

Notice of variation with introductory note

Environmental Permitting (England & Wales) Regulations 2010

RWE Generation UK plc

Aberthaw Power Station
The Leys
Aberthaw
Near Barry
Vale of Glamorgan
CF62 4ZW

Variation application number
EPR/RP3133LD/V010

Permit number
EPR/RP3133LD

Aberthaw Power Station

Permit number EPR/RP3133LD

Introductory note

This introductory note does not form a part of the notice

The following notice gives notice of the variation of an environmental permit.

The Operator has undertaken a review of the existing screening arrangements with reference to the Eels (England and Wales) Regulations 2009 (SI 2009/3344) and the Environment Agency "Safe Passage for Eel" Regulatory Position Statement version 1 dated July 2012 (and as amended February 2013).

The review has demonstrated that the site does not comply with the requirements for safe passage of eel and the Operator is now required to complete a cost benefit appraisal with reference to the Environment Agency "Safe Passage for Eel: Guidance on Exemptions". This variation adds an improvement condition requiring a cost benefit appraisal to be carried out and to ensure that appropriate measures will be in place to enable compliance with the Eels Regulations.

The schedules specify the changes made to the original permit.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit

Description	Date	Comments
Application EPR/RP3133LD received	Duly made 31/03/06	Application for permit
Additional information requested	26/07/06	
Additional information received	04/10/06, 01/11/06, 10/11/06, 05/12/06, 01/03/07, 16/03/07, 08/08/07, 10/08/07, 22/08/07, 05/09/07, 11/09/07	
Permit determined EPR/RP3133LD	21/12/07	Permit issued
Variation determined GP3635XF	09/01/08	Variation issued
Variation application EPR/RP3133LD/V003	Duly Made 05/03/10	
Variation determined EPR/RP3133LD	13/05/10	Variation issued
Variation application EPR/RP3133LD/V004	Duly made 31/01/11	
Further information received	23/03/11	Addendum to application
Variation determined EPR/RP3133LD	20/06/11	Variation issued
Variation application EPR/RP3133LD/V005	Duly made 08/12/11	
Variation determined EPR/RP3133LD	06/02/12	Variation issued
Variation application EPR/RP3133LD/V006	Duly made 10/09/12	
Additional information requested	02/11/12	
Further information received	13/11/12	Schedule 5 response
Further information received	16/11/12	Addendum to application
Variation determined EPR/RP3133LD/V007	12/11/12	EA led variation issued
Variation determined EPR/RP3133LD/V006	17/12/12	Variation issued
Agency variation determined EPR/RP3133LD/V008	11/03/2013	Variation issued
Agency variation determined EPR/RP3133LD/V009	26/03/2013	Agency variation to implement the changes introduced by IED
Variation determined EPR/RP3133LD/V010	22/12/14	Natural Resources Wales initiated variation, to add an improvement condition requiring a cost benefit appraisal to ensure compliance with the Eels Regulations.

End of introductory note

Notice of variation

Environmental Permitting (England and Wales) Regulations 2010

The Natural Resources Body for Wales (“Natural Resources Wales”) in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies

Permit number
EPR/RP3133LD

issued to:
RWE Generation UK plc (“the operator”)

whose registered office is
Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire
SN5 6PB

company registration number **3892782**

to operate a regulated facility at
Aberthaw Power Station
The Leys
Aberthaw
Near Barry
Vale of Glamorgan
CF62 4ZW

to the extent set out in the schedules.

The notice shall take effect from 22/12/2014

Name	Date
	22/12/2014

Eirian Macdonald, Principal Permitting Team Leader, NRW Permitting Service

Authorised on behalf of Natural Resources Wales

Schedule 1 – conditions to be deleted

None

Schedule 2 – conditions to be amended

None

Schedule 3 – conditions to be added

The following improvement condition IC35 is added to Table S1.3 following an NRW initiated variation

Table S1.3 Improvement programme requirements

Reference	Requirement	Date
IC35	<p>The Operator has undertaken a review of the existing screening arrangements with reference to the Eels (England and Wales) Regulations 2009 (SI 2009/3344) and the Environment Agency "Safe Passage for Eel" Regulatory Position Statement version 1 dated July 2012 (and as amended February 2013) in response to Improvement Programme reference 34.</p> <p>Natural Resources Wales has determined that the site does not comply with the requirements for safe passage of eel and the Operator is now required to complete a cost benefits appraisal of best available technique with reference to the Environment Agency "Safe Passage for Eel: Guidance on Exemptions" as a screening tool.</p> <p>a) If the Cost Benefit Assessment shows that the benefits are greater than the costs by a factor of 1.5 or more, then the Operator shall submit to Natural Resources Wales for review a report setting out the costs and the technical and economic feasibility to introduce the improvements to achieve best available technique.</p> <p>b) If the Cost Benefit Assessment shows that the benefits are not greater than the costs by a factor of 1.5 or more, then the Operator shall, with reference to the Environment Agency "Safe Passage for Eel: Guidance on exemptions, assess which alternative measure, or combination of alternative measures, could be implemented under a case of a conditioned Exemption. The Operator shall submit a report to Natural Resources Wales setting out the costs and the technical and economic feasibility of implementing their proposed alternative measure or measures.</p> <p>In all cases, the submission shall contain relevant timescales in accordance with the Safe Passage for Eel Regulatory Position Statement version 1 dated July 2012 (as amended 2013).</p> <p>The proposals shall be implemented following written approval from Natural Resources Wales.</p> <p>Whilst undertaking this Improvement Condition, the Operator shall be operating under exemption from the requirements to place eel screen diversion structures pursuant to Regulation 17(5)(a) of the Eels (England and Wales) Regulations 2009. The exemption will remain in place until Natural Resources Wales has provided written approval that the Improvement Condition has been deemed complete.</p>	30 June 2015