

# Statutory Notice

## Environmental Permitting (England and Wales) Regulations 2016 Regulation 61(1)

### NOTICE REQUIRING INFORMATION

To: Company Secretary  
RWE Generation UK plc  
Windmill Hill Business Park  
Whitehall Way  
Swindon  
Wiltshire  
SN5 6PB

Permit reference: **RP3133LD**  
Regulated Facility: **Aberthaw Power Station**

**Natural Resources Wales** requires you to provide the information specified in Schedule 1 by **17<sup>th</sup> February 2017**.

The information must be sent in writing to Anna Lewis at:

**Regulated Industry Permitting Team  
Natural Resources Wales  
29 Newport Road  
Cardiff  
CF24 0TP**

Or by email to [anna.lewis@naturalresourceswales.gov.uk](mailto:anna.lewis@naturalresourceswales.gov.uk)

Date: ..6<sup>th</sup> January 2017.....

Signed:



**Victoria Seller  
Principal Permitting Team Leader (Acting)**

Please see over for notes.

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### Notes:

#### General

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, Natural Resources Wales may (by virtue of Regulation 61(1) of those Regulations), require any person to provide information.
2. Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
3. Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
4. There is no right to appeal against this notice.
5. You may wish to seek independent legal advice.

#### Legislation note

In this document “Natural Resources Wales” means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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### SCHEDULE I INFORMATION REQUIRED

Natural Resources Wales is required to review your environmental permit following the Court of Justice of the European Union (CJEU) judgement in relation to Aberthaw Power Station on the 21<sup>st</sup> September 2016. Following the CJEU judgement, the extant environmental permit for Aberthaw power station no longer delivers EU law, or domestic provisions under the Environmental Permitting (England & Wales) Regulations 2016 (EPR 2016). Specifically these are the requirements under Schedule 15, paragraph 3(d) of EPR 2016, and its reference to Article 32(2) of the Industrial Emissions Directive (IED). This Notice sets out the information we require from you in order to be able to carry out that review. Subject to your response to this Notice we may be required to vary your permit to ensure that it delivers compliance.

If any of the points below are not applicable to your installation, please state this within your written submission.

#### Description of information required

For relevant large combustion plant permitted at the Regulated Facility; please:

1. Following the judgment on the 21<sup>st</sup> of September 2016 of the Court of Justice of the European Union (CJEU) in relation to Aberthaw Power Station, confirm whether you comply with the oxides of nitrogen emission limit values (ELVs) required during the Transitional National Plan in accordance with IED Article 32(2).
2. Provide a detailed description of the techniques you employ or intend to employ, to achieve the ELV's referred to in item 1 above.
3. Provide emissions data and justification to support a BAT ELV for the 95<sup>th</sup> percentile of validated daily means within a calendar year, based upon the principles set out in the IED BAT ESI Review paper dated 28 October 2014.
4. Where your responses to items 1 – 3 above identify that you cannot or are not currently complying with the relevant ELV, provide detailed proposals to achieve compliance with those ELV's within the shortest possible timescales including full justification for those proposals.