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Ein cyf/Our ref: WPCC4518 &
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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Application for an environmental permit withdrawn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 Furthermore, as requested it summarises the remaining technical issues of the (now withdrawn) applications.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)