

Natural Resources Wales: Our Regulatory Public Participation Statement



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1. What is this statement about?

This Statement explains:

- when and how we will consult with you during our Permitting and Licensing decision-making processes
- what we legally can and can't consider
- how you can respond to consultations
- other information we think you may find useful relating to our consultation processes.

2. How do we make our decisions?

Our decisions on whether to issue or refuse a permit or licence are defined by legal requirements. We are required to justify our decision within the boundaries of these legal limitations.

Our permits, licences and permissions contain conditions to protect the environment and people. We set restrictions and limits on activities we need to control and, where necessary, require the monitoring of emissions to air, water and land. For Marine Licensing we must also consider impact upon navigation and potential impact on legitimate use of the sea.

Legally, we must issue a permit or licence if the applicant can show that all the legal requirements will be met. We are not legally able to refuse a permit or licence solely due to local opposition to the activity.

3. Are permits and licences the same as planning permission?

Simply put, No. Our work and decisions are separate from the planning process. Marine Licensing may seem similar in some aspects to planning permission but they are still separate and independent processes and permissions.

Often, applicants will need a permit or licence from us and planning permission from the Local Authority to operate (and we may be contacted by the Local Authority as a consultee), but each can be applied for and issued without the other; and obtaining one does not necessarily mean the other will also be issued or granted.

Permitting and Planning – Who does what?

Environmental Permitting, Water Resources, Flood Risk & Forestry Applications

Our permitting decisions look at the design and operation of the processes, to prevent pollution and minimise impacts on the environment and human health.

Marine Licensing

Our marine licensing decisions are required to have regard to:

- the need to protect the environment
- the need to protect human health
- the need to prevent interference with legitimate uses of the sea
- in the case of an application for a licence to authorise construction, alteration or improvement of works

within the UK marine licensing area, we consider the effects of any use intended to be made of the works in question when constructed, altered or improved

- any representations which it has received from any person having an interest in the outcome of the application and any such other matters as it thinks relevant.

To do this we typically look at issues including location, technology, details of the proposed works, construction methods and materials to be used.

Planning

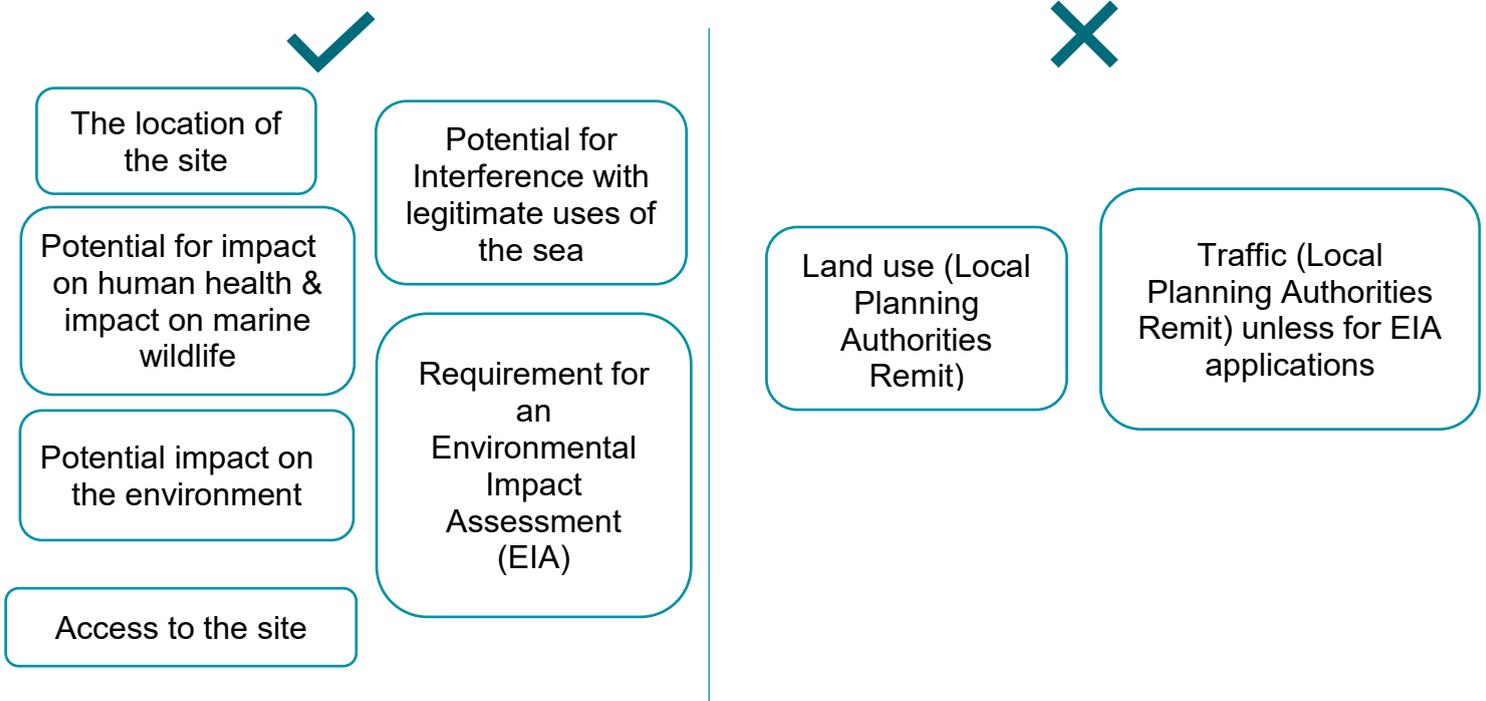
The planning process determines whether a facility is in the right location, i.e. an acceptable use of land; and considers wider matters associated with the development such as visual impact, traffic and access.

4. What is our regulatory remit?

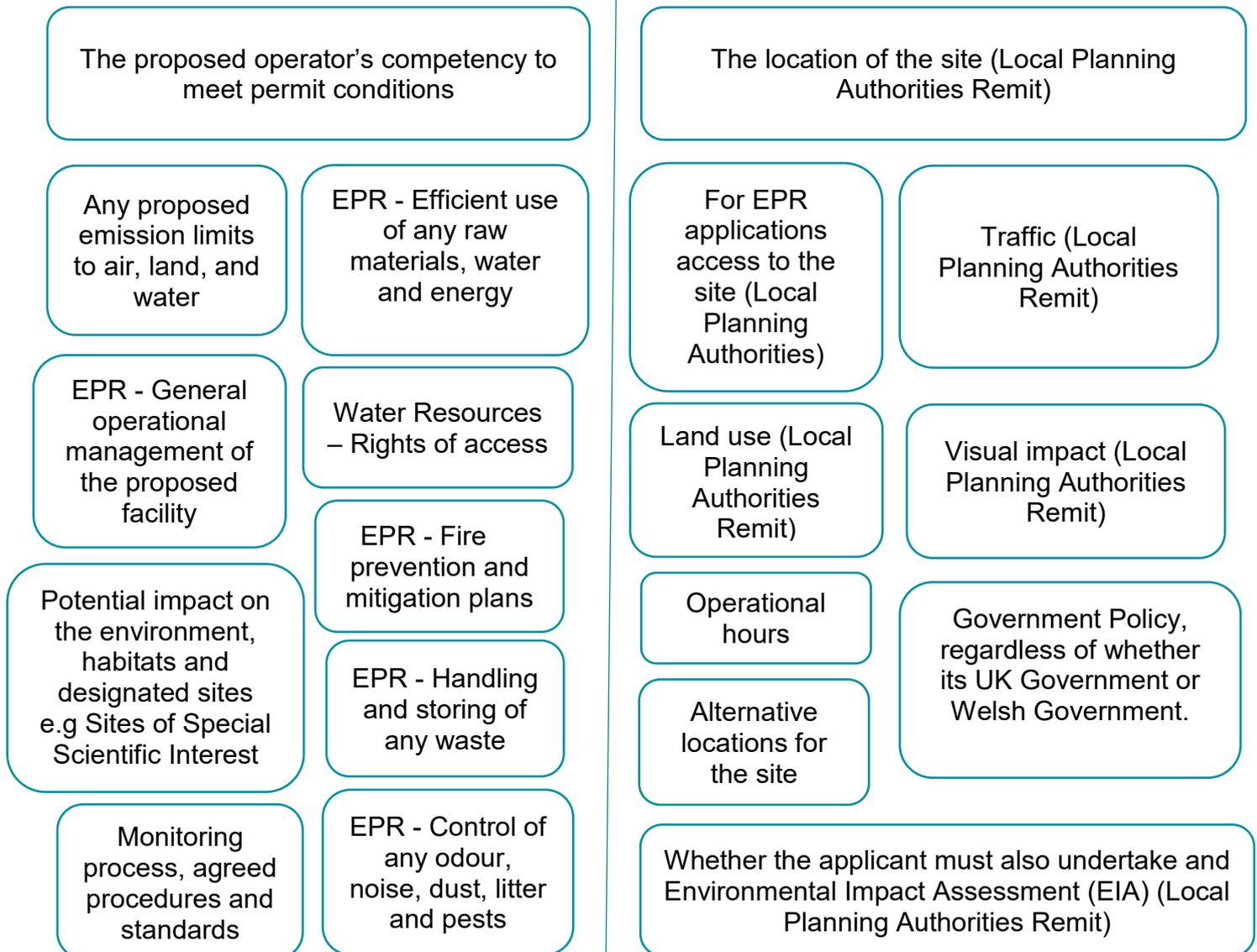
We often receive comments on matters that are not within our legal remit. This means we cannot lawfully allow those comments to influence our decision.

We have listed some of the most common issues we receive comments on below and whether they are within our remit ✓ or not ✗.

Marine Licensing



Environmental Permitting, Water Resources, Flood Risk & Forestry Applications



5. Why and when do we consult?

We consult on certain applications to comply with the requirements of the relevant environmental legislation and requirements arising from Welsh Legislation namely the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.

We are required legally to consult on New bespoke permit and licence applications for:

- Installations
- Waste facilities (and those involving mining waste activities)
- Water Quality
- Water Resources (Note: We have the power to suspend consultation requirements for some applications)
- Radioactive substance activities (except for sealed sources)
- Medium combustion plant activities
- Substantial variation applications
- Forestry (felling) applications that require an Environmental Impact Assessment
- Flood risk activity permit applications that require an Environmental Impact Assessment

- Marine Licence applications
- Any application we consider to be High Public Interest (whether there is a legal requirement to consult or not)

We are not legally required to undertake consultation as part of the decision-making process for Flood Risk Activity Permits and Species Licences. However, we may choose to consult on applications for these regimes if we feel they may be of High Public Interest.

We also do not consult on Applications for Standard Rule Permits or any parts of an application that are commercial confidential or detail national security controls.

How consultation fits in to our decision-making process

We consult at set times and for set timeframes during our regulatory decision-making processes to give people and organisations an opportunity to comment.



We receive an Application



We carry out some basic checks of the application to decide if enough information and the correct fee have been provided. We call this step 'duly making'. We do not do any technical assessment of the application at this stage



For applications that require consultation

EPR, Water Resources, Flood Risk & Marine Licensing

We advertise the application on the 'Permit Applications, Consultations and Decisions' section of our website for 20 working days, within 30 days of the date it was deemed 'Duly Made' or within 30 days of being allocated to an officer in the case of Marine Licensing.

Forestry Applications

All application documents are made available on the public register for 28 days for comment.

For Water Resources Licensing we are also legally required by the Water Resources Act to publish a notice in a local newspaper

Technical Assessment and Determination (May run in parallel with consultation period)

We consider all relevant comments received during the consultation stage in our decision making process.

We can ask for more information from the applicant following comments or questions we receive during a consultation if they are relevant to our determination.



For some applications we advertise a 'Minded to' decision on our website for 20 working days. This is usually only for Applications involving the Industrial Emissions Directive



We make our final decision. This outcome is listed on our website. All documents relating to the application and determination are available via our online public register.



6. How do we manage applications of High Public Interest?

For some applications if we consider there is, or is likely to be, a high degree of public interest we may decide it's appropriate to take extra steps to ensure everyone has a fair chance to comment. We call these applications High Public Interest (HPI).

An application can be classed as HPI at any stage during our decision-making process. We always try to make this decision as early on as possible, based on feedback we receive, however, this may be during pre-application discussions, once an application arrives, or at any stage during our decision-making process.

Additional Options for HPI Applications

We aim to choose options that will be most valuable for all involved and achieve value for money; a principle we must follow as a Public Service organisation funded by the Welsh Government.

We do not automatically undertake any of the following as standard for all HPI applications, we make our decisions on a case by case basis.

Below are examples of some of the more common options we may consider (but this list is not exhaustive). We then decide which, if any, are appropriate based on local circumstances.

Additional Options Examples

Consider extending consultation beyond 20 working days



Wider advertising, e.g. in local newspapers, leaflets, press releases



Additional consultation on the draft permit



Increased coverage on our NRW social Media platforms



Increased community engagement e.g. drop in sessions in local venues



Engagement with political representatives or community leaders.



7. How can you respond to a consultation?

You can send us your comments to the following Email or Postal address, please note **All comments must be received before the consultation period ends.**

Email: permittingconsultations@naturalresourceswales.gov.uk

Post: Consultation Response, Permitting Service,
Natural Resources Wales, Ty Cambria, 29 Newport Road,
Cardiff, CF24 0TP

For Forestry applications, please email your comments to :
fellinglicence@naturalresourceswales.gov.uk within the 28 days consultation period.

Please include the application reference, applicant name and site address in the subject matter so we can easily identify which application your comments relate to and ensure they are passed to the correct team.

You will always receive an acknowledgement to any consultation responses to confirm it has been received. However, we do not respond individually in detail to the comments made.

We do not consider any comments made on our social media platforms to be formal consultation responses. Only comments received via the methods set out above will be acknowledged and considered.

8. Who else do we consult with?

We engage with a number of organisations and expert bodies to seek their views on protecting human health and the environment. We may work with them to address public concerns and take their expert advice into account when making our decision.

Below is a list of external bodies we consult with most frequently (This is not an exhaustive list, we may also consult with others).

- Animal Health
- CADW
- Canal and Rivers Trust
- Centre for Environment, Fisheries and Aquaculture Science (CEFAS)
- Chamber of Shipping
- Civil Aviation Authority
- Confederation of Forest Industries (Confor)
- Environment Agency
- Farmers Union of Wales
- Food Standards Agency
- Harbour Authority
- Health & Safety Executive
- Local Authority Environmental Health
- Local Authority – Planning
- Local Fire and Rescue Service
- Local National Park Authority
- Local Sea Fisheries committee
- Local Port Authority
- Local sewage / Water undertaker
- Maritime & Coastguard Agency
- Mineral Planning Authority (County Council)
- National Farmers Union
- National Grid
- Natural England
- Navigation authorities
- OFWAT
- Public Health Wales
- Royal Society for the Protection of Birds
- The National Federation of Fishermen's Organisations
- Water UK
- Welsh Government

9. How do we publicise our final decisions?

For EPR, Marine Licensing & Flood Risk applications we produce a Decision Document (called an 'Internal consultation form' for Flood Risk). This contains details of our decision-making process and how we've taken all relevant comments we've received into account. This is where you can look to see how your comments have been considered. We inform customers of our permit and licence decisions on our website and all documents relating to the decision are made available via our online public register.

For Water Resources applications we currently record our decision in a determination report. For Water Resources applications which are deemed to be HPI or are refused we also produce a decision statement which we place on our website.

Please Note: If we receive numerous comments on the same issue, we may group these together in the Decision Document as one summary (per issue). However, each individual consultation response will be saved on our system.

10. How do we consult on New Standard Rule Sets?

We offer Standard Rule Permits (SRP's) for a range of activities. These contain conditions including strict location criteria and activities must also be carried out in line with the generic risk assessment for the given activity.

We consult on all new draft standard rule permits and their corresponding risk assessments prior to them being finalised and published on our website – They can then be applied for once published.



We identify organisations who may be interested in the SRP e.g. Industry groups & unions.

We discuss the work with them and develop initial draft SRP and Risk Assessment of the activity



Next, we share the draft documents on our website for consultation where we invite comments from the public and any interested organisations. The length of the consultation period may vary depending on the complexity and level of interest in that particular rule set. We let people know about the consultation via our website and our social media platforms and occasionally directly by email

We then review the consultation responses, finalise the documents and get any supporting guidance ready to be published with the rule set and risk assessment.



Finally, we publish the Standard Rule Permit and its Risk Assessment on our website. The rule set is now 'live' and can be applied for.

Please Note: We take a similar approach when we want to amend or revoke a set of standard rules but the consultation period is usually only for a maximum of 28 days and we write to operators and other organisations or individuals that hold permits that will be affected by the proposed change.

11. How do we follow General Data Protection Regulations (GDPR) with consultation responses?

When we receive a response from an individual, it is saved on our system but not automatically available on our online public register. We do this to protect the personal information of the individual making the representation.

The content of the response can be made available via an official Request for Information. Should this happen, we would ensure all personal information, such as name and address, is redacted prior to providing the information in the response to the request.