

Permitting Decisions- Variation (minor)

We have decided to grant the variation for Viking Plant operated by Whitetower Energy Limited.

The variation number is EPR/PP3336TC/V005.

The permit was issued on 16/09/2024.

The variation is required to replace the 120.5 MWth Open Cycle Gas Turbine (OCGT) (LCP288) with a 128.8 MWth OCGT. The replacement gas turbine was operating before the Best Available Techniques (BAT) Conclusions for large combustion plant (LCP) were published on 17 August 2017 so is also classed as 'existing' plant.

The replacement gas turbine will retain the existing LCP number (LCP288).

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

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 regulated facility

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 RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

We have changed the thermal input in the description of the specified activity in table S1.1 of the permit from 120.5 MWth to 128.8 MWth.

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.

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

We have not assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations as there are no changes to emissions (i.e. permit limits or mass released).

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The applicant confirmed that there are no changes regarding compliance with the relevant BAT Conclusions (1 to 17 and 40 to 45) and for BAT Conclusion 42, there are no changes to the reduction measures in place for oxides of nitrogen.

The operating techniques that the applicant must use are 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.

Updating permit conditions during consolidation

We have updated the following permit conditions to those in the current generic permit template as part of the permit consolidation:

2.3.2, 3.6.7, 4.3.2 and associated schedule 5, the “Industrial Emissions Directive” meaning in schedule 6 and the copyright to the site plan in schedule 7.

Table S3.1, to update note 1, relevant to the dry low NO_x threshold and when the limit applies.

The conditions will provide the same level of protection as those in the previous permit.

Changes to the permit conditions due to an Environment Agency initiated variation

We have varied the permit as stated in the variation notice, to remove table S3.1 which applied until 16 August 2021. Table S3.1a was renumbered to table S3.1 and associated conditions amended to remove reference to table S3.1a.

We have also confirmed the completion of improvement condition IP4 in table S1.3. The operator confirmed in their response 07/01/2021 that the site does not have capability for ‘Black Start’ operation. We acknowledged this response by email 08/01/2021 and confirmed that IP4 was complete.

Also refer to section above on ‘Updating permit conditions during consolidation’.

Improvement programme

Based on the information in the application, we consider that we need to include an improvement condition.

Given the significant changes at the installation, we have included an improvement condition requiring the operator to carry out an Annual Surveillance Test (AST)/QAL2 to confirm the performance of Continuous Emission Monitor(s) for the parameters specified in table S3.1 of the permit.

Historically the installation has had limitations with baffles in the stack, potentially meaning that the sampling is inhomogeneous across the full sampling plane. An assessment is required to demonstrate that the emissions being monitored at the installation are accurate and representative of a non-baffled stack i.e. results from the gas turbine at this installation can be compared to AST/QAL2 checks from its previous location at Heartlands Plant, permit number EPR/QP3632TF.

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

Reporting has not changed as a result of this variation.

Start-up and shut-down thresholds and dry low NOx effective definition

These are defined in tables S1.4 and S1.5 of the permit and are consistent with those in the Heartlands Plant permit (EPR/QP3632TF) which is the facility where the replacement gas turbine was located.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable them 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.

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 variation.

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.