



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Confidentiality determination

Environmental Permitting (England and Wales)
Regulations 2016
Regulation 52

Notice of determination

To: Oscar Mayer Limited
C/O Company Director
Forum 4 C/O Aztec Financial Services (UK) Limited
Solent Business Park, Parkway South
Whiteley, Fareham
Hampshire
PO15 7AD

Environmental permit: EPR/WP3534GX

Regulated Facility: Oscar Mayer Limited (trading as Rowan Foods Limited)
Wrexham Convenience Foods
Ash Road South
Wrexham Industrial Estate
Wrexham
LL13 9UG

The Natural Resources Body for Wales ("Natural Resources Wales") has considered your application dated 20 February 2023 and additional information provided 08 March 2023 for the exclusion of information from the public register. NRW gives notice of its decision as follows:

You requested that information submitted to Natural Resources Wales on 09 February 2023, as required by your environmental permit, (Form P1- tonnage produced, waste generated in 2021 and 2022, Form E1- energy consumption) is excluded from the public register.

With reference to the information submitted to Natural Resources Wales on 08 March 2023, it is noted that the main reason given as to why the information referred to above should be excluded from the public register relates to food waste and general factory waste rates being too high at the Wrexham site. You state that this could result in customers declining to agree to any request you make for a price-rise for your goods because of the levels of waste generated.

Based on the information submitted to Natural Resources Wales on 08 March 2023 which has been fully taken into account, it is considered that there are insufficient grounds to exclude this information from the public register.

In making a determination, Natural Resources Wales has applied a presumption in favour of including the information on the public register unless the information is commercially or industrially confidential, its confidentiality is provided by law to protect a legitimate economic interest, and, in all the circumstances, the public interest in maintaining the confidentiality of the information outweighs the public interest in including it on the register.

Natural Resources Wales considers that clear justification has not been provided to demonstrate that this information is commercially or industrially confidential, confidentiality is provided by law to protect a legitimate economic interest and that the public interest in maintaining confidentiality outweighs that in including it on the register.

For these reasons, NRW intends to place this information on the public register within 15 working days.

You have a right to appeal against this decision to the Welsh Ministers for Wales. Information regarding the appeal process can be found within the notes section of this document.

Name 

Date 6 April 2023

 Team Leader, North East Industry Regulation Team	06 April 2023
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Authorised on behalf of Natural Resources Wales

North East Industry Regulation Team
Natural Resources Wales
Buckley Office
Chester Road
Buckley
CH7 3AJ

North.wales.ppc@cyfoethnaturiolcymru.gov.uk

Please see over for notes

What the law says

The Environmental Permitting (England and Wales) Regulations 2016 say -

Regulations 48(1) & (2)

The regulator must exclude information from a public register if it considers that the information may be confidential information, or receives notice that you consider the information to be confidential and you have provided reasons for that view. Except when it has been determined that the information should be included on the register. Note that the Secretary of State or the Welsh Ministers can give direction as to information which must be included in the public register even if it may be confidential.

Regulation 49(1)

Where the regulator receives information that it considers may be confidential, it must give notice of that view to the person the information is about. This person is known as the information subject. The information subject may within 15 working days give notice consenting or objecting to the inclusion of the information on the register. If an objection is made you must give the reasons for this view.

Regulations 51(1), (2), (3) & (4)

When making a confidentiality determination the regulator must comply with the conditions detailed in this regulation.

Regulation 52(1)

The regulator has 20 working days, or any such longer period that may be agreed with you, to give you notice of its determination. If we fail to give notice within 20 working days (or other agreed period), you can notify us in writing that we are deemed to have determined that the information must be included on the public register. You then have the right of appeal.

Regulation 53(1)

You may give notice of appeal to the Welsh Ministers within 15 working days after the regulator has made a determination under regulation 51.

Regulations 55(1) & (2)

Any information that is determined to be confidential remains so for a period of 4 years or any shorter period specified in the decision. You must make a further application at that time, if you believe the information remains confidential information and should be withheld from the public registers.

Your right to appeal

You have a right to appeal against this decision to the Welsh Ministers for Wales. You must do this within 15 days of the date of the notice of refusal.

Appeals must be made in writing to:

Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

The notice of appeal must contain or be accompanied by;

- a statement of the grounds of appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

If you appeal, you must send us;

- a copy of your appeal notice;
- a statement of your grounds of appeal; and
- a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

You can withdraw your appeal by notifying the Welsh Ministers in writing and copying your notification to us.

Please refer to the regulations for details of the appeal process

End of Notice