

NWSI 2026 No. 63

ENVIRONMENTAL PROTECTION

The Environmental Protection (Medium Combustion Plant) (New Fuel) (Wales) Direction 2026

Made

23 March 2026

Coming into force

1 May 2026

In exercise of the powers conferred by regulation 62(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2016, the Welsh Ministers give the following Direction.

The Welsh Ministers have consulted with the Natural Resources Body for Wales as required by regulation 62(3) of the 2016 Regulations.

1. Title, coming into force and application

- (1) The title of this Direction is the Environmental Protection (Medium Combustion Plant) (New Fuel) (Wales) Direction 2026.
- (2) This Direction comes into force on 1 May 2026.
- (3) This Direction applies in relation to Wales.

2. Interpretation

In this Direction—

“the 2016 Regulations” (“*Rheoliadau 2016*”) means the Environmental Permitting (England and Wales) Regulations 2016(1);

“biomass” (“*biomas*”), “gas oil” (“*olew nwy*”) and “natural gas” (“*nwy naturiol*”) have the meanings given in Article 3 of the MCPD;

“combustion plant” (“*cyfarpar hyllogi*”) has the meaning given in regulation 2(1) of the 2016 Regulations;

“ELV” (“*TGA*”) means the permissible quantity of a substance contained in the waste gases from a combustion plant which may be discharged into the air during a given period as defined in Article 3(2) of the MCPD;

“MCP” (“*CHC*”) means a medium combustion plant as defined in paragraph 2(1) of Schedule 25A to the 2016 Regulations;

“MCPD” (“*CCHC*”) means the Medium Combustion Plant Directive (Directive 2015/2193/EU) as defined in regulation 3(1) of the 2016 Regulations;

“new fuel” (“*tanwydd newydd*”) means a fuel (not including biomass, gas oil or natural gas) for which an ELV has not been set in a permit issued before the coming into force of this Direction which allows use of that fuel at an MCP in Wales;

“NRW” (“*CNC*”) means the Natural Resources Body for Wales.

3. Medium Combustion Plant operating on new fuels

(1) In carrying out its functions (including under paragraphs 4(1)(d) and (e), 4(3) and 6 of Schedule 25A to the 2016 Regulations) it is directed that NRW may set ELVs for a new fuel used in a MCP and may also update those ELVs.

(2) When setting or updating an ELV NRW must follow an evidence-based approach that—

- (i) considers the characteristics of the MCP,
- (ii) provides either a higher level of protection for the environment or at least the same general level of protection for the environment that would otherwise have been afforded by applying emission limits set under the provisions of Part 2 of Schedule 25A to the 2016 Regulations, and
- (iii) takes into account the views of the operator of the MCP and any other party NRW considers should be consulted.

Huw Irranca-Davies

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers

23 March 2026