

Briefing Note: Existing Medium Combustion Plant (MCP) and Specified Generators (SG) Phase II preparations update

September 7th 2022

Schedule 25 of the Environmental Permitting Regulations (EPR) brings in permitting requirements for MCP and SG in phases depending on the capacity of the combustion plant and the date it was brought into operation.

To date the Environment Agency (EA) in England have permitted all relevant new MCP applications and standalone Tranche A&B SG, this is referred to as phase I.

Preparations for **phase II** are now being made by the Environment Agency to ensure we can permit the following existing MCP & SG by the required dates:

- Existing standalone MCP's between 5-50MWth must be permitted by 1/1/2024 and comply with ELV's by 1/1/2025
- Existing MCP between 5-50MWth listed as a DAA or as 1.1a activity at chapter II, IED installations must have MCP and SG emission limit values applied to their permit and comply by 1/1/2025 and we must collect annex 1, MCPD information by 1/1/2024
- Remaining tranche A 5-50MWth generators must be permitted and comply by 01/01/2025

When does the EA expect to open for applications for phase II plant in England?

For existing standalone plant between 5-50MWth we are planning to open for applications for new permits and variations to add phase II plant to existing permits in **February or March 2023**. The reason we cannot give a more specific date at this time is because we are awaiting the development of a new online application service and screening tools and we would prefer to open for permit applications when these tools are ready as it will be more efficient for operators and the EA to manage the expected large volume of applications.

For existing MCP between 5-50MWth which is listed as part of an Industrial Emissions Directive (IED) permit we will carry out a review of these permits to ensure they are Medium Combustion Plant Directive (MCPD) compliant as a minimum.

Reviews at industrial food, drink and milk and biowaste sectors are already underway as part of a wider review programme. Where a review is not already planned, we will send out Regulation 61 notices requiring the necessary annex 1 information in summer 2023 and carry out agency-initiated variations during 2024. We are planning on writing a separate more detailed briefing about this soon.

There are a few limited circumstances when we will already accept variation applications to add existing plant 5-50MWth which will future proof those permits to meet phase II requirements – see the separate May 2022 operator briefing note.

Will there be any standard rules (SR) permits for existing medium combustion plant?

Yes, we are currently developing the standard rules sets for phase II. We are planning to amend the existing SR No7 to allow existing MCP as well. In addition, we are considering a separate natural gas boiler standard rule. We will consult externally on the new and amended rule sets in October 2022 and aim to publish them in early 2023 ahead of opening the online system for phase II applications.

Is your guidance going to be updated?

Yes, we are planning a series of guidance updates on webpages relating to MCP & SG. After each new release we will issue a briefing note describing the changes. Did you know that you can also set alerts from our webpages? Look for the button 'get emails about this page' at the bottom of each webpage you are interested in.

Most MCP & SG relevant pages can be found from here:

[Medium combustion plant and specified generators: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generators-environmental-permits)

On the 1st September 2022 we updated the following guidance pages:

<https://www.gov.uk/guidance/specified-generator-when-you-need-a-permit>

- We corrected an error relating to the date of capacity market and balancing service contracts on this page under the heading 'qualifying for Tranche A – Between 1MWth and under 50MWth' – it had read 2016 and now reads 2015 which is in line with the regulations.

<https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generators-environmental-permits#part-b-installations-affected-by-the-regulations>

- We have removed text relating to the deadline for getting a Tranche B specified generator.

<https://www.gov.uk/guidance/medium-combustion-plant-mcp-comply-with-emission-limit-values#minimum-elvs-your-mcp-must-comply-with>

- We have updated the guidance in relation to landfill gas engine ELVs

Are you developing an online application service?

Yes, a new customer portal for online applications is in development and we are planning for it to be ready in early 2023. At the moment this development is dictating when we will open for applications including variations to add existing plant. If the digital development is delayed, we will open for permit application using existing systems instead such as the online service for bespoke permits called MyPermit, the spreadsheet for standard rules permits and the option of paper/pdf applications forms.

Will there be any new screening tools and assessment information?

Yes, for MCP we are in the process of updating a tool called [SCAIL combustion](#) with a view to using it as a screening tool for phase II for existing and new MCP. If operations cannot meet the standard rules criteria they can apply for a bespoke permit, the screening using SCAIL combustion will determine if you need to apply for a simple bespoke (not requiring an air quality assessment or a complex bespoke (which will require an air quality assessment to be submitted).

The improved SCAIL combustion tool is not yet ready to share externally, we will let you know as soon as it is.

Existing screening tools for SG's will continue to be used and can be found here:

[Specified generator Tranche B screening tool - GOV.UK \(www.gov.uk\)](#)

If I have a permit already with new plant and I want to add existing plant how will the AQA reports will audited?

If you already have a bespoke permit for your new plant and during phase II you want to add existing plant, if you already included that existing plant in the previously submitted AQA report and we have assessed this information as part of that determination then this will not have to be repeated when you apply to vary and add the existing plant during phase II.

If existing plant was not included in the original AQA report and you cannot screen out then you will need to submit another AQA report which does include this information for us to assess.

Applications should ensure that they follow the guidance

[Air emissions risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](#)

What happens if my permit is not issued by the relevant date?

So long as you have submitted a quality application within the timeframes the Environment Agency has requested then we will ensure that either a permit is issued by the relevant date or a provision such as a regulatory position statement is in place for you to continue operating in compliance with the regulations.

Will I have to do monitoring within 4 months of the permit being issued? I'm concerned there will be high demand for monitoring services.

For new MCP: The first monitoring measurements shall be carried out within four months of the issue date of the permit or the date when the MCP is first put into operation, whichever is later.

For existing MCP: it could be submitted with your permit application but must be no later than 4 months after the relevant compliance date. The compliance date will

either be 1st Jan 2025 for phase II (5-50MWth) or 1st June 2030 for phase III (1-50MWth).

This approach therefore gives a large window of opportunity for the first measurement to be taken and for operators to demonstrate by first monitoring that they can meet the required ELV's. **We recommend doing this as early as possible to ensure you can comply.**

Follow up monitoring is required 3 yearly or annually (dependant on size), this will be from the date you carried out the first monitoring used to demonstrate compliance as described above.

If you have any questions

Please read the guidance [here](#)

If you have any questions about specific permit applications, you can access pre-application support [here](#), selecting the 'installations activities' form.

You can join our mailing list [here](#)

All other enquiries can be made to enquiries@environment-agency.gov.uk or call us on 03708 506 506