

Permitting decisions – Bespoke Permit

Medium Combustion Plant

We have decided to grant the permit for Lavant Power operated by Levant Power Limited

The permit number is EPR/KP3425SC

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 entitled “ Air Quality Assessment document reference: 87658 544923, 18 July 2023), as well as a technical note issued on 23/04/24 for the specified generator (SG) new permit application for the Lavant Power Ltd site AQMAU reference: C2669, C2761).

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, while the impact of the emissions at human receptors is not insignificant, the PECs do not exceed the relevant environmental standard so are not significant.

There is one sensitive designated ecological sites within the relevant screening distances, the Fens Pools Special Areas of Conservation (SAC) approximately 4.9km to the east.

Existing MCPs and Tranche A generators

We have permitted existing plant as part of this determination. The existing plant comprises:

- Ten engines fuelled by natural gas. Each engine has a net rated thermal input of 4.7MWth each, with an aggregated thermal input of 47MWth.

The relevant compliance date for meeting the ELVs is 01/01/2025.

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 medium Combustion plant consisting of ten natural gas fuelled generators, each with a 4.7 MWth thermal input. There is also a small back-up generator of which will only be used when there is a loss of electrical power. The backup generator is diesel fuelled and the thermal input is 0.13MW. The back up generator is not an MCP or specified generator and is not included in the permit.

The operator has provided the grid references for all the emission points from the medium combustion plant. The permitted combustion plant includes existing MCP.

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 within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation or designated habitat identified.

Environmental risk

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

The operator's risk assessment is satisfactory.

The MCP is located within the screening distance of relevant nature conservation and habitat designations. Therefore, an assessment of the impact of emissions on the nature conservation and habitat designated sites has been carried out. The operator's risk assessment is satisfactory.

The assessment shows that applying the conservative criteria in our guidance on environmental risk assessment, emissions will not affect any site of nature conservation or designated habitat identified.

Operating techniques

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

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 - 190 mg/Nm³

Carbon Monoxide – No limit

The ELVs 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.