

Permitting decisions

Environment Agency initiated variation

We have decided to issue an Environment Agency initiated variation for Langage Energy Centre operated by EP Langage Limited.

The variation number is EPR/AP3633BL/V006.

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:

- explains how the Environment Agency initiated variation has been determined
- 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

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

Key issues of the decision

Black start permit condition and improvement condition

In the event of a blackout National Grid would call on combustion plant to operate and may require them to do so outside their permitted conditions. There are dedicated black start plant that are permitted to run as such but this scenario is relevant to the rest of the large combustion plant which could be called depending on the circumstances.

A risk assessment will be carried out by Energy UK/Joint Environmental Programme on behalf of Large Combustion Plant connected to the National Transmission System. Air emissions modelling will be based on generic black start scenarios to establish whether they have the potential to have a local impact on the environment or not (on a national basis). If the modelling demonstrates that no significant impacts are likely, the plant can operate under a specific condition in the permit. This condition allows the hourly emission limit values (ELVs) for plants operating under a black start instruction to be discounted for the purpose of reporting. We would also require there to be a procedure in place for minimisation of emissions in the case of a black start event and for reporting in the event of a black start.

During the Large Combustion Plant (LCP) review against the best available techniques (BAT) Conclusions a new condition was added to the Environment Agency LCP permit template relating to black start operations. This site had a revised consolidation issued before the condition was added to the template and therefore

this variation introduces that condition. The modelling referred to above and the procedures have not been agreed in advance of the issue of the variation and therefore a condition linking back to an improvement condition has been included in the consolidated permit.

Decision checklist

Aspect considered	Decision
The site	
<p>Biodiversity, heritage, landscape and nature conservation</p> <p>Include if we need to consider this as part of the variation</p>	<p>An assessment of the proposed variation and its potential to affect sites of nature conservation, landscape and heritage and/or protected species or habitats will be carried out as part of the improvement condition.</p> <p>We have not consulted Natural England. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
Environmental risk	A risk assessment will be carried out as part of the improvement condition added to the permit.
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.
Changes to the permit conditions	We have varied the permit as stated in the variation notice. We have added a permit condition and an associated improvement condition – see key issues section above for additional information.
Improvement programme	We have imposed an improvement programme. See key issues section above for additional information.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	Monitoring has not changed as a result of this variation.
Reporting	The new condition allows the hourly emission limit values (ELVs) for plants operating under a black start instruction to be discounted for the purpose of reporting. This would only be applicable if the associated improvement condition is considered complete and approved by the Environment Agency.
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 issue this variation.</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</p>

Aspect considered	Decision
	<p>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 variation 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>