



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

**Proposed Installations Charge  
Banding Tool  
Consultation summary and  
NRW response  
December 2023**

## Executive summary

As part of our commitment to continually assess our service delivery, review our charges for regulatory activities, and to ensure processes are as efficient and effective as possible, NRW commissioned a Strategic Review of Charging (SRoC) programme of the permitting services provided to our customers.

As part of that consultation, we proposed introducing four new charging bands for installation permit applications. While the SRoC programme obtained approval for the charges in this area, feedback we received through the SRoC consultation that ran until January 2023 told us that you felt that we hadn't provided sufficient information on the four new bands and how they would apply.

We clarified how the proposed charge banding tool would work and we undertook a further 12-week consultation between August and November 2023 to share our proposals and seek feedback. We have taken on board the feedback received and have made changes to the guidance and charge banding tool to reflect these.

We will retire our Operational Risk Assessment tool (Opra) for determining permit application charges from 23:59 on 14<sup>th</sup> January 2024. From 00:00 on 15<sup>th</sup> January 2024 all applications that would previously have needed an Opra score to proceed will need to use the new charge banding tool to calculate the charge payable.

Opra will continue to be used to determine the annual subsistence charge payable although we will be reviewing this area which will form part of our longer-term programme of work.

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## Introduction

As a Welsh Government body, NRW must comply with requirements set out in '[Managing Welsh Public Money](#)'. This requires that we fully recover the costs of the regulatory services we provide from those who use them, rather than having those services funded through general taxation.

Between October 2022 and January 2023 we consulted on [new application charges](#) for a number of regimes, including installations. We made these changes because our charges at that time did not reflect the cost of delivering our service to you. We implemented these changes to recover our costs. These new charges were implemented in July 2023.

As part of that consultation, we proposed introducing four new charging bands for installation permit applications. To determine which charge band will apply to an application, we developed a charge banding tool.

The charge banding tool matches the charge payable more closely to the time it takes to determine each application and therefore the cost to us of providing this service. This contrasts with the current Opra tool where applicants paid an amount based on an environmental 'risk factor' for the whole site.

The assessment needed to determine a variation is specific to an application. It can vary between applications made by the same site operator, and we proposed that the charge should reflect the cost of the service provided. This isn't a one-size-fits-all approach, but one that is flexible, to fit the individual application.

Feedback we received through the first consultation told us that consultees felt that we hadn't provided sufficient information on the four new bands and how they would apply. We committed to undertake further engagement with stakeholders with more detail before deciding whether to introduce the new charge banding tool.

## Our new Installation permit application charges

We have used the Opra charging scheme for bespoke Installation permit applications since it was introduced in 2003.

Application charges using Opra are calculated using a multiplier of each site's risk score. The multipliers have only increased by about 4% in the last 10 years, and in addition to this deficit of cost recovery, our Strategic Review of Charges has determined that Opra no longer fills the needs of a modern cost-recovery based charging scheme for permit applications.

We continuously look to make our assessment process more efficient through developing new tools, and where efficiencies are made in future there may be scope to reduce application charges.

The charge banding tool:

- assigns one of four bands of base charge to the application, depending on its complexity
- adds charges for other activities that are included in the application
- adds charges for certain bespoke assessments only when these are required

Time and materials will be used to calculate landfill-specific bespoke assessments, and for applications that take more than 150% of the time paid for by the charge.

We will retain 14% of the application charge where an application is returned for having insufficient information to be able to determine it.

Applications for administrative only variations to permits will be charged for. We will not charge for NRW-initiated administrative variations.

## How we consulted

We used comments received in response to the previous Strategic Review of Charges consultation initially to review our proposals.

On 1<sup>st</sup> August 2023, we met with our Charge Payers Consultative Group<sup>1</sup> to discuss and refine the charge banding tool proposals based on the feedback.

We launched a consultation on 21<sup>st</sup> August 2023 with further detail on the new charge banding tool and provided access to it.

We used our consultation hub to host the consultation and collate responses. We also accepted responses online via *Citizen Space*, by post and email.

The consultation closed on 13<sup>th</sup> November 2023.

As well as representations we received through our Charge Payers Consultative Group pre-consultation, we received 4 responses. Three of these were submitted by individual businesses and the fourth on behalf of the members of a trade body.

We really value the feedback received and we have taken account of all responses before finalising our proposals. We listened to consultees and have made changes to our guidance.

We plan to implement the new charge banding tool and associated charges at midnight on Monday 22<sup>nd</sup> January 2024.

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<sup>1</sup> The Charge Payers Consultative Group consists of members of the various trade and representative organisations of our stakeholders.

## How the consultation responses were considered

As the number of responses received from the consultation was low, we reviewed and determined how to respond to each in-house.

We have outlined the feedback received through the consultation and our responses below.

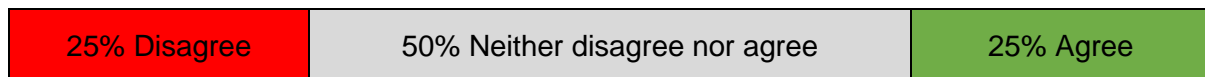
## Consultation respondents

We received 4 responses through the consultation, one of which was submitted on behalf of a trade body and may therefore represent more voices than a simple qualitative analysis will reflect. The responses came from the following sectors:

- Storage and distribution of petroleum products
- Metals
- Cement and Minerals
- Waste.

## Summary of comments and our response

### A. To what extent do you agree or disagree with our proposed charge banding tool for installations?



#### 1. How the charge banding tool affects current permits in place

The introduction of the charge banding tool will not affect permits currently in place.

If however a permit holder wanted to apply for a new permit or wanted to vary, transfer or surrender their permit, they would need to use the charge banding tool to calculate the charge for that work.

#### 2. Ease of use and clarity of guidance

A number of comments were made where respondents felt that the tool was unclear:

- a) The additional effort in completing the tool (and NRW's task in checking the charge banding tool calculations) is disproportionate to its value.
- b) Uncertainty as to whether reference to competency is a question or a statement of advice

This is a statement. The tool automatically identifies those activities where Technical Competent Management is required. Changes have been made to clarify this and an explanatory note added.

c) Some notes are unclear

Re-worded some notes and added more explanation. We would welcome any further feedback going forward from applicants using the tool.

d) Use of acronyms

Noted. Acronyms removed.

e) Request for a table to show how the tool works

Tables have been added to the new permit and variation sheets to show how the calculations work.

f) Suggestions included from Permitting Team to make it easier for applicants to understand necessary terminology

Changed terminology, including Organisation name to Operator name, Case number to permit number (apart from "New applications where it's not applicable).

g) Please clarify what is being reduced: "Does your site also fall under the COMAH Regulations? (a reduction will be applied to this section for COMAH sites)"

Amended the wording to clarify that the score is reduced for COMAH sites.

h) Listed activity tab - "Which of the listed activities are primary for your application" - does this mean "what is the lead activity" (i.e., a singular activity)? It would be helpful to make the language clear and consistent.

Added explanation for this to ensure this is clear for applicants.

i) Automatically answered question about the increase in capacity for variations needs to be simplified.

This should have been a statement and not a question. Wording and colour changed to make it clearer.

j) Variations tab - Step 1, Question 4 may need re-wording or simplification. In addition, some examples in the guidance would be useful e.g., to make it



clear that this question applies to waste operations transitioning into an installation (if this is the case).

<b>STEP 1 - Is this a substantial variation?</b>	1	From pre-application discussions, is this a Substantial Variation application?	yes
	2	Are you seeking a derogation from a BATc as part of your variation request?	no
	3	Number of new Sch 1 Part A (1) activities being added to your permit	0
	4	Is your proposed increase in throughput more than the threshold that brings that activity into Part A(1) of the Environmental Permitting Regulations?	no

We have amended, clarified, and simplified the guidance to address the points above and have adjusted the layout of the tool to make it clearer to a user.

### **3. The proposed process is overly complex compared with other UK regulator's calculation processes**

We believe that whilst slightly more complex than that used by other regulators, the outcome of our charge banding tool more closely reflects the time spent in determining applications and is transparent, showing an operator what they are being charged for.

Completing the charge banding tool is significantly less time consuming than using the Opra tool that is being retired.

### **4. We consider that these fees are too high**

We are required by Managing Welsh Public Money to fully recover the costs to NRW of processing and determining permit applications from those requiring these services.

We cannot incur either a profit or a loss from our regulatory activities. We are only permitted to recover our costs and we are not able to cross subsidise from other sources of funding.

This consultation was concerned with the workings of the charge banding tool and not the related charges, which were consulted on and approved by the Minister as part of the SROc programme.

We are satisfied that the billing tool calculates application charges in a proportionate, fair, and transparent way.

### **5. How does the banding apply to renewable projects?**

NRW must work in line with the principles of Welsh Governments' Managing Welsh Public Money. This directs that those requiring these services should bear the full cost.

There are no waivers in place for renewable projects.

**5. Some guidance may be better placed in a supporting guidance document as they only apply to a small number of plants in Wales**

We have amended some of the wording in question to remove ambiguity but are satisfied that this level of guidance is best placed within the tool itself.

**6. The note regarding multi-product protocol could be auto-answered for non-EPR Section 4 activities**

We will be looking to update and improve the tool over time and will consider this suggestion further at that point.

**7. ‘National Significance’ - please explain the definition in supporting guidance and reference to guidance here. This is commonly misunderstood by applicants.**

We have removed reference to this term as part of our post consultation review for clarity. Developments of National Significance applies to large combustion plant that are captured elsewhere in the tool.

**8. Having run an example calculation for an Anaerobic Digestion (AD) facility, there is an approximate 25% increase in fees compared with the current calculations**

We have developed the charge banding tool to ensure that our charges cost recover the effort needed to determine the permit. For some sites this will mean an increase in application charges while for others it will mean a reduction. We feel that the tool more accurately assigns the costs of determining permit applications for different sites.

**9. Applications & Variations main tab - There may be an error relating to S1.1 combustion activities:**

Schedule 1 Part A(1) Reference	Primary Activity	New activity	Threshold	Current activity capacity in your permit	New capacity	Units	BATc applies	at or the primary activity unit site		new activity without BATc
								TCM activity	TCM required	
1.1 Part A (1) a) (i)			50	50	100	MW	LCP	0		

- It may confuse applicants as they may think they need to apply Large Combustion Plant Best Available Techniques (BAT) limits.
- The spreadsheet is unlikely to cater accurately for these sorts of intricacies in the interpretation of EPR so it may be advisable to remove the BATc column altogether.

We have looked at this to exclude an error and are satisfied that for the tool and the purposes of calculating a charge, this is correct. When we are determining a permit for combustion plant totalling (cumulative) greater than 50 MWth we use the Large

Combustion Plant BAT Conclusions as the technical standard that we assess against.

#### **10. Repetition in information required**

- Intro tab - Questions are repeated in statutory application forms - why ask for this information again in the charge banding tool?
- Complexity factors could be more consolidated or auto completed from answers in previous tabs.
- Some responses could be hidden or removed to reduce perceived complexity (e.g., cement queries).

As part of the future development of this tool and of our application process we aim to streamline the information we request. At this point we need to ask for this information in both the application and the charge banding tool. This is to ensure that we apply the correct charge to the correct application.

#### **11. What is the value of the spreadsheet producing the ‘threshold’ in this tab, and not in the ‘applications’ calculation? Why does this feature in one tab and not the other?**

When we receive an application for a variation, we need to know how much the capacity is changing by. We use this to calculate whether this is a normal variation or a substantial variation.

We need to request the information in this tab to determine whether the capacity is increasing by more than 25%, which would be a complexity factor.

#### **12. Transfers do not require a calculation spreadsheet. Removing this tab would help to reduce complexity.**

The transfers tab makes it easier for an applicant to know that they are paying the correct charge. While most applications are to transfer the entire installation, for part transfers we need to know about aspects that make the application more time consuming to determine.

While we agree that many applicants won't need to use the tool for transfers, some transfer applications are more complex, and we felt there was a benefit in having a tool that could calculate the charge for these.

#### **13. Functionality issues**

- Smaller screen sizes seem to crop some of the text.
- Box 7 is not fully visible on all screen sizes (this may apply to other sections of the spreadsheet too - please check).

Thank you for pointing this out. We have amended the tool which has rectified this issue.

## B. Is it clear what you need to do to complete the spreadsheet and calculate your charge?

100% Disagree

### 1. What the associated Annual Subsistence charges would be for a Band 3 Installation based on the new charge banding tool?

The charge banding tool has been designed to calculate the correct application charge. The charge reflects the amount of effort needed to determine these permits. We have yet to review our subsistence charges although this forms part of a longer-term programme of work to review all charges. Until then, the way in which subsistence charges are calculated will remain the same.

### 2. An online tutorial would be beneficial

Thank you for this suggestion. We are looking at ways we can improve our guidance and will consider how we can deliver this as part of improving the guidance we provide for applicants.

### 3. The level of detail and use of language may be confusing to many waste site applicants

We have amended, clarified, and simplified the guidance to address the points above and have adjusted the layout of the tool to make it clearer to a user. We have also removed some acronyms where these were unhelpful.

### 4. The increase in fees for smaller sites could deter future investors into waste infrastructure in Wales

NRW's charging schemes are based on the principle of full cost recovery in line with Managing Welsh Public Money, HM Treasury rules and obligations under the Natural Resources Body for Wales (Establishment) Order 2012. Our proposed charges aim to ensure that cost of determining a permit application is recovered from those we regulate, avoiding subsidy through the public purse (Grant in Aid). By fully cost recovering, this helps ensure NRW is better able to regulate and protect the environment of Wales, contributing to the Sustainable Management of Natural Resources.

### 5. The fees for determining the permit applications are now higher than the cost for a consultant to prepare the application documentation

NRW has used the principles of full cost recovery in line with Managing Welsh Public Money to arrive at the proposed permit application charges. We have calculated each application charge by identifying the direct activities involved in determining each type of permit/licence, how long they take and what cost. A fair and proportionate allocation of the cost of indirect activities was then applied based on

the level of direct activity. We believe that our methodology is sound and compliant with both Managing Welsh Public Money and regulatory principles.

The quality of applications received is a factor in the time it takes to determine an application. The lower the quality the application received, the longer it takes us to determine. From July 2023 we have started returning very poor-quality applications and now retain a proportion of the application fee to cover the costs of work undertaken to that point. We regularly review our charges. If we find that the quality of applications being received improves such that the time taken to determine these applications decreases, then charges will decrease accordingly.

**6. The fixed costs for NRW completing a review of modelling/ technical assessments are likely to result in smaller sites subsidising costs for larger sites**

We have been directed to fully recover our costs for regulation. Our costs reflect the work that we do to review technical assessments which our analysis showed all take about the same length of time to determine, no matter what size the scheme.

**7. The new charging methodology doesn't reward good environmental performance compared with the previous Opra system**

Whilst the Opra system had a weighting for environmental performance, the impact of this on the final Opra score was minimal.

The charge banding tool has been designed to calculate permit application charges. It reflects the time taken to determine a permit and will help to ensure that we fully recover our costs for the work we do.

We believe that good environmental performance is better reflected in the annual subsistence charge. Our subsistence charges and how we calculate them will be subject to a full future review.

## Annex 1 - Charging consultation proposals

The detailed proposals as outlined within the consultation can be found through the following links.

[Consultation on our Proposed Installations Banding Tool - Natural Resources Wales Citizen Space - Citizen Space \(cyfoethnaturiol.cymru\)](#)

## Annex 2 – Glossary

Activity language	Financial model linking income/outgoings to our key objectives which are underpinned by the funding streams.
AD	Anaerobic Digestion
Article 12A	Powers for NRW to recover costs for goods, services, and facilities under The Natural Resources Body for Wales (Functions) Order 2013
BAT	Best Available Technique
BAU	Business as usual, i.e., normal business activities
Bespoke Permit	Site-specific permit (not a standard rule set)
BREF	Best Available Technique Reference Document
CCG	Charge Payers' Consultative Group
COMAH	Control of Major Accident Hazards
Compliance	Adherence to the rules of a permit or licence
Cost modelling	Time and staff resource data used to calculate costs for active permitting or compliance work
DAA	Directly Associated Activity
<i>Duly made</i>	<i>An environmental permit application that has been accepted and has the right information, including all required documents, photographs, fees, and supplemental information requested by us to determination</i>
EPR	Environmental Permitting Regulations
Exemptions	Activities listed under EPA not requiring an Environmental Permit
Grant in Aid (GiA)	Budget from Welsh Government to NRW for non-chargeable business activity and costs
Installation	As defined by Schedule 1, part 1 of Environmental Protection Act 2016

LCP	Large Combustion Plant
MCP	Medium Combustion Plant
Medium Combustion Plant	As defined by paragraph 2(1) of Schedule 25A of The Environmental Permitting (England and Wales) (Amendment) Regulations 2018
MWPM	<i>Managing Welsh Public Money</i> document published by Welsh Government
MWth	Thermal Mega Watt
NRW/CNC	Natural Resources Wales / Cyfoeth Naturiol Cymru
OPRA	Operational Risk Appraisal tool
Permitting	Includes the determination of an application for an environmental permit, licence, consent, and other authorisations as well as variations, transfers and surrenders of existing permits
Pre-app advice and guidance	On request advice and guidance given to a customer intending to apply for a permit or licence
SME	Small to Medium Enterprise
Specified generators	As defined by paragraph 2(1) of Schedule 25B of The Environmental Permitting (England and Wales) (Amendment) Regulations 2018
SRoC	Strategic Review of Charging
Standard Rules Permits	Standardised sets of rules used to produce site permits where these fit customer requirements

Variations to permits:

**1.Administration:**

Change or correct:

- name or address but where the legal entity has not changed
- National Grid Reference to improve accuracy
- typographical errors
- the start date of a permit
- an outlet location – a new technical assessment is not required

**2.Minor**

Changes requiring some technical input from NRW, but much less than for a normal variation:

- an outlet location
- the volume of discharge

**3.Normal**



Changes requiring technical input from NRW:

- outlet location requiring a review of any existing substance or habitat assessment
- reduce pass forward flow for intermittent storm sewage discharges
- the volume or the quality (or content) of a discharge

#### 4. Substantial

Where a significant assessment is required:

- change the volume or change the quality of a discharge and a new assessment of emissions limits for specific substances is needed
- Specific substances are:
- hazardous pollutants for water discharge activities
- hazardous substances or non-hazardous pollutants for groundwater activities
- new substance or habitat assessment

WG

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## Annex 3 – Responses received to the consultation (List of all question responses in full)

### 1. To what extent do you agree or disagree with our proposed charge banding tool for installations?

How the banding applies to renewable projects and how it affects current permits in place.

An online tutorial would be beneficial

Having worked through the charge banding tool and moving information across from the previous Opra form for the site - we do get to a Band 3 Charge which outlines the charges for Variations or Surrender. One area which is un-clear is what the associated Annual Subsistence charges would be for a Band 3 Installation based on the new charge banding tool?

In principle, we agree with developing a charge banding tool. However, the proposed process is overly complex compared with other UK regulator's calculation processes. Recent studies have revealed that there is a high level of learning difficulties among those working in the waste industry. Some of the language used in the tool lacks clarity and the process is overly complex. There is no need to use a lot of long words

and permitting jargon including acronyms, which may not be familiar to many applicants.

The additional effort in completing (and NRW's task in checking the charge banding tool calculations) is disproportionate to its value. Applications, for example:

#### Tab 1

- The need to follow additional guidance for MCPD/SGs - the complexity of the implementation of MCPD/SG requirements is fully understood, however, it is difficult to see why a separate guidance note is required for charging for these facilities and not for others.

#### Tab 2

- Some complexity and high complexity values are based on answers on the previous page - could this section be hidden/reduced/removed/consolidated on 1st page? (e.g. high-complexity landfill and incineration questions relate directly to EPR sections). With consolidation, the questions could be moved into a single tab and far fewer questions (noting that some are automatically completed), reducing perceived complexity.
- CIWM Cymru welcomes the advice about competency, however, we are unclear about the purpose of the reference to it in the charging table. Is this a question or a statement of advice?
- Some notes are unclear e.g. the acronym 'WI' (we assume this means waste incineration) for cement plants. These notes would be better placed in a supporting guidance document as they only apply to a small number of plants in Wales.
- The note regarding multi-product protocol could be auto-answered for non-EPR Section 4 activities.
- 'National Significance' - please explain the definition in supporting guidance and reference to guidance here. This is commonly misunderstood by applicants.

Please clarify what is being reduced:

"Does your site also fall under the COMAH Regulations? (a reduction will be applied to this section for COMAH sites)"

Having run an example calculation for an AD facility, there is an approximate 25% increase in fees compared with the current calculations.

Specifically, we'd like to raise the following concerns regarding the fee increase:

- The calculated number of hours predicted to determine the application appears high (188 hours in the worked example for an AD facility - this is about double the time to write the full application documentation excluding technical assessments).
- The fees for assessing some technical assessments are higher than consultancy fees for producing the assessments, notably, noise (£2354).

Consultancy fees for an AD plant noise assessment could be as low as £1500.

- We consider that these fees are unreasonable for waste installations and may put organisations off setting up waste sites in Wales, where we are below the capacity needed to deal with our waste.
- Applications & Variations main tab - There may be an error relating to S1.1 combustion activities:

Schedule 1 Part A(1) Reference	Primary Activity	New activity	Threshold	Current activity capacity in your permit	New capacity	Units	BATc applies	are the primary activity on site		new activity without BATc
								TCM activity	TCM required	
1.1 Part A (1) a) (i)			50	50	100	MW	LCP	0		

- It is possible to have a combustion plant which is >50MWth but below the threshold for LCP BATc - i.e. if all units are <15MWth or they are >15MWth and do not share a common windshield. I don't think this error feeds through to the calculation, however, it may confuse applicants as they may think they need to apply LCP BAT limits. The spreadsheet is unlikely to cater accurately for these sorts of intricacies in the interpretation of EPR so it may be advisable to remove the BATc column altogether.

Variations, for example:

- Intro tab - Questions are repeated in statutory application forms - why ask for this information again in the charge banding tool?
- Listed activity tab - "Which of the listed activities are primary for your application" - does this mean "what is the lead activity" (i.e. a singular activity)? It would be helpful to make the language clear and consistent.
- What is the value of the spreadsheet producing the 'threshold' in this tab, and not in the 'applications' calculation? Why does this feature in one tab and not the other? ● Again, as per new application tab, complexity factors could be more consolidated or auto-completed from answers in previous tabs.
- Again, as per new application tab, some responses could be hidden or removed to reduce perceived complexity (e.g. cement queries).
- Variations tab - Step 1, Question 4 may need re-wording or simplification. In addition, some examples in the guidance would be useful e.g., to make it clear that this question applies to waste operations transitioning into an installation (if this is the case).

<b>STEP 1 - Is this a substantial variation?</b>	1	From pre-application discussions, is this a Substantial Variation application?	yes
	2	Are you seeking a derogation from a BATc as part of your variation request?	no
	3	Number of new Sch 1 Part A (1) activities being added to your permit	0
	4	Is your proposed increase in throughput more than the threshold that brings that activity into Part A(1) of the Environmental Permitting Regulations?	no

Transfers:

We do not consider that transfers require a calculation spreadsheet. Removing this tab would help to reduce complexity.

Surrenders:

Smaller screen sizes seem to crop some of the text.

Box 7 is not fully visible on all screen sizes (this may apply to other sections of the spreadsheet too - please check).

## **2. Looking at the charge banding tool, is it clear what you need to do to complete the spreadsheet and calculate your charge? Is the process clear?**

In summary, our key concerns are:

- Clarity - the level of detail and use of language may be confusing to many waste site applicants.
- Deterring investment - the increase in fees for smaller sites could deter future investors into waste infrastructure in Wales.
- Disproportionate costs - the fees for determining the permit applications are now higher than the cost for a consultant to prepare the application documentation. The fixed costs for NRW completing a review of modelling/technical assessments are likely to result in smaller sites subsidising costs for larger sites.
- Environmental impact – the new charging methodology doesn't reward good environmental performance compared with the previous Opra system.