

Medium Combustion Plant (MCP) and Specified Generator (SG) Regulations

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Overview

The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 were published (2018 No.110) in January 2018 to transpose the requirements of the Medium Combustion Plant Directive (MCPD) EU/2015/2193 of 25 November 2015 and to control emissions from the operation of Specified Generators.

Medium Combustion Plants and Specified Generators are a major source of air pollutants that may cause harm to human health and the environment. The Medium Combustion Plant Directive (MCPD) sets out rules to control emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x) and dust into the air. The Specified Generator regulations also control emission to air, primarily NO_x, from generators that would not be captured by the MCPD. Together they seek to protect the environment by securing reductions of these pollutants.

Within the regulations the requirements for Medium Combustion Plants (MCPs) are set out in Schedule 25A and for Specified Generators (SGs) in Schedule 25B. The schedules include significant dates for submitting a permit application.

The Environment Agency administers the scheme for the UK and regulates the scheme in England. Other UK regulators include: Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency (NIEA) and Natural Resources Wales (NRW)

Sections of this document cover the permit application process, including guidance, charges, and how to comply with the regulations.

MCP/Specified Generators: who needs to apply and by when?

Operators of an MCP and Specified Generators that are in scope will require an environmental permit under schedule 25A and 25B of the Environmental Permitting Regulations. A permit is determined by the capacity, emissions and operating hours of the plant.

MCP applies to combustion plant with a rated thermal input (th) equal to or greater than 1 MW (Mega Watt) and less than 50 MW regardless of the fuel type.

Specified generators are any combustion plant which are used to generate electricity and are on a site aggregated to less than 50 MWth. Specified generators are also divided into Tranche A and B depending on the electricity supply contract they may have.

Full details of what is in scope is in the MCP and SG guidance.

Please note: We have amended the Specified Generator guidance to clearly define the meaning of a contract -

‘A contract is the binding agreement between the National Transmission System Operator and the supplier which is enforceable by law, the terminology may differ for different balancing service e.g. a STOR contract is made when National Grid issue a STOR Tender Acceptance that will create the STOR contract for the provision of the service.’

So this means that STOR contracts TR34, TR35 & TR36 which took place in 2018 and came into force after 31 October 2017 could tender for operation in 2018, but these generators must cease operation in 2019 if they do not have a Tranche B Specified Generator permit.

The Environment Agency is working to determine bespoke applications within 12 weeks of receiving a duly made application. For standard rules applications the time is slightly shorter as there is no need for consultation with statutory consultees.

It is apparent from our discussions with operators that some may find it difficult to submit their permit applications to us in time for us to determine and issue a permit before the permitting date. To allow more time for operators to submit and for us to determine permit applications, we have decided not to take enforcement action if the application is not determined before the 'permitting date' providing the application is 'duly made' before that date, to this end we have issued a Regulatory Position Statement No 219.

We hope that for most applications this RPS should not be necessary however if it is we would like to work with relevant operators so we know when we will receive these applications and can have arrangements in place to 'receive' and complete the 'duly made' checks ideally prior to Christmas. By working with operators we can provide any additional advice to ensure the quality of the application is good. When we have 'duly made' an application we will notify you and it should be noted that the 'duly made' date is backdated to the 'received' date so you may not receive this notification before early in the New Year if we receive the application after Christmas

MCP/Specified Generators: when permits must be issued

Significant permitting dates for Medium Combustion Plant and Specified Generators (Tranche A and B) are included in the table below. It should be noted that MCPs which are also SG must comply with both requirements. The earlier permitting dates and tighter Emission Limit Values (ELVs) will always apply.

Timescale for implementation of in scope MCPD and Specified Generator controls

20/12/2018	New MCPs must be permitted, emissions tested within four months of permit issue and comply with Emission Limit Values (ELVs)
01/01/2019	Tranche B generators must be permitted and comply with standard permit conditions
01/10/2019	Tranche A 5-50MW generators with emissions above 500mg/m ³ (15% O ₂) which operate for more than 50h per annum must be permitted.
01/01/2024	Existing MCPs above 5MW must apply for a permit and test emissions within four months of permit issue
01/01/2025	All existing plant above 5MW must comply with MCPD ELVs Remaining Tranche A 5-50MW generators must be permitted.
01/01/2029	Existing MCPs 5MW and below must apply for a permit and test emissions within four months of permit issue
01/01/2030	Existing MCPs 5MW and below must comply with ELVs Tranche A 1-5MW and sub 1 MW generators must be permitted.

An explanation of what we mean by Tranche A and Tranche B can be found in the MCP/SG technical guidance.

Plant that are permitted under Part B of the EPR

Existing 1.1B (combustion) plants will not be subject to MCP until 2025, whereas 5.1B (incineration) plants will not be subject to MCP until either 2025 or 2030 depending on their capacity, and will remain under Local Authority (LA) regulation until this time.

Further guidance on the influence of the MCP Regulations on Part B plants is available in the documents below.

How to obtain pre-application advice

The Environment Agency has established MCPDHELP@environment-agency.gov.uk which can be used to raise queries on the regulations and our approach to permitting of these sites. Alternatively, operators may choose to contact their local Environment Agency office.

MCP/Specified Generators: how to apply for a permit

Operators of an MCP including Specified Generators should apply as follows:-

- Existing Local Authority (LA) permit – if your combustion plant is part of a LA permit (EPR Part A2 or B) you will need to apply for a new permit: See MCPD/SG guidance and Part B guidance positioned below this document.
- For MCPs and Specified Generator that do not have a permit we have two methods of applying for a permit - a bespoke application using Form B2.5 in conjunction with Forms A and F or a Standard Rules Permit application using an electronic form.
- Or you could vary your existing permit if adding a new MCP. If varying an existing permit see Form C2 available [here](#).

New and amended existing Standard Rules Permits (SRP) for low risk MCPs and Tranche B Specified Generators have been developed in consultation with industry representatives.

The rules are based on a generic risk assessment which included air quality modelling. Copies are available [here](#).

Applying for a Standard Rules permit

Operators meeting the conditions for a standard rules permit should complete the electronic application form which is available [here](#). If this is not suitable a pdf form B1.5 can be obtained from MCPDHELP@environment-agency.gov.uk. All completed MCP and Specified Generator SRP applications should be sent to mcpd-application@environmentagency.gov.uk

It should be noted the SRPs for Tranche B Specified Generators are for sites that only have Tranche Bs. If the site has mixed A & Bs on site then a bespoke application is required.

The suite of SRPs available are:

SR2018 No 1: Specified Generator, Tranche B low risk, base load operation between 0 – 5 MWth

SR2018 No 2: Specified Generator, Tranche B low risk, base load operation 0 – 2 MWth with high background NOx

SR2018 No 3: Specified Generator, Tranche B low risk, base load operation 0 – 2 MWth in Air Quality Management Areas or high ambient NOx

SR2018 No 4: Specified Generator, Tranche B low risk, 0 – 20 MWth of ga

or abated diesel engines operated less than 500 hours a year

SR2018 No 5: Specified Generator, Tranche B low risk, 0 – 20 MWth of gas or abated diesel engines operated less than 1,500 hours a year

SR2018 No 6: Specified Generator, Tranche B low risk, base load operation 0 – 1.3 MWth with high background NOx

SR2018 No 7: New, low risk, stationary Medium Combustion Plant 1 < 20MWth (in operation after 20/12/2018)

SR2018 No 8: mobile plant Specified Generator, Tranche B low risk, base load operation <1 – 2 MWth

SR2018 No 9: Specified Generator, Tranche B low risk, base load operation between 0 – 0.9 MWth

[Standard rules SR2009 No 4 – Combustion of biogas in new Medium Combustion Plant engines at a sewage treatment works](#)

Standard rules for anaerobic digestion and use of biogas ([SR2012 No 9](#), [SR2012 No 10](#), [SR2012 No 11](#) and [SR2012 No 12](#))

Bespoke permit applications

If an operator is unable to meet the SRP conditions they will need to apply for a bespoke permit. They should complete Form B2.5 available below this document and Form A and F available [here](#).

We have developed a tool (SG Screening tool) that allows an operator to differentiate between a simple and a complex bespoke permit. This tool will also allow for sites with mixed Tranche A & B generators providing the Tranche As can meet the Tranche B requirements.

For complex bespoke applications for a Specified Generator applicants should use the guidance “Guidance on dispersion modelling for oxides of nitrogen assessment from specified generators” available below. This will guide you as you carry out dispersion modelling in support of your bespoke application and it will enable site specific permit conditions to be set to protect the environment.

MCP/Specified Generators: guidance

In addition to environmental permitting guidance on Gov.UK (available [here](#)) the following guidance is available below this document to support the making of an application:

- MCPD Interim guidance final
- Generator guidance interim final
- M5 Monitoring requirements for the MCPD & Specified Generators draft
- Specified Generator modelling guidance-interim final
- Final draft EPR technical note 1-1(18)
- Final draft EPR technical note 5-1(18)
- Specified Generator TB Screening Tool-v1.0

- EPR application form Part 2.5B in Word_final Sept 18 (bespoke)
- MCPApp_releaseVO1_1 (Electronic SRP application form)

MCP/Specified Generators: charges

For charges relating to bespoke permitting activities for medium combustion plants please refer to Table 1.10 of the [Environmental permitting charging scheme](#). Subsistence charges are based on a time and materials system.

The Environment Agency ran a six week public consultation on its proposals for MCP/SG standard rules and recently published its [response](#). Within the response the charges assigned to each of the standard rules were confirmed and are displayed below:

SR2018 No 7 standard rules for new, low risk, stationary Medium Combustion Plant 1 < 20MW

Number of MCPs	Application charge £	Subsistence charge £	Transfer charge £	Surrender charge £
1	446	194	169	125
up to 3	520	256	169	125
up to 5	620	342	169	125
up to 8	720	394	169	125
up to 10	779	520	169	125
up to 15	813	620	169	125

Specified generators standard rules SR2018 No 1, SR2018 No 2, SR2018 No 3, and SR2018 No 4, SR2018 No 5, SR2018 No 6 and SR2018 No9

- an application charge of £221
- a transfer charge of £169
- a surrender charge of £125
- an annual subsistence charge of £246

SR2018 No 8 mobile plant specified generator

- an application charge of £221
- a transfer charge of £169
- a surrender charge of £125
- an annual subsistence charge of £273
- no charge for deployment

Charges for the revised standard rules for combustion of biogas at sewage treatment works (SR2009 No 4) and combustion of biogas from anaerobic digestion facilities (SR2012 No 9, SR2012 No10, SR2012 No 11 and SR2012 No 12) remain unchanged.

A significant change for Environmental permitting is that the Environment Agency has introduced extra (supplementary) charges that some customers will need to pay on top of the fixed application and annual subsistence charges.

These supplementary charges will only apply if the Environment Agency needs to do extra or unusual regulatory work. Assessing the impact of emissions to air on a habitat's¹ site is an example of this supplementary charge. See Table 1.19.2 for details.

To enable operators to differentiate between the two levels of charges for permit applications for medium combustion plant (see Table 1.10) the Environment Agency has introduced its Specified Generator screening tool. A medium combustion plant location which does not require dispersion modelling to assess the impact of its emissions to air is by definition of lower risk than a site which does. Therefore we have decided that it is proportionate for the Habitats assessment charge to be supplemented only to bespoke applications which require detailed modelling.

Following risk assessments we have simplified the screening distance that should be used in deciding the need for an assessment of aerial emissions on Habitat's sites. For Medium

Combustion Plant and Specified Generators fired on natural gas or low-sulphur diesel, or for a fuel where the operator can demonstrate the sulphur content is no more than that contained within natural gas or low sulphur diesel, the screening distance shall be reduced to 5 km. For fuels such as biogas and landfill gas the screening distance remains unchanged at 10 km as shown in our published guidance¹.

MCP/SG: how to comply

Operators must:

- Hold a permit for an operational plant by the relevant deadline
- Comply with their permit conditions
- Monitor emissions to demonstrate compliance with the ELVs in their permit and at the prescribed frequency
- Keep records of the operation of their plant for at least six years to demonstrate compliance
- Pay an annual subsistence charge

It is likely that subsistence charge bills will not be issued until the start of the next financial year – April 2019. Subsistence charges will then be backdated to the effective date of the permit, for example 20th December 2018 or 1st January 2019.

¹ "habitats assessment" means an assessment of the risks to a European Site within the meaning of the Conservation of Habitats and Species Regulations 2017;

Operators should be aware that if any permit conditions are breached that it may impact on their future subsistence charges.

Contact information

For information on how your site will be regulated by the Environment Agency and any general enquiries contact MCPDHELP at the email address below:

MCPDhelp@environment-agency.gov.uk

¹ <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>