



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Our Ref: CAS-29220-F9M5
Eich cyf/Your ref: EN010072

Llwyn Brain
Ffordd Penlan
Parc Menai
Bangor, LL57 4DE

Ebost/Email: glyn.rhonwy@cyfoethnaturiolcymru.gov.uk

Glyn Rhonwy Pumped Storage (Generating Station) Project Team
Secretary of State for Business, Energy and Industrial Strategy
c/o The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 10th February 2017

Dear Sir/Madam,

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)
Application by Snowdonia Pumped Hydro Limited (“the Applicant”) for an Order Granting Development Consent for the Glyn Rhonwy Pumped Storage (Generating Station)
REQUEST FOR COMMENTS FROM THE APPLICANT, NATURAL RESOURCES WALES, GWYNEDD COUNCIL AND THE WELSH GOVERNMENT
PROJECT REFERENCE: EN 010072

Thank you for your letter dated 7th February 2017 concerning the above.

We have the following comments:

Development Commissioning: Flood Risk Plan

NRW has a non-technical role in the regulation of the Reservoirs Act 1975, which centres on the civil engineering aspects of dam construction and maintenance. There is merit in requesting the applicant to compile a flood risk action plan. Such a plan is included within requirement 6(2)(g) emergency response and flood risk management plan, although is not a certified plan within Article 30. We remind you of our comments made during deadline 7 of the Examination on the matter. We consider the production of a flood risk plan to be appropriate for the development and that approval of such a plan most appropriately lies with the All Reservoirs Panel Engineer appointed to supervise the construction of the reservoirs. Evidence of the flood plan approval should be submitted to the Local Planning Authority responsible for discharging the requirement. The Local Planning Authority may also need to consult their Emergency Planning department in discharging the requirement.

Otherwise, the Secretary of State may deem it necessary to serve notice under s12A of the Reservoirs Act 1975, and with regard to s12AA, 12B. Such a notice directs the undertakers to prepare a flood plan and prescribes the process for doing so in consultation with the appropriate persons and authorities. However, we would recommend that a plan is included as a requirement within the DCO.

Decommissioning: complete project decommissioning plan

We are asked to comment on abandonment and would like to clarify that within the Reservoirs Act abandonment is given specific meaning in section 14 that an abandoned reservoir is one that is “incapable of filling accidentally or naturally with water above the natural level of any part of the land adjoining the reservoir or is capable of doing so to an extent that does not constitute a risk”. The process of abandonment is controlled through the appointment and recommendations of a qualified civil engineer. A reservoir that is formally abandoned under section 14 continues to be subject to supervision, period inspection and implementation of safety measures by qualified civil engineers.

Abandonment of the development as a whole, beyond the scope of the Reservoirs Act, is not commented on and we confirm the reservoir undertaker remains liable for fulfilling the duties imposed by the law.

Ongoing maintenance: major works

Through the proper implementation of the Reservoirs Act, qualified civil engineers will make recommendations as to works for the undertaker to implement. Recommendations as to measures to be taken in the interest of safety, or in the interests of maintenance must be carried into effect to the satisfaction of the engineer. Other recommendations may be made which are not enforceable by NRW. As above, NRW has a non-technical role in this matter and the stipulation of maintenance and/ or safety works, and confirmation of satisfactory completion, lies with the engineers. We advise therefore that any maintenance plan by requirement of the DCO should be consulted on with the All Reservoirs Panel Engineer, appointed to supervise the construction of the reservoirs. Further reviews and updates of such a maintenance plan should include reference to statutory reports and records made under the Reservoirs Act to avoid duplication.

NRW do not usually request a Code of Maintenance Construction Practice Plan be drawn up for maintenance work, as required under subsection 6 of the proposed requirement within your letter. However, we note that the wording of the requirement gives the Local Planning Authority the decision to request such a Plan, where it considers necessary.

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