



Standard rules consultation no. 18: revision of standard rule set SR2018 No 9 - medium combustion plant

Standard rules for the Environmental Permitting Regulations

November 2018

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Acting to reduce the impacts of a changing climate on people and wildlife is at the heart of everything we do.

We reduce the risks to people, properties and businesses from flooding and coastal erosion.

We protect and improve the quality of water, making sure there is enough for people, businesses, agriculture and the environment. Our work helps to ensure people can enjoy the water environment through angling and navigation.

We look after land quality, promote sustainable land management and help protect and enhance wildlife habitats. And we work closely with businesses to help them comply with environmental regulations.

We can't do this alone. We work with government, local councils, businesses, civil society groups and communities to make our environment a better place for people and wildlife.

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Environment Agency
Horizon House, Deanery Road,
Bristol BS1 5AH
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency

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T: 03708 506506

Email: enquiries@environment-agency.gov.uk.

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Introduction

The Environmental Permitting (England and Wales) Regulations 2016 allow us to make standard rules to reduce the administrative burden on business while maintaining environmental standards.

This is the eighteenth consultation on standard rules. This consultation proposes an amendment to the recently issued rule set SR2018 No 9 to allow secondary abatement for tranche B specified generators. We would like your views on this proposal.

We will take account of the consultation responses and publish the consultation response together with the revised standard rule set (if any) on GOV.UK.

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1. About this consultation

This document describes:

- what we are consulting on
- provides an overview of the relevant documents
- the standard permitting process

It is designed to help you understand and comment on our proposals. The consultation will be for a period of 4 weeks.

1.1. What we are consulting on

The Environmental Permitting (England and Wales) Regulations 2016 (EPR) allow us to develop standard rules for certain activities. We base the rules on our understanding of the risks. We are asking for your views on a proposed revision to standard rule set SR2018 No 9 to allow use of secondary abatement for specified generators.

1.2. What this consultation means to you

We think that this consultation will be of particular interest to:

Operators, trade associations and businesses: this is your opportunity to ensure that the revised rules work for you and your industry but also provide the necessary protection to the environment and human health.

Other regulators, the public, community groups and non-governmental organisations with an interest in environmental issues: this is your opportunity to ensure that the revised rules provide the necessary protection to the environment and human health, whilst still being useful to industry.

2. How standard permits work

2.1. What a standard permit is

Standard permits contain one condition which refers to a fixed set (or sets) of standard rules that an operator must comply with. The standard rules define the activities that an operator can carry out and specify necessary restrictions on those activities, such as emission limits or the types of waste or raw materials that can be accepted at the sites. Standard rules are published on [GOV.UK](https://www.gov.uk) following public consultation.

Any operator who wishes to carry out a particular activity at a particular site or sites can look at the standard rules and if they can comply with them, can decide to apply for a standard permit.

We are able to issue the standard permit more quickly and cheaply because we have no decisions to make on site-specific permit conditions. An operator who cannot meet the requirements of the standard rules must apply for a bespoke permit and provide us with additional information. It takes us longer to issue a bespoke permit because we have to carry out a more detailed assessment of the application. This includes deciding whether to include site-specific conditions and consult in accordance with our [public participation statement](#).

There is no right of appeal against the rules in a standard permit because applying for a standard permit is voluntary. If an operator wants to change the way any site operates, they must apply to vary the standard permit to a bespoke permit when:

- their operation falls outside the scope of the standard rules
- they feel that the standard permit no longer works for their particular operation

Operators must apply for a bespoke permit for any regulated activities not covered by standard rules. These activities generally have a higher potential impact on the environment or require more complex controls than operations for which standard rules can be used.

2.2. What standard rules are

When developing sets of standard rules we carry out a single assessment of risk for a commonly undertaken activity. This enables us to define the risk boundary within which the rules can be used. This boundary comprises a number of restrictions such as size, location and operational controls. The restrictions will be those necessary to enable a consistent set of rules to reduce the risk to an acceptable level. The rules are the same for each operator carrying out that particular activity. Rules and risk assessments are published in advance so that operators and the public know precisely what controls we will apply to a proposed activity.

3. Proposed revision to rules

We would like your views on the proposed revision to the following standard rules set:

SR2018 No 9 standard rules Specified Generator, Tranche B low risk, base load operation between 0 – 0.9 MWth (megawatt thermal)

These rules currently allow the operator to operate one or more unabated Tranche B Specified Generators which are natural gas fired engines or boilers which are combined heat and power (CHPs). Individual unit capacity less than 0.9MWth and the total less than 0.9 MWth at the specified location.

An operator has approached us with a request to include the option for secondary abatement in this rule set. We have reviewed and amended the risk assessment and concluded that there is no additional risk to the environment if secondary abatement is used to reduce nitrogen oxides (NOx) to the emission limit value (ELV) set in the rules. We have removed the prohibition of secondary abatement and included secondary abatement compliance and monitoring rules. We have provided a copy of the revised rule set and risk assessment as part of the consultation.

4. Consultation questions

This consultation is your opportunity to comment on our proposed amendment to the rules. Once we have considered all the consultation responses, and made any changes, we hope to be able to publish the revised standard rule and risk assessment in January 2019.

We particularly want your feedback on the following questions:

Question 1: Do you agree with our approach to revise the standard rule set to allow secondary abatement?

Question 2: Please tell us if you have any further comments that have not been covered by the previous questions and provide as much information as possible to support your answer.

5. Responding to this consultation

5.1. Important dates

This consultation will start on 23 November 2018 and run until 21 December 2018.

5.2. How to respond

You can view the consultation documents and questions online at:

<https://consult.environment-agency.gov.uk/environmental-permitting/standard-rules-consultation-no-18standard-rules-consultation-no-18>.

Here you can submit your response using our online tool which will enable you to manage your comments more effectively. It will also help us to gather and summarise responses quickly and accurately as well as reducing the costs of the consultation.

If you prefer to submit your response by email or letter, or if you would like to ask for a printed version of the document to be posted to you, please contact our National Customer Contact Centre on 03708 506 506 (Minicom, for the hard of hearing; 03702 422 549), Monday to Friday, 8am to 6pm, or email standard-rules@environment-agency.gov.uk.

If you would like to send your response by post, please send your completed response form by 21 December 2018 to:

Future Regulation - Permitting [Standard Rules Consultation no18]
Environment Agency, Horizon House, Deanery Road, Bristol BS1 5AH

5.3. How we will use your information

We will use your information to help shape this standard rule.

During the consultation we will look to make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

We will not respond individually to responses. After the consultation has closed we will publish a summary of the responses on our website and contact you to let you know when this is available.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

For more information see our [Personal Information Charter](#).

5.4. Consultation principles

We are running this consultation in line with the guidance set out in the government's [Consultation Principles](#).

If you have any queries or complaints about the way this consultation has been carried out, please contact:

Emma Hammonds, Consultation Co-ordinator
Environment Agency, Horizon House, Deanery Road, Bristol BS1 5AH

Email: emma.hammonds@environment-agency.gov.uk

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03708 506 506 (Monday to Friday, 8am to 6pm)

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