledged that there</p>	<p>The LDS has been amended in line with the comments received in the Rule 17 request from the ExA and now provides additional information on the minimum requirements of the LDS. The Applicant does not believe that a separate Requirement is required as this will be a certified document under Section 36 of the DCO.</p>

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<p>will be a high likelihood that contamination will be encountered; the Land Discovery Strategy, along with the Ordnance Management Strategy will contain the key measures for dealing with this contamination.</p>	
<p>It needs to be clarified that the site investigation required under the LDS is essential; it should not be seen as something that might be required following the OMS. Following the drain down of the quarries we expect an intrusive investigation to be carried out, looking specifically for contamination that may affect controlled waters (and human health, although this is the remit of the Local Authority). NRW consider the Requirement for the site investigation operating in the equivalent way a Town and Country Planning Act condition does.</p>	<p>The secondary site investigation will be undertaken by the Principal Contractor to inform and confirm the Detailed Design, as required under Requirement 5. The Applicant has confirmed that NRW will be requested to review the scope of this secondary investigation works to ensure it also meets the requirements of the geo-environmental investigation and this has been included in the LDS. Whilst the secondary site investigation may be undertaken on the Development within the wider Order Limits, further investigation works will be undertaken once Q6 is drained and a safe and remediated working environment in relation to UXO has been established.</p>
<p>Further detail is required within the LDS. There is also the apparent focus on “unsuspected” contamination only, which is only related to section 5 of previous Requirement 16. NRW are expecting the scope of the site investigation (SI), which should be developed in line with</p>	<p>As above, NRW will be consulted on the scope of the geo-environmental site investigation and any phased approach in relation to Q6.</p>

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<p>current guidance, specifically BS 10175. For example, how will sampling be targeted, number of investigation points, whether these will be by trial pit or boreholes, expected depth of excavation, how many samples to be extracted and subjected to analysis, proposals for leachability testing, groundwater sampling, proposed analytical suite, which environmental quality standards will be used as reference points, etc. The objective of the site investigation needs to be clear</p>	
<p>To address the potential for radioactive contamination on site, within the Applicant's response 9.1 c) of the second written questions, NRW are satisfied with the Applicant's approach in that they have given justification as to why they don't expect to find radioactivity on the site. They also state that "If evidence to the contrary is found, well established procedures will be implemented to deal with such occasions." It would be beneficial, and would give greater confidence if the Applicant could expand on what these procedures would involve.</p>	<p>Noted</p>
<p><b>Materials Management Plan</b> The content of the Material Management Plan is generic and is</p>	<p>The purpose of the MMP is not to manage slate runoff. Slate runoff is covered in detail within the Silt Management Plan, which NRW have</p>

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<p>lacking in detail. It does address the main issues, but given the size of the development and likely quantity of material it needs more detail.</p> <p>Our main concern relates to the management of slate waste material. We have maintained from the outset that there needs to be a comprehensive methodology for managing slate fines runoff. We would prefer to see the plan in more detail, cross-referenced with the Pollution Prevention Plan.</p> <p>It is important to note (section 2.1.7) that material should also be chemically as well as physically suitable for reuse. Data gathered through the Land Discovery Strategy site investigation should be useful in demonstrating the suitability of the material. It would be useful if this section could be expanded to explain how chemical suitability will be demonstrated.</p>	<p>already approved. As previously outlined, the MMP is purposely an audit record of the materials generated and distributed within the Order Limits. We agree that the secondary geotechnical site investigation works will inform the use of materials and the geotechnical and geochemical testing is outlined in the LDS and Silt Management Plan respectively.</p>
<p><b>Updated NSER and screening matrices, updated Code of Construction Practice, Schedule of Mitigation, Schedule of Other Plans and Strategies, Water Management Plan, Biosecurity Plan</b></p> <p>We confirm that we are generally satisfied with the above revised plans. However, we require within the revised Water Management</p>	<p>Operational water monitoring will be undertaken for 12 months as per Requirement 10. We note from your response dated 2<sup>nd</sup> June that NRW are satisfied with the WTMP.</p>

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<p>Plan that 12 months of post completion monitoring be implemented, as our comments to requirement 9 (5) (i) and (ii) above, request.</p>	
<p><b>Rule 17 letter dated 27th June 2016 - Request for further information</b></p> <p>Further to your rule 17 letter dated 27th June 2016, NRW wish to provide the following responses, as previously advised within our email correspondence dated 28th June 2016:</p> <p>1. a) We have liaised with our permitting function who advise that they have been in regular contact with the applicants since submission of the applications regarding the inadequacies of the applications.</p> <p>A large amount of technical information was missing from the submitted documents and reports. The information was requested through a Schedule 5 Notice under the Environmental Permitting (England and Wales) Regulations 2010, dated 5th April 2016, and the deadline for which the information was required, was extended a number of times at the request of the applicant. Without the technical information, it was not possible to assess the impact of the discharges on the surrounding environment, and therefore determine whether a</p>	<p>The Applicant has held productive discussions with NRW with a meeting held on the 21<sup>st</sup> July 2016. A copy of the minutes have been appended to Question 1.6 of the Rule 17 request.</p> <p>Although the Applicant maintains its position and does not agree with many of NRW's statements regarding the environmental permit applications, it seems more constructive to work cooperatively to a future re-application.</p> <p>The Applicant is now in the process of preparing the resubmission and also intends to supply NRW with technical notes and draft management plans for comment to aid further dialogue.</p>

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<p>permit could be granted. Additionally, disparity over the lack of appointment of an operator for the site meant that NRW were unable to satisfy itself that the legal requirements of an operator as per the Environmental Permitting Regulations 2010 (Schedule 5, paragraph 13), and Regulatory Guidance Note 13 were met within the permit applications. This point was also raised numerous times by our Permitting Department in discussions with the consultants.</p> <p>NRW cannot comment on why the above information cannot be obtained at this stage; this is a matter for the Applicant.</p>	
<p>With regard to the applicant's response to the ExA's second questions, Q3.12. NRW wish to note that it has always maintained throughout the DCO discussions that the DCO application and any environmental permit applications are distinct and separate processes, and that it is the applicant's responsibility to ensure the adequacy of the information to support the applications. NRW have encouraged early submission of the discharge consent applications, which was acknowledged by the Applicant within the Statement of Common Ground, submitted for Deadline 3. As stated above, NRW's</p>	<p>As above.</p>

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<p>Natural Resources Management function have provided advice to the applicant prior to the permit application being submitted, and our Permitting function post-submission however the applicant has not acted upon this advice.</p>	
<p>b) As above, NRW is not in a position to assess the implications of, and all risks associated with the proposal, in the absence of a valid application.</p> <p>Within 1.2.3 of the Applicant's response to the ExA's second question 3.12, "the Applicant had thought that it was possible for the permits to be granted subject to conditions, which would be discharged after the Principal Contractor and Operator are in place". Whilst the Applicant believed initially this was possible, NRW have reiterated to the Applicant that this is not the case numerous time during the permit determination process</p>	<p>As above. The minutes of the meeting outline that pre-operational conditions are possible.</p>
<p>d) i. NRW is not in a position to comment in the absence of a valid application.</p> <p>ii. NRW is not in a position to comment in the absence of a valid</p>	<p>The Applicant intends to resubmit the permit applications by the end of August 2016.</p>

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application. e) NRW is not in a position to comment in the absence of a valid application.	
<b>Rule 17 letter dated 27th June 2016</b> We have no comments regarding the removal of plot 65 from Compulsory Acquisition. Our comments are within the context of the DCO application, and 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.	Noted