



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

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Changes to the consenting of infrastructure consultation
Planning Directorate
Welsh Assembly Government
Cathays Park
Cardiff
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23rd July 2018

Dear Sir/ Madam,

**Consultation on changes to the consenting of infrastructure
(Reference: WG34221)**

We welcome the opportunity to respond to the above consultation.

The statutory purpose of Natural Resources Wales (NRW) is set out under the Environment (Wales) Act 2016. This requires that in the exercise of its functions under the Environment (Wales) Act 2016, NRW must pursue sustainable management of natural resources in relation to its work in Wales and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty (in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015) is to carry out sustainable development.

We welcome the principle of developing a new simplified consenting process for major infrastructure in Wales. However, its effective implementation will depend on the detail of several elements, which have been summarised below and is set out in further detail in our response to the specific consultation questions.

Streamline and unification of consents

NRW is responsible for over forty different regulatory regimes across a wide range of activities, including those under the Environmental Permitting Regulations. Whilst we are supportive of parallel tracking and the potential to simplify consents where they are practical, effective and can lead to improvement to decision-making, it is important that the current level of protection afforded by the established regimes to the environment, human health and other considerations are not compromised.

We are unable to provide detailed comments on the feasibility and effectiveness of the proposed approach until further details are provided on how the proposed regime would

function to overcome our current concerns. From our experience as a regulator, we consider it will not be beneficial or practical to unify *all* consents under a single Wales Infrastructure Consent (WIC).

We seek early and continuous engagement with you to further discuss the feasibility, opportunities, and difficulties of including any permits and licences we currently determine within the WIC.

The establishment of a new unified regime will be incredibly complex, will incur significant resource implications and must consider a wide range of implications. For example, the determining body will need to develop the required expertise to fulfil this role, procedures during pre-application and post permission stages. In addition, NRW's regulatory regime is based on full cost recovery, and if our role within a new WIC process changes to a statutory consultee then provision of technical advice would need to be fully funded by other means to ensure that we can fulfil that function consistent with expectations.

We also seek clarity on more practical aspects where one authority determines the consent and another authority enforces the permission; or where a variation to a consent is required. An appropriate appeal mechanism will need to be implemented where there is clear separation between those persons determining the WIC and those determining an appeal.

Opportunity to further develop parallel tracking

For those development schemes and activities to be excluded from a WIC, we would suggest there is an opportunity to strengthen requirements for parallel tracking between different processes and legislation. We refer you to our recent response to Welsh Government's consultation on revisions to Planning Policy Wales (Edition 10). Whilst the timetable for determining consents can vary between different consenting regimes, in many cases it would be advantageous if the diverse range of applications are submitted to a shared timetable to allow issues to be considered in parallel, for example, applications for planning permission, and environmental permits.

This will also need to be framed in the context of the whole-system approach recommended by the Future Generations Commissioner for Wales in her letter to NRW dated 14th May 2018.

We would welcome the opportunity for further discussion with you on this matter, in the context of the work commenced recently between Welsh Government's Planning Division, NRW and Planning Officers Society Wales.

Specialist Consultee

We would also seek that any new legislation ensures our ability as specialist consultee to assess applications within adequate time-frames, provides clarity on response categories and ensures consistency for when we are identified as a specialist consultee.

Policy Framework

A clear policy framework is critical to good decision-making. From the details contained in the consultation document it is unclear how projects will be assessed against both the National Development Framework and the Welsh National Marine Plan. We would welcome the opportunity to discuss this further with you and the possibility of developing Policy Statements.

While any new regime created will aim to satisfy the ambition and objectives outlined in the consultation document, the current level of protection to the environment, human health and other areas that the established regimes provide will need to be maintained. We would welcome further detailed discussion on our comments, the opportunity to provide further support in the development of the new regime and to help establish a regime that is fit for purpose for Wales.

Our detailed response to your consultation questions are included in the accompanying consultation form.

We trust that our advice will be useful to you. If you have any queries in relation to our detailed response, please contact Keith Davies, Planning, Landscape, Energy and Climate Change Manager in the first instance at: keith.davies@cyfoethnaturiolcymru.gov.uk.

Yours faithfully,



Ceri Davies

Executive Director of Evidence, Policy and Permitting