

Jane Hutt AM  
National Assembly for Wales  
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12 April 2018

Dear Jane,

Thank you for your letter dated 23 March and your kind words about my appointment.

I know you have kept a close eye on progress of the Barry facility through all stages of the planning and permitting process. You'll be aware of the extensive engagement with the public throughout the permitting process and that we sought advice by consulting with amongst others Public Health Wales, the Local Authority and South Wales Fire and Rescue Service. Securing the permit was the last set of permissions required for this plant.

We recognise that the site is contentious locally, but we are satisfied that the permit, its operating requirements and conditions provide appropriate protection of the environment and human health based on scientific evidence and expert advice. As you would expect, as the site continues through the commissioning phase, we are undertaking a range of compliance activities, to ensure the requirements of the permit conditions are met. If any member of the public notices anything untoward then this should be reported to our Incident Communication Centre (which is continually staffed) on 03000 065 3000 at the time of the event. Whilst posts are being submitted onto social media with footage, this is generally long after the issue has arisen. This does not help us in developing an effective, immediate response and investigation.

We are aware of the high level of public concern over activities during the construction period (regulated by Shared Regulatory Services) and now during this first phase of commissioning (regulated by us). Our assessment is that the short-term nature of, for example, the emissions of smoke from the diesel generators and back-up burners used in commissioning, will not have had a significant impact on the community beyond visual impact. Where we have had specific incidents reported, we have tried to give reassurance. For example, the high volumes of steam emitted would not contain any elements to warrant concern. Some of the noise associated with the steam raising does appear to have caused disturbance and

we are investigating this further. We are acutely aware however, that some members of the community will never be wholly reassured or satisfied by our response.

As I am sure you are aware, since November, my team have been engaged in discussions with the Office of the Future Generations Commissioner (FGC). We have held a number of constructive meetings about the environmental permitting process and shared our knowledge about how the process contributes to our well-being statement and the five ways of working. We have discussed a number of case studies, including the Barry facility. We are in the process of finalising a joint piece of work with the FGC office and Welsh Government to help explain how the various pieces of legislation work together.

In the recent statement released on the website the Commissioner has stated that:

*“I do not have any express powers in law to address these specific concerns. It is clear that I cannot request that a permit is suspended or request that action is taken in respect of any breach of permitting terms and conditions. I often have to stress that I am not an extra layer of appeal in permitting or planning.”*

For information, I enclose a copy of a recent Ombudsman’s decision with regards a complaint made about the Barry facility. You will see that he is satisfied with our decision-making process.

We are committed to working with the Commissioner’s Office and Welsh Government to ensure that we are all understanding and recognising the ambition of the new Welsh legislation whilst ensuring that we meet our statutory obligations. Please be assured that I am taking close interest in this area and would be happy to meet with you to discuss in more detail in the coming months.

In the meantime, if you have any further questions, please give me a call or Ceri Davies from my Executive Team who has oversight of the Wales Permitting Service.

Best wishes,

A handwritten signature in black ink, appearing to read 'Clare Pillman', followed by a horizontal line.

Clare Pillman  
**Prif Weithredwr, Cyfoeth Naturiol Cymru**  
**Chief Executive, Natural Resources Wales**