



## Annex A – Cyfoeth Naturiol Cymru / Natural Resources Wales

### Introduction

Planning Inspectorate Advice Note 11 “Working with Public Bodies in the Infrastructure Planning Process” covers the generic aspects of the Planning Inspectorate’s involvement with other public bodies in the national infrastructure planning process, both in relation to such bodies’ roles as consultees on proposed development consent order applications and where such bodies have parallel consenting powers.

This Annex explains the role of Natural Resources Wales in the consideration of proposals for Nationally Significant Infrastructure Projects (NSIPs), both as a consultee and in relation to permits, consents and licenses that Natural Resources Wales has power to issue but that may be required in addition to a Development Consent Order (DCO) for a NSIP.

This Annex dated September 2015 replaces Annex A (Countryside Council for Wales – April 2012) of Advice Note 11. It will be reviewed as necessary to ensure that it remains relevant and up to date.

### The Formation of Natural Resources Wales

In April 2013 Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. The statutory purpose of Natural Resources Wales is set out in the Natural Resources Body for Wales (Establishment) Order 2012<sup>1</sup>. The purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced, and sustainably used with a view to benefitting, and in a manner designed to benefit, the people, environment and economy of Wales in the present and in the future. Natural Resources Wales’s functions are set out in the [Natural Resources Body for Wales \(Functions\) Order 2013](#) and the [Marine Licensing \(Delegation of Functions\) \(Wales\) Order 2013](#).

### General Statutory Roles, Functions and Powers

Natural Resources Wales’ principal and wider, land ownership, regulatory, licensing and advisory powers and duties derive from various Acts, Regulations and European legislation and International Conventions. In particular Natural Resources Wales is required to take account of and act on European legislation by virtue of, amongst other matters, its status as the ‘appropriate nature conservation body’ for Wales. Natural Resources Wales’s main ‘European’ derived responsibilities relate to the Environmental Impact Assessment (EIA) Directive (2011/92/EU as amended), the ‘Water Framework Directive’ (2000/60/EC) and the ‘Habitats Directive’ (92/43/EEC) as transposed into UK Law. These statutory

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<sup>1</sup> SI2012/1903 (W.230)



functions are outlined further in the sections below on the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) and the Habitats Regulations.

## **Other obligations**

Natural Resources Wales is also subject to the provisions of the Environmental Information Regulations 2004, the Data Protection Act 1998 and the Freedom of Information Act 2000.

## **Role of Natural Resources Wales under the Planning Act 2008**

The role of Natural Resources Wales in the NSIP process derives from the Planning Act (2008) and secondary legislation made under that Act. Natural Resources Wales is both:

- a prescribed consultee; and
- a consenting / licensing authority;

Natural Resources Wales is also a statutory party in respect of the examination of applications and has other roles of relevance which are described later, for example as landowner.

These roles are considered in turn below.

### **1. Prescribed Consultee**

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>2</sup> (as amended) require that Natural Resources Wales is consulted on any prospective NSIP applications within the geographical extent of Wales or otherwise likely to affect land in Wales.

Natural Resources Wales, like all prescribed consultees, has an important role to play in the pre-application process and encourages applicants to begin pre-application discussions prior to submitting a scoping request to the Planning Inspectorate. Early consultation with Natural Resources Wales is important because it helps ensure clear understanding of the environmental issues involved in respect of the NSIP at the outset. It enables applicants to give appropriate consideration to the environmental effects of an NSIP, consider any consequential changes in design or layout or approach as the project details evolve and ensure that all relevant assessments are undertaken.

The applicant has a duty to have regard to any consultation responses it receives under sections 42, 47 and 48 of the 2008 Act.

Table 1 below sets out the principles of the service that Natural Resources Wales is able to offer as a standard during the pre-application stage. Section 45 of the 2008 Act prescribes the minimum period which must be allowed for responses to

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<sup>2</sup> SI 2009/2264



s.42 consultation<sup>3</sup> and Natural Resources Wales strongly encourages applicants to adopt at least the same minimum timescales as prescribed by s.45 and to allow at least a minimum of 28 days for Natural Resources Wales to comment when carrying out non statutory consultation. Longer should be provided for complex and novel cases. This will ensure that Natural Resources Wales has sufficient time to give an informed and helpful response.

## **Table 1: The service offered by Natural Resources Wales in pre application**

The service offered by Natural Resources Wales in pre application is currently free of charge. As we are limited in the amount of work we are able to undertake for the non-statutory elements for each project we are considering options for the introduction of an optional additional charged service in the future.

### Pre application – Project inception

We will assemble a bespoke team of internal specialists for each NSIP. Each team will be led by an experienced officer who will act as the case lead and named point of contact. They will be supported by environmental and regulatory advisors and our legal team. Whenever possible this same team will be in place throughout the application process.

We will attend a project inception meeting to set out what information we will require during the formal pre-application stage. Prior to this meeting we will need as a minimum details of the project, the main issues to be discussed, the timescales for the project, a list of potential consents required and sample works and land plans.

At the project inception meeting we will set out what pre-scoping advice we can offer. We will provide advice on approaches and methodologies, advise on possible impacts to protected sites and species and detail the evidence needed to ensure there is sufficient information to enable robust environmental assessments to be undertaken.

We will discuss and agree reasonable timescales for providing non statutory advice and the amount of time we will be able to allocate to this work.

At this project inception meeting applicants are advised to seek advice regarding permits, consents and authorisations granted by Natural Resources Wales and related to the DCO application.

Where a project has potential cross boundary impacts, to assist the applicant during the pre-application stage Natural Resources Wales will endeavour to work closely with other statutory bodies (e.g. the Environment Agency, Natural

<sup>3</sup> The deadline 'must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents'.



England or the Marine Management Organisation) when considering issues which cut across our respective administrative boundaries.

## Pre application – Scoping

At this stage we will provide advice to the Planning Inspectorate on the topics and issues we advise should be scoped in and out of the Environmental Statement. We expect a scoping report to be submitted in sufficient detail to enable us to understand the characteristics of the potential impacts of the project.

## Pre application – Section 42

At the section 42 stage we would expect to see enough detail to enable a meaningful consultation and for us to provide a comprehensive response which can in turn better inform the design of the proposed development in going forward. Wherever possible information should include the outcomes of draft or shadow assessments to meet the requirements of the European legislation listed above and the 'worst case' scenario parameters and details of proposed mitigation and compensation measures as applicable.

We recognise that there is a statutory 28 day minimum for consultation at this stage but we advise that for complex applications we will require longer than this to respond effectively.

## Pre application – Prior to submission

Three to 6 months prior to an application being submitted to the Planning Inspectorate we can review the draft ES and other documents including a draft DCO and Draft HRA report providing that we are given adequate time and forewarning to undertake this work.

We will aim to conclude all the pre-application consultations with the applicant, with a summary letter to the applicant agreeing common ground on the full range of relevant environmental issues under Natural Resources Wales's remit. We would also include in this letter any unresolved issues and provide comments on any unmitigated impacts that may require compensatory measures.

This summary letter will form the basis of the Statement of Common Ground. We expect applicants to develop Statements of Common Ground with us during the pre-application process and for these to be agreed prior to the start of the Examination stage. The key to achieving this is that issues highlighted by Natural Resources Wales early in pre-application discussions are addressed by the applicant as comprehensively as possible, and have been systematically captured in a draft Environmental Statement. A clear audit trail will be maintained as this



is essential to help with the drafting of Statements of Common Ground.

**We strongly encourage applicants to consider the timely submission of related planning applications, authorisations, licenses and consents so that any issues arising can be considered at the same time as the DCO submission.**

## **Natural Resources Wales as a Consultation Body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

Natural Resources Wales is a prescribed consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>4</sup> (as amended) (the EIA Regulations). Where an applicant has requested a scoping opinion from Secretary of State in relation to an EIA development likely to affect land in Wales, Natural Resources Wales must be consulted by the Secretary of State about the information it considers should be included in the environmental statement, and is under a duty to make information it holds available to the applicant for that purpose<sup>5</sup>.

## **Natural Resources Wales as a Consultation Body under the Habitats Regulations**

Natural Resources Wales is the 'appropriate nature conservation body' under the Conservation of Habitats and Species Regulations 2010<sup>6</sup> (as amended) (the Habitats Regulations) in relation to Wales.

Where Development Consent Order (DCO) applications have implications for 'European sites'<sup>7</sup> in Wales and its waters, the Secretary of State as 'competent authority' under the Regulations must consult Natural Resources Wales as the appropriate nature conservation body and have regard to any representations made by it. Natural Resources Wales should also be consulted in regard to the assessment of projects located outside Wales but which may have potential significant effects for European Sites wholly or partially within Wales.

## **Geographical Extent of Natural Resources Wales as Prescribed Consultee**

The geographical extent of Natural Resources Wales role as a prescribed consultee is dependent on the context and is explained as follows:

- Proposals in the terrestrial area of Wales, including cross border impacts from developments outside Wales;
- Proposals that have the potential to have impacts on the marine area within 12 nautical miles of the Welsh coastline. Natural Resources Wales

<sup>4</sup> SI 2009/2263

<sup>5</sup> See Regulations 8 and 9 of SI 2009/2263

<sup>6</sup> SI 2010/490

<sup>7</sup> See Planning Inspectorate Advice Note 10 as to the meaning of 'European site' in this context.



will also advise on the effects of any development outside Welsh waters that would, if built, be sited in England/English waters but would affect natural beauty and/or natural heritage and environment of Wales;

- Proposals beyond 12 nautical miles off the Welsh coastline up to the median line zone (the limit of UK territorial waters) Natural Resources Wales will support the Joint Nature Conservation Committee's (JNCC) duties under the Habitat Regulations. Natural Resources Wales will also respond in its own right in the context of these duties;
- There may also be circumstances where, dependent on the nature and location of the proposal, Natural Resources Wales will have a joint duty with Natural England and/or the Environment Agency, primarily in respect of cross-border European sites including both the Dee and Severn Estuaries, the River Dee and the River Wye.

## **2. Consenting / Licensing Authority**

In Wales, Natural Resources Wales has the power to grant authorisations, licenses and consents under a number of enactments. These are set out in Table 2 in the Appendix.

Section 150 of the Planning Act 2008 enables a DCO to include provision the effect of which is to remove a requirement for some consents to be separately granted, but only if the relevant consenting body permits this ("prescribed consents"). The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015<sup>8</sup> give effect to this section. Part 1 of Schedule 2 sets out consents that are prescribed in both England and Wales; Part 2 of Schedule 2 identifies additional consents that are only prescribed in Wales. Unless a particular consent is prescribed in Part 1 or Part 2, a DCO may remove the need for that consent to be granted by the authorising body.

Table 2 (below) denotes those consents which Natural Resources Wales are responsible for determining, and also identifies those which can potentially be included within a Development Consent Order with the consent of Natural Resources Wales.

If Natural Resources Wales does not agree to the inclusion of a prescribed consent in a DCO, a separate application for that consent must be submitted to Natural Resources Wales.

### **Marine Licences**

Natural Resources Wales determines Marine Licences for licensable activities seaward of the mean high water spring tide mark out to the 12 nautical mile Welsh territorial boundary. Section 149A of the Planning Act 2008 (which enables a DCO to include provision deeming a marine licence) does not apply to developments in Wales.

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<sup>8</sup> SI 2015/462



A Marine Licence is required under Part 4 of the Marine and Coastal Access Act 2009, before carrying out any 'licensable marine activity' in Welsh waters. Section 66 of the Marine and Coastal Access Act 2009 lists the licensable activities (subject to certain exceptions and exemptions). An application for a licence must be made to Natural Resources Wales.

Natural Resources Wales does not have a regulatory role beyond 12 nautical miles and the Marine Management Organisation undertake Marine Licensing here. The JNCC are the statutory nature conservation body in this zone.

When assessing a Marine Licence application Natural Resources Wales must have regard to matters set out in sections 69(1), 69(2) and 69(3) of the 2009 Act. Natural Resources Wales must also take full account of additional legislative requirements including:

- Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended);
- Conservation of Habitats and Species Regulations 2010; and
- Water Framework Directive.

Applicants should work closely with Natural Resources Wales prior to submitting their Marine Licence application so that discussions between the advisory and regulatory arms of Natural Resources Wales can be as coordinated as far as possible, whilst allowing for the separation of procedures necessary for the integrity of the decision-making process.

Applicants are encouraged to co-ordinate submission of their applications for a Marine Licence as closely as possible with submission of the DCO application so that the applications can be considered in parallel with consistent information.

Enforcement functions under Part 4 of the 2009 Act have not been delegated to Natural Resources Wales and remain with Welsh Government.

More information about marine licensing in Wales can be found on the Natural Resources Wales website at: <http://naturalresourceswales.gov.uk>

## **Environmental Permitting**

The Environmental Permitting Regulations 2010<sup>9</sup> (EPR 10) require operators of certain facilities, which could harm the environment or human health, to obtain permits from Natural Resources Wales. Environmental Permits can consent several activities under one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits can be prepared for complex situations.

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<sup>9</sup> SI 2010/ 675



Natural Resources Wales environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities; and
- radioactive substance related activities.

Characteristics of environmental permits include:

- they are personal to operators (not attached to land);
- they can be revoked, suspended or varied by Natural Resources Wales;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to other operators subject to a test of competence; and
- conditions may be attached to them.

It is the responsibility of applicants to identify whether an environmental permit is required, in addition to a DCO, before an NSIP can be constructed or operated. Operating without an environmental permit where one is required is an offence.

Permit assessments can provide useful information which will inform the Examining authority's (ExA) recommendations to the Secretary of State. Applicants are therefore encouraged to co-ordinate the timing of their environmental permit applications with their DCO application in order to facilitate timely decision-making.

The ExA's report to the Secretary of State on the DCO application will need to advise the Secretary of State on the prospects of an environmental permit being issued for the project in the form for which DCO authorisation is being sought.

Natural Resources Wales will not be in a position to provide a detailed preliminary view on the permit application until it is at the stage of being able to issue its draft decision for public consultation, and this will only happen at an advanced stage in the permitting process. By not appropriately timing the DCO and permit application(s), applicants run the risk of Natural Resources Wales being unable to comment on detailed technical matters raised by the ExA during the examination period, with implications for the content of the ExA's report.

In the majority of cases it is recommended that applicants submit their permit application at least 6 months prior to the submission of an application for a DCO. This will allow Natural Resources Wales to proceed with its assessments, and it will then be much more likely to be in a position to indicate whether it is likely to grant a permit before the DCO examination closes.

Early engagement with Natural Resources Wales on environmental permitting matters will assist in identifying complex permitting issues and minimise the risk to the implementation of the proposed project. Early consultation should help to avoid conditions under permitting conflicting with the works authorised by the





DCO (e.g. a power station stack of greater height than that authorised by the DCO could be required).

Where an environmental permit is required and the technology is understood and best available techniques are being used, under the Environmental Permitting Regulations 2010, a preliminary opinion will indicate one of three positions in relation to the permit:

- Position 1 – No major permitting concerns.
- Position 2 – More detailed consideration is required and parallel tracking is recommended.
- Position 3 – Don't proceed – unlikely to grant a permit.

However, in situations where due to novel technology, and limited or no understanding of best practice, early engagement and submission of the permit application will be necessary for environmental permitting and DCO decision-making processes to be adequately aligned.

## **Natural Resources Wales as Competent Authority under the Habitats Regulations**

Natural Resources Wales is a competent authority under these Regulations wherever it is responsible for issuing a permit, consent or licence separately from the DCO. Natural Resources Wales will consult its advisory arm in fulfilling its competent authority role.

## **Licensing of European Protected Species under the Habitats Regulations**

The Habitats Regulations and Offshore Marine Conservation (Natural Habitats &c) Regulations 2007<sup>10</sup> as amended (Offshore Marine Regulations) transpose the EU Habitats Directive into UK law, and include protection for a number of plants and animals, which are referred to as European Protected Species (EPS). These include all bat species, otters, dormouse, whales, dolphins, porpoises, turtles, fen orchid and early gentian. Full details can be obtained at: <http://naturalresourceswales.gov.uk>

The Regulations prohibit the deliberate capture, injury, killing or disturbance of any EPS. Developments likely to disturb, injure or kill these species will require an EPS licence from Natural Resources Wales, which will be subject to certain criteria, including that there is no satisfactory alternative, and that there is no likely detriment to the favourable conservation status (FCS) of the species in its natural range.

Where proposals are likely to affect EPS the environmental statement (ES) should include comprehensive details of the mitigation measures that will be put in place to avoid or reduce the impacts to ensure that the FCS of the population(s) concerned is maintained in its natural range.

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<sup>10</sup> SI No.2010/491



## **3. Other Roles of Natural Resources Wales**

### **SSSI Notifications**

In relation to applications where there may be significant impacts upon Sites of Special Scientific Interest (SSSIs). Natural Resources Wales has duties under the Wildlife and Countryside Act 1981 (as amended) (W&C Act).

Under Section 28I of the W&C Act, the Secretary of State or Minister must notify Natural Resources Wales before authorising operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent and the Secretary of State must take into account any advice received from Natural Resources Wales, including advice on attaching conditions to the consent.

Natural Resources Wales can give specific advice on the effects of a proposal on the special interest features of any affected SSSIs when all the relevant information is provided by the applicant. It can also provide advice on any surveys that may be necessary and on any other related requirements. Applicants should discuss mitigation measures for the protection of the SSSI with Natural Resources Wales prior to the application being submitted to PINS. Mitigation measures should be secured through appropriately worded DCO requirements that have been agreed with Natural Resources Wales.

### **Section 28H Assents under the Wildlife and Countryside Act 1981**

In addition, some primary legislation places a requirement on owner occupiers and competent authorities to seek Natural Resources Wales advice prior to carrying out works within a SSSI or affecting an SSSI. Such consultations may be termed 'assents' under for example Section 28H of the Wildlife and Countryside Act 1981 (as amended).

### **Flood Consequences Assessment**

Where it is necessary to submit a Flood Consequences Assessment (FCA) with a DCO application, the FCA should take into account Planning Policy Wales and Technical Advice Note 15 (Development and Flood Risk).

### **Water Framework Directive**

In Wales, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003/3242 (the Regulations) implement (in part) the Water Framework Directive (the Directive). Responsibilities are shared between Natural Resources Wales (an appropriate agency under the Regulations) and the National Assembly for Wales (the appropriate authority). If a proposed development would compromise the environmental objectives of the Water Framework Directive it may only proceed if the criteria under Article 4(7) are satisfied. This would require an assessment to be undertaken by the applicant. Natural Resources Wales's role with regard to this assessment is to assist the applicant to ensure that they provide the correct information to support their case, and to



advise the Examining Authority on the basis of the information available if the criteria for a derogation under Article 4(7) (other than matters relating to human health or safety), have been met. Natural Resources Wales would supplement the information provided by the applicant wherever necessary to enable the Secretary of State to make a balanced judgement.

## **Managed Estate and Land Manager /Owner Role**

Natural Resources Wales is a landowner and the former assets of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales rest with Natural Resources Wales.

Natural Resources Wales also manage National Nature Reserves and areas for biodiversity which include extensive recreation areas such as 340 miles of mountain bike trails, 280 miles of walking trails and 83 miles of horse riding trails. Natural Resources Wales also manages almost 2,000 miles of flood defences. If an NSIP application has any such land included in a DCO application boundary, then Natural Resources Wales will need to be notified, as a land owner, and notice served on Natural Resources Wales as part of the DCO application. This should be done prior to the DCO application being submitted and at least 28 days allowed from the date of the notice to allow Natural Resources Wales to respond.

## **Development on the Welsh Government Woodland Estate**

The Welsh Government woodland estate is around 120,000 hectares and amounts to about 40% of the total woodland area in Wales. Natural Resources Wales manages this estate on behalf of the Welsh Government as a commercial resource. As a land manager Natural Resources Wales can encourage economic development directly or on behalf of Welsh Government as it is within Welsh Government powers to direct us to do so.

Where an NSIP development is proposed on the Welsh Government woodland Estate, Natural Resources Wales acts as an agent for Welsh Government and will work with applicants to ensure that our statutory duties as land manager/owner are taken into account within the NSIP application. For NSIP projects on the woodland estate, it is advisable for an applicant to contact Natural Resources Wales prior to submitting a scoping request to the Planning Inspectorate to ascertain whether any land included within the project area is on Natural Resources Wales managed land. At least 28 days should be allowed for a response.

Contact with Natural Resources Wales is important as involvement in our role as land manager and owner can take the form of negotiating Option Agreements with the applicant to ensure that the DCO application takes into account of any ownership and land management issues.

The role of Natural Resources Wales as agent / manager of land is functionally separate from the advisory and regulatory functions and measures are in place to ensure that this separation is maintained.



## Contact Points

In the first instance applicants should contact the Natural Resources Wales's National Customer Contact Centre:

- by calling 0300 065 3000 (Mon-Fri 8am -6pm)
- by e-mail at: [enquiries@cyfoethnaturiolcymru.gov.uk](mailto:enquiries@cyfoethnaturiolcymru.gov.uk) / [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)
- Natural Resources Wales website: [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)
- by mail at: Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

Applicants should remember to provide contact details so that Natural Resources Wales can reply promptly.

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**Appendix**

The wider and principal land ownership, regulatory, licensing and advisory powers and duties which apply to Natural Resources Wales derive from various Acts, Regulations and European legislation and International Conventions. Table 2 indicates those that are most relevant in respect of Nationally Significant Infrastructure Projects.<sup>11</sup>

**Table 2: Permits, consents and authorisations granted by Natural Resources Wales**

Type of permit, consent, authorisation, registration	Approximate determination period	Overview of legal duty, examples of activities & examples of other permissions commonly associated with this activity	Can requirement for NRW consent be removed (Section 150 of Planning Act 2008)?
European Protected Species Licence	30 working days	European Protected Species (EPS) are covered by Section 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) to protect them from harm. Examples of such licences would be for bat handling licences or possible disturbance to cetaceans.	Yes, subject to permission from NRW
SSSI Consent	Up to 4 months	Section 28E of the Wildlife and Countryside Act 1981, owners and occupiers of SSSIs are required to give notice to Natural Resources Wales if they propose to carry out or permit an operation which has been specified in the SSSI notification as likely to damage the special interest e.g. use of herbicides in or near water or aerial spraying of herbicides.	Yes, subject to permission from NRW
Waste Permit (Bespoke, Standard rules, Variation, transfer, surrender)	Up to 4 months or longer if contentious or significant additional information	A requirement under Environmental Permitting Regulations (EPR) a permit required for activities treating, keeping or disposing of waste over certain threshold. Examples of types of sites requiring permit are transfer stations, scrap yards, composting sites.	Yes, subject to permission from NRW

<sup>11</sup> Please note Table 2 is not an exhaustive list and there may be other consents and regulatory controls relevant to NSIPs which applicants may need to consult Natural Resources Wales about.



	needed.		
Waste Exemptions	Registration	A waste exemption is a waste operation that is exempt from needing an environmental permit under the EPR. Exemptions can involve the use, treatment, disposal and storage of waste. Specific limits are set in each exemption. Examples include using baled tyres in construction, sorting mixed waste & storage of sludge.	Yes, subject to permission from NRW
Mobile Plant Deployments	25 working Days	Under EPR, Lands-spreading or land remediation activities require a permit and then a deployment each time the activity is undertaken.	Yes, subject to permission from NRW
Installation permit (Bespoke, Standard Rules, Variation, transfer, Surrender)	Up to 4 Months	Schedule 1 Activities under EPR. Activities include cement and lime, food and drink, power stations, chemicals, intensive farming etc. Non EPR include species licensing.	Yes, subject to permission from NRW
Category A Mining waste facilities	9 months	<p>Mining Waste Framework Directive (MWD) implemented into Schedule 20 of EPR. The main sections of the EPR 2010 apply generally but through Regulation 35 Schedule 20 includes the specific provisions that need to be included, mainly to meet the requirements of the Mining Waste Framework Directive. {Please note this has now been renamed the Management of Wastes from Extractive Industries Directive (mainly to cover oil and gas extraction)}. Annex III of Mining Waste Directive provides criteria for Category A as follows:</p> <ul style="list-style-type: none"> <li>• A failure or incorrect operation could give rise to a major accident;</li> <li>• Contains hazardous waste above a certain threshold;</li> <li>• Contains dangerous substances above a certain threshold.</li> </ul> <p>The Legal definition of a Category A site is as follows:</p> <p>Annex III of the MWD states that a waste facility shall be classified as Category A if:</p> <p>1. A failure or incorrect operation, e.g. the collapse of a heap or the bursting of a dam, could give rise to a major accident, on the basis of a risk assessment taking into account factors such as the present or future size, the location and the environmental impact of the waste facility; or</p>	Yes, subject to permission from NRW



		<p>2. It contains waste classified as hazardous above a certain threshold; or</p> <p>3. It contains substances or preparations classified as dangerous above a certain threshold</p> <p>Water quality discharge permits are commonly required in association with mining waste permits and also species licences as Great Crested Newts find the surface water management systems used in mines and quarries a favourable habitat.</p>	
Mining Waste Operations (also including Mining Waste Facilities)	4 months (3 months for standard rules permits)	Mining Waste Framework Directive implemented into Schedule 20 of EPR (please see section above). Includes Standard Rules for inert extractive waste, Tier 2 bespoke for inert extractive waste with integral discharge, non-inert non-hazardous mining waste operations (with or without a mining waste facility) and hazardous mining waste operations (with or without a mining waste facility). Water quality discharge permits are commonly required in association with mining waste permits and also EPS licences as great crested newts find the surface water management systems used in mines and quarries a favourable habitat. Groundwater permits, radioactive substances regulation (RSR) permits and installation permits for flaring of gas are linked with fracking.	Yes, subject to permission from NRW
Radioactive substances EPR permit (non-nuclear site)	Up to 4 months	EPR (previously controlled under the Radioactive Substances Act 1993). (Some sites still have the Radioactive Substances Consent authorisations but will gradually be replaced by EPR permits).	Yes, subject to permission from NRW
Radioactive Substances EPR permit (nuclear site)	Up to 4 months	EPR (previously controlled under the Radioactive Substances Act 1993). The previous authorisations have been replaced by an EPR permit.	Yes, subject to permission from NRW
European Union Emissions Trading System – all application types	2 months	Natural Resources Wales is responsible for the delivery in Wales of aspects of the European Union Emissions Trading System (implemented in the UK through the Greenhouse Gas (GHG) Emissions Trading Scheme Regulations 2012). Natural Resources Wales is responsible for delivering all current Greenhouse Gas Emissions permitting and compliance activities in Wales (for example, permits, variations, audits etc), addressing queries from customers and assessing reports.	Yes, subject to permission from NRW



Hazardous Waste Registration	Registration upon payment	The Hazardous Waste (England and Wales) Regulations 2005 . If an applicant produces or holds hazardous waste at any premises in England and Wales it must be registered each year, unless the total quantity is less than 500kg each year or the premises is excluded by Natural Resources Wales.	Yes, subject to permission from NRW
Water Quality permit (Bespoke, Standard Rules, Variation, Transfer, Surrender)	Up to 4 Months	A requirement of the EPR. For example, treated trade and sewage to ground and surface water, plus sheep-dip and pesticides to ground. A flood defence consent from Natural Resources Wales or local authority may also be required plus SSSI Consent for owners/occupiers. If the activity abstracts >20m <sup>3</sup> /d water they will need an abstraction licence for example for a cooling water or a fish farm.	Yes, subject to permission from NRW
Herbicide Licence	10 days simple, 13 weeks complex	Food and Environment Protection Act 1995 (Control of Pesticides Regulations 1986, as amended) agreement to the use of herbicides to control the growth of weeds near to a water body.	Yes, subject to permission from NRW
Water Quality discharge Exemption	Registration	Under the EPR some water discharge activities can be exempted from needing an environmental permit. Examples, discharge from septic tank or small discharge to Groundwater for scientific purposes.	Yes, subject to permission from NRW
Flood defence consent	2 months	Water Resources Act 1991 and Natural Resources Wales Land Drainage Byelaws. Works in, under, over or within 7 metres of the top of the riverbanks. Also within 7 metres of the landward toe of a flood defence embankment or wall (7 metres is Natural Resources Wales Byelaw distance). Can be associated with Fish Passes, Hydro Electric Power Schemes, Impoundment/Abstraction Licences and Marine Licences.	Yes, subject to permission from NRW
An authorisation pursuant to bylaws made under Section 20 of the National Parks and Access to the Countryside Act 1949	On a case by case basis	Certain byelaws for the protection of nature reserves.	Yes, subject to permission from NRW
Licences under section 8 of the Deer Act 1991	On a case by case basis	Natural Resources Wales has the power to grant certain licences only. Licences are also granted by Welsh Government. A licence may be granted to any person by Natural Resources Wales allowing said person to remove deer from area to another or of taking deer alive for scientific or educational purposes.	Yes, subject to permission from NRW





<p>A licence under section 10 of the Protection of Badgers Act 1992</p>	<p>On a case by case basis</p>	<p>Natural Resources Wales is a licensing authority under the 1992 Act. We are responsible for issuing licences for the following purposes:</p> <ol style="list-style-type: none"><li>1. For scientific or educational purposes or for the conservation of badgers, to kill or take badgers or interfere with a sett;</li><li>2. For the purpose of any zoological gardens or collection, to take, possess or sell badgers;</li><li>3. For the purpose of ringing and marking, to take or mark badgers or attach a marking device;</li><li>4. For the purpose of any developments as defined in section 55(1) of the Town and Country Planning Act 1990, to interfere with a sett;</li><li>5. For the purpose of preservation, or archaeological investigation, of a monument scheduled under section 1 of the Ancient Monuments and Archaeological Area Act 1970, to interfere with a sett;</li><li>6. For the purpose of investigating whether an offence has been committed or gathering evidence in connection with any proceedings before any Court, to interfere with a sett; and;</li><li>7. For controlling foxes in order to protect released game or wildlife.</li></ol> <p>In addition to these, WG has authority under Section 10(2) and (3) of the Act to issue licences to:</p> <ol style="list-style-type: none"><li>1. Interfere with badger setts for:<ul style="list-style-type: none"><li>o The purpose of any agricultural or forestry operation</li><li>o The purpose of any operation to maintain or improve any existing watercourse or drainage works, or to construct new works required for the drainage of land, including works of defence against seawater or tidal water; and</li><li>o Controlling foxes in order to protect livestock and penned game;</li></ul></li><li>2. Kill or take badgers or to interfere with their setts for:<ul style="list-style-type: none"><li>o The purpose of preventing the spread of disease; and</li><li>o The purpose of preventing serious damage to land, crops, poultry or any other form of property.</li></ul></li></ol>	<p>Yes, subject to permission from NRW</p>
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<p>A licence under section 16 of the Wildlife and Countryside Act 1981</p>	<p>30 working days</p>	<p>Natural Resources Wales issues licences for specific purposes, so that applicants can undertake legitimate work without breaking the law. Natural Resources Wales can issue licences for the following purposes (Section 16(1) of the Act):</p> <ul style="list-style-type: none"> <li>• Scientific, research or educational purposes</li> <li>• Ringing or marking, or examining rings or marks</li> <li>• Conserving wild birds</li> <li>• Re-population / re-introduction of wild birds</li> <li>• Conserving flora and fauna</li> <li>• Protecting any collection of wild birds</li> <li>• Falconry and aviculture</li> <li>• Public exhibition / competition</li> <li>• Taxidermy</li> <li>• Photography</li> <li>• Public health, public safety, air safety</li> <li>• Preventing spread of disease</li> <li>• Preventing serious damage to crops, fisheries etc.</li> </ul>	<p>Yes, subject to permission from NRW</p>
<p>A licence under section 10 of the Conservation of Seals Act 1970</p>	<p>On a case by case basis</p>	<p>Power to grant licences.</p>	<p>Yes, subject to permission from NRW</p>
<p>A direction under section 24, 25 or section 26 of the Countryside and Rights of Way Act 2000</p>	<p>Up to 16 weeks</p>	<p>Land management; avoidance of risk of fire or damage; nature conservation and heritage conservation; Open Access restrictions &amp; Exclusions.</p>	<p>Yes, subject to permission from NRW</p>
<p>Consent under the Salmon and Freshwater Fisheries Act 1975</p>	<p>Up to 20 days</p>	<p>This is regarding fish movements and stocking.</p>	<p>Yes, subject to permission from NRW</p>
<p>Marine licences</p>	<p>6 weeks for an application to undertake Benthic Grab samples  4 months for standard Marine Licence application</p>	<p>The Marine and Coastal Access Act 2009 requires a Licence to be obtained for any constructions, alteration or improvements in, on, under or over the seabed and the deposit or removal of any substance from the seabed using a vehicle or vessel. The range licensable by Natural Resources Wales is below mean high water springs and out to 12 nautical miles. Examples include dredging, bridge construction, flood defence construction, benthic grab sampling &amp; deployment of marine energy devices.</p>	<p>No</p>



	Note that EIA and complex applications could take significantly longer	Other Natural Resources Wales permissions commonly associated with a Marine Licence are SSSI Consents, EPS Licences and Flood Defence consents.	
Water Resource Abstraction, Impoundment, Hydroelectric Power (HEP), Transfer, Temporary licence	Up to 4 months	Consents under s 24, 25, 32, 79A, 109 and paragraphs 5 and 6 of Schedule 25 to the Water Resources Act 1991 (as amended). Often associated with impoundment licences and flood defence consents. Sometimes fish pass approval is required or if the capacity of any existing or proposed storage reservoir is designed to hold, or capable of holding, more than 25,000 cubic metres of water above the natural level of the land adjoining the reservoir then the Reservoirs Act 1975 applies. The Act requires that these reservoirs are constructed, altered, inspected, abandoned and discontinued. The Flood & Water Management Act 2010 will reduce the capacity of a regulated reservoir to 10,000 cubic metres and will introduce other responsibilities. Natural Resources Wales advise the customer to monitor these changes as they are enacted by government.	Yes, subject to permission from NRW
Felling Licences	50 working days	Requirement of Forestry Act 1967 (as amended) to obtain a licence before felling growing trees. Everyone involved in the felling of growing trees will require a licence or check to see if they are covered by an exemption. Other permissions commonly associated with this activity are SSSI consents & EPS licences.	Yes
SSSI Assent (for S28G authorities undertaking works)	28 days	Section 28H of the Wildlife & Countryside Act 1981 requires statutory bodies (Section 28G authorities) to obtain the <u>assent</u> of Natural Resources Wales to carry out an operation which may damage a SSSI (whether or not within the SSSI). If Natural Resources Wales declines to assent or imposes conditions the authority must explain how it has taken the advice and must minimise damage and restore where practical.	N/A
EIA (Forestry) determinations	28 working days	A requirement under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. This applies to 4 'projects' (Afforestation, Deforestation, Forest Quarries, forest roads/tracks). No other commonly associated consents. This requirement will apply mainly to terrestrial projects on Natural Resources Wales managed land.	N/A



Statutory Plant Health Notices	30 working days	These are issued under the Plant Health Act 1967 where trees have a quarantined pest or disease. Other permissions commonly associated with this activity are SSSI consents & species Licences.	N/A
Waste Carriers, Brokers & dealers	Registration upon payment	There is now in place a lower tier registration system for "Specified persons". This is set out in the Part 8 of the Waste (England & Wales) Regulations 2011.  This is a free registration system.	N/A
Dee Protection Zone	4 Months	Under the Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999, Natural Resources Wales issues consent for the keeping and use of controlled substances on sites in the freshwater River Dee catchment.	N/A

