

Jane Hutt AM
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

6 February 2018

Dear Jane,

Thank you for your email letter dated 30 January 2018.

I am sorry that you have had to raise these matters with me, especially since I believe that throughout this process there has been a very professional relationship between yourself and DIAG, and NRW.

For clarity, I have responded individually to each of the eight points that you raised in your letter.

1. The Biomass Response to my objection to the NRW Draft Determination during the consultation period is discourteous to me as an elected representative of the residents of Barry and the Vale of Glamorgan.

We appreciate that you have concerns with the content of the submission from Richard Frearson, but we do not censor or withhold any of the consultation representations submitted to NRW. We aim to ensure that we are completely open and transparent in our decision making by publishing *all* correspondence that we receive during the process.

I can fully appreciate your concerns but would recommend that you contact Richard Frearson directly to raise these matters with him personally.

2. For the author to describe DIAG as an extension of the Friends of the Earth agenda is incorrect. Also, I receive, on a daily basis, messages of support and gratitude for the work that I am doing on this issue from far and

wide across my constituency. Most of these messages are from constituents who have never attended a DIAG meeting, or indeed a meeting of the Barry and Vale Friends of the Earth.

I note your comments and must stress that these are the opinion of a third party and not those of NRW.

3. The timing of the Biomass response, which falls well before the end of the consultation period, is to be regretted and it is disappointing that NRW has uploaded this kind of material at such a crucial point in the process. I agree that this issue receives cross-party support. However, I believe this has undermined that cross-party concord by singling me out as one elected representative who has engaged in this process responsibly and constructively.

The submission from Richard Frearson as the project manager was submitted on his own initiative and he is entitled to do this. It was certainly not requested by NRW as a response to your representation to the consultation. Once received, his submission forms part of the public register and can be accessed accordingly.

All representations from politicians have been included on the public register and will be highlighted in our Decision Document. We have taken a neutral, independent position throughout the determination of this licence application and its public register rightly contains the representations that we have received.

4. I share the frustration felt by the people of Barry and the Vale over the length of time allocated for consultations. The August/September consultation took place during the summer holiday period and the most recent consultation took place over Christmas, again, a time of holiday and family commitments.

As you will recall I wrote to you on 23 November 2017 and explained our intention to run the consultation for an extended period of 8 weeks as a consequence of the Christmas and New Year holidays. This is much longer than the statutory 4 weeks required by legislation. Our opinion is that this should have provided sufficient opportunity given the level of scrutiny that this application had already been subjected to, which has been 29 weeks of consultation in total.

5. I remain convinced that there are outstanding technical issues which are still to be addressed. These are: -

- (i) Air Quality Assessment**
- (ii) Noise Assessment**
- (iii) Fuel Safety**
- (iv) Fire Safety**
- (v) Consultation process**
- (vi) Failure to disclose information**

I commend to you the response by Barry Town Council to the NRW Draft Determination and which appears at Appendix 1 to this letter. I support these representations and I believe that this argument is well made.

The representations from Barry Town Council will be considered as part of the determination of the application. All of the relevant points raised have been taken into account and this will be covered in our Decision Document.

6. I am concerned about the way the Share File / Public Register has been used. It is very difficult to access, and those wishing to review the materials held in this way are confronted with anything up to 130 documents which are not arranged in any logical manner.

Given that we have an Electronic Document Management System we currently use Sharefile to allow customers to access the public register. We appreciate that documents are not presented in a chronological order, but we are, unfortunately, restricted by the functionality of the system.

As a consequence of feedback we have initiated a project to create an on-line public register and will include your feedback as part of this work.

7. The NRW / DIAG Liaison Group forum has been valuable and I am grateful to you and to your officers for that. Nevertheless, it has been pointed out to me that the people of Barry have not been afforded the opportunity to attend NRW workshops, an opportunity that NRW has offered to the residents who live close to the Roath Flood Scheme. Face-to-Face consultation is highly effective and the people of Barry would have welcomed this opportunity.

We will be responding to DIAG separately on this matter and will provide you with a copy of that response in due course. We would equally highlight the engagement work that we undertook with yourself and DIAG throughout 2017 which you previously referred to as professional and respectful.

8. Finally, I am personally disappointed that NRW declined invitations to attend a public meeting in Barry or to attend a meeting of the NRW/DIAG Liaison Group forum.

As you will be aware NRW staff have made themselves available at the appropriate stages throughout the permitting process, and I personally met with you and DIAG on 13 November 2017.

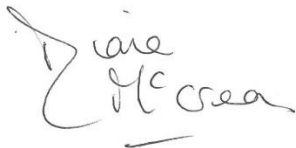
We have communicated at length with Mr Dennis Clarke of DIAG on this specific matter and explained our approach during the minded-to issue consultation. Should a permit be issued then we have offered ongoing liaison arrangements with DIAG, which we hope that the licence holder will also support.

I hope that these responses clarify the situation from NRW's point of view.

Whilst you disagree with some of the points made in the letter that you received from Mr Frearson, his letter was completely independent from NRW and so cannot be taken as NRW's position on any of the points that are made within it.

Out of courtesy, I would like to inform you that we will be issuing our decision on the application imminently. Should you require any further information on any of the points above, please do contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Diane McCrea'.

Diane McCrea MBE

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