Cyfoeth Naturiol Cymru
Natural Resources Wales

Confidentiality determination

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 (S.I.2013 No.390)

Regulations 55(1) & (2)

Notice of determination

To: Mr S Thomas
Environmental Specialist
Solutia UK Ltd
Corporation Road
Newport
NP19 4XF

Natural Resources Wales has considered your application dated 14 April 2016 for the exclusion of information from the public register. We give notice of our decision as follows:

IC3 - Sanctizer, Dequest Amino, Spray drier, Therminols and S2075 submissions dated 30 March 2004, 14 April 2008 and 16 April 2012 are confidential.

Signed:

Mr W R Hughes

Authorised to sign on behalf of Natural Resources Wales

Date of signing

19 April 2016

Natural Resources Wales
Industry & Waste Regulation Team, Taff & Ely
Rivers House
St Mellons Business Park
St Mellons
Cardiff CF3 0EY

What the law says

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 (S.I.2013 No.390) 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 Secretary of State or 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 Secretary of State for England or the Welsh Ministers for Wales. You must do this within 15 working days of the date of the notice of refusal.

Appeals must be made in writing to:

Welsh Ministers
Environmental Protection Division
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 Secretary of State or the Welsh Ministers in writing and copying your notification to us.

Please refer to the regulations for details of the appeal process.