

**THE LOCAL AUTHORITY PERMITS FOR PART A(2)
INSTALLATIONS AND SMALL WASTE INCINERATION
PLANT (FEES AND CHARGES) (WALES) SCHEME 2016**

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The Welsh Ministers, in exercise of the powers under regulation 65 of the Environmental Permitting (England and Wales) Regulations 2010⁽¹⁾, make the following Scheme:

PART 1

Introduction

Title, application and commencement

1. This Scheme—
 - (a) may be cited as the Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (Wales) Scheme 2016;
 - (b) applies in Wales; and
 - (c) comes into force on 1 April 2016.

Revocation

2. The Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (Wales) Scheme 2015 is revoked.

Interpretation

3. —(1) In this Scheme—
 - “the EC Regulation” means Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register made 18 January 2006⁽²⁾;
 - “installation” means a Part A(2) installation;
 - “permit” means an environmental permit granted by a local authority under the Regulations and, unless otherwise stated, is a permit authorising the operation of an installation or small waste incineration plant;
 - “the Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;
 - “small waste incineration plant”, “solvent emission activity” and “Part B activity” have the meanings given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2010.
 - (2) Any reference to a numbered regulation, Section, Part or Schedule is a reference to a regulation, Section, Part or Schedule in the Regulations, and words and phrases in this Scheme have the same meaning as in the Regulations.

Combined activities

4. The following are 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 Regulations that are, or will be, carried on at the same 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 the Schedule to the Regulations that are, or will be, carried on at the same installation.

1) S.I. 2010/675.

2) OJ No.33 4.02.2006, p 1.

Fee recipient

5. The operator must submit the fees and charges payable under this Scheme to the local authority.

PART 2

Fees and advertising costs in relation to permit applications

Application fee for the grant of a permit

6. —(1) The fee for an application for the grant of a permit is—
- (a) in the case of a permit to operate an installation the sum of—
 - (i) £3318 for each Part A(2) activity to be carried on at the installation; and
 - (ii) the sum of the fees payable pursuant to paragraph (2) for each Part B activity (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 small waste incineration plant the sum of—
 - (i) £3318 for each small waste incineration plant; and
 - (ii) the sum of the fees payable pursuant to paragraph (2) for each Part B activity (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.
- (2) 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 installation or small waste incineration plant shall 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 2016.

Application fee for a variation of a permit

7. —(1) For an application under regulation 20, the fee for the purposes of regulation 65(1)(a)(ii) is £1350 except where paragraph (2) applies.
- (2) If the local authority considers that any application under regulation 20 will, if granted—
- (a) authorise a change in the operation of an 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 £3318.

Application fee for the transfer of a permit

8. The fee for an application for the transfer of a permit from the operator to another person is as follows—
- (a) £233 for a total transfer; and
 - (b) £689 for a partial transfer.

Application fee for the surrender of a permit

9. The fee for an application for the surrender of all or part of a permit is £689.

Reimbursement of advertising costs

10. An operator who has made an application under the Regulations must reimburse the local authority the actual costs incurred by the local authority in circumstances where the authority has considered it appropriate to inform public consultees by advertising the application in accordance with paragraph 6(1)(a) of Part 1 of Schedule 5.

PART 3

Subsistence charges

Financial year

11. In this Part, “financial year” means the period of 12 months ending on 31 March.

Payment of subsistence charge

12. —(1) The operator must pay an annual charge to the local authority in respect of the subsistence of each permit that it holds (in this Part, referred to as the “subsistence charge”) in accordance with regulation 65(1)(c).

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

- (a) the partial or total suspension or cessation of any Part A(2) activity at the installation to which the permit relates during the financial year; 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.

Amount of subsistence charge payable

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

- (a) the charge 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” have the meanings set out in the document entitled ‘LA-IPPC Risk Method April 2005 (updated 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	£1324
Each medium regulatory effort Part A(2) activity or small waste incineration plant	£1486
Each high regulatory effort Part A(2) activity or small waste incineration plant	£2202

- (b) the sum of charges for each Part B activity (other than the operation of a small waste incineration plant) and each solvent emission activity, if any, pursuant to paragraph (2);
- (c) where the operator carries on an operation that falls within the reporting obligations of the EC Regulation, the sum of £102 to cover the authority’s cost of collection, quality assurance checking and processing the reported data on pollutants and off-site waste transfers.

(2) The charges for any Part B activity (other than the operation of a small waste incineration plant) or solvent emission activity shall 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 2016.

(3) In the case of an operator who has made a payment of subsistence charge as a Part B activity that has become a Part A(2) activity to be carried on in a Part A(2) installation, there shall be deducted from the subsistence charge the portion of that amount that relates to the period coinciding with the date of issue of the permit to the end of the financial year, and any instalment due in respect of that Part B activity at the date the Part A(2) permit is issued ceases to be payable, and the new subsistence charge shall be payable in accordance with article 15(2).

Timing of payments

14. —(1) Subject to the provisions of articles 15 and 16, the subsistence charges are 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 the subsistence charges are paid in instalments, the total amount of subsistence charge payable in that financial year is increased by £37.

Payment in year permit is granted

15. —(1) In the financial year in which the permit is granted, the subsistence charge is payable—

- (a) in full on the date the permit is received; or
- (b) in 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 full yearly subsistence charge as set out in this Part.

(3) If the subsistence charges are paid in instalments, the total amount of subsistence charge payable in that financial year is increased by £37.

Late payment charge

16. Where—

- (a) a local authority has issued an invoice to an operator for the payment of the subsistence charge or instalment of the subsistence charge under this Part; and
- (b) payment of the subsistence charge, or instalment of the subsistence charge, is not received within 8 weeks beginning with the date of issue of the invoice,

the operator must pay a late payment charge of £51.

PART 4

Refunds of fees and subsistence charges

Refund of application fee for the grant of a permit

17. —(1) The local authority must, as soon as practicable, refund in full any application fee paid under article 6 if, before a permit has been issued—

- (a) the Welsh Ministers issue a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or small waste incineration plant to the Natural Resources Body for Wales; or
- (b) the activity for which the permit is sought—
 - (i) ceases to be regulated under the Regulations; or

(ii) is reclassified under the Regulations to fall under the control of the Natural Resources Body for Wales.

(2) Where an application for a permit relates to more than one activity, a refund must be paid in respect of each activity that ceases to be regulated or is reclassified in accordance with regulation 33(1) the activity for which the permit is sought—.

Refund of application fees for a variation of a permit

18. The local authority must, as soon as practicable, refund in full any fee paid under article 7 if, before a variation is made—

- (a) the Welsh Ministers issue a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or small waste incineration plant to the Natural Resources Body for Wales; or
- (b) the Part A(2) activity or small waste incineration plant authorised by the permit—
 - (i) ceases to be regulated under the Regulations; or
 - (ii) is reclassified under the Regulations to fall under the control of the Natural Resources Body for Wales.

Refunds of subsistence charge

19. —(1) The local authority must, as soon as practicable and in accordance with this article, refund any relevant subsistence charge paid by the operator under Part 3 if—

- (a) the Welsh Ministers issue a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or mobile plant to the Natural Resources Body for Wales; or
 - (b) the activity authorised by the permit in respect of which subsistence charge has been paid—
 - (i) ceases to be regulated under the Regulations; or
 - (ii) is reclassified under the Regulations to fall under the control of the Natural Resources Body for Wales.
- (2) 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 calendar month remaining from 1 April in each financial year to the relevant date; or
 - (b) where the relevant subsistence charge is being paid in instalments, the amount of the instalment last due minus one third of that amount for each complete month from the date that instalment was due to the relevant date.
- (3) Any instalments of subsistence charge that have not become payable before the relevant date, cease to be payable.
- (4) In this article, the “relevant date” means the date on which the Welsh Ministers issue a direction under regulation 33, or the activity ceases to be regulated or is reclassified in accordance with paragraph (1)(b).

Other refunds

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



Date 10 March 2016

Carl Sargeant
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one of the Welsh Ministers