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WELSH SUBORDINATE LEGISLATION

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## CHARGING SCHEME FOR LOCAL AUTHORITIES

### The Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (Wales) Scheme 2026

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The Welsh Ministers make this Scheme in exercise of the powers conferred by regulation 66(1) of the Environmental Permitting (England and Wales) Regulations 2016(1).

## PART 1

### Introduction

#### Title, coming into force and application

1.—(1) The title of this Scheme is the Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (Wales) Scheme 2026 and it comes into force on [XXX].

(2) This Scheme applies in relation to Wales.

#### Interpretation

2.—(1) In this Scheme—

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

“the 2006 EC Regulation” (“*Rheoliad CE 2006*”) means Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register(2);

“financial year” (“*blwyddyn ariannol*”) means a year ending with 31 March;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council in Wales;

“Natural Resources Wales” (“*Cyfoeth Naturiol Cymru*”) means the Natural Resources Body for Wales;

“permit” (“*trwydded*”) means an environmental permit granted by a local authority under regulation 13 of the 2016 Regulations and, unless otherwise stated, is a permit authorising the operation of a Part A(2) installation or small waste incineration plant.

(2) Expressions in this Scheme, including “operator”, “Part A(2) activity”, “Part A(2) installation”, “Part B activity”, “small waste incineration plant” and “solvent emission activity” have the meanings given in regulation 2(1) of the 2016 Regulations.

#### Combined activities

3. The following are to be treated as one Part A(2) activity for the purposes of this Scheme—

- (a) Part A(2) activities falling within the same Section of Part 2 of Schedule 1 to the 2016 Regulations that are, or will be, carried on at the same Part A(2) installation;
- (b) one or more Part A(2) activities and one or more Part B activities falling within the same Section of Part 2 of Schedule 1 to the 2016 Regulations that are, or will be, carried on at the same Part A(2) installation.

#### Fee recipient

4. Where an operator makes an application in respect of a permit under the 2016 Regulations, the operator must submit the fees and charges payable under this Scheme to the local authority in whose area the Part A(2) installation or small waste incineration plant is or will be operated.

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(1) S.I. 2016/1154, as amended.  
(2) EUR 2006/166, as amended.

## PART 2

### Fees and advertising costs in relation to permit applications

#### **Application fee for the grant of a permit**

5. The fee for an application for the grant of a permit is—

- (a) in the case of a permit to operate a Part A(2) installation, the sum of—
  - (i) £4,788 for each Part A(2) activity to be carried on at the Part A(2) installation, and
  - (ii) the fees payable for each Part B activity(1) (other than the operation of a small waste incineration plant) and solvent emission activity, if any, to be carried on at the installation;
- (b) in the case of a permit to operate a small waste incineration plant, the sum of—
  - (i) £4,788 for each small waste incineration plant, and
  - (ii) the fees payable for each Part B activity(2) (other than the operation of a small waste incineration plant) and solvent emission activity, if any, to be carried on at the small waste incineration plant.

#### **Application fee for a variation of a permit**

6.—(1) The fee for an application for a variation of a permit under regulation 20 of the 2016 Regulations is £1,948.

(2) But if the local authority considers that, if granted, an application under regulation 20 of the 2016 Regulations will—

- (a) authorise a change in the operation of a Part A(2) installation, which in itself meets any of the thresholds specified for a Part A(2) activity, or
- (b) authorise a change in the operation of a small waste incineration plant, which in itself meets any of the thresholds specified for a small waste incineration plant,

the fee is £4,788.

#### **Application fee for the transfer of a permit**

7. The fee for an application for the transfer of a permit from the operator to another person is—

- (a) £336 for a transfer in whole;
- (b) £994 for a transfer in part.

#### **Application fee for the surrender of a permit**

8. The fee for an application for the surrender of a permit, in whole or in part, is £994.

#### **Reimbursement of advertising costs**

9. An operator who has made an application in respect of a permit under the 2016 Regulations must, following a request from the local authority, reimburse the local authority any costs incurred by the local authority in advertising the application to inform the public consultees of the application under paragraph 6(1)(a) of Part 1 of Schedule 5 to the 2016 Regulations.

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(1) The fees payable for any Part B activity (other than the operation of a small waste incineration plant) or solvent emission activity to be carried on at the Part A(2) installation or small waste incineration plant must be calculated in accordance with articles 5 and 7 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emission Activities (Fees and Charges) (Wales) Scheme 2025.

(2) See footnote (1).

## PART 3

### Subsistence charges

#### Payment of subsistence charge

10.—(1) The operator of a Part A(2) installation or a small waste incineration plant must pay an annual charge to the local authority in whose area the Part A(2) installation or small waste incineration plant is or will be operated, in respect of the subsistence of each permit held by the operator (the “subsistence charge”).

(2) The subsistence charge is payable in full despite—

- (a) the partial or total suspension or cessation of any Part A(2) activity at the Part A(2) installation to which the permit relates during the financial year in respect of which the annual charge relates, or
- (b) the partial or total suspension or cessation of the operation of the small waste incineration plant to which the permit relates during the financial year in respect of which the annual charge relates.

#### Amount of subsistence charge

11.—(1) The subsistence charge in respect of each permit is the sum of—

- (a) the charges for each Part A(2) activity or small waste incineration plant authorised by the permit, as set out in Table 1, where “low regulatory effort”, “medium regulatory effort” and “high regulatory effort” are categories determined in accordance with the methodology set out in the document “LAPPC Risk Method March 2009 (revised July 2013)”,

**Table 1**

<i>Authorised Part A(2) activity or small waste incineration plant</i>	<i>Charge</i>
Each low regulatory effort Part A(2) activity or small waste incineration plant	£1,910
Each medium regulatory effort Part A(2) activity or small waste incineration plant	£2,144
Each high regulatory effort Part A(2) activity or small waste incineration plant	£3,177

- (b) the charges for each Part B activity(1) (other than the operation of a small waste incineration plant) and each solvent emission activity (if any) under paragraph (2), and
- (c) £147, where the operator carries on an operation that falls within the reporting obligations of the 2006 EC Regulation, in respect of any costs incurred by the local authority such as costs of collection, quality assurance checking and processing the reported data on pollutants and off-site waste transfers.

(2) If an operator has paid a subsistence charge for a Part B activity that has become a Part A(2) activity, and that activity is carried on in a Part A(2) installation—

- (a) any amount paid in respect of the Part B activity as part of the subsistence charge must be deducted from the subsistence charge on a pro rata basis, calculated from the date of issue of the permit to the end of the financial year;

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(1) The charges payable for any Part B activity (other than the operation of a small waste incineration plant) or solvent emission activity to be carried on at the Part A(2) installation or small waste incineration plant must be calculated in accordance with article 14 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emission Activities (Fees and Charges) (Wales) Scheme 2025.

- (b) any instalment due in respect of the Part B activity at the date the Part A(2) permit is issued ceases to be payable;
- (c) the new subsistence charge, after applying any pro rata deductions under paragraph (a), is payable in accordance with article 13(2).

#### **Timing of payment of subsistence charge**

**12.**—(1) Subject to articles 13 and 14, a subsistence charge is payable—

- (a) in full by 1 April in the financial year in which the permit is held, or
- (b) in four equal instalments by 1 April, 1 July, 1 October and 1 January of that financial year.

(2) If a subsistence charge is paid in instalments, the total amount of the subsistence charge payable in that financial year is increased by £53.

#### **Payment of subsistence charge in respect of the year the permit is granted**

**13.**—(1) In the financial year in which a permit is granted, the subsistence charge in respect of that permit is payable—

- (a) in full on the date the permit is granted, or
- (b) in equal instalments by 1 April, 1 July, 1 October and 1 January of that financial year.

(2) The amount of subsistence charge payable in the financial year in which the permit is granted is calculated by multiplying the number of complete calendar months remaining in that financial year at the date the permit is granted by one twelfth of the annual subsistence charge, as set out in article 11.

(3) If a subsistence charge in respect of the financial year in which a permit is granted is paid in instalments, the total amount of the subsistence charge payable in that financial year is increased by £53.

#### **Late payment charge**

**14.** Where—

- (a) a local authority has issued an invoice to an operator for the payment of a subsistence charge or an instalment of a subsistence charge, and
- (b) payment of the subsistence charge, or an instalment of the subsistence charge, is not received within eight weeks beginning with the date of the invoice,

the operator must pay a late payment charge of £74.

## **PART 4**

### **Refunds of fees and subsistence charges**

#### **Refund of application fee for the grant of a permit**

**15.**—(1) The local authority must, as soon as practicable, refund in full any application fee paid under article 5 if, before a permit has been granted—

- (a) the Welsh Ministers give a direction under regulation 33 of the 2016 Regulations, directing Natural Resources Wales to exercise the local authority functions in respect of Part A(2) installations or small waste incineration plants, or
- (b) the activity for which the permit is sought—
  - (i) ceases to be regulated under the 2016 Regulations, or
  - (ii) is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

(2) Where an application for the grant of a permit relates to more than one activity, a refund must be paid in respect of each activity that ceases to be regulated under the 2016 Regulations or is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

#### **Refund of application fee for a variation of a permit**

**16.** The local authority must, as soon as practicable, refund in full any application fee paid under article 6 if, before a variation is made—

- (a) the Welsh Ministers give a direction under regulation 33 of the 2016 Regulations, directing Natural Resources Wales to exercise the local authority functions in respect of Part A(2) installations or small waste incineration plants, or
- (b) the Part A(2) activity or small waste incineration plant authorised by the permit—
  - (i) ceases to be regulated under the 2016 Regulations, or
  - (ii) is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

#### **Refund of subsistence charge**

**17.**—(1) The local authority must, as soon as practicable, refund a subsistence charge paid by the operator under Part 3 if—

- (a) the Welsh Ministers give a direction under regulation 33 of the 2016 Regulations, directing Natural Resources Wales to exercise the local authority functions in respect of Part A(2) installations or small waste incineration plants, or
- (b) the Part A(2) activity or small waste incineration plant authorised by the permit, in respect of which a subsistence charge has been paid—
  - (i) ceases to be regulated under the 2016 Regulations, or
  - (ii) is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

(2) Where a subsistence charge is made up of charges for more than one Part A(2) activity or small waste incineration plant, a refund must be paid in respect of each Part A(2) activity that ceases to be regulated under the 2016 Regulations or is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

(3) The amount of refund payable is calculated as follows—

- (a) the total annual subsistence charge minus one twelfth of the total charge multiplied by every complete calendar month remaining from 1 April in each financial year to the relevant date, or
- (b) where the subsistence charge is being paid in instalments, the amount of the most recent instalment minus one third of that amount for every complete calendar month from the date that instalment was due to the relevant date.

(4) An instalment of the subsistence charge that has not become payable before the relevant date ceases to be payable.

(5) In this article, the “relevant date” means the date on which—

- (a) the Welsh Ministers give a direction under regulation 33 of the 2016 Regulations,
- (b) the activity ceases to be regulated under the 2016 Regulations, or
- (c) the activity is reclassified under the 2016 Regulations so that it falls under the control of Natural Resources Wales.

#### **Other refunds**

**18.** The local authority must not refund any subsistence charge or fee other than in accordance with the provisions of this Part.

## **Revocation**

**19.** The Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (Wales) Scheme 2016 is revoked.