

NRW B O 10.14

Appendix 1

Draft propositions for the Natural Resources Wales Permitting Publication Scheme

Single permitting publication scheme applicable to all regimes

1. For all permitting regimes we will publish on our Website a comprehensive, easily understood listing containing the following information for all permit applications:
 - The applicant, including name and address or grid reference where appropriate. For some application types this will be limited or of a generic nature for data protection reasons.
 - The type of application, including the legislation it is made under, and a brief explanation of the activity (e.g. waste transfer station, or non-consumptive abstraction of water for the production of electricity.)
 - An indication of the expected decision date.
 - Clear guidance and signposting on where to go for further information. This will include copies of the application, and any limitations on access to information.
 - Where a consultation period applies - how to make comments, and any deadlines that apply.
 - The final decision once it has been made. For some of our regimes we produce decision rationales which are available via the registers. We will signpost these and where they are not available we will explain how to get further information.

What information is available and how to access it.

2. This appendix provides a detailed summary of what information is available for each permitting regime and how to access the information. In accordance with the Functions Order it also specifies the manner and time within which information of each class will be published.
3. For certain applications which are contentious or where there is a high level of public interest for other reasons, we will often undertake an enhanced level of consultation. Further information on how we deal with sites of high public interest is available on our website. This is a developing area of policy. Our approach is tailored to specific local circumstances and may include one or more of:
 - extending consultation beyond the normal 20 working days;
 - wider advertising, e.g. in local newspapers;

- consulting on the draft permit and decision document;
 - providing more information via the web or free in information packages;
 - meetings with staff.
4. There will be some restrictions on the information available, but these will be minimised as far as possible. Restrictions will generally be based on provisions of the primary legislation, the Data Protection Act, and exclusions in the Freedom of Information Act. *(We are seeking further expert legal advice on this issue which should be available before the public consultation is released. Where information is not currently available there are likely to be some restrictions and changes required. E.g. we will need to notify all applicants of the information we are likely to disclose and give them the opportunity to ask for some to be withheld.)*

Self Permitting

5. We will follow the requirements of this scheme for permits we issue for our own activities, in the same way as for external permits. In addition the Functions Order requires that where we are the applicant, are responsible for determining the application, and where the application can be called in by Welsh Ministers; we must notify Ministers at the time we make the application. This requirement was part of the interim scheme and notification is made to Welsh Government of all internal applications.

Maintenance and Review

6. We propose to carry out full reviews of the permitting publication scheme at intervals of not less than every five years. These reviews will include consultation on any proposed significant changes. The first review will take place in 2017. We will also maintain the scheme regularly and amend it to reflect relevant changes in legislation or changes in Appendix 1 such as improvements to the amount of information available via the Website

Charging

7. It will be necessary to charge for the provision of some information. All web based information and public registers can be accessed free of charge. Other information will generally be charged for in accordance with our charging scheme for requests made under the Freedom of Information Act or Environmental Information Regulations. Details of this scheme are provided in annex 1.

Plans to extend availability of digital public registers

8. Our intention is to gradually increase the amount of information available free of charge via our Website. A substantial amount of information is already available on-line, and we are developing our strategy for digital communications and on-line transactions.
9. However, it is not currently feasible to publish all of the public register information on our website. There are many reasons for this including the volume of material, the current capacity and functionality of the Website, the associated costs, and the fact that applicants do not currently have to submit electronic versions of applications.

Information available on specific classes of permit.

Marine licensing

10. 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 material from the seabed using a vehicle or vessel. The range licensable is below mean high water springs or out to 12 nautical miles. Examples include dredging, bridge construction, Flood defence consents and sampling.
11. Public register requirements are set out within The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011. These regulations state that the register can be kept in any form.
12. Consultation requirements are set out by section 68 of the Marine and Coastal Access Act 2009, and for EIA projects additional requirements are set out by The Marine Works (Environmental Impact Assessment)(Amendment)(England and Wales) Regulations 2009.
13. Each month a list of all Marine Licence applications which are being considered and those determined are published on our website. Any queries regarding any of the information published should be directed to our Marine Licensing team who will be happy to provide further details.
14. All documents and correspondence relating to a Marine Licence application are stored on our internal Document Management Systems. The majority of these documents are available on request by contacting our Marine Licensing Team.

Water resources permitting - abstraction and impoundment

15. Under the Water Resources Act 1991 and the Water Resources (Abstractions and Impounding) Regulations, you are likely to need to apply for a Water resource permit if you want to impound (store) water in any watercourse or abstract (take) more than 20 cubic metres (4,000 gallons) of water per day from a river or stream, reservoir, lake or pond, canal, spring, underground source, dock, channel, creek, bay, estuary or arm of the sea.
16. The Water Resources (Abstraction and Impounding) Regulations 2006 SI2006/641 as amended by The Water Resources (Abstraction and Impounding)(Amendment) Regulations 2008 SI2008/165 require us to keep a register of all applications for abstraction and impounding licences and our decisions on those applications.
17. The public register must be updated within 14 days of:
 - the relevant date being set for a formal application;
 - a decision being made on a formal application;
 - receipt of an application to make an administrative change to a licence;
 - an administrative change being made to a licence.

18. We use an internal 'Electronic Data Records Management System' to store all relevant documentation and this is used as our public register. Members of the public can view this register by booking an appointment at their local Natural Resources Wales office or information can be supplied upon request.
19. There is also a legal requirement to advertise Water Resource applications. This requirement for advertising was originally set out in section 37 of the Water Resources Act 1991 and subsequently amended in section 14 of the Water Act 2003.
20. The Water Act 2003 also included section 37A for times where dispensation with publication requirements can be applied i.e. advertising doesn't need to happen.
21. Advertising applications gives any interested party the opportunity to comment. Details of applications are advertised in the following locations:
 - notices are published on our own website for 28 days, once in a local newspaper and are available to view for 28 days at the local Natural Resources Wales Office;
 - notice is served (by means of letter or email) on the following external bodies, where relevant:
 - navigation authority
 - harbour authority
 - conservancy authority
 - drainage board
 - statutory water undertaker
22. Any queries on any of the permit information published can be directed to our water resources permitting team who will be happy to help.

Environmental permitting

23. The Environmental Permitting Regulations (EPR) came into force on 6 April 2008. These combined Pollution Prevention and Control (PPC) and Waste Management Licensing (WML) Regulations. All existing PPC permits or waste management licences automatically became Environmental Permits from 6 April 2008. The regulations were amended in April 2010 such that all water discharge consents, groundwater authorisations and radioactive substances registrations and authorisations automatically became environmental permits.
24. The duty to keep a public register is found at regulation 46 and Schedule 24 of the Environmental Permitting (England and Wales) Regulations 2010 SI 2010 no 675. Essentially the regulations require that all information related to a permit application and the regulation of a site need to be made available on a public register.
25. We use an internal 'Electronic Data Records Management System' to store all relevant documentation and this is used as our public register. Members of the public can view this register by booking an appointment at their local Natural Resources Wales office or information can be supplied upon request.
26. The Industrial Emissions Directive (IED) replaced seven existing Directives that we currently implement through the Environmental Permitting Regulations (EPR):

Integrated Pollution Prevention & Control, Large Combustion Plant, Waste Incineration, Titanium Dioxide (three directives) and Solvent Emissions.

27. The EPRs have been amended to implement the IED in England and Wales and provide a single coherent regime. Article 24 of the IED has provisions in relation to public participation, and includes reference to in Article 24(2) about “including via the Internet”. Documents relating to permitting decisions at newly permitted sites have been available from 7 January 2013, and for existing sites from 7 January 2014. These documents can be found on our website.
28. It is a requirement of EPRs 2010 that a ‘public participation statement’ is produced. NRW has currently adopted the Environment Agency’s public participation statement ‘working together: your role in Environmental Permitting’. This scheme details how and what we will consult on and what will be publicised on our website. It explains our approach to applications that generate a high level of public interest.
29. Currently, we consult the public on all applications for bespoke permits and those variations that involve substantial change on our website here. Consultations for draft decisions on certain environmental permits applications can be found on our website here and a list of final decisions on Environmental permits is published each month on our website here.
30. Further information on any of the information made available on our website will be supplied upon request and our ERP permitting teams will be happy to answer any queries.

EUETS – European Union Emissions trading System

31. The European Union Emissions Trading System is implemented in the UK through the Greenhouse Gas Emissions Trading Scheme Regulations 2012.
32. Under the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (regulation 36), the regulator is required to publish the names of operators who are liable to the civil penalty for failing to surrender sufficient allowances to cover their reportable emissions.
33. Under the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 (regulation 49), the regulator is required to publish, by 30th June each year, a list of aircraft operators that are liable to the civil penalty for failing to surrender sufficient allowances to cover their aviation emissions.
34. The Environment Agency, on behalf of Natural Resources Wales also maintains a Registry and acts as “registry administrator” under the EU ETS.

Flood defence consents

35. If you want to carry out works in, over, under or near a main river or a flood defence (including a sea defence), you will need to apply to us for consent under the Flood Risk Regulations (2009) and Land Drainage Byelaws.

36. There is no current requirement in any of the relevant legislation to maintain a public register. However, in line with part 1 of this scheme a monthly list of all applications received and determined will be published on our website.
37. Further information on any type of Flood defence consent application and determination can be made available upon request.

Fisheries

38. Under the Salmon and Freshwater Fisheries Act 1975 you need a licence for fishing with a rod and line, moving and stocking fish and fishing with nets and traps in Wales.
39. There is no current requirement in any of the relevant legislation to maintain a public register. However, in line with part 1 of this scheme a monthly list of all applications received and determined for fish movements, net licences and fish pass approvals will be published on our website.
40. It should also be noted that we consult formally on Net Limitation Orders (these limit the number of licences available) and fisheries byelaws and we do formally consent fish movements (stocking/removal) and consult on new licence duties.
41. Further information on any type of Fisheries licence application and determination can be made available upon request.

Trees, woodland and forestry

42. It is a requirement of Forestry Act 1967 (as amended) to obtain a licence before felling growing trees.
43. For Grant Scheme and felling licence applications there is no requirement in the relevant legislation to maintain a public register. However, we do consult for 28 days on line, currently via the Forestry Commission website, details of all grant applications to carry out new planting, or other forestry work and felling are included in the grant application.
44. In line with part 1 of this scheme a monthly list of all applications received and determined will also be published to our website.
45. Under the Environmental Impact Assessment (EIA) (Forestry) Regulations 1999 we must show the decisions we make about whether proposals will have a significant effect on the environment. This public register is still currently available via the Forestry Commission website.
46. Further information on any of the information made available on our website will be supplied upon request.

Protected sites

47. Under Section 28 E of the Wildlife and Countryside Act 1981 owners and occupiers of SSSIs are required to give notice to us 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.

48. Section 28(H) of the Wildlife & Countryside Act requires statutory bodies (S28G authorities) to obtain our assent to carry out an operation which may damage a SSSI (whether or not within the SSSI).
49. There is no current requirement in any of the relevant legislation to maintain a public register. However, in line with part 1 of this scheme a monthly list of all applications received and determined will be published on our website.
50. Further information on any type of protected site can be made available upon request.

European and UK Protected Species licensing

51. European protected species (EPS) and UK protected species are covered by several pieces of legislation to protect them from harm. Main Acts are S16 Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010, Badgers Act 1992. We grant licences such as bat handling licence or Great crested newt for conservation or survey work. We also deal with licences related to developments where EPS are present.
52. There is no requirement in the relevant legislation. However, in line with part 1 of this scheme a monthly list of all applications received and determined will be published on our website and further information can be made available upon request.

Others

53. We also publish information on a range of statutory registrations that are not formally permitting decisions. This is because the registrations are generally automatic and do not require a decision from Natural Resources Wales. There are some exceptions to this where we consider if parties should be prevented from registering for example due to relevant previous convictions.

54. Registration of waste carriers, brokers and dealers

- If you transport waste as part of your business, you will need to be registered as a waste carrier.
- If you arrange for waste from other businesses or organisations to be transported, disposed of, or recovered, you need to register as a waste broker.
- If you buy and sell waste, or use an agent to do so, you need to register as a waste dealer.
- For waste carriers a public register maintained under section 2(2)(b) of the Control of Pollution (Amendment) Act 1989 and Regulation 3 of SI No. 1624 The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 and prescribed by Regulation 6 of SI No. 1991/1624 (since 14 October 1991)
- For brokers a public register held under Regulation 28 of the Waste (England & Wales) Regulations 2011 and for dealers Regulation 28 of the Waste (England & Wales) Regulations 2011 states that a register of professional dealers must be maintained.

- The public register for upper tier waste carriers, brokers and dealers is currently available via the Environment Agency's website [here](#).
- For Lower tier waste carriers public register information can be found on the Natural Resources Wales website [here](#).
- The public registers contain basic information such as business name, address and registration date. Further information can be supplied upon request via our customer care centre.

55. Hazardous Waste Registrations

- The Hazardous Waste (England and Wales) Regulations 2005 do not require us to keep a public register. However we proactively publish certain details and there is an obligation to inform a person who is a holder of hazardous waste or who carries on the business of consigning or collecting hazardous waste whether any premises from which that person proposes to remove, cause to be removed or transport any hazardous waste are notified premises. The Environment Agency is currently providing this service on behalf of Natural Resources Wales. Public Register details can be found [here](#).

56. Waste and Water Exemptions

- A public register held under and prescribed by Schedule 2, paragraph 7 of the Environmental Permitting (England and Wales) Regulations 2010, the particulars as set out in paragraph 6. The Environment Agency is currently providing this service on behalf of Natural Resources Wales. Public Register details can be found [here](#).

57. Scrap Metal Dealers Act

- The Scrap Metal Dealers' Act 2013 came into effect on 1 October 2013. Local authorities issue and enforce scrap metal dealer licenses.
- The Environment Agency will provide a public register of licensed scrap metal dealers in England and Wales as required by the act. Public Register details can be found [here](#).

Registers outside of Permitting Publication Scheme

58. We are obliged by various pieces of legislation to maintain and make available public registers of information. There are some public registers we are required to maintain which fall outside this publication Scheme, some examples are listed below. More information is available via our website.

- Contaminated land
- Large raised reservoirs
- Pollution control registers
- Maps of rivers
- The producer responsibility register
- Waste batteries and accumulators
- Landfill allowance scheme

Annexes

Annexe 1 – Charging for information under this Scheme.

This Annex details the charges that may be applied if anyone submits a request to access or re-use information that Natural Resources Wales holds.

As a Welsh Government sponsored body, we have adopted the Welsh Government code of practice for access to information for responding to requests for access to Natural Resources Wales' information ([link](#)).

Natural Resources Wales has adopted interim charging arrangements for responding to requests to re-use our information that combines elements of the legacy organisations policies to ensure that existing levels of customer service are maintained while we bring the functions and existing data supply agreements of the legacy bodies into Natural Resources Wales. There are two main sets of arrangements, the first covering FOI and non-commercial requests and the second covering commercial requests. The various arrangements are summarised below.

Requests for access to information that Natural Resources Wales holds

There is no fee to view our information on our web site or view our public registers at our premises.

There is no charge for any request that takes up to 2 ½ days to assess and respond

Where a request goes over 2½ days (this is equivalent to the £450 limit set in the freedom of Information Act) it may be refused or charged at the rate of £25 per hour and charges may be for the full cost of the request.

We will notify you immediately if your request attracts charges

We will not normally provide information where the time to assess, collate and respond to request goes beyond 10 days.

Requests for access to personal information under the Data Protection Act (Subject Access Requests)

The standard rate of £10 will be charged, for information that is easily located (Relevant subject files in a paper filing system, or and electronic records) or where you have provided clear description of the information you need and it can be collated within 2½ days.

We will not normally provide this information where the time to assess, collate and respond to request goes beyond 2½ days.

Requests to re-use Natural Resources Wales's information:

Non-Commercial Re-use

Requests for non-commercial re-use will be subject to the same charges that are applied to requests for to access our information (detailed above).

Commercial Re-use

Most of our data and information assets are freely available for re-use as open datasets. Requests for re-use of these datasets will be charged at the same rate as requests for access (outlined above).

Disbursements such as photocopying, postage and CD's

We will not normally charge for paper or CD copies of our material, but where large volumes are requested in these formats, disbursements may be charged at the following rates.

Print or photocopy: A3 or smaller 10p per sheet

Plotter Prints for Larger than A3: A1 £1 per copy; A0 £2 per copy

Postage: At the Royal Mail rate

Publications: At relevant cost as detailed in the publications list ([link](#))

There will be no charge for disbursements that total less than £25.

Over £25, these charges may be applied. We will notify you immediately if your request attracts charges

Annexe 2 – Freedom of Information requests

The Freedom of Information (FoI) Act 2000, allows anyone to request access to information that we hold.

Under the Freedom of Information Act 2000, anyone may request information from us. The Act promotes a culture of openness and accountability across the public sector. We aim to be as open with our information as we can. In some circumstances, certain types of information may be withheld if there is a very good reason for doing so, or where legislation requires us to restrict access. If we need to withhold, restrict or provide licensed access we will explain why, and explain the steps you can take if you are not satisfied.

As explained in the main sections of this Permitting Publication Scheme much of the information relating to permitting is easily accessible via the website or via public registers. However, if the information you require isn't readily available then you can contact the relevant permitting team to access it. Wherever possible we will provide the information without the need for an official FoI request.

Further information on the Freedom of Information Act can be found on our website [here](#).

Further information on how to access or request information can be found on our website [here](#).

Annexe 3 – Model Publication Scheme under Freedom of Information Act.

In promoting greater openness in public authorities, the Freedom of Information Act requires all public bodies to publish a publication scheme. This publication scheme lists the information that we will routinely make available. This is separate from the Permitting Publication Scheme.

NRW has adopted the Information Commissioner's model publication scheme and follows relevant sections of the definition document for Welsh Government Sponsored Bodies. The definition document outlines 7 classes of information that are required.

1. Who we are and what we do
2. What we spend and how we spend it
3. What our priorities are and how we are doing
4. How we make decisions
5. Our policies and procedures
6. Lists and Registers
7. The Services we Offer

This model publication scheme lists the information that we will routinely make available for each of the 7 classes.

All items in this scheme are available on request and a link is provided for all items that are routinely published on our web site.

You can request items via the Customer Care Centre:

- Telephone: 0300 065 3000
- E-mail: enquiries@naturalresourceswales.com
- In writing: Natural Resources Wales, Tŷ Cambria, 29 Newport Road Cardiff CF24 0TP

Requests received for information detailed in this scheme will be provided on the same terms as responses to Freedom of Information requests (we do not charge for access to information on our web site but, if you wish to request a number of items to be supplied in another form please refer to our charging scheme for information on timescales and any charges).

Further information on the Information Commissioners' publication Scheme can be found on our website [here](#).

Annexe 4 – Basic scheme requirements for all regimes

Ref. No.	Applicant	Permitting Regime/Type	Where to access further information	How to comment (If relevant)	Final Decision / Expected decision date
e.g. AX1234BC	Name Address Location	e.g. Environmental Permitting Regulations, Waste Activity	Link to website or contact for relevant permitting team	Where to send comments and by when	e.g. Permit granted 31/07/14 Or if not determined Decision expected 31/07/14

Note – The availability of certain classes of information may be limited due to Data Protection Act requirements.