

Permitting decisions

Bespoke permit

We have decided to grant the permit for Hartmoor Generation Plant operated by Hartmoor Generation Limited.

The permit number is EPR/YP3133QK.

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

Description of the main features of the installation

The Installation is based approximately five kilometres to the north-west of the centre of Hartlepool. The site is centred approximately on National Grid Reference NZ 45753 34416.

The Environmental Permit is for the following scheduled activity:

Section 1.1 Part A(1) (a) – Burning any fuel in an appliance with a rated thermal input of 50 or more megawatts.

The Installation comprises 11 gas fired engines that are designed to operate to provide electricity to the grid during periods of peak demand. Each engine is designed to generate 4.5 megawatt electrical (MWe). The engines have an aggregated thermal input of 110 MW (approximately 10 MWth for each engine). Engines will be fuelled by natural gas and will discharge via one of the two 10 metre common windshields, one containing 6 flues and one containing 5 flues.

The power plant will supply electrical power on a short term basis meeting peak demand with the electrical distribution network. It will operate for a maximum of 1,500 hours per year as a rolling average as and when called upon by the local distribution network.

Operating Hours

The application was made for the operation of the reciprocating engines up to 2,000 hours per year as a rolling average. However, we are not satisfied that there is sufficient evidence available to demonstrate that reciprocating engines represent best available techniques (BAT) for plants operating for more than 1,500 hours per year as a rolling average over a five year period. Therefore, we have specified 1,500 hours as a limit on operational hours in the permit.

As part of the permit determination we need to ensure compliance with Article 11 of the Industrial Emissions Directive 2010/75/EU which states that BAT are applied. BAT requires the use of the most effective and advanced techniques to prevent or minimise emissions and impacts on the environment.

Combustion plant which fall only under Chapter II of IED are not specifically referred to within the scope of the Large Combustion Plant BAT Conclusions. IED Annex III stipulates the criteria for determining BAT, where there are no BAT conclusions, as using comparable processes, facilities or methods of operation. Therefore, although these operations do not fall under Chapter III, as they are not Large Combustion Plant, they are comparable process and analogies can be drawn to help form our decision for what is considered appropriate BAT.

Relevant guidance that we have drawn on, for BAT, includes the Department of Energy and Climate Change '*Developing best available techniques (BAT) for combustion plants operating in the balancing market*' and Chapter III of IED and the BAT conclusions all of which specifically identify two categories of combustion plant operating in the balancing market as peaking plant: those that operate less than 500 hours and those that operate from 500 hours up to 1,500 hours. Within these documents no other categories of operational regimes are recognised other than base load operation.

Furthermore, draft Environment Agency guidance '*BAT guidance for >50 MWth gas and liquid fuel combustion plant exporting electricity under commercial arrangements for <1,500 hours per annum*' consolidates our position on the above and stipulates that combustion plants operating in a single cycle, such as reciprocating engines will be limited to 1,500 hours per annum on a rolling average. Furthermore, where operators refer to the <1500 hour exemption for the requirement to carry out a Cost Benefit Analysis in line with Article 14 of the Energy Efficiency Directive, the restriction on hours will be on the Installation as a whole rather than per combustion unit, as is the case for Hartmoor.

Natural gas reciprocating engines operating as peaking plant are classed as fast start, lower efficiency and would generally have higher emissions of oxides of nitrogen (NOx) per megawatt hour of energy produced than would be expected for natural gas fired base load plant. Therefore, reciprocating engines are better suited to fast reserve running for short periods of time in comparison to base load plants which are more appropriate for steady state running operations.

The use of fast start closed circuit gas turbines (CCGT) aero derivative, gas turbine combined heat and power (GT-CHP) or a large gas engine with combined heat and power would be considered to be a more favourable alternative, in terms of energy efficiency, than the proposal presented in this application.

The National Emissions Ceiling Directive (NECD) sets national targets for reductions in pollutants including NOx. Restrictions on plants with higher NOx intensity directly contributes to achieving the NECD targets.

For this reason the permit will restrict the hours of operation of the plant to no more than 1,500 hours per engine per year as a rolling average over a 5 year period and with operation of an engine in any individual year limited to a maximum of 2,250 hours.

Best Available Techniques Assessment

Combustion technology

The Applicant has considered reciprocating engines as the most suitable technology and BAT for their proposal. They have stated that, for peaking plant, reciprocating engines are well suited to fast reserve as they are capable of quick start up and shut down times and that small individual engines can be run at optimum loading and hence optimum efficiency. Furthermore, they provide the necessary flexibility required for the peaking plant.

We agree that the use of reciprocating engines can be considered BAT for peaking plant, however this is for plants that are limited to no more than 1,500 hours per year as a rolling average over a 5 year period and with operation in any individual year limited to a maximum of 2,250 hours. As discussed in the previous section the Applicant's proposal was to operate for 2000 hours per year. As it stands we do not agree that the Applicant's proposed use of reciprocating engines represent BAT for plants operating for this period.

Fuel type

The Applicant has chosen to operate their proposal using mains gas. Natural gas represents the most reliable and least polluting fuel available. The use of natural gas means that there will be negligible emissions of sulphur dioxide and particulates. Furthermore, they propose to use lean burn engines that will emit quantities of nitrogen oxides that comply with the Medium Combustion Plant Directive (MCPD).

The choice of mains gas also minimises the requirement to store significant quantities of raw materials on site. We are satisfied that mains supply natural gas represents BAT in terms of fuel choice for this Installation.

Primary emissions controls

The engines operate using the principle of lean burn combustion to offer high rate of efficiency and a primary method of minimising exhaust emissions to air.

Cooling system

The Applicant identified a number of cooling systems, from the Best Available Techniques (BAT) Reference Document for Large Combustion Plants, in order to consider the most appropriate cooling technology for the proposed peaking plant. These included:

- once through cooling (wet cooling);
- natural draught tower cooled recirculating systems (wet cooling);
- mechanical draught tower cooled recirculating systems (wet cooling); and
- air cooled condensers (dry cooling).

The Applicant stated that although wet cooling systems often result in higher plant efficiencies and electrical output they require sufficient volumes of water to be available. Furthermore, the use of water cooled systems would need to consider potential impacts to the environment from the effluent discharge into the receiving waterbody.

The assessment states that dry cooling technologies do not require significant water consumption so the potential problems outlined above would not apply. The Applicant has chosen the use of air cooled condensers to be the most appropriate due to location of the Installation having restricted water sources. Additionally air cooling can be considered to be BAT for the proposed peaking plant due to low operational periods and lower visual impacts due to negligible plume generation.

We agree with the Applicants assessment that the use of air cooled condensers can be considered BAT for this Installation.

Stack configuration

The Applicant has chosen to aggregate the stacks, rather than having individual stacks for each engine, to provide improved dispersion of emissions. The proposed peaking plant will have two 10 metre multi flue stacks, one containing the flues of 6 engines and the other comprising the flues of 5 engines.

The Applicant carried out an air quality assessment, of the new emission points, to demonstrate that the stack height and configuration are suitable to ensure effective dispersion of emissions. The air quality assessment modelled impacts of NO_x and carbon monoxide process contributions emitted from the power plant. The assessment showed that all emissions either screen out as insignificant or where they do not screen out as insignificant are considered unlikely to give rise to significant pollution. This is discussed more in the following section.

We are satisfied that this stack configuration is appropriate for this Installation.

Emissions to air

A methodology for risk assessment of point source emissions to air, which we use to assess the risk of point source emissions to air, is set out on our website and has the following steps:

- calculate the environmental concentration of each substance released into the air – known as the process contribution (PC);
- identify PCs with insignificant environmental impact so they can be ‘screened out’;
- for substances that do not screen out, calculate the predicted environmental concentration (PEC) – the PEC is the PC plus the concentration of the substance already present in the environment;
- identify emissions that have insignificant environmental impact;
- decide if detailed air modelling is required;
- assess the PC and PEC with relevant environmental quality standards (EQS); and
- summarise the effects of the emissions.

Process contributions (PC) can be considered insignificant at stage 1 if:

- the short term PC is less than 10% of the short term environmental quality standard; and
- the long term PC is less than 1% of the long term environmental quality standard.

Where the emissions do not screen out at stage 1 a second stage is required to determine the impact of the PEC. PECs can be considered as unlikely to give rise to significant pollution at stage 2 if:

- the short term PEC is less than 20% of the short term environmental quality standard minus twice the long term background concentration; and
- the long term PEC is less than 70% of the long term environmental quality standard.

The Applicant has assessed the Installations potential emissions to air against relevant environmental quality standards, and the potential impact upon local conservation sites, habitat sites and human health. These assessments predict the potential effect on local air quality from the Installations stack emissions using ADMS 5.2 dispersion model. The model used five years of meteorological data collected from the weather station at Durham Tees Valley Airport between 2012 and 2016.

The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been reviewed by the Environment Agency's modelling specialists to establish the robustness of the applicant's air impact assessment. The output from the model has then been used to inform further assessment of health impacts and impact on habitats and conservation sites.

Our review of the Applicant's assessment leads us to agree with the Applicant's conclusions.

The Applicant's modelling predictions are summarised in the following sections.

Human health impact assessment

The Applicant's modelling predicted ground level exposure to pollutants at discrete receptors. The table below shows the ground level concentrations at the most impacted human receptors.

Table 1 Atmospheric dispersion modelling results – maximum at modelled human receptor

Pollutant	Averaging period	EQS / EAL $\mu\text{g}/\text{m}^3$	Background $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PEC $\mu\text{g}/\text{m}^3$	PC % of EQS / EAL	PEC % of EQS / EAL
NO ₂	Annual mean	40	8.5	0.60	9.1	1.5	22.8
	1 hour mean	200	17.6	25.9	43.5	13	21.8
CO	Maximum 8 hour running	10,000	--	306	--	3.1	--
	Maximum 1 hour mean	30,000	--	326	--	1.1	--

From the table above the following emissions can be screened out as insignificant in that the PC is <1% of the long term EQS and <10% of the short term EQS. These are:

- carbon monoxide (short term – 8 hour rolling average and 1 hour mean at modelled human receptors)

Also from the table above the following emissions (which were not screened out as insignificant) have been assessed as being unlikely to give rise to significant pollution in that there is adequate headroom between the PEC and the EQS to indicate that an exceedance of the EQS is unlikely of both the long term and short term EQS. These are:

- oxides of nitrogen (long term – annual mean and short term – 1 hour mean)

All emissions either screen out as insignificant or where they do not screen out as insignificant are considered unlikely to give rise to significant pollution.

Habitat sites impact assessment

The following European habitat sites are located within 10 kilometres of the Installation:

- Durham Coast (Special Area of Conservation)
- Castle Eden Dene (SAC)
- Northumbria Coast (Special Protected Area and Ramsar)
- Teesmouth and Cleveland Coast (SPA and Ramsar)

The following Site of Special Scientific Interest (SSSI) is located within two kilometres of the Installation:

- Hart Bog

The following other nature conservation sites are located within two kilometres of the Installation:

- Hart Quarry (LWS)
- Hart Bypass South (LWS)
- Hart Bypass North (LWS)
- Bellows Burn Fen (LWS)
- Butts Lane (LWS)
- Hesledon Crimdon Dene Complex (LWS)
- Thorpe Bulmer Dene (LWS)
- Elwick Hall Grassland/Fishpond (LWS)
- Elwick Hall Extension (LWS)
- Craddon Bank (LWS)
- Tilery Gill Grassland (LWS)
- Whelly Hill Quarry (LWS)
- Naisberry Quarry (LWS)
- Hesleden Dene (AW)

The Applicant's habitats assessment was reviewed by the Environment Agency's air quality experts who agreed with the assessment's conclusions that there would be no likely significant effect on the interest features of the protected sites.

Table 2 – Impacts on Durham Coast SAC and Northumbria Coast SPA and Ramsar (located 3.8 km from the Installation)

Pollutant	EQS / EAL (µg/m³)	Back-ground (µg/m³)	Process contribution (PC) (µg/m³)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) (µg/m³)	PEC as % EQS / EAL
Direct Impacts ¹						
NO _x annual	30	--	0.08	0.3	--	--
NO _x daily mean	75	--	3	4	--	--
Deposition Impacts ¹						

Pollutant	EQS / EAL (µg/m³)	Back-ground (µg/m³)	Process contribution (PC) (µg/m³)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) (µg/m³)	PEC as % EQS / EAL
Nitrogen deposition (kg N/ha/yr)	8	--	0.012	0.15	--	--
Acidification - nitrogen deposition (Keq/ha/yr)	0.223	--	0.001	0.4	--	--

(1) Direct impact units are µg/m³ and deposition impact units are kg N/ha/yr or Keq/ha/yr.

Table 3 – Impacts on Teesmouth & Cleveland Coast SPA and Ramsar (located 3.6 kilometres from the Installation)

Pollutant	EQS / EAL (µg/m³)	Back-ground (µg/m³)	Process contribution (PC) (µg/m³)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) (µg/m³)	PEC as % EQS / EAL
Direct Impacts ¹						
NO _x annual	30	--	0.09	0.3	--	--
NO _x daily mean	75	--	3.1	4.1	--	--
Deposition Impacts ¹						
Nitrogen deposition (kg N/ha/yr)	8	--	0.013	0.2	--	--
Acidification - nitrogen deposition (Keq/ha/yr)	0.223	--	0.001	0.4	--	--

(1) Direct impact units are µg/m³ and deposition impact units are kg N/ha/yr or Keq/ha/yr.

Table 4 – Impacts on Castle Eden Dene SAC (located 5.1 kilometres from the Installation)

Pollutant	EQS / EAL (µg/m³)	Back-ground (µg/m³)	Process contribution (PC) (µg/m³)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) (µg/m³)	PEC as % EQS / EAL
Direct Impacts ¹						
NO _x annual	30	--	0.08	0.3	--	--
NO _x daily mean	75	--	1.3	1.7	--	--
Deposition Impacts ¹						
Nitrogen deposition (kg N/ha/yr)	5	--	0.002	0.04	--	--
Acidification - nitrogen deposition (Keq/ha/yr)	0.142	--	0.001	0.7	--	--
(1) Direct impact units are µg/m³ and deposition impact units are kg N/ha/yr or Keq/ha/yr.						

From the tables above all of the emissions can be screened out as insignificant. Their impact can be considered to have no likely significant effect on the European designates sites as their PC is <1% of the long term EQS and <10% of the short term EQS, critical level or critical load.

Table 5 – Impacts on Hart Bog SSSI (located 1.1 kilometres from the Installation)

Pollutant	EQS / EAL (µg/m³)	Back-ground (µg/m³)	Process contribution (PC) (µg/m³)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) (µg/m³)	PEC as % EQS / EAL
Direct Impacts ¹						
NO _x annual	30	--	0.19	0.6	--	--
NO _x daily mean	75	17.4	13.9	18.5	31.3	41.7
Deposition Impacts ¹						
Nitrogen deposition	5	--	0.027	0.5	--	--

Pollutant	EQS / EAL ($\mu\text{g}/\text{m}^3$)	Back-ground ($\mu\text{g}/\text{m}^3$)	Process contribution (PC) ($\mu\text{g}/\text{m}^3$)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) ($\mu\text{g}/\text{m}^3$)	PEC as % EQS / EAL
(kg N/ha/yr)						
Acidification - nitrogen deposition (Keq/ha/yr)	0.321	--	0.002	0.6	--	--
(1) Direct impact units are $\mu\text{g}/\text{m}^3$ and deposition impact units are kg N/ha/yr or Keq/ha/yr.						

From the table above all of the emissions, apart from short term emissions of nitrogen dioxide on Hart Bog SSSI, can be screened out as insignificant. Their impact will not damage the special features of any SSSI as their PC is <1% of the long term EQS and <10% of the short term EQS, critical level or critical load.

The short term PC at Hart Bog SSSI is $13.9 \mu\text{g}/\text{m}^3$ and the PEC is 31.3 which are 18.5% and 41.7% of the $75 \mu\text{g}/\text{m}^3$ short term EQS respectively. Although, it cannot be screened out as insignificant there is still sufficient headroom, from the emissions from the site alone, to indicate that a breach of the EQS is unlikely and therefore the special features will not be damaged.

There are 14 other nature conservation sites within two kilometres of the installation (as detailed above). The table below represents the other nature conservation site with the likely 'worst case' impact.

Table 6 – Impacts on Whelley Hill Quarry LWS (located 903 metres from the Installation)

Pollutant	EQS / EAL ($\mu\text{g}/\text{m}^3$)	Back-ground ($\mu\text{g}/\text{m}^3$)	Process contribution (PC) ($\mu\text{g}/\text{m}^3$)	PC as % of EQS / EAL	Predicted environmental concentration (PEC) ($\mu\text{g}/\text{m}^3$)	PEC as % EQS / EAL
Direct Impacts ¹						
NO _x annual	30	--	0.2	0.7	--	--
NO _x daily mean	75	25.2	18.5	24.7	43.7	58.3
(1) Direct impact units are $\mu\text{g}/\text{m}^3$ and deposition impact units are kg N/ha/yr or Keq/ha/yr.						

From the table above the long term emissions of nitrogen dioxide can be screened out as insignificant as the PC is <1% of the long term EQS.

The short term PC at the LWS is $18.5 \mu\text{g}/\text{m}^3$ and the PEC is 43.7 which are 24.7% and 58.3% of the $75 \mu\text{g}/\text{m}^3$ short term EQS respectively. Although, it cannot be screened out as insignificant there is still sufficient headroom, from the emissions from the site alone, to indicated that a breach of the EQS is unlikely.

As this LWS has the highest ground level concentrations it can be concluded that the impacts on the other nature conservation sites are unlikely to give rise to significant pollution or cause damage to the features of the site.

Emissions of Noise

The primary source of noise from the Installation are the gas engines. The application confirms the nearest residential receptors are situated approximately 370 metres to the south of the site.

The Applicant has reviewed the onsite noise generating sources and the potential for impact in line with BS 4142:2014.

The Applicant has concluded, on the basis of a numerical noise impact prediction, that there will not be an adverse impact on the three nearest receptors either during day or night time. The predictions indicated that noise levels would be no greater than +2 dB above the background sound levels. This is below the lowest observable adverse effect level (LOAEL) criteria of 5 dB excess rating level over the background sound levels.

Although the site is not precluded from operating at night, due to the peaking plant mode of operation, in reality it is unlikely that the plant will operate during the night.

We have assessed the Applicant's proposals and agree with the conclusion that there is unlikely to be an impact on the receptors.

To ensure there is no significant risk of noise at the site the Applicant outlined a number of measures to manage noise emissions and submitted a noise risk assessment. These measures include:

- housing the gas engines indoors within a common building;
- installation of low noise radiator fans;
- appropriate location of the gas engine inlets; and
- connecting the 11 flues to two common windshields.

Based on the results of the noise assessment and the proposed mitigation measures, we are satisfied that the Applicant has implemented BAT to manage the risk of noise emissions from the facility.

Emissions to Groundwater

Surface water runoff will discharge to ground via a soakaway. An interceptor will be in place prior to the soakaway.

Emissions to Sewer and Surface Water

There will be no generation of process water from the activities and therefore no emissions to sewer or surface water.

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.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Director of Public Health • Public Health England • National Grid • Health and Safety Executive • Environmental Health – Hartlepool • Local Planning Authority – Hartlepool <p>The comments and our responses are summarised in the consultation section.</p>
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	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The Operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.

Aspect considered	Decision
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>The Habitats Regulations Assessment was completed and sent to Natural England for information only.</p>
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>See key issues above for further information.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of oxides of nitrogen and carbon monoxide have been screened out as insignificant, and so we agree that the Operators proposed techniques are BAT for the Installation.</p> <p>We consider that the emission limits included in the Installation permit reflect the BAT for the sector.</p>
Permit conditions	
Pre-operational conditions	<p>Based on the information in the Application, we consider that we need to impose pre-operational conditions. Two improvement conditions have been included in table S1.4 of the permit (PO1 to PO2).</p> <p>PO1 has been included requiring the Operator to submit an Environment Management System (EMS)</p> <p>PO2 has been included requiring the Operator to submit the drainage plan following completion of the final design.</p>
Improvement programme	<p>Based on the information on the Application, we consider that we need to impose an improvement programme. Three improvement conditions have been included in table S1.3 of the permit (IC1 to IC3).</p>

Aspect considered	Decision
	<p>IC1 has been included to ensure the Operator reports the outcome of the commissioning of the Installation to the Environment Agency. This is to ensure that the Operator demonstrates that the Installation will operate in line with the operating techniques specified in the Application.</p> <p>IC2 has been included to provide evidence to establish the methane emissions from the engines when operating. To demonstrate that the engines are lean burn as described in the Application and how this will be maintained through the life of the plant.</p> <p>IC3 has been included to provide evidence to establish the emissions of formaldehyde from the engines and to undertake an assessment of the impacts of these emissions.</p>
Emission limits	<p>Emission limit values (ELVs) have been set for the following substances.</p> <p>Oxides of nitrogen (NO_x and NO₂ expressed as NO₂). These limits have been imposed in line with the requirements of the Medium Combustion Plant Directive (MCPD) for this type of plant.</p> <p>It is considered that the ELVs described above will ensure that significant pollution of the environment is prevented and a high level of protection for the environment secured.</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 to meet the requirement of the MCPD.</p> <p>Based on the information in the Application we are satisfied that the Operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>Reporting frequencies are based on annual requirement for monitoring that the Installation operates at 1,500 hours per year as a rolling average. The result will allow us to compare air emissions and operating hours specified in the air quality modelling to ensure they reflect those achieved in practice are in line with MCPD.</p>
Operator competence	
Management system	<p>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>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>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>

Aspect considered	Decision
Financial competence	There is no known reason to consider that the Operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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>Paragraph 1.3 of the guidance says:</p> <p>“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>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>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 responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
<p>The risk assessment is based upon 2,000 operational hours per year and demonstrates that a breach of the relevant EQSs will be unlikely. Given the potential influence of operating hours, on longer term air quality impacts, the Environment Agency should ensure that the operating hour restriction remains in place.</p> <p>Based on the information contained in the Application, PHE have no significant concerns regarding to risk to health of the local population from the Installation.</p> <p>This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.</p>
Summary of actions taken or show how this has been covered
No action required. See key issues section for further information on the operational hours.

Response received from
Director of Public Health
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Local Planning Authority - Hartlepool
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Environmental Health - Hartlepool
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No action required.

Response received from
National Grid
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No action required.