



Department for Environment Food & Rural Affairs

Robbie Moore MP
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Philip Duffy, Chief Executive
Environment Agency
2 Marsham Street
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27 February 2024

Consultation: Environmental Permits and Waste Incineration Facilities

Dear Philip,

Further to our conversation on Tuesday 27 February 2024, I am writing to inform you that I am minded to issue a Direction to the Environment Agency, under regulation 62 of the Environmental Permitting (England and Wales) Regulations 2016, to temporarily pause the issuance of new Environmental Permits for waste incineration, including Energy from Waste and Advanced Thermal Treatment facilities. This would apply to proposed developments that do not yet have an Environmental Permit for waste incineration, regardless of whether they hold planning permission from the relevant planning authority. If issued, the Direction would last until a specified date, likely 1 March 2025, but could be withdrawn earlier.

During our conversation I set out my minded-to positioning and that this should be considered the commencement of a formal consultation ahead of issuing a Direction in accordance with regulation 62 of the Environmental Permitting (England and Wales) Regulations 2016.

I also set out the intended parameters and rationale for this approach. Through this pause, my officials will undertake a review of the need for additional residual waste treatment capacity in England, with regard to Defra's Resources and Waste policies and Residual Waste Reduction Target, the waste hierarchy, and the Government's wider decarbonisation objectives.

I invite you to consider this intended approach and respond to me by 20:00 on Wednesday 28 February 2024, setting out any risks, issues or considerations that you feel I should take into account.

I am happy to discuss this proposed 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,

ROBBIE MOORE MP