

Your ref: ATISN 13601



Llywodraeth Cymru
Welsh Government

2 December 2019

Dear

ATISN 13601 – Waste Incineration Facilities Permits

Thank you for your request which I received on 22 November 2019. You asked for any records relating to the process for applying for and granting permits for the operation of waste incineration facilities in Wales? Specifically, you asked for:

1. Details of the individual or the constitution of any group responsible for determining an application.
2. The legislation the Welsh Government derives its power from to determine an application to grant a permit.
3. The process, including timescales, for submitting and determining an application.
4. A list of any legislation to be taken into consideration when determining an application.
5. A list of any guidance taken into consideration when determining an application, including any, Welsh Government ancillary guidance available to advise the individual or group responsible for determining an application.
6. A list of any EU legislation, directives or guidance to be taken into consideration when determining an application.

Some of your questions do not explicitly ask for recorded information that is held by Welsh Government and some of the information is publically available. I have therefore, provided a response to each of your questions below.

1. Details of the individual or the constitution of any group responsible for determining an application.

Depending on the type of environmental permit applied for, responsibility for determining an application is either with Natural Resources Wales (NRW) or the relevant Local Authority (the regulator). Applications for the operation of incineration

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Welsh Government
Cathays Park, Cardiff
CF10 3NQ

plant that are within the scope of Annex 1 of the Industrial Emissions Directive fall to NRW.

2. The legislation the Welsh Government derives its power from to determine an application to grant a permit.

The Welsh Government is not responsible for determining applications to grant environmental permits. Under Section 2 of the Environment Act 1995, the functions of waste regulation authorities are transferred to Natural Resources Wales. Provisions under the Environmental Protection Act 1990 and Environmental Permitting (England and Wales) Regulations 2016 provide NRW and Local Authorities with powers to determine an application for a permit.

3. The process, including timescales, for submitting and determining an application.

The process for submitting and determining an application are set out in the Environmental Permitting (England and Wales) Regulations 2016. Information on the relevant period for determining a permit can be found in Section 15 and 16 of Schedule 5 of the Regulations. These periods are extendable by agreement between the applicant and the regulator.

4. A list of any legislation to be taken into consideration when determining an application.

The legislation to be taken into consideration differs depending on the type of activity to be permitted. For example an application for a landfill site will need to meet Landfill Directive requirements and the Industrial Emissions Directive for an incinerator application. The regulator responsible for determining an application will be able to advise which legislation will need to be considered for a specific activity.

5. A list of any guidance taken into consideration when determining an application, including any, Welsh Government ancillary guidance available to advise the individual or group responsible for determining an application.

The current joint UK and Welsh Government Core Guidance on environmental permitting can be found at:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-core-guidance--2>

Welsh Government incineration environmental permitting guidance is available at <https://gov.wales/environmental-permitting-guidance-waste-incineration>. This document also contains links to Local Authority Permitting Guidance and the Industrial Emissions Directive permitting guidance.

NRW provide permit application guidance. The webpage

<https://naturalresources.wales/permits-and-permissions/environmental-permits/?lang=en> may be of use but you may wish to direct this question to NRW.

6. A list of any EU legislation, directives or guidance to be taken into consideration when determining an application.

There is a range of EU legislation, Directives and guidance relating to the environment and permitting available on the internet. The precise legislation and guidance will depend on the permit application type or area of interest i.e. water, waste, air etc. A useful starting point is the EU web pages <https://eur->

lex.europa.eu/summary/chapter/environment.html?root_default=SUM_1_CODED%3D20&locale=en which links to relevant EU legislation etc.

Information from the EU Commission on the Industrial Emissions Directive can be found at: <https://ec.europa.eu/environment/industry/stationary/ied/legislation.htm>

Best Available Techniques (BAT) Reference documents and BAT Conclusions that are relevant to incineration that is within the scope of Chapter 2 of the Industrial Emissions Directive are available at: <https://eippcb.jrc.ec.europa.eu/reference/>

I hope these answers are helpful.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,

Wycliffe House,

Water Lane,

Wilmslow,

Cheshire,

SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely