

Eich cyf/Your ref: EN010072

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Date: 5th September 2016

Dear Sir,

GLYN RHONWY PUMPED STORAGE SCHEME

PROJECT REFERENCE: EN 010072

Thank you for your rule 17 letter dated 26th August 2016.

We provide the following responses in respect of Deadline 9:

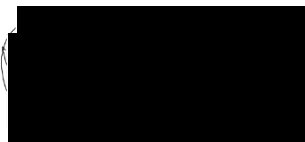
RESPONSES TO THE ExA's WRITTEN QUESTIONS WITHIN RULE 17 LETTER

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

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

Glyn Rhonwy Deadline 9 NRW Response Appendix A

Request number	Request to	Request	
1.	Development Consent Order (DCO), policy and other consents		
	DCO Article and Requirement references are to the Applicant's draft DCO revision 8 [REP7-001].		
1.9	Applicant Gwynedd Council NRW	<p>Article 36 – Certification of plans etc.</p> <p>a) The Applicant has stated [REP7-007] that it is unable to certify the Water Management Plan, Silt Management Plan, Biosecurity Plan or Excess Water Management Strategy as they may be amended as per the Environmental Permit application. However, these have all been included in the list of documents to be certified in the Applicant's latest version of the draft DCO [REP7-001]. The Applicant has later added [REP7-007] the CoCP and Pollution Prevention Plan to those as plans that "<i>will be finalised as far as possible but require the further input listed</i>". Please could the Applicant clarify its intentions?</p> <p>b) These plans all include mitigation that has been agreed with various parties during the examination and therefore the ExA is minded to require the certification of the latest versions submitted during the examination and for those versions to be identified as such in the ExA's recommended draft DCO. The Applicant is encourage to ensure that the Environmental permit is secured before the ExA's Recommendation Report is submitted to the Secretary of State (this is likely to be around 8 December 2016), so that any amendments then</p>	<p>b) NRW advises that the finalised plans should be certified in the DCO and as suggested by the ExA, these should incorporate any amendments required by virtue of the Environmental Permit application. It is noted that the CoCP has been omitted from the list of plans to be certified in Article 36 of the applicant's latest revision of the DCO and we advise that this is included.</p>

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		<p>proposed by the Applicant to the certified Code of Construction Practice, Water Management Plan, Silt Management Plan, Biosecurity Plan, Excess Water Management Strategy and Pollution Prevention Plan can then be considered by the Secretary of State and incorporated in the final DCO, as appropriate. Please could the Applicant, GC and NRW comment?</p>	
1.20	NRW	<p>Requirement 11 – Drainage Is NRW content that its comments on drainage [REP5-049, question 1.16] have been addressed?</p>	<p>We are satisfied that our comments on drainage, which were within our letter dated 13th May 2016, have been addressed, except for the 12 months of post-construction watercourse monitoring, which we discussed further within our Deadline 8 response.</p>
	Policy		
1.27	Applicant Gwynedd Council NRW	<p>In its Statement of Common Ground with the Applicant [REP4-004] GC agreed with the Applicant's view at that time that NPSs EN-1, EN-3 and EN-5 were relevant to the application. The ExA's preliminary view [PD9-007, question 1.27] was "<i>that policies in these NPSs, and particularly EN-1, are potentially important and relevant to this examination</i>". Commenting on the ExA's preliminary view, NRW stated [REP2-047, response to question 1.27] that "<i>EN-1, and possibly EN-5 appear to be relevant for the purposes of the Development</i>".</p> <p>During the examination the Applicant later clarified [REP2-011, response to question 1.27] its view that "<i>EN-1 is considered to be the NPS of principal relevance to the proposed development</i>", that EN-3</p>	<p>NRW is not in a position to advise on the interpretation of the National Policy Statements.</p>

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		<p>is not relevant as energy is required to pump water from the lower reservoir to the upper reservoir and therefore the proposed development does not constitute renewable energy development; and that EN-5 is not relevant.</p> <p>Further to the clarifications provided during the examination the ExA is now minded to conclude that:</p> <ul style="list-style-type: none"> • pumped storage does not fall within the scope of any NPS, for example although the contribution of pumped storage to a low carbon energy system is mentioned in paragraph 3.3.12, footnote 13 and paragraph 3.3.31 of EN-1, it is not covered by the scope set out in paragraph 1.4.2 of EN-1 and therefore does not fall within the scope of EN-1; • as pumped storage does not fall within the scope of any NPS, there is no designated NPS in effect for this kind of development and therefore the application should be decided against the criteria in s105 of PA2008; • with reference to s105 of PA2008, EN-1 should be considered important and relevant to the decision on this application because EN-1 specifically mentions the importance of pumped storage to a low carbon energy system and because the proposed development is a generating station with a capacity of over 50MW and the policies in EN-1 are devised specifically for generating stations and energy infrastructure of this 	

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		<p>scale;</p> <ul style="list-style-type: none"> • EN-3 should not be considered important and relevant to the decision on the application because the proposed development is not renewable energy development and because pumped storage (or hydro power for that matter) is in the scope of EN-3 or mentioned in it; and • EN-5 covers energy networks and is not a focus of the examination as the grid connection is not included in the application. <p>Do the Applicant, GC and NRW agree with this approach and, if not, please could they set out their alternative views and reasoning?</p>	
Other consents			
1.29	Applicant NRW	<p>Ref: Applicant's [REP7-004] and NRW's [REP7-042] responses to ExA's rule 17 request of 20th July 2016 [PD-025, request 1.6].</p> <p>a) Please could the Applicant and NRW provide an update on its discussions regarding the withdrawn Environmental Permits in respect of discharge activities?</p> <p>b) Please could the Applicant provide an update regarding the resubmission of the Environmental Permit applications?</p> <p>c) Please could NRW comment on whether the Applicant has made valid applications and advise when it anticipates that the applications will be determined?</p> <p>d) Please could the Applicant and NRW provide responses to (a), (b) and (c) by Deadline 9 and</p>	<p>NRW can confirm that we are yet (position as of 2nd September 2016) to receive a formal application for the environmental permits associated with the discharges at site. We would suggest that the applicant provided further comment on submission dates etc.</p>

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		then again by Deadline 10?	
2.	Environmental Statement, management plans and strategies - general		
2.1.	Gwynedd Council NRW	<p>a) Please could GC and NRW confirm their agreement (or otherwise) with the content of all of the most recent versions of the outline and draft management plans and strategies provided by the Applicant to date, and highlight any matters that are yet to be agreed:</p> <ul style="list-style-type: none"> • Code of Construction Practice [REP7-012] • Water Management Plan [REP7-014][[]] • Silt Management Plan [REP7-016] • Biosecurity Plan [REP7-018] • Construction Traffic Management Plan [REP7-020] • Outline Ordnance Management Strategy [REP7-022] • Baseline Air Quality Monitoring Plan [REP7-024] • Dust Control and Air Quality Management Plan [REP7-026] • Construction Noise Management Plan [REP7-028] • Operational Noise Management Plan [REP7-030] • Materials Management Plan [REP7-032] • Land Discovery Strategy [REP7-034] • Archaeological Compensation and Enhancement Strategy [REP7-036] • Excess Water Management Strategy [REP6- 	<p>Our comments within our Deadline 8 response letter dated 17th August 2016, still apply with respect to the revised Land Discovery Strategy. Further versions of the:</p> <ul style="list-style-type: none"> • Code of Construction Practice [REP7-012] • Water Management Plan [REP7-014][[]] • Silt Management Plan [REP7-016] • Biosecurity Plan [REP7-018] <p>have been submitted at Deadline 7. However, as noted by the applicant, these plans are not finalised and subject to amendments as a result of the Environmental Permit. NRW has reviewed the plans as far as it is able to do so in the context of its remit in the DCO and will continue to input in this regard. This also applies to the Excess Water Management Strategy [REP6-009], which was submitted as part of the previously withdrawn Environmental Permit applications, and will also be required for any future Permit applications. It appears that our comments under the DCO application, on the Excess Water Management Strategy, which we made on the 2nd June 2016 have not been incorporated within the latest version. We advise that the applicants amend the EWMP to incorporate NRW's advice.</p> <p>With regards to the Revised Ordnance Management Strategy (revision 2), and Revised Materials Management Plan (revision 1), we have previously confirmed that at this stage, we have</p>

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		<p>009]</p> <ul style="list-style-type: none"> Health and Safety Plan [REP5-017] <p>b) Please could the Applicant provide evidence to demonstrate GC's and NRW's agreements with any updates to these plans that the Applicant submits before the close of the examination?</p>	no further comment on these plans, and that the applicant will develop these plans further with the Principal Contractor and submitted under requirement 7.
Historic Environment			
4.4	Applicant Gwynedd Council NRW	<p>Ref: Applicant's [REP7-004] and GC's [REP7-044] responses to ExA's rule 17 request of 20th July 2016 [PD-025, request 4.7].</p> <p>Reflecting the Applicant's response, please could the Archaeological Compensation and Enhancement Strategy [REP7-036] be updated to confirm that all contractors will be expected to follow standards and guidance provided by the Chartered Institute for Archaeologists?</p>	We have no comment regarding the historic environment.
Noise, vibration and air overpressure			
6.1	NRW Gwynedd Council	<p>Ref: NRW's [REP7-042] response to ExA's rule 17 request of 20th July 2016 [PD-025, request 6.1].</p> <p>Further to its responses to the SWQs [REP5-049, question 7.1], please could NRW and GC comment on the Applicant's response [REP5-005, question 7.1] regarding potential noise and vibration impacts on biodiversity from piling works in Llyn Padarn?</p>	We are satisfied that piling works within Llyn Padarn will not have any significant noise and vibration impacts on biodiversity.
Water resources, contaminated land, flood risk and climate change			
7.7	NRW	Ref: Applicant's [REP7-004] response to ExA's rule 17 request of 20 th July 2016 [PD-025, request	a) At this stage, we have no further comment. Within the plan, 2.1.1, it confirms that a detailed

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		<p>7.12].</p> <p>a) Is NRW satisfied with the updated Materials Management Plan submitted at Deadline 7 [REP7-032]?</p> <p>b) Is NRW satisfied that slate runoff is adequately covered in the Silt Management Plan [REP7-016]?</p>	<p>Material Management Plan (MMP) is to be finalised and approved prior to construction commencing as per DCO requirement.</p> <p>b) Slate run off has been identified as a source of fine sediment within the Silt Management Plan. NRW as previously confirmed has reviewed the Silt Management Plan as far as it is able to do so in the context of its remit in the DCO. However, as confirmed by the applicant, the Silt Management Plan will be subject to ongoing discussions with NRW through the separate Environmental Permitting regime.</p>
7.8	Applicant NRW	<p>Ref: Applicant's [REP7-004] response to ExA's rule 17 request of 20th July 2016 [PD-025, request 7.13].</p> <p>a) Please confirm whether the advice provided by NRW in their response to the SWQs [REP5-049, question 8.16] has been followed in the Flood Consequences Assessment (FCA) [APP-131]? The Applicant has not provided confirmation that this specific advice has been followed.</p> <p>b) Does NRW agree with the conclusions reached in the FCA [APP-131]?</p>	<p>b) NRW confirm that we agree with the conclusions within the FCA.</p>
Ordnance			
8.2	NRW	<p>Ref: GC's [REP7-044] response to ExA's rule 17 request of 20th July 2016 [PD-025, request 8.2].</p> <p>Further to GC's recent [REP7-044, response to request 8.2] and earlier comments [REP5-044, response to question 9.2(b)] and the Applicant's response [REP5-006] to queries raised by the Snowdonia Society [REP4-040] and Jeff Taylor</p>	<p>As we are not currently in receipt of a valid application, we have not formally received sampling data from the applicant. As a result we cannot offer any comment regarding the data or its effect on any designations. This will be assessed during determination of any formal application that is received.</p>

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		<p>[REP4-031], does NRW have any concerns regarding the extent of sampling and testing undertaken to date in quarry Q6, noting GC's comment [REP7-044, response to request 8.2] that the principal concern is the dewatering of quarry Q6 into the SSSI of Llyn Padarn?</p>	<p>(Please note: Any previous sampling/testing data – as with all information/supporting documentation – that we received during the withdrawn applications is not being used. The applicant has been advised that they will need to re-submit all documentation/sampling again if they re-submit their Environmental Permit applications).</p>

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