



Department for Environment Food & Rural Affairs

The Rt. Hon. Sir Mark Spencer MP
Minister of State for Food, Farming and Fisheries

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Philip Duffy, Chief Executive
Environment Agency
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04 April 2024

RE: Consultation: Environmental Permits and Waste Incineration Facilities

Dear Philip,

As the Minister responsible for waste incineration, I am writing to you regarding environmental permitting and waste incineration facilities.

Thank you for your letter dated 28 March 2024. Your response to my letter (dated 22 March 2024) was clear and constructive.

On reflection of your response and my concerns set out previously with regard to further expanding England's waste incineration capacity, and the risks this poses to our objectives and environmental obligations, I am writing to inform you that I am issuing a Direction to the Environment Agency, under regulation 62 of the Environmental Permitting (England and Wales) Regulations 2016, to temporarily pause the determination of environmental permits for new waste incineration facilities, including Energy from Waste and Advanced Thermal Treatment. This applies to proposed developments that do not yet hold an environmental permit for waste incineration, regardless of whether they hold planning permission from the relevant planning authority.

As per our correspondence, this does not apply to permits for hazardous or clinical waste incineration facilities, small waste incineration plants, incinerators seeking a permit variation for an existing environmental permit, significant permit variations for incinerators seeking to develop carbon capture and storage provision, or facilities whose primary purpose is the recycling of materials (i.e. the reprocessing of waste materials into products, materials or substances). The intention of this Direction is to cover facilities with the primary purpose of energy recovery, either directly through power, gasification, or conversion of residual wastes to a fuel.

I am issuing this direction for a short period lasting until 24 May 2024, but this could be withdrawn earlier. This will allow a short period for Defra officials to lead a piece of work considering the role of waste incineration in the management of residual wastes in England. I have attached a copy of the Direction which I understand has been agreed between our officials. I welcome and thank you for this collaborative approach.

I am happy to discuss this Direction further if this is helpful do so. I copy this letter to Tamara Finkelstein – Defra Permanent Secretary, David Hill – Director General Environment, and Emma Bourne – Director Resources & Waste.

Yours sincerely,

Rt. Hon. Sir Mark Spencer MP