

The Environmental Permitting (England and Wales) Regulations 2016

The Environmental Permitting (England) (Pause on the Determination of Waste Incineration Permit Applications) Direction 2024

The Secretary of State, in exercise of powers conferred on him by regulation 62(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2016¹ gives the following Direction—

1. Citation, commencement and application

(1) This Direction may be cited as the Environmental Permitting (England) (Pause on the Determination of Waste Incineration Permit Applications) Direction 2024.

(2) This Direction comes into force on 5 April 2024 and applies until 24 May 2024.

(3) This Direction applies to England only.

2. Interpretation

In this Direction—

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016;

“environmental permit” has the same meaning as in regulation 2 of the 2016 Regulations;

“small waste incineration plant” has the same meaning as in regulation 2 of the 2016 Regulations;

“waste incineration environmental permit” means an environmental permit authorising a waste incineration plant;

“waste incineration plant” has the same meaning as in regulation 2 of the 2016 Regulations.

3. Pause on the determination of waste incineration environmental permits

During the period set out in paragraph 1(2), the Environment Agency is directed to refrain from—

(a) granting or refusing an application for a waste incineration environmental permit for an application received on or before 4 April 2024; and

(b) determining whether an application for a waste incineration environmental permit received after 4 April 2024 has been duly made.

¹ S.I. 2016/1154.

4. Exceptions

(1) Paragraph 3 does not apply to an environmental permit application for authorisation of—

(a) a waste incineration plant whose principal purpose is—

(i) the incineration of—

(aa) hazardous waste; or

(bb) clinical waste and offensive waste;

(ii) the recycling of waste;

(b) a small waste incineration plant; or

(c) carbon capture and storage at a waste incineration plant, where there is already a waste incineration environmental permit in place at that facility.

(2) For the purposes of sub-paragraph (1)—

(a) “hazardous waste” has the same meaning as in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005²;

(b) “clinical waste” and “offensive waste” have the same meanings as in paragraph 1 of the Schedule to the Controlled Waste (England and Wales) Regulations 2012³; and

(c) “recycling” means the reprocessing of waste into products, materials or substances, including the reprocessing of organic material but excluding—

(i) energy recovery; and

(ii) reprocessing materials that are to be used as fuels.

(3) This Direction is without prejudice to the carrying out of the Environment Agency’s other functions in relation to the grant, variation, transfer or surrender of environmental permits under the 2016 Regulations (including the variation, transfer, or surrender of waste incineration environmental permits).

Mark Spencer

Minister of State

Department for Environment, Food and Rural Affairs

4 April 2024

² S.I. 2005/894.

³ S.I. 2012/811.