



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

GUIDANCE NOTE FOR LOCAL PLANNING AUTHORITIES – CONSULTATION WITH NATURAL RESOURCES WALES

Natural Resources Wales (NRW) is a new body that will take over the current functions of the Countryside Council for Wales (CCW), Environment Agency Wales (EAW), Forestry Commission Wales (FCW) and some functions that are currently carried out within Welsh Government.

NRW will take over the role previously delivered by CCW, EAW and FCW in providing technical advice, to ensure that Local Planning Authorities have the best information available to support their decisions with regard to planning.

One of the reasons for creating the new body is to streamline our services and make things more straightforward for our customers, suppliers and partners. In future, you will only have to contact one body and we are confident that this will make things easier, simpler and save you time.

This guidance note identifies when NRW should be consulted, with regard to:

- **planning consultations (Appendix 1)**
- **strategic documents (Appendix 2)**

Please note the following:

- the criteria are not prioritised (i.e. if any are met, NRW should be consulted), but they have been grouped for convenience;
- the lists combine existing criteria used by CCW and EAW, so should not result in increased numbers of consultations, and in many cases consulting one organisation will reduce workload and simplify procedures;
- more than one of the criteria may apply, so please check all sections

- where examples are given, these are not exhaustive

For convenience, the criteria are shown in the form of a 'tick-list'. This can be used to aid the decision process, and (if you wish) may be attached to consultations sent to NRW to highlight the reasons for consultation.

In addition, in Appendix 3, a 'quick guide' has been produced for easy reference. However, this should be used in conjunction with the more detailed information in the body of the guidance note.

This guidance should be treated as a 'live' document that may change and develop over time – and every effort should be made to ensure the most up-to-date version is being used.

For clarity, NRW do not wish to be consulted on applications which do not meet any of the criteria specified in the checklist. However we remind you of your wider duties, for example under the Natural Environment and Rural Communities Act 2006 with respect to biodiversity.

Appendix 1 – when to consult NRW with regard to planning applications

Type / location of development / activity	What do we mean by this?	Tick if applies
A site greater than 1 Ha	<i>Any development on land of 1 Hectare (10,000 m²) or more.</i>	
Involves treatment or disposal of sewage or trade waste	<i>Development for the retention, treatment or disposal of sewage, trade waste, slurry or sludge (excluding construction of single private treatment sewage plants, septic tanks and cesspools where less than 10 people will normally reside or where the system discharges to a soakaway).</i>	
Involves, or is near to, any COMAH sites	<i>COMAH sites are those subject to ‘Control Of Major Accident Hazard’ regulations. Development of new establishments or modifications to existing establishments which could have significant repercussions on major accident hazards, or within 250m, where the siting or development would increase the risk or consequences of a major accident.</i>	
Is within 250m of a landfill	<i>Development within 250m of land which is, or has been, used to deposit refuse or waste (excluding historic landfills, unless the proposal is on top of a landfill).</i>	
Waste sites	<i>Development involving the use of land for the deposit, storage, transfer, processing and/or treatment of refuse or waste</i>	
Cemeteries	<i>Development relating to using land as a cemetery, churchyards, including extensions; crematoria and animal burials.</i>	
Intensive animal facilities (including fish farms)	<i>Development of intensive animal facilities (such as pig, poultry, cattle, catteries or kennels). Development for the purpose of fish farming and fisheries.</i>	
Mineral / mining operations	<i>Development involving mineral and mining operations, including exploration, extraction and restoration schemes.</i>	
Non-domestic mineral oils	<i>Development for the purpose of extracting, refining or storing non-domestic mineral oils and their by-product(s).</i>	
Energy generation schemes	<i>Development of energy generation schemes (both domestic and non-domestic) including, but not limited to, hydropower, onshore and offshore wind turbine applications, extraction of unconventional gas, biomass plants / energy from waste plants.</i>	

Appendix 1 – when to consult NRW with regard to planning applications

Water-related impacts	What do we mean by this?	Tick if applies
Development affecting a watercourse	<p><i>Development proposals likely to affect a watercourse including:</i></p> <ul style="list-style-type: none"> • <i>carrying out of works or operations in the bed of or on the banks of a river or stream, including discharge to a watercourse;</i> • <i>development on, or under to any flood bank, sea defence, or other flow control structure; or</i> • <i>culverting or control of flow of any river or stream, including piping; or</i> • <i>development within 20m of a Main River.</i> <p><i>Main rivers can be identified via the Environment Agency website</i></p> <p><i>Home & Leisure > Flood > Am I at risk of flooding? > Flood Map (at a scale of 1:75,000 or closer)</i></p>	
Development within a flood zone	<p><i>Development located in flood zones C1 and C2 as defined by the Development Advice Maps; and/or Environment Agency flood zone maps (Zone 2 and 3) (excluding extensions up to 250m²)</i></p> <p><i>The Development Advice Maps are available via the Welsh Government's website.</i></p>	
Any works or discharge within a SPZ, NVZ or WPZ	<p><i>Development involving groundworks and/or non-mains foul or surface water disposal within Source Protection Zones, Nitrate Vulnerable Zones or defined water protection zones.</i></p>	
Contaminated land that may pollute controlled waters	<p><i>Development of potentially contaminated land which may pollute controlled waters.</i></p> <p><i>(Controlled waters are defined as rivers, streams, estuaries, canals, lakes, ponds, ditches, groundwater and coastal waters)</i></p>	

Appendix 1 – when to consult NRW with regard to planning applications

<p>Could a protected area or species be affected</p>	<p>What do we mean by this?</p>	<p>Tick if applies</p>
<p>Development within or that may affect a designated site: SAC, SPA, RAMSAR site or SSSI</p>	<p><i>Development proposals that are within or could affect:</i></p> <ul style="list-style-type: none"> • <i>Special Area(s) of Conservation (SAC) – designated, candidate and proposed;</i> • <i>Special Protection Area(s) (SPA) – classified and potential;</i> • <i>Ramsar site(s) – designated and proposed;</i> • <i>notified Site(s) of Special Scientific Interest (SSSI) and sites approved by CCW’s Directors or NRW’s Directors for notification as SSSI.</i> 	
<p>Development that may affect sites with other important habitats or species, or that may have an important support function</p>	<p><i>Developments with potential to affect sites that, although not notified as SSSI, rank highly amongst the best sites in Wales for one or more features.</i></p> <p><i>Developments which could result in the loss of functionality of EU Habitats Directive priority Annex 1 habitats that are not features of a SAC or SSSI that would seriously affect an essential role in supporting migration, dispersal or genetic exchange of species forming, or associated with, the habitat.</i></p>	
<p>Within or may affect a NNR, MNR, MPA or highly protected marine conservation zone</p>	<p><i>Development proposals within or that may affect one or more of the following:</i></p> <ul style="list-style-type: none"> • <i>National Nature Reserve (NNR);</i> • <i>Marine Nature Reserve (MNR);</i> • <i>Marine Protected Area (MPA);</i> • <i>Highly Protected Marine Conservation Zone.</i> 	
<p>Development that may affect protected species</p>	<p><i>Development proposals that may affect European Protected Species or Nationally fully protected species.</i></p>	

Appendix 1 – when to consult NRW with regard to planning applications

Could a protected area or species be affected (continued)	What do we mean by this?	Tick if applies
Development affecting important landscapes or seascapes, either alone or cumulatively with others	<p><i>Development proposals likely to have a substantial effect on National Parks and Areas of Outstanding Natural Beauty (AONB), either alone or cumulatively with other developments.</i></p> <p><i>Proposals likely to have substantial effects on landscapes listed in the Register of Landscapes of Historic Interest in Wales (CADW/CCW), World Heritage Sites, or where the sensitivity of a seascape to the type of development is classed as moderate/high or high.</i></p> <p><i>Developments likely to cause significant effects on landscapes classed as outstanding by LANDMAP.</i></p>	
Developments affecting the marine environment	<p><i>Developments for which NRW is the only competent source of advice about potentially significant impacts to habitats and species that are not features of designated sites nor specially protected.</i></p> <p><i>(e.g. Developments concerning the marine environment that may affect Section 42 BAP species where NRW are the only consultation body for such species).</i></p>	
Previous case history	What do we mean by this?	Tick if applies
The application relates to a condition we (NRW) have previously advised should be applied	<p><i>Discharge of or variation to a condition that NRW or its founding bodies (Countryside Council for Wales, Environment Agency Wales or Forestry Commission) advised be attached to the planning permission.</i></p>	
An appeal relating to NRW remit	<p><i>Planning appeals related to an objection or advised condition from NRW or its founding bodies (CCW, EAW, FCW).</i></p> <p><i>Also planning appeals for non-determination / refusal for cases where NRW has not been previously consulted, but is consulted by the Planning Inspectorate (PINS) at appeal stage because of matters within its remit that NRW may wish to comment on.</i></p>	

Appendix 1 – when to consult NRW with regard to planning applications

Policy and other issues	What do we mean by this?	Tick if applies
Development that requires an EIA	<i>Proposals requiring Environmental Impact Assessment (EIA) including the scoping stage and applications accompanied by an Environmental Statement (ES).</i>	
Departure from National Policy or LDP/UDP	<i>Developments that represent a departure from National Policy, from the development plan (LDP/UDP), or important precedents.</i>	
Development could affect achievement of NRW priority projects or programmes.	<p><i>Developments that contribute to or would prevent achievement of</i></p> <ul style="list-style-type: none"> • <i>NRW priority projects or programmes (e.g. National Trails);</i> • <i>policy objectives, including the importance of any precedent that might be set by the case (legal, policy or point of principle).</i> 	
Developments with high public interest (relating to NRW's remit)	<i>Developments for which it is sensible for NRW to explain its position and give advice in light of likely high public interest.</i>	
Developments that provide an opportunity to test the system of decision making or that may set an important precedent	<p><i>Developments that conflict with policy, that may set an important precedent (legal, policy or point of principle), or that may alter/influence policy dimensions (e.g. wind farms not located within specific Strategic Search Areas).</i></p> <p><i>Developments that serve to test the robustness and consistency of devolved Government policy and the consistency of decisions by central and devolved governments (i.e. DECC, Welsh Government)</i></p>	

Appendix 2 – when to consult NRW with regard to strategic documents

In addition, NRW should be consulted on any Strategic Planning Consultations including (but not limited to)	Tick if applies
<p>Local Development Plans (LDPs) including (but not limited to):</p> <ul style="list-style-type: none"> ○ Plan preparation timetable ○ Pre-deposit options ○ Deposit LDP proposals ○ Candidate housing and other LDP development sites ○ Screening tool consultations ○ Focussed and material changes ○ Inspectors questions and evidence for hearing sessions during the LDP examination 	
<p>Supplementary Planning Guidance (SPGs), masterplans and Area Action Plans</p>	
<p>Environmental Evidence Documents including (but not limited to):</p> <ul style="list-style-type: none"> ○ Strategic Flood Consequence Assessments ○ Green Infrastructure Studies ○ Water cycle studies 	
<p>Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) of LDP/SPG including screening, scoping, draft and final report and post-adoption statement.</p>	
<p>Habitat Regulations Assessment (HRA) of LDP/SPG including screening/scoping, draft and final report and post-adoption statement.</p>	
<p>Other strategic planning allocations including (but not limited to) environmental evidence documents and design briefs.</p>	

QUICK GUIDE – WHEN TO CONSULT NRW

(to be used in conjunction with the more detailed information in the guidance note)

Consult NRW if the development:

- is a site greater than 1 Hectare
- is within 250m of a landfill
- involves handling or storing waste
- involves treatment or disposal of sewage or trade waste
- Involves, or is near to, any COMAH sites
- Involves a cemetery/churchyard/crematoria
- involves intensive animal facilities (including fish farms)
- involves mineral and mining operations
- energy generation
- involves non-domestic mineral oils

Consult NRW about any strategic documents relating to planning

Consult NRW if the development

- is within or may affect a designated site: SAC, SPA, RAMSAR site or SSSI
- may impact other important sites
- is within or may affect a NNR, MNR, MPA or highly protected marine conservation zone
- may affect protected species
- is likely to affect important landscapes or seascapes, either alone or cumulatively with others
- has an impact on landscapes or seascapes
- affects the marine environment

Consult NRW for any development:

- within a flood zone
- affecting a watercourse
- with works or discharge within a SPZ, NVZ or WPZ
- of contaminated land that may pollute waters

Consult NRW if:

- an application relates to a condition we have previously advised should be applied
- or an appeal relating to NRW remit

Consult NRW if:

- the development requires an EIA and/or an ES
- there is departure from National Policy or LDP/UDP
- the development affects achievement of NRW priority projects or programmes
- there is high public interest (relating to NRW's remit)
- the development / decision would set a precedent



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