Development planning advice: our service statement for delivery

Our approach in supporting development planning in Wales
Purpose

This service statement outlines the main features of our involvement in development planning. It sets out how we should work with partners at a strategic level (plan-making), and in consultations relating to individual development proposals. It provides a summary of what regulatory bodies, developers and other stakeholders can expect from Natural Resources Wales (NRW). It also sets out what we encourage in return from our customers to avoid delays in the advice we provide.

More information and guidance on our approach to regulation in supporting natural resource management can be found on our website.

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Overview

Natural Resources Wales (NRW) is identified as a statutory consultee under various legislation which relate to development planning. NRW’s purpose is to ensure that the environment and natural resources of Wales are sustainably maintained, enhanced, and used. Within development planning, our main role is to provide advice on the potential impact of development proposals and of planning policies on Wales’s natural resources and environment. We seek to ensure that our advice is evidenced based, clear, unambiguous and consistent to assist determining bodies discharge their statutory duties, and help developers make informed decisions on the location, layout and design of development proposals.

Our main role is to provide advice on how planning policies and development proposals should protect and enhance the environment, as well as ensure the sustainable management of our natural resources. Our role encompasses strategic planning, and in responding to consultations relating to individual development proposals.

Our engagement at the strategic level includes providing advice to plan-makers who are developing Local Development Plans (LDPs), regional and national plans, and sectoral plans relevant to planning. We also provide advice to those undertaking Strategic Environmental Assessments and Habitats Regulations Assessments of plans.

At the individual development level, our statutory consultee role is triggered by the scale and impact of the development, the requirement for an Environmental Impact Assessment, or the location of the development. The latter includes developments within or likely to affect natural heritage interests of acknowledged importance (such as Natura 2000 sites, SSSIs, National Parks and Areas of Outstanding Natural Beauty), located within flood-risk areas, or have the potential to have an effect on an area of forestry, or on the water environment. We would also seek to be consulted where a proposal would require an environmental permit, or involves the deposit of refuse or waste.

In line with Welsh planning policy we support a planning system which aims to achieve sustainable development. To this end we will engage proactively with the planning system to deliver natural resource management and positive outcomes for Wales’s natural heritage. We will work with our partners to improve the economic, social and environmental wellbeing of people and communities in Wales for the long term. We want to help deliver a faster, more effective and efficient planning process by placing greater focus at the strategic level, and adopting a solutions-based culture. To facilitate understanding of our role and remit among our clients and partners, we will develop guidance relating to key areas of development planning, which will be made available on our website. We will also improve access to the environmental data we hold. We will also use a risk-based approach in responding to planning application consultations, by focussing our efforts on development proposals which are likely to have the most significant environmental effects. Where development proposals do not meet NRW priorities for consultation, we will rely on standard advice, or work with local planning authorities to fulfil their legal obligations.

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1 One Wales: One Planet – The Sustainable Development Scheme of the Welsh Assembly Government, 2009
Development plans

A key feature of the NRW approach to development planning work is active involvement in the making and assessment of strategic plans and programmes. By engaging effectively in the plan-making process we can help guide development to the most appropriate locations. This should reduce the potential for future conflict at the individual application stage, and therefore improve the deliverability of development at sites allocated in plans. Sound development plans are essential in delivering the right development in the right places.

We will therefore help the plan-makers by:

- **Supplying evidence** – sharing the environmental data we hold, including map-based information, with plan-makers and identify other useful sources of information;
- **Active engagement** - seeking opportunities to maximise benefits from the sustainable management of natural resources and the environment, providing consistent and evidence based advice at each stage of the plan-making process, and provide additional advice during non-statutory stages where resources allow;
- **Providing integrated advice** - drawing on expertise from a wide range of staff to provide advice that is integrated across the full range of our remit; and
- **Advising on SEAs and HRAs** - providing evidence-based advice when responding to each consultation stage of the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).

Development projects

NRW supports sustainable development in Wales by working with planning authorities, developers and other partners to minimise the harmful environmental effects from development, and promoting opportunities to enhance the natural environment to deliver environmental, social and economic benefits.

We will do this through:

- **Early engagement** – pro-actively seek opportunities to engage with developers and planning authorities at the pre-application stage to ensure that the location, layout and design of development is informed by environmental constraints, and opportunities for environmental enhancement, thereby minimising costly delays during later stages in the planning application process;
- **Risk based approach** - focus our involvement on proposals which are likely to have significant environmental effects by taking a risk-based approach to focus our resources to those development proposals which are likely to have significant environmental effects;
- **Adopting a solutions-based approach** - identify and promote opportunities to protect and enhance the environment, including the incorporation of natural heritage features in the design of proposed development to deliver win-win outcomes for society, the economy and the environment;
• **Clear advice** – ensure that our advice is objective, consistent, evidence based, clear, proportionate, and reflects our duties, responsibilities and purpose;

• **Transparency** – ensure transparency and accountability in the advice we provide;

• **Cross-boundary working** - work with other relevant organisations where development projects cross national boundaries;

• **Responding within deadlines** – ensure that the advice we provide is submitted within agreed or statutory deadlines.

We expand on each of these elements of our approach in Sections 4 to 10 below.

**Early engagement**

We will focus our efforts on providing evidence and advice on strategic spatial plans to steer development to appropriate locations and minimise potential future conflicts at the planning application stage.

We will also focus our efforts on effective use of pre-application engagement. We actively encourage our staff to participate in this early dialogue, with a view to provide helpful advice at the earliest opportunity to influence decisions regarding the location, layout and design of priority development proposals. We will also seek opportunities to increase awareness among developers and planning authorities of the benefits of engaging NRW at pre-application stage.

Our engagement during the pre-application stage should ensure that developers and planning authorities are aware of environmental constraints and opportunities for environmental enhancement at the earliest stage in the planning application process. This includes identifying and explaining the information needed to support an application, and the methods of assessment. We will also be able to notify developers of the information we hold which may be of assistance to them.

Where it appears likely that a proposal would be likely to have serious environmental impacts, we will make our concerns known at an early stage and, if possible, suggest ways in which adverse impacts might be avoided or mitigated, including whether any conditions should be included in a planning permission, or in requirements as part of a Nationally Significant Infrastructure Project. If there is a possibility that NRW will object to a proposed development, we will aim to make this known as soon as possible.

We will be clear about NRW roles, and will not provide advice on issues which are outside of our remit. However, where there is a clear and direct pathway between an issue outside our remit, and an impact which falls within our remit; we may highlight this potential issue.
Risk-based approach

NRW is not able to bring the same level of detailed advice to all development plans and proposals. We therefore take a risk-based approach\(^1\), concentrating on development proposals that are likely to incur significant impacts on environmental interests within our remit. NRW will rely on the statutory duties of other regulatory bodies to consider the potential impact on interests within their remit. The criteria for what planning applications NRW are consulted upon are currently under review, and we will publish the updated development criteria on our [website](http://www.naturalresourceswales.gov.uk) in due course.

A solutions-based approach

In keeping with the main drivers for planning reform, we are encouraging our staff to look for ways to support Welsh planning policy in the delivery of sustainable development. We will work with partners to improve the economic, social and environmental wellbeing of people and communities. In providing advice relating to individual development proposals we will, where possible, work with the applicant to find solutions that minimise adverse effects on the environment, and seek opportunities to enhance environmental assets to deliver social, economic, and environmental benefits.

We recognise that complete certainty on an issue may not be possible, and seek to be able to identify when risks are low enough to proceed with acceptable levels of uncertainty.

Clear advice

We will seek to ensure that the advice we provide can be clearly understood by planning professionals, and enables them to make informed decisions. Our planning consultation responses will therefore be objective, consistent, unambiguous and evidence-based. In line with our remit, we will focus on describing the potential environmental impacts from a development proposal. Where possible, we will provide advice that would enable the proposal to be progressed. However, where we are likely to object to a proposed development, we will clearly set out the reasons for this advice as soon as possible.

Currently NRW operates with four response categories, namely:

- **No objection** (where any NRW concerns have been mitigated, or suitably addressed by a planning condition, planning obligation or other appropriate measure);

- **Objection unless/ Objection until** (where we object to a proposal unless it is modified to overcome our objections/ or until a specific event has happened);

- **Objection in principle - recommending refusal** (where the proposal would lead to unacceptable impacts on interests within our remit, and we cannot see how the scheme can be modified to overcome the risk of adverse effect); and a

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[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)
• **General interim response** (where we provide site specific advice on the likely environmental effects from a proposed scheme prior to providing a formal final response).

**Transparency and accountability**

We aim to be transparent and accountable by explaining how we have assessed proposals, and taking responsibility for our advice. We will give advice based on evidence and will explain the reasons for our opinions.

We will respect applicant confidentiality within the terms of the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR). More details can be found at the NRW website.

**Cross-boundary working**

Where NRW’s remit covers developments that take place in Wales including the marine area out to 12 nautical miles of the Welsh coastline. NRW will also advise on the effects of any proposed development outside with Wales that are likely to have an effect on an environmental interest within Wales, and its waters.

Where a development plan or a proposed development is likely to have a cross-border environmental effect, we will work with our sister agencies, principally Natural England, JNCC, the Forestry Commission, and the Environment Agency.

**Consultation response times**

We are committed to helping developers, planning authorities, and regulatory bodies so that they can progress development plans and proposals as swiftly and efficiently as possible, while ensuring that proper account is taken of potential environmental effects.

In relation to planning application consultations under the Town and Country Planning Act 1990, we will respond within 21 days or within statutory deadlines, provided we have received all information needed to give an informed response. If additional time is required, we will be clear about why and when our response will be submitted.

Under the Planning Act 2008, developers must give NRW not less than 28 days to respond to a section 42 consultation, and developers are required to have regard to any ‘relevant response’ that NRW may make (Section 49 of the Planning Act 2008).

In relation to pre-application and non-statutory consultations under the Town and Country Planning Act 1990, we will do our utmost to respond within 21 days, provided we have received all the information needed to give an informed response. Where we are unable to meet this deadline, we will explain why and give an expected date for when we will provide our response. This may be affected by the scale of the proposed scheme, or any complexity associated with it.
Currently we do not charge for providing non-statutory planning advice. However, we are currently investigating the options, benefits and costs of charging for non-statutory planning advice. More information on how we are progressing on this matter will be available on our [website](http://www.naturalresourceswales.gov.uk).

**What we can offer**

For development plans we will:

- provide environmental information we hold to inform the location and boundaries of allocations for development, and the boundaries of environmental designations as part of our response to formal consultations;
- advise on how the Plan’s vision, strategy, objectives, and policies protect and enhance the environment, and promote opportunities for recreation and access, when responding to formal consultations;
- assist and advise in the undertaking of Strategic Flood Consequence Assessment;
- provide advice at all stages of the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) of the Plan; and
- provide advice on Supplementary Planning Guidance or Development Briefs which support local development plans.

For development proposals, we will:

- identify a case manager within NRW to act as the single point of contact;
- meet with developers and other relevant bodies to discuss the development proposal at an early stage in the planning process (subject to the size and potential impact of the project);
- advise on what information should be provided in support of an application, including EIA scoping advice where required;
- advise on the Habitats Regulations Assessment if required for the proposal;
- advise on the need and appropriateness of any Flood Consequence Assessment;
- advise on the need for any assessments to ensure compliance with the Water Framework Directive;
- advise whether an environmental permit is required;
- provide information on designated sites and protected species;
- advise on measures to minimise adverse impacts on the environment;
- advise on matters concerning recreation and access;
- advise on which other organisations should be consulted;
- respond within statutory timeframes or, if additional time is required, be clear about why and when our response will be completed;
• actively engage with applicants in the preparation of statements of common ground at
  the earliest opportunity; and
• copy applicants into our formal responses to determining bodies.

We will publish further guidance relating to SEAs and HRAs on our website.

What we expect from others

We want to help developers and planners to progress proposals as quickly and efficiently
as possible, while ensuring that proper account is taken of environmental considerations.
We therefore seek sufficient information to enable us to provide meaningful advice.

The information we seek in support of a planning application will be proportionate, and be required
for ourselves and the determining bodies to be able to assess the potential
environmental impacts from a proposed development. Pre-application engagement with
prospective developers will ensure that the information required in support of an
application is identified at the outset. Where the advice we provide at the pre-application
stage is followed, the need for additional information will only occur in exceptional
circumstances, for example, where new evidence or guidance emerges, or in instances
where proposals and site boundaries have changed.

We expect applicants to:
• give a reasonable timeframe for our response where our advice is sought;
• be clear about the aims and scope of requested meetings, agreeing an agenda in
  advance of it taking place, provide written material/papers with sufficient time for review,
  and enable subsequent minutes/actions to be agreed between participating parties;
• engage with us when selecting sites for development and at the pre-application stage
  where appropriate i.e. larger development proposals whether there is a potential for
  significant environmental impact;
• undertake proportionate environmental assessments, including EIAs where relevant,
  that reflect the nature and significance of effect, and provide sufficient information to
  allow authorising bodies to carry out their assessment of the proposals (including any
  HRAs);
• where relevant, undertake suitable surveys, and take appropriate account of the
  potential impact: on surface water bodies, for groundwater contamination; the
  contamination of land; of flood-risk; and on natural heritage interests (including habitats,
  species, and landscapes, historic landscapes, geology and access) at the design stage
  of a new proposal, with reference to good practice;
• demonstrate how any NRW advice has been taken into account; and
• keep us updated on timescales for submission of applications and Supplementary
  Environmental Information (SEIs).
We expect planning authorities and regulatory bodies to:

- ask for our advice where a development proposal falls within our remit in accordance with the published criteria for consulting NRW (see paragraph 5.1 above), giving a reasonable or statutory timeframe for our response;
- be clear about the aims and scope of a meeting, agreeing an agenda in advance of it taking place, providing written material/papers with sufficient time for review as appropriate, and subsequently agreeing minutes/actions;
- identify when groundwater contamination, contamination of land, flood-risk, water resources, surface water pollution, waste usage/disposal, or impacts on landscape, access, protected species, or statutory designations might be a relevant issue for consideration, and ask applicants to undertake suitable surveys and propose adequate mitigation measures as appropriate;
- create PDF
- clarify how NRW advice has been taken into account in decision making; and
- notify us of the outcome / decision for applications where NRW has submitted a consultation response.

**Feedback**

Delivery of this service level statement will be monitored. We would welcome feedback on ways in which our service can be improved.

**Contact:** planning@naturalresourceswales.gov.uk