

# Permitting decisions



Environment  
Agency

## Bespoke permit

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We have decided to grant the permit for Mercia Power Response operated by Mercia Power Response (Geddington Road) Limited

The permit number is EPR/JP3023PZ.

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 checklist to show how all relevant factors have been taken into account.

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 Geddington Road Air quality assessment to accompany permit application and dated 07/10/2022.

We have reviewed the assessment and are satisfied that it has taken into account all relevant 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 do not agree with the applicant's conclusions that the impact of the emissions at human receptors is insignificant but the Predicted Environmental Concentrations do not exceed the Environmental Standards.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Operator</b>	
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.
<b>The facility</b>	
The regulated facility	The operator has provided the grid references for the emission points from the medium combustion plants/specified generator and the activity is defined in table S1.1 of the permit.
<b>The site</b>	
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of a European site (SPA, SAC), Ramsar site or SSSI.
<b>Environmental risk assessment</b>	
Environmental risk	The MCP is not located within a local authority air quality management area and is not included in the local authority's air quality management plan. Therefore, no assessment of impact on air quality is required.
<b>Operating techniques</b>	
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.
<b>Permit conditions</b>	
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	ELVs have been set for the following substances:  Oxides of Nitrogen (NO and NO <sub>2</sub> , expressed as NO <sub>2</sub> ). ELV's have been set at 95 mg/Nm <sup>3</sup> at an oxygen reference condition of 15%
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

Aspect considered	Decision
	<p>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</p> <p><i>Medium Combustion Plant guidance:</i> <a href="https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply">https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</a></p> <p><i>Specified Generator Guidance:</i> <a href="https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply">https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</a></p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the MCP and SG technical guidance;</p> <p><i>Medium Combustion Plan Guidance:</i> <a href="https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply">https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</a></p> <p><i>Specified Generator Guidance:</i> <a href="https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply">https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply</a></p>
<b>Operator competence</b>	
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 has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. 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>
<b>Growth Duty</b>	
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</p>

<b>Aspect considered</b>	<b>Decision</b>
	<p>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>