

Permitting decisions



Bespoke permit

We have decided to grant the permit for Scholes Power operated by Urban Reserve (AssetCo) Limited.

The permit number is EPR/JP3509MX.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

Air quality

This is a complex bespoke Medium Combustion Plant/Specified Generator application. In line with the Environment Agency's guidance (<https://www.gov.uk/guidance/specified-generators-dispersion-modelling-assessment> and <https://www.gov.uk/guidance/medium-combustion-plant-apply-for-an-environmental-permit#apply-for-a-bespoke-permit>), we require applicants to submit detailed air dispersion modelling and impact assessment to assess the predicted impacts on human receptors (for example dwellings, work places and parks) and ecological sites, as appropriate.

A methodology for risk assessment of point source emissions to air is set out in our guidance <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

The applicant provided an assessment of the impact of emissions to air with the application which is detailed in document Air Emissions Risk Assessment, reference 404.09695.00001.068 Version No: 3 and dated May 2022.

We have reviewed the assessment and are satisfied that it has taken into account all relevant ecological and human health receptors, that the model and its inputs are appropriate and that the assessment has been carried out in accordance with our guidance.

We could not rule out an adverse impact to the Rochdale Canal SAC and SSSI located approximately 30m west of the site. As such, a Stage 1 and Stage 2 Habitats Regulations Assessment was undertaken and Natural England were consulted. The applicant provided revised modelling to assess the annual NO_x impacts when operating hours were reduced to 4,000 hours per year. The applicant also modelled a location in between the site and a nearby application to determine that there will be no in combination effects from the two facilities.

We have demonstrated that there is no likely significant effect to the receptor alone or in combination with other sources, namely the nearby MCP application for Conrad Middleton Junction (EPR/LP3308LB/A001), when:

1. An Emission Limit for Oxides of Nitrogen (NO and NO₂ expressed as NO₂) is set at 95 mg/m³
2. Operating hours are restricted to 4,000 hours within the 8,760 operating window.

Natural England have advised that permission can be granted.

We agree with the applicant's conclusions that there will be no adverse effect on the ecological receptor alone or in combination and that emissions are unlikely to damage the interest features of the Rochdale Canal SAC and SSSI if operating hours are restricted to 4,000 hours per year inside the 8,760 hour operating envelope.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. We consulted the following organisations: <ul style="list-style-type: none">- Natural England The comments and our responses are summarised in the consultation section .
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	The operator has provided the grid reference for the emission points from the medium combustion plants/specified generator and the activities are defined in table S1.1 of the permit.
The site	
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a European site (SPA, SAC), Ramsar site or SSSI. We have assessed the application and its potential to affect all known sites of nature conservation or habitats identified in the nature conservation screening report as part of the permitting process. We have assessed the operator's air emissions impact modelling report and consider that emissions will not affect any sites of nature conservation or habitats identified. See Key Issues section above. We have consulted Natural England on our Habitats Regulations and SSSI assessments, and taken their comments into account in the permitting decision.

Aspect considered	Decision
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally not significant.</p> <p>The applicant's assessment of predicted impacts at sensitive receptors is based on the operating hours of 4,000 per year as proposed by the applicant and included in the modelling. We have included these operating hours in the permit (table S1.1) as the modelling shows that, at these operating hours, emissions are environmentally not significant. See key issues section above.</p>
Operating techniques	
Operating techniques	We have specified the operating techniques and the operator must use the operating techniques specified in table S1.2A and table S1.2B of the permit.
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>ELVs have been set for the following substances:</p> <p>Oxides of nitrogen (NO and NO₂, expressed as NO₂). ELV's have been set at 95 mg/Nm³ at an oxygen reference condition of 15%, which are in line with the Schedule 25B (Specified Generators) of the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order for the operator to demonstrate compliance with the emission limits specified in the permit. The operator will carry out monitoring in accordance with the relevant MCERTS methods.</p> <p>We made these decisions in accordance with MCP and SG technical guidance</p> <p><i>Medium Combustion Plant guidance: https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></p> <p><i>Specified Generator Guidance https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the MCP and SG technical guidance;</p> <p><i>Medium Combustion Plan Guidance: https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></p>

Aspect considered	Decision
	<p data-bbox="520 219 1294 253"><u>combustion-plant-and-specified-generator-permits-how-to-comply</u></p> <p data-bbox="520 315 1358 371">Specified Generator Guidance: <u>https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</u></p>
Operator competence	
Management system	<p data-bbox="520 479 1369 544">There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p data-bbox="520 566 1398 663">The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p data-bbox="520 707 1433 772">The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p data-bbox="520 795 1417 860">No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p data-bbox="520 898 1422 963">There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p data-bbox="520 1084 1417 1216">We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p data-bbox="520 1238 951 1272">Paragraph 1.3 of the guidance says:</p> <p data-bbox="520 1294 1410 1494">“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p data-bbox="520 1516 1422 1686">We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p data-bbox="520 1709 1437 1879">We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the response to consultation with Natural England and the way in which we have considered this in the determination process.

Responses from organisations listed in the consultation section

Response received from
Natural England
Brief summary of issues raised
<ol style="list-style-type: none">1. Natural England advised that likely significant effects could be ruled out based on a long-term PEC of 95.7% as per the original application (based on unrestricted operating hours).2. Natural England advised that an in combination assessment must consider all other plans and projects that are not yet included in the background concentrations of NOx, any proposal that could contribute to additional NOx should be included e.g. traffic emissions.
Summary of actions taken or show how this has been covered
<ol style="list-style-type: none">1. We have imposed an operating hours restriction of 4,000 hours per year inside the 8,760 hour operating envelope, reducing the long-term PEC to 82.1%.2. The operator has undertaken an assessment at a point we specified located between the site and another nearby MCP application, demonstrating that the NOx contributions from the two sites do not overlap at concentrations deemed significant. The impact from traffic emissions is considered in the background NOx levels.