

Alexis Liosatos
Chairman of DIAG

By Email:

alexisliosatos@gmail.com

2 October 2017

Dear Mr Liosatos,

RE: Biomass UK No 2 Application

Thank you for your e-mail of 22 September, the content of which was also sent to Emyr Roberts and Saul White. Please accept this as a response to all of those e-mails.

I am sorry that you feel that “the process now adopted by NRW is both overly lenient to Biomass UK No. 2 (*“the applicant”*) and unfair towards the public.” Our duty as the Regulator is to ensure that we consider relevant evidence whilst following the prescribed procedure and give due consideration to any views that we receive.

I hope that this response will explain the process further and will show that we are continuing to progress this application in line with our legal duties. We fully appreciate and recognise the high level of public interest with this application and the right and proper opportunity for the public to comment on the information. We believe we have facilitated this to date by undertaking three public consultation exercises and through our attendance and input at the open and constructive engagement meetings between DIAG and NRW that are Chaired by Jane Hutt AM.

The representations from DIAG (that are within scope of the Environmental Permitting Regulations) are most welcomed and will of course be considered in our decision-making process.

As we have previously explained, should NRW be minded to issue a permit for this facility, this would be subject to a public consultation exercise where all evidence and information upon which the decision is based would be publicly available, along with our draft decision document and permit. The consultation would be open for a minimum of four weeks.

As is usual in such permitting processes we are continuing to address the response to the Schedule 5 Notice from the applicant. I would however stress that iterations between NRW and applicants are common practice as we progress with our determination. All submissions are documented to maintain transparency in the process. As stated at the last NRW/DIAG meeting, on 11th September, we will forward you a copy of the communication to the applicant highlighting the clarity we have sought in relation to the Schedule 5 information in due course.

Once this element of the determination has been completed we will make an informed decision about the next steps in the process.

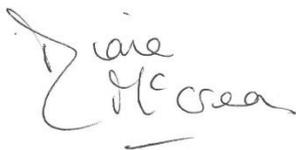
We are fully aware of the Paragraph 4 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016 and the discretionary power that it provides us as the regulator. However, given the ongoing dialogue regarding the Schedule 5 information with the applicant, our Permitting Service do not feel it would be appropriate or proportionate at this stage of the process to deem this application 'withdrawn'.

Our duty is to ensure that this process is fair to all parties. I am disappointed that you are suggesting that we 'favour' or have been 'lenient' to the applicant, or that we have been unfair towards the public. It is essential that we maintain an independent, neutral position throughout this process and that we make an evidence-based decision on matters that are within scope of the Environmental Permitting Regulations.

As you are aware, the permit determination is ongoing following extensive responses to the last consultation exercise which will now need to be reviewed. Once this has been completed, Nadia De Longhi will liaise with Jane Hutt's office regarding a date and agenda for the next NRW/DIAG meeting.

I hope that this response clearly sets out our position. I reiterate that NRW is committed to ensuring that there is openness in the decision-making process and that the process is fair to all, as required by our regulatory duties.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Diane McCrea', with a horizontal line underneath the name.

Diane McCrea

**Cadeirydd, Cyfoeth Naturiol Cymru
Chair, Natural Resources Wales**

