



Standard rules consultation no 19: revision of standard rules sets for medium combustion plant and specified generators

Standard rules for the Environmental Permitting Regulations

April 2019

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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.

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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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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 nineteenth consultation on standard rules. This consultation proposes revisions to standard rules for medium combustion plant and specified generators. We also propose changes to the charges for these rules. We would like your views on these proposals.

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

Contents

Introduction	3
1. About this consultation	5
1.1. What we are consulting on	5
1.2. What this consultation means to you	5
2. How standard permits work	5
2.1. What a standard permit is.....	5
2.2. What standard rules are	6
3. Proposed revision to rules	6
3.1. Revisions to standard rules sets SR2018 No 1 to 6 and SR2018 No 8	6
3.2. Proposed charges	7
3.3. Revisions to standard rules set SR2018 No 7	7
3.4. Revisions to standard rules set SR2018 No 9.....	7
4. Consultation questions	8
5. Responding to this consultation	8
5.1. Important dates	8
5.2. How to respond	8
5.3. How we will use your information.....	8
5.4. Privacy notice	9
5.5. Consultation principles	9

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 6 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 revising the standard rules sets for tranche B specified generators so that the rules also cover those that are classed as new medium combustion plant (MCP). We also propose an amendment to standard rules set SR2018 No 7 for new MCP. This amendment includes some clarification of requirements and amended buffer distances from conservation sites based on stack heights. A minor amendment to standard rules set SR2018 No 9 is also proposed.

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 line 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 their 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 revisions to the following standard rules sets:

3.1. Revisions to standard rules sets SR2018 No 1 to 6 and SR2018 No 8

We have amended the standard rules to accommodate specified generators that may include combustion plant that are new plant as defined in Schedules 25A and 25B of [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2018 \[SI 110 2018\]](#).

There are no changes to the conclusions of the risk assessment and therefore in places the Emission Limit Values (ELVs) that would apply to specified generators that include new MCP are tighter than specified in the Medium Combustion Plant Directive. Emission monitoring requirements for any combustion plant forming a specified generator that is classed as new MCP has different monitoring obligations.

The specific amendments to the SR2018 No 1 to 6 and SR2018 No 8 are the:

Introduction on a specified activity for a new MCP (Table 2.1).

Addition of Rule 3.2.2.

Clarification of timescales for undertaking and submitting monitoring results Rules 3.1.2 and 4.2.2

Consistent application of Rule 4.3.3 requiring notification of requested monitoring times

Addition of Rule 4.3.5 to require notification of change to new medium combustion plant covered by the Standard Rules

Addition of ELVs and monitoring requirements for any part of a specified generator that is a new MCP (Table 3.2) (except SR2018 No 8).

We have also taken the opportunity to amend SR2018 No 1 and SR 2018 No 6 to include conditions relating to abatement. This applies to operators that need secondary abatement to achieve compliance with ELVs (amendment to Table 2.3 and addition of Rule 3.2.5).

The proposed changes are intended to make the standard rules sets more accessible to operators where their specified generator includes plant with a rated thermal input equal to or greater than 1MWth, that was brought into operation after 20/12/18.

3.2. Proposed charges

The revised charges for the standard rules for SR2018 No 1 to 6 and SR2018 No 8 are derived from our [Environmental Permitting Charging Scheme](#) as set out below:

Application and subsistence charges vary depending on the number of new MCPs on one site with tranche B specified generators as follows:

Number of new MCPs with specified generator	Application charge £	Subsistence charge £
0	221	246
1	540	342
up to 3	620	373
up to 5	720	394
up to 8	813	486
up to 10	853	520
up to 15	950	530

Existing charges for permit transfer and surrender will not change.

3.3. Revisions to standard rules set SR2018 No 7

These rules allow the operator to operate one or more new medium combustion plant (MCP) between 1 and less than 20MWth which were put in operation after 20 December 2018 at a specified location. We propose to expand the number of scenarios incorporated within the rules set to appeal to a wider customer audience whilst maintaining the same level of environmental protection. We have:

- expanded the acceptable fuel types
- set an associated screening distance to the ecological receptors
- allowed the limited use of back up fuel for gas fired boilers

However, we will consider other options and we welcome responses from practitioners in the combustion field.

We have clarified when information relating to emissions monitoring is expected to be submitted - Rule 4.2.2

3.4. Revisions to standard rules set SR2018 No 9

We have clarified when we expect submission of information relating to emissions monitoring - Rule 4.2.2

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 rules and risk assessments in July 2019.

We particularly want your feedback on the following questions:

Question 1: Do you agree with our approach to revise the standard rules sets?

Question 2: Are there any barriers to using the rules?

Question 3: Please tell us about any financial impact on your business of making this proposed change.

Question 4: 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 29 April 2019 and run until 10 June 2019.

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-19/>

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 10 June 2019 to:

Future Regulation - Permitting [Standard Rules Consultation no19]
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 these standard rules.

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 line 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. Privacy notice

The Environment Agency would like to keep you informed about the outcomes of the consultation. If you would like to receive an email acknowledging your response and be notified that the summary of responses has been published please give us your email address in your response to this consultation.

By providing us with your email address you consent for us to email you about the consultation. We will keep your details until we have notified you of the response document publication.

We will not share your details with any other third party without your explicit consent unless required to by law.

You can withdraw your consent to receive these emails at any time by contacting us at:

standard-rules@environment-agency.gov.uk.

5.5. 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:

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