



Permitting decisions

Bespoke permit

We have decided to grant the permit for IFAS Power Island operated by United Utilities Water Limited.

The permit number is EPR/BP3000LW.

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

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

Air quality

This is a complex bespoke Medium Combustion Plant/Specified Generator application. In line with the Environment Agency's guidance (<https://www.gov.uk/guidance/specified-generators-dispersion-modelling-assessment> and <https://www.gov.uk/guidance/medium-combustion-plant-apply-for-an-environmental-permit#apply-for-a-bespoke-permit>), we require applicants to submit detailed air dispersion modelling and impact assessment to assess the predicted impacts on human receptors (for example dwellings, work places and parks) and ecological sites, as appropriate.

A methodology for risk assessment of point source emissions to air is set out in our guidance <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>.

The applicant provided an assessment of the impact of emissions to air with the application which is detailed in document 'Air dispersion modelling report of releases from IFAS Power Island at United Utilities, Ellesmere Port Wastewater Treatment Works – Issue 6', reference 'AGGR.01.01/ADM' and dated February 2022.

We have reviewed the assessment and are satisfied that it has taken into account all relevant ecological and human health receptors, that the model and its inputs are appropriate and that the assessment has been carried out in accordance with our guidance.

Human health

We agree with the applicant's conclusions that the impact of the emissions at human receptors is not significant.

The maximum predicted long-term (LT) Process Contributions (PCs) are 'not significant' at sensitive human health receptors. The predicted environmental concentrations (PECs) are also 'not significant'.

The maximum predicted short-term (ST) NO₂ PCs are insignificant at sensitive human health receptors.

Therefore, these are unlikely to be a significant contributor to or cause an exceedance of an environmental standard. (These results are summarised in tables 29 and 30 of the Air Quality Impact Assessment report, Issue 6, dated February 2022).

Ecological sites

We agree with the applicant's conclusions that there will be no significant effect on the ecological receptors.

There are two European Habitat sites within the relevant screening distance of 5 kilometres of the site: Mersey Estuary Ramsar and Special Protection Area (SPA). There are no Sites of Special Scientific Interest (SSSI) within the relevant screening distance of 2km.

The predicted annual NO_x and NH₃, daily NO_x and nutrient nitrogen and acid deposition PCs are 'insignificant' against the relevant critical levels and loads.

The consultant provided acid deposition predictions but were unable to assess significance due to the absence of acid critical load classes on APIS. We note acid deposition is unlikely to be significant at the relevant habitat site when considering the consultant's modelling assumptions.

Therefore, the PCs from NO_x, nutrient nitrogen and acid deposition from the site are unlikely to be significant at habitat sites.

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.
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	The operator has provided the grid references for the emission points from the medium combustion plants and specified generator and the activities are defined in table S1.1 of the permit.
The site	
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a European site (SPA, SAC), Ramsar site or SSSI.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We have assessed the operator's air emissions impact modelling report and consider that emissions will not affect any sites of nature conservation or habitats identified. See Key Issues section above.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>Conservation sites are protected in law by legislation. The Habitats Directive provides the highest level of protection for SACs and SPAs, domestic legislation provides a lower but important level of protection for SSSIs and the Environment Act provides more generalised protection for flora and fauna rather than for specifically named conservation designations. The thresholds for SAC SPA and SSSI features are more stringent than those for other nature conservation sites. Therefore, we would generally conclude that emissions to air will not cause significant pollution at these other sites if the process contribution at the SPA, SACs and SSSIs is less than the relevant critical level or critical loads. Therefore, we have not assessed the impact on these other sites as we have concluded that there is no impact on the SPA, SACs and SSSIs.</p>

Aspect considered	Decision
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>The assessment shows that applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant/not significant.</p> <p>The applicant's assessment of predicted impacts at sensitive receptors is based on the operating hours of 8,760 per generator per year as proposed by the applicant and included in the modelling. We have included these operating hours in the permit (table S1.1) as the modelling shows that, at these operating hours, emissions are environmentally not significant. See key issues section above.</p>
Operating techniques	
Operating techniques	We have specified the operating techniques and the operator must use the operating techniques specified in table S1.2A and table S1.2B of the permit.
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>Emission Limit Values (ELVs) have been set for oxides of nitrogen (NO and NO₂, expressed as NO₂).</p> <p>The NO₂ ELV has been set at 190mg/m³ at an oxygen reference condition of 15% in line with the MCPD and specified generator emissions limit value for new MCP for all generators (DG1 to DG6).</p> <p>These ELVs have been set in accordance with Schedule 25A (Medium Combustion Plant) and Schedule 25B (Specified Generators) of the Environmental Permitting (England and Wales) (Amendment) Regulations 2018.</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 for the operator to demonstrate compliance with the emission limits specified in the permit. The operator will carry out monitoring in accordance with the relevant MCERTS methods.</p> <p>We made these decisions in accordance with MCP and SG technical guidance: <i>Medium Combustion Plant guidance: https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i> <i>Specified Generator Guidance https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></p>
Reporting	We have specified reporting in the permit.

Aspect considered	Decision
	<p>We made these decisions in accordance with the MCP and SG technical guidance:</p> <p><i>Medium Combustion Plan Guidance: https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></p> <p><i>Specified Generator Guidance: https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</i></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 and National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>Although offences relevant to the Environmental Permitting Regulations were found, we do not consider that these will affect this activity.</p> <p>The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
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>