

Permitting decisions – Bespoke Permit

Medium Combustion Plant

We have decided to grant the permit for Plaistow Wharf operated by T&L Sugars Limited.

The permit number is EPR/TP3122SS.

This permit was granted on 28/05/2024.

The application is for two boilers fuelled by natural gas. They are both existing MCPs used for providing steam and hot water in the various production processes at the site.

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 considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination

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

Read the permitting decisions in conjunction with the environmental permit.

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 Tate & Lyle, Silvertown, London. MCPD Boiler NO₂ Dispersion Modelling Assessment, reference EMT06987 and dated 18th April 2024.

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.

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

There are no designated habitats within the relevant screening distances of the facility.

We have carried out checks on the Air Quality Assessment with regard to potentially sensitive human health receptors and agree with the applicant's conclusions that no significant adverse air quality effects will occur by the operation of the site under the varied conditions of the permit.

Existing MCPs and Tranche A generators

We have permitted existing plant together with new plant as part of this determination. The existing plant we have permitted early comprises:

- Boiler 1 which is a 12.31MWth gas-fuelled boiler
- Boiler 2 which is an 8.27MWth gas-fuelled boiler

The relevant compliance date for meeting the ELVs is 01/01/2025 for these two gas boilers.

Decision considerations

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.

The decision was taken in accordance with our guidance on confidentiality.

Operator

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 regulated facility

The regulated facility comprises two gas-fired boilers.

The operator has provided the grid reference for the emission point from the medium combustion plant.

The permitted combustion plant includes existing MCPs.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation and habitat designations. The application is not within our screening distances for these designations.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

The assessment shows that applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally not significant.

Operating techniques

We have specified the operating techniques and the operator must use the operating techniques specified in table S1.2 of the permit.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Emission Limits

Emission Limit Values ELVs have been set for the following substances:

Oxides of nitrogen : 200 mg/m³

The ELVs apply from the relevant compliance date.

For existing MCPs with a thermal input >5MW we have set the ELV to apply from the relevant compliance date.

We made these decisions in accordance with MCP technical guidance

Medium Combustion Plant guidance: <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply>

Monitoring

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.

These monitoring requirements have been included 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 methods specified in the permit.

Monitoring of existing plant does not apply until after acceptance of the first monitoring data, which can be at any time but no later than the relevant compliance date. This is specified in the permit.

We made these decisions in accordance with MCP technical guidance.

Medium Combustion Plant guidance: <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply>

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with MCP technical guidance.

Medium Combustion Plant guidance: <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply>

Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

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

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.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.