

From: REDACTED
Sent: 02 February 2021 17:39
To: REDACTED
Subject: RE: URGENT: Uskmouth

Ok thanks – the briefing paper is going up now to the Minister.

Thanks for your responses.

Newport Planning Committee sits tomorrow and this is being discussed, with officer recommendation for approval. A number of call in requests have been received yesterday and today.

Cheers

REDACTED

[Resource Efficiency and Circular Economy Division](#) / Is-adran Effeithlonrwydd Adnoddau Ac Economi Gylchol
[Welsh Government/Llywodraeth Cymru](#)
[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
email/ebost/ REDACTED

From: REDACTED
Sent: 02 February 2021 17:25
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Hi REDACTED

Apologies I have been in meetings, so didn't pick this up until now.

We are determining the permit based on the information provided within the application, we do not have detailed information at this stage. As we understand it the input would be a pelletised version of SRF/ RDF – so residual unrecyclable material.

You're probably better speaking directly with REDACTED tomorrow if you have any further questions.

Thanks
REDACTED

From: REDACTED
Sent: 02 February 2021 15:25
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Hi REDACTED,

Many thanks – much appreciated. I'm trying to get the paper finished by 4pm, so apologies if I reply piecemeal.

I'm interested in this statement: "The refuse derived fuel pellets it will use are not understood to be sourced from mixed municipal solid waste, but from materials that are deemed to be unsuitable for recycling."

I would have thought that they will derive most of the feedstock from processing mixed municipal waste – in plants that will separate out the fibre/wood rich fraction and the plastic rich fraction – mostly composed of plastic film. Where else does NRW think they company will source the waste feedstock from?

I don't know of any waste business or Local Authority that collects non-recyclable waste (including plastic) as a separate waste stream, other than in the mixed municipal waste stream – ie. the black bag/bin or residual skip. If any waste business did collect plastic waste as a separate stream, then there are chemical recycling technologies that can recycle it. Separately collected plastic waste streams are already banned from going to EfW – as per the recent amendments brought in under the Waste (Circular Economy) (Amendment) Regulations 2020 – unless there are strong environmental arguments to send it to EfW. I doubt those exist given the fossil fuel CO2 emissions derived from burning the plastic waste. Hardly consistent with the waste hierarchy either.

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From: REDACTED
Sent: 02 February 2021 15:03
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Hi REDACTED

For ease we've answered each main point raised in your email below but please note that the information is provided on the basis of an ongoing permit determination, which is not concluded. We may decide either to refuse the application, or publish a draft permit and decision document, if we are minded to grant a permit. This is unlikely to happen before the end of April 2021 as we are waiting on further

information from the applicant, which has a deadline of 19th March 2021. As such, responses are indicative of our understanding at this time but are not final. They should not be disclosed publicly until all the information is in with our permitting team and our determination is complete & published.

R1 Efficiency Standard

According to the eligibility criteria (found at [Natural Resources Wales / Applying the R1 Energy Efficiency Formula](#) and also [Waste incinerator plant: apply for R1 status - GOV.UK \(www.gov.uk\)](#)) the R1 calculation will not apply to the proposed facility. It is expected to be a co-incinerator (see further information on this below) and it will not combust mixed municipal solid waste. The refuse derived fuel pellets it will use are not understood to be sourced from mixed municipal solid waste, but from materials that are deemed to be unsuitable for recycling. Energy efficiency is a significant consideration in our permit determination for this proposed facility using different standard metrics. Energy efficiency data has been provided by the applicant and is on the public register ([Public register - Customer Portal \(naturalresources.wales\)](#)) as part of the application but as the application is still an ongoing determination, we aren't in a position to share our interpretation of the information provided at the moment. Energy efficiencies metrics are being assessed at the moment, including gross and net electrical efficiency, and we will reference to the appropriate BREF documents, BAT conclusions and BAT associated energy efficiency levels.

With regard to the R1 status for EfW being mandated under CE Package, at present the R1 status/calculation does not have to be submitted for a new facility. It can only be verified after operation has commenced, and while some incineration applicants complete an anticipated R1 with permit submission, they are not required to do so.

Incinerator Classification

The definitions of incineration and co-incineration come from the Industrial Emissions Directive as transposed and adopted in EPR2016 and the relevant extracts are copied below. It does not mean burning waste alongside another fuel ("co" use), but considers the purpose of the plant.

- (40) 'waste incineration plant' means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

- (41) 'waste co-incineration plant' means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

Hence the decision on co-incineration / incineration is concerned with the "main purpose" of the plant, or it being "dedicated" to thermal treatment. This is explored in NRW and EA guidance (found via [guidance-on-when-a-plant-is-a-co-incineration-plant.pdf \(naturalresources.wales\)](#)), and also via [LIT 6529 Regulatory Guidance Note](#)

[No. 2 Understanding the meaning of regulated facility - Appendices 1 and 2 \(publishing.service.gov.uk\)](#)). We must assume that the designation is mutually exclusive, i.e. a plant can't be dedicated to the thermal treatment and have a "main purpose" of generation of energy or production of material products. While we are still in permit determination, as noted above, we don't wish our view on the status of the plant to be advertised/publicised, but it has been a key consideration and question during the determination process.

Permitting Implications

The decision of incineration vs co-incineration makes some difference, but not a great deal. Either way, they would be permitted (if granted) as a Section 5.1 A(1) (b) installation: "The incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes per hour". In either case, for this specific plant, they are required to meet the Waste Incineration (WI) BREF requirements in full – again this has been established through the permit determination process, and has been the subject of significant information exchange with the applicant as a result. Previously the plant was an EPR2016 Schedule 1, Part 2, Section 1.1 A(1) (a) installation: "Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more" [coal fired power station], so it is a fundamental change to how we regulate it, with far tighter air emission limits for waste incineration, and for a wider range of pollutants. Without going into the complexity the "new plant" standards will apply when considering its role for waste (co)incineration, which for WI BREF BAT limits these can be tighter than for existing plant. As the plant proposes to use up to 1% biomass the requirements of the LCP BREF for combustion of biomass with waste have also been considered, which would lead to even lower operational BAT-AELS for air emissions, if biomass is in fact used (dependant on actual fuel usage).

There are a number of complex & regulatory matters associated with the standards applied to the plant and this will be outlined in detail in our determination.

Fuel Classification

The permit application is to combust waste, with up to 1% biomass in addition. The application contains details of the proposed waste fuel pellets and its European Waste Catalogue (EWC) number, which is 19 12 10, with the description "combustible waste (refuse derived fuel)". We are making our permit determination on this basis.

The application also refers to an intention for the waste fuel pellet supplier to apply for End of Waste (EoW) status for the fuel. Whether this intention is realised or not is outside the scope of the application received and are therefore not relevant to our decision.

We remind Welsh Government that Welsh Ministers (through PINS) have a role in any appeal on the decision that NRW make with regard to this application, and therefore we do not go into specific details of our decisions prior to that decision. However, there is further information in the public domain on our website that may be of interest ([Natural Resources Wales / Uskmouth Power Station - Application to change environmental permit](#)) “

Please come back if you have any further questions

Thanks

REDACTED

From: REDACTED

Sent: 02 February 2021 12:25

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Thanks – I've been asked to do an urgent briefing for our Minister.

It'd be useful to know the R1 angle – I see on your web page covering this that it will be approx. 33% efficient – as that enough for R1 status? Not being R1 would presumably call into question whether it should be permitted by NRW?

An NGO has also written in asking for the planning application to be called in.

Many thanks

REDACTED

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[Cathays Park/Parc Cathays](#)

[Cardiff/Caerdydd CF10 3NQ](#)

Tel: REDACTED

email/ebost/ REDACTED

From: REDACTED

Sent: 02 February 2021 10:53

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Morning all

We are pulling a response together on the questions below and will give you an update of the permit application.

Will get it to you as soon as possible

Thanks

REDACTED

From: REDACTED

Sent: 01 February 2021 17:57

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Hi REDACTED,

It would also be useful to know if the plant would meet the R1 efficiency standard such that it would be considered to be waste recovery? Of course if not it would be classified as waste disposal.

Is that a consideration in terms of NRW's permitting decision?

I recall that R1 status for EfW was going to be mandated under the CE Package, but I'm not sure if it made the final cut, and/or whether it was outside of the transition period.

I am struggling to understand why a facility handling 100% waste feedstock isn't classed as an incinerator. What is the difference from any other type of incinerator taking waste that produces power? Where is the 'co-' aspect? If the plant was taking >50% non-waste fuel then it would perhaps make more sense.

Thanks
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From: REDACTED
Sent: 01 February 2021 15:56
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Does that make a difference on permitting – ie. will a permit for a co-incinerator be different from a coal fired power station?

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Tel: REDACTED
[email/ebost/](#) REDACTED

From: REDACTED
Sent: 01 February 2021 15:46

To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

REDACTED the facility will be a co-incinerator rather than incinerator on the basis that the primary purpose is power generation rather than waste disposal

Thanks
REDACTED

From: REDACTED
Sent: 01 February 2021 15:20
To: REDACTED
Cc: REDACTED
Subject: URGENT: Uskmouth
Importance: High

Any chance of an urgent call (Teams/Skype?) to discuss this?

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From: REDACTED
Sent: 01 February 2021 14:35
To: REDACTED
Cc: REDACTED
Subject: URGENT: Uskmouth
Importance: High

Hi REDACTED,

Have NRW reached a view yet on whether the fuel that SIMEC will be using will be classed as a waste or as a fuel product, and therefore whether it will be permitted as an EfW plant or not?

We gather that the Planning permission is being considered this week.

Thanks
REDACTED

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Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. 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.

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From: REDACTED
Sent: 04 February 2021 15:53
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Thanks for sharing REDACTED

REDACTED
From: REDACTED
Sent: 04 February 2021 14:28
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Hi REDACTED,

Hopefully you are already aware, but just in case not, a Ministerial Notice was served on Newport Council on Tuesday morning to stop their consideration of SIMEC's application in the Planning Committee that afternoon, pending Welsh Ministers' deliberation on several call in requests that have been received.

The issue is in the public domain – as in this example:
<https://www.proactiveinvestors.co.uk/companies/news/940314/simec-atlantis-says-newport-city-council-recommends-granting-permission-for-planning-application-940314.html>

Best regards
REDACTED

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From: REDACTED
Sent: 02 February 2021 17:25
To: REDACTED
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Subject: RE: URGENT: Uskmouth

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We are determining the permit based on the information provided within the application, we do not have detailed information at this stage.

As we understand it the input would be a pelletised version of SRF/ RDF – so residual unrecyclable material.

You're probably better speaking directly with Michelle tomorrow if you have any further questions.

Thanks

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The application also refers to an intention for the waste fuel pellet supplier to apply for End of Waste (EoW) status for the fuel. Whether this intention is realised or not is outside the scope of the application received and are therefore not relevant to our decision.

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Please come back if you have any further questions

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Sent: 02 February 2021 12:25

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

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[Cardiff](#)/Caerdydd CF10 3NQ

Tel: REDACTED

email/eboost/ REDACTED

From: REDACTED

Sent: 01 February 2021 15:56

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Does that make a difference on permitting – ie. will a permit for a co-incinerator be different from a coal fired power station?

REDACTED

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[Cathays Park/Parc Cathays](#)

[Cardiff/Caerdydd CF10 3NQ](#)

Tel: REDACTED

email/ebost/ REDACTED

From: REDACTED

Sent: 01 February 2021 15:46

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

REDACTED the facility will be a co-incinerator rather than incinerator on the basis that the primary purpose is power generation rather than waste disposal

Thanks

REDACTED

From: REDACTED

Sent: 01 February 2021 15:20

To: REDACTED

Cc: REDACTED

Subject: URGENT: Uskmouth

Importance: High

Any chance of an urgent call (Teams/Skype?) to discuss this?

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Adnoddau Ac Economi Gylchol

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[Cathays Park/Parc Cathays](#)

[Cardiff/Caerdydd CF10 3NQ](#)

Tel: REDACTED

email/ebost/ REDACTED

From REDACTED

Sent: 01 February 2021 14:35

To: REDACTED

Cc: REDACTED

Subject: URGENT: Uskmouth

Importance: High

Hi REDACTED,

Have NRW reached a view yet on whether the fuel that SIMEC will be using will be classed as a waste or as a fuel product, and therefore whether it will be permitted as an EfW plant or not?

We gather that the Planning permission is being considered this week.

Thanks

REDACTED

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Tel: REDACTED

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Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. 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.

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From: REDACTED

Sent: 11 March 2021 13:46

To: REDACTED

Cc: REDACTED

Subject: RE: Beyond Recycling - a strategy to make the circular economy in Wales a reality

Hi both,

As mentioned last week REDACTED and I will look to arrange a workshop between us all to work through how NRW can support the aims of the strategy.

We're thinking after Easter so w/c 12th April, giving us time to arrange and fully digest the strategy, would that work for you?

In the meantime do you have any indication of the expected time frame for the moratorium on any future large scale efw developments, i.e. when is 'future'? This is key as there are several proposals underway at the moment (e.g. Uskmouth) that may be impacted.

Thanks

REDACTED

From: REDACTED

Sent: 02 March 2021 17:24

To: REDACTED

Cc: REDACTED

Subject: RE: Beyond Recycling - a strategy to make the circular economy in Wales a reality

Ok, that's great. You may recall the presentation I gave to the NRW workshop on the CE Strategy last year – and the slide in which I highlighted what NRW could contribute to? I can re-send if necessary.

We also need a detailed chat soon with yourselves about reducing the waste sector carbon emissions and what the CCC have recommended we do in their Dec 2020 report. This includes things like further reducing gas emissions from open and closed landfills, better controlling fugitive methane emissions from open windrow composting sites, and CCS for EfW.

You may have noticed the action in the Strategy to introduce a moratorium on new large scale EfW? This will be quite a game changer for the waste industry.

Many thanks

REDACTED

REDACTED

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[Welsh Government/Llywodraeth Cymru](#)

[Cathays Park/Parc Cathays](#)

[Cardiff/Caerdydd CF10 3NQ](#)

Tel: REDACTED
email/ebost/ REDACTED

From: REDACTED
Sent: 02 March 2021 17:15
To: REDACTED
Cc: REDACTED
Subject: RE: Beyond Recycling - a strategy to make the circular economy in Wales a reality

Thanks REDACTED – good to see it's out.

REDACTED and Team are briefing the REDACTED, REDACTED and REDACTED management on the new strategy aspirations and what NRW can do to support the delivery.

Speak soon
REDACTED

From: REDACTED
Sent: 02 March 2021 09:17
To: REDACTED
Cc: REDACTED
Subject: Beyond Recycling - a strategy to make the circular economy in Wales a reality

Dear Colleagues,

The Minister has today announced the publication of *Beyond Recycling – a strategy to make the circular economy in Wales a reality*.

You can find the Strategy and a set of accompanying documents online here:
<https://gov.wales/beyond-recycling>

The Press Notice is here: <https://gov.wales/wales-aims-become-world-number-one-recycler-it-announces-circular-economy-strategy>

The Written Statement is here: <https://gov.wales/written-statement-beyond-recycling-strategy-make-circular-economy-wales-reality>

We are also running another webinar series with CIWM to continue our citizen and stakeholder engagement. The first one is on 16 March on the topic of 'consumption'. More information here: <https://www.ciwm.co.uk/ciwm/events/event-display.aspx?hkey=46b4ab91-5f53-4d91-aa0e-6f653e2318d1&EventKey=WW11603>

Best regards
REDACTED

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the

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From: REDACTED
Sent: 11 March 2021 14:58
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth

Hi REDACTED

The advice to the Minister on whether she should call it in or not has gone up, we're expecting a decision to be made shortly.

I'm sorry I can't give any further detail but will update you as soon as I hear.

regards
REDACTED

From: REDACTED
Sent: 11 March 2021 14:40
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth

Hi REDACTED,

Jo is best placed to advise.

Best regards
REDACTED

REDACTED
[Resource Efficiency and Circular Economy Division](#) / Is-adran Effeithlonrwydd Adnoddau Ac Economi Gylchol
[Welsh Government/Llywodraeth Cymru](#)
[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
email/ebost/ REDACTED

From: REDACTED
Sent: 11 March 2021 14:06
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth

Hi REDACTED

You'll be aware that the permit variation is currently being determined, the operator is due to respond to a schedule 5 notice by Friday 19th March which will hopefully enable the permit determination process to be brought to a close. Are you able to share any update on the planning determination?

Thanks

REDACTED

From: REDACTED

Sent: 04 February 2021 14:28

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Hi REDACTED

Hopefully you are already aware, but just in case not, a Ministerial Notice was served on Newport Council on Tuesday morning to stop their consideration of SIMEC's application in the Planning Committee that afternoon, pending Welsh Ministers' deliberation on several call in requests that have been received.

The issue is in the public domain – as in this example:

<https://www.proactiveinvestors.co.uk/companies/news/940314/simec-atlantis-says-newport-city-council-recommends-granting-permission-for-planning-application-940314.html>

Best regards

REDACTED

REDACTED

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[Cathays Park/Parc Cathays](#)

[Cardiff/Caerdydd CF10 3NQ](#)

Tel: REDACTED

email/eboost/ REDACTED

From: REDACTED

Sent: 02 February 2021 17:25

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Hi REDACTED

Apologies I have been in meetings, so didn't pick this up until now.

We are determining the permit based on the information provided within the application, we do not have detailed information at this stage.

As we understand it the input would be a pelletised version of SRF/ RDF – so residual unrecyclable material.

You're probably better speaking directly with REDACTED tomorrow if you have any further questions.

Thanks

REDACTED

From: REDACTED

Sent: 02 February 2021 15:25

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Hi REDACTED,

Many thanks – much appreciated. I'm trying to get the paper finished by 4pm, so apologies if I reply piecemeal.

I'm interested in this statement: "The refuse derived fuel pellets it will use are not understood to be sourced from mixed municipal solid waste, but from materials that are deemed to be unsuitable for recycling."

I would have thought that they will derive most of the feedstock from processing mixed municipal waste – in plants that will separate out the fibre/wood rich fraction and the plastic rich fraction – mostly composed of plastic film. Where else does NRW think they company will source the waste feedstock from?

I don't know of any waste business or Local Authority that collects non-recyclable waste (including plastic) as a separate waste stream, other than in the mixed municipal waste stream – ie. the black bag/bin or residual skip. If any waste business did collect plastic waste as a separate stream, then there are chemical recycling technologies that can recycle it. Separately collected plastic waste streams are already banned from going to EfW – as per the recent amendments brought in under the Waste (Circular Economy) (Amendment) Regulations 2020 – unless there are strong environmental arguments to send it to EfW. I doubt those exist given the fossil fuel CO2 emissions derived from burning the plastic waste. Hardly consistent with the waste hierarchy either.

Thanks

REDACTED

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[Cardiff/Caerdydd CF10 3NQ](#)

[Tel:](#) REDACTED

[email/ebost/](#) REDACTED

From: REDACTED

Sent: 02 February 2021 15:03

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Hi REDACTED

For ease we've answered each main point raised in your email below but please note that the information is provided on the basis of an ongoing permit determination, which is not concluded. We may decide either to refuse the application, or publish a draft permit and decision document, if we are minded to grant a permit. This is unlikely to happen before the end of April 2021 as we are waiting on further information from the applicant, which has a deadline of 19th March 2021. As such, responses are indicative of our understanding at this time but are not final. They should not be disclosed publicly until all the information is in with our permitting team and our determination is complete & published.

R1 Efficiency Standard

According to the eligibility criteria (found at [Natural Resources Wales / Applying the R1 Energy Efficiency Formula](#) and also [Waste incinerator plant: apply for R1 status - GOV.UK \(www.gov.uk\)](#)) the R1 calculation will not apply to the proposed facility. It is expected to be a co-incinerator (see further information on this below) and it will not combust mixed municipal solid waste. The refuse derived fuel pellets it will use are not understood to be sourced from mixed municipal solid waste, but from materials that are deemed to be unsuitable for recycling. Energy efficiency is a significant consideration in our permit determination for this proposed facility using different standard metrics. Energy efficiency data has been provided by the applicant and is on the public register ([Public register - Customer Portal \(naturalresources.wales\)](#)) as part of the application but as the application is still an ongoing determination, we aren't in a position to share our interpretation of the information provided at the moment. Energy efficiencies metrics are being assessed at the moment, including gross and net electrical efficiency, and we will reference to the appropriate BREF documents, BAT conclusions and BAT associated energy efficiency levels.

With regard to the R1 status for EfW being mandated under CE Package, at present the R1 status/calculation does not have to be submitted for a new facility. It can only be verified after operation has commenced, and while some incineration applicants complete an anticipated R1 with permit submission, they are not required to do so.

Incinerator Classification

The definitions of incineration and co-incineration come from the Industrial Emissions Directive as transposed and adopted in EPR2016 and the relevant extracts are copied below. It does not mean burning waste alongside another fuel ("co" use), but considers the purpose of the plant.

- (40) 'waste incineration plant' means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;
- (41) 'waste co-incineration plant' means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

Hence the decision on co-incineration / incineration is concerned with the “main purpose” of the plant, or it being “dedicated” to thermal treatment. This is explored in NRW and EA guidance (found via [guidance-on-when-a-plant-is-a-co-incineration-plant.pdf](#) (naturalresources.wales), and also via [LIT 6529 Regulatory Guidance Note No. 2 Understanding the meaning of regulated facility - Appendices 1 and 2](#) (publishing.service.gov.uk)). We must assume that the designation is mutually exclusive, i.e. a plant can't be dedicated to the thermal treatment and have a “main purpose” of generation of energy or production of material products. While we are still in permit determination, as noted above, we don't wish our view on the status of the plant to be advertised/publicised, but it has been a key consideration and question during the determination process.

Permitting Implications

The decision of incineration vs co-incineration makes some difference, but not a great deal. Either way, they would be permitted (if granted) as a Section 5.1 A(1) (b) installation: “The incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes per hour”. In either case, for this specific plant, they are required to meet the Waste Incineration (WI) BREF requirements in full – again this has been established through the permit determination process, and has been the subject of significant information exchange with the applicant as a result. Previously the plant was an EPR2016 Schedule 1, Part 2, Section 1.1 A(1) (a) installation: “Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more” [coal fired power station], so it is a fundamental change to how we regulate it, with far tighter air emission limits for waste incineration, and for a wider range of pollutants. Without going into the complexity the “new plant” standards will apply when considering its role for waste (co)incineration, which for WI BREF BAT limits these can be tighter than for existing plant. As the plant proposes to use up to 1% biomass the requirements of the LCP BREF for combustion of biomass with waste have also been considered, which would lead to even lower operational BAT-AELS for air emissions, if biomass is in fact used (dependant on actual fuel usage).

There are a number of complex & regulatory matters associated with the standards applied to the plant and this will be outlined in detail in our determination.

Fuel Classification

The permit application is to combust waste, with up to 1% biomass in addition. The application contains details of the proposed waste fuel pellets and its European Waste Catalogue (EWC) number, which is 19 12 10, with the description “combustible waste (refuse derived fuel)”. We are making our permit determination on this basis.

The application also refers to an intention for the waste fuel pellet supplier to apply for End of Waste (EoW) status for the fuel. Whether this intention is realised or not is outside the scope of the application received and are therefore not relevant to our decision.

We remind Welsh Government that Welsh Ministers (through PINS) have a role in any appeal on the decision that NRW make with regard to this application, and therefore we do not go into specific details of our decisions prior to that decision. However, there is further information in the public domain on our website that may be of interest ([Natural Resources Wales / Uskmouth Power Station - Application to change environmental permit](#)) “

Please come back if you have any further questions

Thanks

REDACTED

From: REDACTED

Sent: 02 February 2021 12:25

To: REDACTED

Cc: REDACTED

Subject: RE: URGENT: Uskmouth

Thanks – I’ve been asked to do an urgent briefing for our Minister.

It’d be useful to know the R1 angle – I see on your web page covering this that it will be approx. 33% efficient – as that enough for R1 status? Not being R1 would presumably call into question whether it should be permitted by NRW?

An NGO has also written in asking for the planning application to be called in.

Many thanks

REDACTED

REDACTED

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Tel: REDACTED

email/ebost/ REDACTED

From: REDACTED
Sent: 02 February 2021 10:53
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Morning all

We are pulling a response together on the questions below and will give you an update of the permit application.
Will get it to you as soon as possible

Thanks
REDACTED

From: REDACTED
Sent: 01 February 2021 17:57
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Hi REDACTED,

It would also be useful to know if the plant would meet the R1 efficiency standard such that it would be considered to be waste recovery? Of course if not it would be classified as waste disposal.

Is that a consideration in terms of NRW's permitting decision?

I recall that R1 status for EfW was going to be mandated under the CE Package, but I'm not sure if it made the final cut, and/or whether it was outside of the transition period.

I am struggling to understand why a facility handling 100% waste feedstock isn't classed as an incinerator. What is the difference from any other type of incinerator taking waste that produces power? Where is the 'co-' aspect? If the plant was taking >50% non-waste fuel then it would perhaps make more sense.

Thanks
REDACTED

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Tel: REDACTED
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From: REDACTED
Sent: 01 February 2021 15:56
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

Does that make a difference on permitting – ie. will a permit for a co-incinerator be different from a coal fired power station?

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From: REDACTED
Sent: 01 February 2021 15:46
To: REDACTED
Cc: REDACTED
Subject: RE: URGENT: Uskmouth

REDACTED the facility will be a co-incinerator rather than incinerator on the basis that the primary purpose is power generation rather than waste disposal

Thanks
REDACTED

From: REDACTED
Sent: 01 February 2021 15:20
To: REDACTED
Cc: REDACTED
Subject: URGENT: Uskmouth
Importance: High

Any chance of an urgent call (Teams/Skype?) to discuss this?

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From: REDACTED
Sent: 01 February 2021 14:35

To: REDACTED
Cc: REDACTED
Subject: URGENT: Uskmouth
Importance: High

Hi REDACTED,

Have NRW reached a view yet on whether the fuel that SIMEC will be using will be classed as a waste or as a fuel product, and therefore whether it will be permitted as an EfW plant or not?

We gather that the Planning permission is being considered this week.

Thanks
REDACTED

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Tel: REDACTED
[email/ebost/](#) REDACTED

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From: REDACTED
Sent: 16 April 2021 12:04
To: REDACTED
Cc: REDACTED
Subject: RE: Environmental permitting of EfW facilities

No worries – it's just that Uskmouth is a very 'hot' issue at the moment, for all sorts of reasons.

From: REDACTED
Sent: 16 April 2021 07:35
To: REDACTED
Cc: REDACTED
Subject: RE: Environmental permitting of EfW facilities

Thanks REDACTED. REDACTED and I discussed this yesterday, I was just checking through the regs!

REDACTED

From: REDACTED
Sent: 15 April 2021 17:12
To: REDACTED
Cc: REDACTED
Subject: RE: Environmental permitting of EfW facilities

Thanks for following it up – I wonder whether there's also the difference in facility types i.e. installation and waste operation. Large EFW are A1 facilities – installations.

I'll contact permitting and provide you with an update when I have it

REDACTED
From: REDACTED
Sent: 15 April 2021 16:39
To: REDACTED
Cc: REDACTED
Subject: Environmental permitting of EfW facilities

Hi REDACTED,

I mentioned this morning the regulator's duty to apply the waste hierarchy in decision making:

https://www.legislation.gov.uk/ukxi/2016/1154/pdfs/ukxi_20161154_en.pdf

I checked the above, and it's as follows:

SCHEDULE 9 Regulation 35(1)

Waste operations and materials facilities

PART 1

Waste operations

Application

1. This Schedule applies in relation to every waste operation.

Interpretation

2. In this Schedule—

“disposal” has the same meaning as in the Waste Framework Directive and related terms are to be construed accordingly;

“recovery” has the same meaning as in the Waste Framework Directive and related terms are to be construed accordingly.

Exercise of relevant functions

3.—(1) The regulator must exercise its relevant functions—

(a) for the purposes of ensuring that—

(i) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by a waste operation;

(ii) waste generated by a waste operation is treated in accordance with Article 4 of the Waste Framework Directive;

(b) for the purposes of implementing Article 13 of the Waste Framework Directive, but not in respect of nuisances and hazards arising from traffic beyond the site of a waste operation;

(c) so as to ensure that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met;

(d) so as to ensure compliance with the following Articles of the Waste Framework Directive—

(i) Article 18(2)(b) and (c);

(ii) Article 23(3);

(iii) Article 23(4);

(iv) Article 35(1).

162

(2) But the following duties take effect in relation to an environmental permit which was in force on the date of coming into force of the Waste (England and Wales) Regulations 2011(a) on the first review of the permit by the regulator (under regulation 34(1)) after that date—

(a) the duty in sub-paragraph (1)(a), (d)(i) and (d)(iii);

(b) the duty in sub-paragraph (1)(c), to the extent that it is imposed in relation to Article 23(1)(e) and (f).

It could be argued that permitting an EfW facility is allowing the producers of the waste to not follow the waste hierarchy, in that most certainly a fair proportion of the waste going to the EfW plant will consist of easily recyclable waste. But, I see that the wording applies specifically to the generation of waste by a waste operation, rather than to the producer of the waste that is managed by the waste operation. However, it depends upon the definition of a ‘waste operation’. Is the original producer of waste a ‘waste operation’?

But I suspect this is not as useful as I thought it might be!

REDACTED— if there is any other related duty on NRW anywhere else, then it’d be good to know.

Thanks

REDACTED

REDACTED

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Tel: REDACTED

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From: REDACTED
Sent: 04 May 2021 13:53
To: REDACTED
Cc: REDACTED
Subject: RE: Environmental permitting of EfW facilities

Hi REDACTED,

No worries – thanks for confirming what I'd sort of concluded myself having checked the specific legislation.

There is of course a duty on the waste producer to say that they've considered the statutory waste hierarchy guidance when they consign the waste in the first place – but I doubt whether there has ever been much enforcement of that requirement!

We will have to consider further what steps we can take in relation to both: 1) existing energy generation facilities (eg. Uskmouth) that intend to switch over to using waste as a fuel (and in the process generating large amounts of GHG CO2); and 2) landfills in Wales that import large quantities of biodegradable waste from England, thus mitigating against our efforts to drive down methane emissions from newly deposited waste to as close to zero as possible by 2025.

Thanks
REDACTED

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[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
[email/ebost/](#) REDACTED

From: REDACTED
Sent: 04 May 2021 10:44
To: REDACTED
Cc: REDACTED
Subject: RE: Environmental permitting of EfW facilities

Hi REDACTED

[Apologies for delay in coming back to you on how the waste hierarchy is considered in our permit determination.](#)

[The Environmental Permitting Regulations refers specifically to 'waste operations' as any activity concerned with the recovery or disposal of waste. This would include any activity permitted as an 'installation' as a listed activity under Part 2 Schedule 1 of the regulations, or any other activity undertaking waste activities. So whilst 'waste operations' permits only apply to those waste sites not listed under Part 2 Schedule](#)

1, the definition of a waste operation includes all activities concerned with the recovery and treatment of waste, including installations.

Schedule 9 of the Environmental Permitting Regulations does place a duty on us as the regulator to ensure the regulator applies the Waste Hierarchy to waste generated by a waste operation. This would apply to any residues generated from the process, and would not apply to any incoming material. We are unable to apply the principals of the Waste Hierarchy, as set out in Article 4, to the inputs to an installation.

If a facility were to apply to combust waste derived fuel at an energy from waste facility, we would not be able to apply regulatory controls relating to the fuel production site via the EfW permit. They are both standalone facilities. Regulatory responsibility for the producer site would lie with the relevant regulator, depending on its location.

Hope that is useful

Kind Regards

REDACTED

From: REDACTED

Sent: 15 April 2021 16:39

To: REDACTED

Cc: REDACTED

Subject: Environmental permitting of EfW facilities

Hi REDACTED,

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https://www.legislation.gov.uk/ukxi/2016/1154/pdfs/ukxi_20161154_en.pdf

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(ii) Article 23(3);
(iii) Article 23(4);
(iv) Article 35(1).

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But I suspect this is not as useful as I thought it might be!

REDACTED – if there is any other related duty on NRW anywhere else, then it’d be good to know.

Thanks

REDACTED

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From: REDACTED

Sent: 04 August 2021 15:07

To: REDACTED

Cc: REDACTED

Subject: RE: Uskmouth Environmental Permit application (variation?) update

Hi REDACTED,

Ok, many thanks for the heads up.

REDACTED – to note.

I suspect there may be an expectation amongst at least some of the public and elected members that the Moratorium would apply to this. We'll need to prepare our lines appropriately.

Thanks

REDACTED

REDACTED

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[Tel:](#) REDACTED

[email/ebost/](#) REDACTED

From: REDACTED

Sent: 04 August 2021 14:09

To: REDACTED

Cc: REDACTED

Subject: Uskmouth update

Hi all

Just to let you know we're aiming for a launch of the public consultation w/c 16th August – with target of around Weds 18th August. That would see official notification to WG, plus any “pre-warning” activity on 13th or 16th August or thereabouts.

Thanks

REDACTED

REDACTED

REDACTED

[Cyfoeth Naturiol Cymru / Natural Resources Wales](#)

[Ffôn/ Phone:](#) REDACTED

[Symudol / Mobile:](#) REDACTED

[Ty Cambria, Heol Casnewydd, Caerdydd / Cambria House, Newport Road Cardiff](#)

[Dysgwyr Cymraeg](#)

REDACTED

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy.

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cyfoethnaturiol.cymru / naturalresources.wales

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From: REDACTED
Sent: 17 August 2021 12:16
To: REDACTED
Subject: RE: Uskmouth permit decision consultation

It's often said, but it is technically incorrect of course! And I suspect it might be challenged by those in the know...

It's a constant beef I have with the ESA – they say all the opposition to EfW will drive more waste to landfill, but in reality it should drive far more recycling (and waste prevention ideally!).

From: REDACTED
Sent: 17 August 2021 12:13
To: REDACTED
Subject: RE: Uskmouth permit decision consultation

Hi REDACTED

Thanks for your comments. I'll share with comms

REDACTED
From: REDACTED
Sent: 17 August 2021 12:09
To: REDACTED
Subject: Uskmouth permit decision consultation

Hi REDACTED,

We're obviously preparing ourselves for your press notice on this, and have briefed our Minister accordingly.

I have seen your press notice and I need to point out the oxymoron contained in this text:

*"The waste pellets the company proposes to use as fuel as part of the conversion would be to a pre-agreed specification, formed of non-hazardous **waste types that cannot be recycled** and could otherwise go to landfill.*

The pellets would be manufactured off-site, and no other waste would be brought to the facility.

They would be composed of approximately 50% plastic and 50% material such as paper, cardboard and wood."

Most plastic, paper and cardboard, and some wood waste, can of course be recycled, so the pellets contain waste that can be recycled, hence the first sentence is actually incorrect.

However, I accept that this same error is made by many, but I would expect the regulator would want to ensure that everything it says is technically correct.

Best regards

REDACTED

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From: REDACTED

Sent: 17 August 2021 12:36

To: REDACTED

Cc: REDACTED

Subject: Uskmouth consultation and Article 51 notification.

REDACTED

As previously advised, NRW is preparing to publish the draft decision for public consultation. In reaching our draft decision we have used an alternative condition, the attached letter is notification of our intention to do so.

Attached is the draft press release and update, for your information. REDACTED has sent some comments on the PR, which I have shared with our communications lead.

I will be on leave from REDACTED. REDACTED will be covering for me, so if you have any queries please let her know.

Kind Regards

REDACTED

Position Statement update

Update xx/07/2021

Following our public consultation in March 2020 and subsequent detailed assessment of the proposals, we're minded to issue a permit variation to SIMEC Uskmouth Power Ltd, to vary their existing permit for their coal-fired combustion plant, located on West Nash road Newport.

Before making a final decision, we're holding a public consultation to give people the opportunity to view and comment on the draft permit and decision document and to submit any relevant information to us which may not have been considered.

We will only grant a permit if we believe that the operator can meet the conditions of the permit, which will be protective of human health and the environment.

How can I take part?

The consultation on our draft decision is primarily being held via our online consultation hub ([link](#)) and is open from xx/xx/xx until xx/xx/xx

The consultation documents are available in different formats on request.

For advice about how to make a representation via the consultation hub please call 0300 065 3000 or contact enquiries@naturalresourceswales.gov.uk

How have you raised awareness of the application?

On the xx August 2021 we published a press release to the local press to inform the public of our consultation on our draft decision and how they can respond.

We also published posts on social media informing the public of the application, the consultation and how to respond.

We also advertised the consultation on our website.

We have also informed local politicians of the consultation.

Previous experience shows that this is the most effective way of informing the local community.

For further information please refer to our public participation statement.

Will your decision be published to the public and will there be a period for consultation and challenge before the report is final?

Yes, we have now published our draft permit and decision document and are holding a 4 week consultation for people to comment on and review the documents and submit any relevant information which may not have been considered.

We will take all relevant comments in to account when making our final decision.

View the consultation here: ([link](#))

Consultation launched on draft decision to allow permit variation for Uskmouth Power Station

A public consultation has been launched by Natural Resources Wales (NRW) on a draft decision to issue a permit variation for Uskmouth Power Station in Newport. The decision would allow a change to their environmental permit as part of plans to convert their existing coal-fired plant to run on waste pellets.

The waste pellets the company proposes to use as fuel as part of the conversion would be to a pre-agreed specification, formed of non-hazardous waste types that cannot be recycled and could otherwise go to landfill.

The pellets would be manufactured off-site, and no other waste would be brought to the facility.

They would be composed of approximately 50% plastic and 50% material such as paper, cardboard and wood.

The draft decision follows an extensive public consultation that opened for six weeks in March 2020.

Before making a final decision, NRW are inviting the public to view the draft permit and decision document and to submit any relevant information which may not have been considered.

REDACTED for Natural Resources Wales said:

“After looking carefully at the application and supporting information, NRW is minded to grant the permit variation to SIMEC Uskmouth Power Limited Ltd.

“However, listening to the views of local residents and our partners is an important part of this process and we’d urge people to take part in the consultation before we make our final decision.

“We will only allow the change to the permit if we are confident the company can make the changes without adversely impacting on local people or the environment.” NRW is required to issue a permit variation if the applicant can show that the site will be operated to appropriate standards and all the legal requirements will be met.

The consultation launches on xx and will close on xx. [The application, supporting information and the consultation are available online.](#)

From: REDACTED
Sent: 17 August 2021 15:44
To: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Ok, thanks, it would be good to know.

I suspect this will raise quite a lot of interest.

From REDACTED
Sent: 17 August 2021 15:16
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Ok thanks for update REDACTED, I'll let you know if I hear any different

From: REDACTED
Sent: 17 August 2021 14:58
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Hi REDACTED,

I've checked the planning application (that has been called in) and the Design and Access statement includes the following text: "...The outward appearance of the existing power station buildings and exhaust stack would remain unchanged..." which I guess answers my question.

Many thanks
REDACTED

REDACTED
[Resource Efficiency and Circular Economy Division](#) / Is-adran Effeithlonrwydd Adnoddau Ac Economi Gylchol
[Welsh Government/Llywodraeth Cymru](#)
[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
email/eboost/ REDACTED

From: REDACTED
Sent: 17 August 2021 14:42
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Would the person who has written the permit know? It's quite important for us to understand how crucial the planning permission is to the operation of the plant as an energy from waste facility.

From: REDACTED
Sent: 17 August 2021 14:39
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Hi REDACTED

I don't know sorry.

REDACTED

From: REDACTED
Sent: 17 August 2021 14:35
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Hi REDACTED,

Thanks for this.

Does the permit require the chimney/stack to be raised above its current height? I ask because this would presumably require planning permission, and indeed it may be subject to the current planning application call in, but I haven't been able to check.

Many thanks
REDACTED

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Kind Regards

REDACTED

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. 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.

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From: REDACTED
Sent: 26 August 2021 10:32
To: REDACTED
Cc: REDACTED
Subject: Uskmouth - heads-up

Hi REDACTED,

That's very useful to know, thank you.

I am on leave from REDACTED, back at work next REDACTED, then off again on REDACTED.

Best regards
REDACTED

REDACTED
[Resource Efficiency and Circular Economy Division](#) / Is-adran Effeithlonrwydd Adnoddau Ac Economi Gylchol
[Welsh Government/Llywodraeth Cymru](#)
[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
[email/ebost/](#) REDACTED

From: REDACTED
Sent: 26 August 2021 10:09
To: REDACTED
Cc: REDACTED
Subject: Uskmouth - heads-up

REDACTED,

I'm REDACTED this week so just wanted to give you a brief heads up on what's happening with the Uskmouth permit variation application to move to efw.

REDACTED and REDACTED are having with Uskmouth management this morning to discuss NRW's delay in the 'minded to' decision on the variation while we obtain Counsel advice on the implications of the implications of the moratorium on efw and P4G on our decision making.

I understand that REDACTED discussed this with REDACTED earlier this week and he was supportive of our current approach.

Thanks

REDACTED

From: REDACTED
Sent: 09 August 2021 15:49
To: REDACTED
Subject: FW: article 51 notification - Uskmouth

Hi REDACTED, forwarding to you in REDACTED's absence in case time is pressing on this from your perspective.

Best
REDACTED

REDACTED

REDACTED
Yr Is-adran Diogelu'r Amgylchedd / Environmental Protection Division
Grŵp yr Economi, Sgiliau a Chyfoeth Naturiol / Economy, Skills and Natural Resources Group
Llywodraeth Cymru / Welsh Government
Parc Cathays / Cathays Park
Caerdydd / Cardiff
CF10 3NQ
E-Bost: REDACTED
Mobile: REDACTED
Wefan / Website: www.gov.wales

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From: REDACTED
Sent: 09 August 2021 15:46
To: REDACTED
Cc: REDACTED
Subject: article 51 notification

Hi REDACTED, I've now been able to obtain legal advice on this. It's fine for the notification just to come to me by email, but I'd be grateful if you could just make sure you also provide the information specified in paragraph (4) of article 51 when you do notify. If your finalised paper will cover all these things then I'm happy just to receive a copy of that with these things highlighted clearly in it, but given that the amended paragraph 4 requires submission to us of the same things that would previously have been communicated to the Commission as part of art 72 reporting, do you or the EA have any sort of established template or previous example to draw on that you might wish to continue to follow for consistency?

Many thanks and happy to discuss

Best regards
REDACTED

REDACTED

REDACTED

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From: REDACTED

Sent: 22 June 2021 10:05

To: REDACTED

Subject: Tomorrows Meeting

REDACTED

Something I am going to touch on tomorrow with regard to us permitting Uskmouth. The attached paper hasn't gone through our governance channels yet (so please don't share widely) and treat as back ground for now – but the long and short of it we are minded to authorise the permit with deviation making a case for permitting using Article 50 which requires us to inform Welsh Ministers.

As far as I know this is the first time we have used it, I know the EA prior to BREXIT have informed the commission on numerous occasions. Would be useful to have a think about how you would want this done? Or any issues you foresee.

Other issues I will touch on

REDACTED

Uskmouth (as above)

REDACTED

REDACTED

REDACTED

From: REDACTED
Sent: 11 August 2021 09:55
To: REDACTED
Subject: RE: Uskmouth update

Hi REDACTED,

Thanks for the update.

I anticipate a lot of public interest in this, especially given COP26 is fast approaching.

I'm not sure who the lead on this will be within WG – it may be REDACTED team rather than ours as this is primarily an emissions issue, particularly in respect of the huge scale of CO2 emissions. This scale of EfW facility obviously isn't needed for Wales' waste.

Best regards
REDACTED

REDACTED
[Resource Efficiency and Circular Economy Division](#) / Is-adran Effeithlonrwydd Adnoddau Ac Economi Gylchol
[Welsh Government/Llywodraeth Cymru](#)
[Cathays Park/Parc Cathays](#)
[Cardiff/Caerdydd CF10 3NQ](#)
Tel: REDACTED
[email/ebost/](#) REDACTED

From: REDACTED
Sent: 10 August 2021 17:05
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth update

REDACTED

Further to my email below some further information below in relation to our determination, and plans for further consultation. We hope to get the notification of use of alternative condition to you by the end of this week.

Reference Number PAN-008534
Permit number: EPR/LP3131SW
Applicant: Simec Uskmouth Power Limited
Facility: Uskmouth Power Station, West Nash Road, Newport, Gwent, NP18 2BZ

- Following our public consultation in March 2020 and subsequent detailed assessment of the proposals, we're minded to issue a substantial permit variation to SIMEC Uskmouth Power Limited, to vary their existing permit from a coal-fired pulverised fuel combustion plant to a co-incinerator, allowing the combustion of refuse derived fuel pellets.
- Fuel pellets are imported to the site and no other waste will be accepted.
- The current installation at the Uskmouth Power Station infrastructure will be converted to allow combustion of up to 1,093,000 tonnes per annum of fuel pellets

and will export up to 220 MW of electricity. A 3rd line is mothballed and is not permitted to operate on any fuel.

- We are satisfied that after proposed extensive refurbishment the plant will be able to meet applicable 'Best Available Techniques' (BAT) and the required legal 'BAT-associated Emission Limit Values'.
- Alternative combustion conditions have been set using Article 51 of the Industrial Emissions Directive and these are formally notifiable to Welsh Government. We are in the process of drafting a letter (to be sent by email) to formally notify you prior to the consultation beginning
- The draft decision has been discussed with Operational Colleagues and Legal Services and has been presented to Industry Sub Group for added scrutiny.
- Before making a final decision, we are holding a 5-week public consultation, to give people the opportunity to view the draft permit and decision document and to submit any relevant information which may not have been considered. This is planned for week commencing 16th August 2021 (likely Wednesday 18th).
- The draft decision may be contentious particularly with anti-incinerator and climate change groups, although to date, the level of public interest has been moderate.
- We are treating the consultation as high public interest and have an appropriate Communications Strategy in place, which includes a press release, writing to local MPs/AMs and other interested parties.

Kind Regards

REDACTED

From: REDACTED

Sent: 04 August 2021 14:09

To: REDACTED

Cc: REDACTED

Subject: Uskmouth update

Hi all

Just to let you know we're aiming for a launch of the public consultation w/c 16th August – with target of around Weds 18th August. That would see official notification to WG, plus any "pre-warning" activity on 13th or 16th August or thereabouts.

Thanks

REDACTED

REDACTED

REDACTED

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/ Phone: REDACTED

Symudol / Mobile: REDACTED

Ty Cambria, Heol Casnewydd, Caerdydd / Cambria House, Newport Road Cardiff

Dysgwyr Cymraeg

REDACTED

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy.

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cyfoethnaturiol.cymru / naturalresources.wales

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From: REDACTED
Sent: 11 August 2021 10:26
To: REDACTED
Subject: RE: Uskmouth update

Thanks REDACTED, really appreciate the update

REDACTED

REDACTED

REDACTED

Yr Is-adran Diogelu'r Amgylchedd / Environmental Protection Division
Grŵp yr Economi, Sgiliau a Chyfoeth Naturiol / Economy, Skills and Natural Resources Group
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Sent: 10 August 2021 17:05
To: REDACTED
Cc: REDACTED
Subject: RE: Uskmouth update

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Kind Regards
REDACTED

From: REDACTED
Sent: 04 August 2021 14:09
To: REDACTED
Cc: REDACTED
Subject: Uskmouth update

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Thanks
REDACTED

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From: REDACTED
Sent: 17 August 2021 12:49
To: REDACTED
Subject: RE: Uskmouth consultation and Article 51 notification.

Thanks REDACTED, and enjoy your leave.

Best
REDACTED

REDACTED

REDACTED

Yr Is-adran Diogelu'r Amgylchedd / Environmental Protection Division
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From: REDACTED
Sent: 17 August 2021 12:36
To: REDACTED
Cc: REDACTED
Subject: Uskmouth consultation and Article 51 notification.

REDACTED

As previously advised, NRW is preparing to publish the draft decision for public consultation. In reaching our draft decision we have used an alternative condition, the attached letter is notification of our intention to do so.

Attached is the draft press release and update, for your information. REDACTED has sent some comments on the PR, which I have shared with our communications lead.

I will be on leave from REDACTED. REDACTED will be covering for me, so if you have any queries please let her know.

Kind Regards
REDACTED

From: REDACTED
Sent: 05 October 2021 12:30
To: REDACTED
Cc: REDACTED
Subject: RE: in confidence - DRAFT text of letter

REDACTED

Thank you for sharing the draft text, we'll keep you updated.

REDACTED

From: REDACTED
Sent: 05 October 2021 11:54
To: REDACTED
Cc: REDACTED
Subject: in confidence - DRAFT text of letter

Dear all

I'm sharing with you in confidence the current draft text of the letter from Ministers to your CEO with the call-in direction. The text is still being finalised so may change, and of course hasn't yet been cleared by Ministers – I'll let you know if the wording changes. Would it be possible for us to have sight of your draft letter to the operator too to make sure that any linkages with our letter remain accurate?

Thanks very much

REDACTED

Re: Uskmouth Power Station
Direction issued by the Welsh Ministers to the Natural Resources Body for Wales: application by SIMEC Uskmouth Power Ltd. to vary an environmental permit pursuant to the Environmental Permitting (England and Wales) Regulations 2016

Background

The current operator, SIMEC Uskmouth Power Ltd., has applied to Natural Resources Wales ('NRW') to vary the existing environmental permit for Uskmouth Power Station, to allow the installation to burn waste-derived fuel pellets instead of coal. This means that the facility would become a large-scale energy from waste facility.

It is Welsh Government policy, contained in the strategy document "Beyond Recycling", and reflected in the Ministerial Statement published by Lesley Griffiths (MS) in March 2021, that there be a presumption against new large-scale energy from waste facilities in Wales, for reasons explained more fully in the strategy document.

The potential for Uskmouth to become an energy from waste facility therefore directly engages key Welsh Government policy in this area. In light of this, I consider the application to be of substantial significance and I am minded that it would be

appropriate for the Welsh Ministers to determine the permit variation application. I therefore make the following Direction.

Direction

Pursuant to the power in regulation 63(1) of the Environmental Permitting (England and Wales) Regulations 2016^[1], I direct the Natural Resources Body for Wales ('NRBW') to refer the application by SIMEC Uskmouth Power Ltd – to vary an environmental permit in relation to Uskmouth Power Station – to the Welsh Ministers for determination.

This Direction has effect immediately on receipt by NRBW.

Signed:

Julie James MS, Minister for Climate Change, one of the Welsh Ministers.

REDACTED

Llywodraeth Cymru | Welsh Government

REDACTED

Hapus i gyfathrebu'n Gymraeg neu Saesneg | Happy to communicate in Welsh or English

REDACTED

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. 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.

^[1] S.I. 2016/1154

From: REDACTED
Sent: 09 August 2021 17:31
To: REDACTED
Subject: RE: article 51 notification - Uskmouth

Thanks REDACTED – I think we'll be going out to minded to consultation next week. I'll let permitting and others know

Thanks
REDACTED

From: REDACTED
Sent: 09 August 2021 15:49
To: REDACTED
Subject: FW: article 51 notification - Uskmouth

Hi REDACTED, forwarding to you in REDACTED's absence in case time is pressing on this from your perspective.

Best
REDACTED

REDACTED

REDACTED

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From: REDACTED
Sent: 09 August 2021 15:46
To: REDACTED
Cc: REDACTED
Subject: article 51 notification

Hi REDACTED, I've now been able to obtain legal advice on this. It's fine for the notification just to come to me by email, but I'd be grateful if you could just make sure you also provide the information specified in paragraph (4) of article 51 when you do notify. If your finalised paper will cover all these things then I'm happy just to receive a copy of that with these things highlighted clearly in it, but given that the

amended paragraph 4 requires submission to us of the same things that would previously have been communicated to the Commission as part of art 72 reporting, do you or the EA have any sort of established template or previous example to draw on that you might wish to continue to follow for consistency?

Many thanks and happy to discuss

Best regards
REDACTED

REDACTED

REDACTED

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From: REDACTED
Sent: 22 June 2021 10:05
To: REDACTED
Subject: Tomorrows Meeting

REDACTED

Something I am going to touch on tomorrow with regard to us permitting Uskmouth. The attached paper hasn't gone through our governance channels yet (so please don't share widely) and treat as back ground for now – but the long and short of it we are minded to authorise the permit with deviation making a case for permitting using Article 50 which requires us to inform Welsh Ministers.

As far as I know this is the first time we have used it, I know the EA prior to BREXIT have informed the commission on numerous occasions. Would be useful to have a think about how you would want this done? Or any issues you foresee.

Other issues I will touch on

REDACTED
Uskmouth (as above)
REDACTED
REDACTED

REDACTED

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. 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.

From: REDACTED
Sent: 04 October 2021 13:28
To: REDACTED
Subject: Uskmouth catch up

Hi - I still haven't heard from the Minister's office so may have to postpone this until later or tomorrow morning.

REDACTED

REDACTED

From: REDACTED
Sent: 06 October 2021 12:30
To: REDACTED
Cc: REDACTED
Subject: FW: MA/JJ/3346/21 - Letter from Julie James MS, Minister for Climate Change
Importance: High

To see

REDACTED
Llywodraeth Cymru | Welsh Government
REDACTED

Hapus i gyfathrebu'n Gymraeg neu Saesneg | Happy to communicate in Welsh or English

REDACTED

From: REDACTED
Sent: 06 October 2021 12:14
To: REDACTED
Cc: REDACTED
Subject: MA/JJ/3346/21 - Letter from Julie James MS, Minister for Climate Change
Importance: High

Dear REDACTED,

Please see attached a letter from Julie James MS, Minister for Climate Change.

Kind regards
REDACTED

REDACTED
REDACTED
REDACTED
Cabinet Division / Is-adran y Cabinet
Welsh Government / Llywodraeth Cymru
REDACTED
