

Permitting decisions

Minor variation

We have decided to issue the variation for Fiddler's Ferry Power Station operated by Keadby Generation Limited

The variation number is [EPR/BS8192IV/V007](#)

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

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

This variation is required to implement the cessation of the operation of activity reference AR1 in table S1.1 of the permit by 01 April 2020. This is the Section 1.1 Part A(1)(a) combustion activity for large combustion plant (LCP), LCP309 and LCP310.

On this basis we are not required to review the permit for this installation against the revised best available techniques (BAT) Conclusions for LCP published on 17 August 2017.

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on BAT Conclusions.

The LCP will not operate beyond 31 March 2020, which is before the implementation of the BAT Conclusions in August 2021. It is also before the end date of the Transitional National Plan (TNP) on 30 June 2020.

The TNP implications which were outlined in the LCP closure letter (see below) are being addressed under compliance by the site inspector

Only tables S1.1, S1.2, S1.3, S3.3 and S4.1 of the permit have been varied by the consolidated permit [EPR/BS8192IV/V007](#) as a result of the LCP closure letter received from the Operator 30 September 2019. This closure letter was not signed by a company director. We received a further closure letter signed by a company director 04 November 2019 and dated 29 October 2019.

We have also taken the opportunity to confirm the completion of improvement conditions IC6FF, IC7FF, IC16FF to IC19FF in table S1.3 of the permit.

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 in any of the submissions that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality. |
| 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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</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> <p>Table S1.1 has been amended to preclude the operation of the combustion activity, reference AR1, Section 1.1 Part A(1)(a) as from 01 April 2020.</p> <p>Decommissioning of the site will then commence, which will necessitate a separate Application for a surrender.</p> |
| Permit conditions | |
| Emission limits | No emission limits have been added, amended or deleted as a result of this variation. |
| Operator competence | |
| Management system | 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. |
| 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> |

| Aspect considered | Decision |
|--------------------------|---|
| | <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> |