

Permitting decisions

Environment Agency initiated variation

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

The variation number is **EPR/XP3330GR/V003**. As part of this variation the following permits were consolidated to become one permit covering one installation: **EPR/XP3330GR** and **EPR/XP3030GZ**.

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

Changed introduced by the variation

This is a variation and consolidation of the two permits for energy generation plants at Kings Yard and Stratford as these now comprise one single installation. The installation is named East London Energy Centre. The operator has opened a connector for the two heating networks which means they are 'technically connected'. This change offers better flexibility in the operation for both sites combined which are both controlled from the main control room at Kings Yard. The other key changes implemented by the variation are as follows:

- Removal of reference to the site burning waste wood as a fuel. Only Virgin biomass is burned at the installation;
- Monitoring requirements for the plant have been amended to annual monitoring as the continuous monitoring and 6 monthly monitoring was linked to the Plant being an LCP which is no longer the case. This change has associated improvement conditions, IC5 and IC6, requiring further reporting procedures and reporting requirements to be incorporated into the Environmental Management System;

- Monitoring requirements for sulphur dioxide and particulates from the gas fired boilers at Stratford have been amended from periodic to assessment through 'concentration by calculation' (see Best Available Techniques (BAT) Assessment below for further details);
- The hydrogen chloride (HCl) emission limit value applicable to the biomass boilers at emission point A11 and A12 has been removed following the completion of improvement condition IC4 in permit EPR/XP3330GR. Operational monitoring data demonstrated that emissions of this substance are approximately 0.5mg/m³ of the limit of 50mg/m³. Monitoring for HCl on this size plant is not a requirement set out in MCPD and therefore as a result of this and the low levels recorded we have removed the limit.
- The oxygen reference conditions for monitoring of the engines on site and their emission limit values have been updated to reflect those specified in the Medium Combustion Plant Directive. These are given in Schedule 6 of the consolidated permit;
- The monitoring requirement for the sewer discharge for Stratford CCHP has been removed. This is covered under the sewer undertaker discharge consent;
- Provision was made in the original permit for later installation of additional plant to meet the increased demand anticipated during the "Legacy" phase of the project, with a peak capacity anticipated around 2025. This increase in thermal input of individual units >15MWth with a common windshield and therefore classified as a Large Combustion Plant (LCP) is unlikely at this time so to rationalise the permit we have removed the option for installation of plant >15MWth and the associated LCP permit text and conditions. A pre operational condition (POC 7) addresses the 'legacy phase' taking this change into account; and
- All references to LCP including the associated table of process monitoring in S4.3 has been removed.

Best Available Techniques (BAT) Assessment

We have reviewed the monitoring requirements for the plant against the requirements of the Medium Combustion Plant Directive and our guidance for Schedule 1.1 Part A1 (a) activities. We consider that 6 monthly MCERTS monitoring requirements in most cases is more frequent than what we would consider to be BAT. We have therefore amended the requirement for MCERTS monitoring to an annual requirement. However this change is associated with an improvement conditions requiring the operator to propose methodology to be incorporated into the Environmental Management System for more frequent monitoring to the standard set out in our Technical Guidance Note M5.

We have also amended the monitoring requirements for sulphur dioxide and particulates from the gas fired boilers at Stratford from periodic to assessment through 'concentration by calculation' and have removed the requirements to monitor these parameters from the gas engines. We acknowledge that there are only low levels of sulphur in natural gas and that when combusted that it is unlikely to produce significant levels of particulates. We consider that MCERTS monitoring requirements for natural gas for this type of plant with natural gas as fuel is beyond what we would consider to be BAT. We have therefore addressed this by amending the requirement to 'concentration by calculation'.

We have also updated the oxygen reference conditions for monitoring of the engines on site and their emission limit values to reflect those specified in the Medium Combustion Plant Directive. There is no change in overall emission permitted from the emission points.

Discharge to sewer

The monitoring requirement for the sewer discharge has been removed. This is covered under the sewer undertaker discharge consent and we do not require it necessary to regulate this parameter additionally as we consider it a duplication of regulation.

Decision checklist

Aspect considered	Decision
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' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.</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>This variation has consolidated two existing permits with the same operator because we consider them to comprise one single installation.</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.
Biodiversity, heritage, landscape and nature conservation Include if we need to consider this as part of the variation	<p>The site is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>There is no change to the risk from the operations on site as a result of this variation and therefore we have not carried out a habitats risk assessment.</p> <p>We have not consulted Natural England. The decision was taken in accordance with our guidance.</p>
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 permits.
Changes to the permit conditions	We have varied the permit as stated in the variation notice. This is also outlined in the key issues section above.
Improvement programme	<p>We have imposed an improvement programme as set out in the key issues section above.</p> <p>We have also removed the completed improvement conditions from the permit.</p>
Emission limits	No emission limits have been added or deleted as a result of this variation, however for the gas engines emission limit values have been updated to reflect the Medium Combustion Plant Directive oxygen reference of 15% oxygen. This is reflected in the emission table by a lower value but it is equivalent to the original value but with the MCP oxygen reference so provides the same level of environmental protection.

Aspect considered	Decision
Monitoring	Monitoring has changed as set out in the key issues section above.
Reporting	Reporting has changed as set out in the key issues section above.
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 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>