

# Medium Combustion Plant

## Briefing Note

February 2023

**New permitting requirements will apply to operators of certain combustion plant from 2024. Learn more about these requirements and how we can help you achieve regulatory compliance.**

### Background

The EU Medium Combustion Plant Directive (MCPD) came into force in 2015 with the purpose of regulating emissions to air of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and dust/particulate matter (PM) from medium combustion plant (MCP) with a rated thermal input between 1 – 50 MWth.

In England and Wales, Schedule 25A of the Environmental Permitting (England and Wales) (Amendment) Regulations 2018 (EPR) implements the MCPD. This Schedule requires operators of MCPs to hold an environmental permit which specifies controls on emissions and monitoring requirements (amongst other aspects). Meanwhile, Schedule 25B of the EPR implements additional provisions for Specified Generators (SG) i.e., combustion plants which are used to generate electricity, and extends the scope of the MCPD in England and Wales.

These requirements have been introduced in a phased manner by the Environment Agency. During the first phase, which applied from 2018, operators of new MCPs and “Tranche B” SGs were required to apply for an environmental permit prior to the operation of their site and comply with the emission limits outlined in the MCPD and EPR at first operation. However, operators with existing MCPs or “Tranche A” SGs were given more time to replace or retrofit older, more polluting combustion plant to comply with the regulations. MCP/SG less than 5 MWth have until 2030 to meet the emission limits while larger MCP/SG (5-50 MWth) have until 2025. The Environment Agency have recently announced that, by **31 March 2023**, applications for the second phase of MCP/SG permitting regime will open.



## Why is this important to me?

This second permitting phase will apply to larger existing MCPs and Tranche A SGs between 5-50 MWth. Under Phase II, operators of qualifying MCP/SG are required to comply with emission limits by 1 January 2025 and have their environmental permit in place by:

- **1 January 2024** for existing standalone MCPs between 5-50 MWth
- **1 January 2025** for Tranche A SGs between 5-50 MWth

Sites which do not obtain their environment permit by the required dates would be considered in breach of the EPR. The Environment Agency could, therefore, impose a range of penalties, including fines for operating a regulated facility without a permit, or could serve an enforcement notice to suspend operations at the site until the permit has been obtained.

Due to resource constraints, there are currently significant work queue delays at the Environment Agency. At the end of 2022, the Environment Agency was advising delays of greater than 24 weeks for a MCP/SG application to be assigned to a permitting officer for 'Duly Made' checks. Consequently, operators will need to begin applying for their MCP/SG as soon as possible after the permitting window is opened to ensure their permits are obtained by the respective deadlines.

Operators will also be required to undertake emissions monitoring on existing MCPs/SGs within four months of the permit being issued to demonstrate compliance with the emission limits. Due to the large number of sites which are expected to be permitted under Phase II, demand for accredited stack emission tests is likely to be significant. Whilst the Environment Agency recognise this as a concern, its latest guidance still expects monitoring to be performed within the stated timescales. Alternatively, it will allow monitoring results obtained in the last two years to be submitted with the permit application as demonstration that the emission limits are being met. Once more, it is important to move quickly to ensure you can demonstrate compliance within the required timescales.



## How can we help?

Our environmental permitting experts at Air Quality Consultants Ltd (AQC) have been providing services to our clients for more than 25 years. In collaboration with our sister companies, Noise Consultants Ltd and Logika Consultants Ltd, we are able to provide a complete environmental service to industry. Experts in our Environmental Policy and Economics Practice are at the forefront of UK and European industrial pollution control policy having led multiple frameworks and studies that contributed to the initial development of the MCPD.

Specifically for MCP/SG applications we can:

- Advise whether your combustion plant needs an environmental permit or whether it meets any of the exemptions in the regulations, either in terms of the requirement for a permit, or meeting the emission limit values.
- Provide a complete permit application service, including pre-application consultation with the Environment Agency through to preparation of the complete permit application package, including completion of application forms and the required supporting studies e.g., air quality assessment.
- Advise on appropriate sample locations for stack emissions monitoring and manage the emissions monitoring survey itself. AQC has provided advice and drafted emissions monitoring guidance documents for several domestic and international regulatory bodies, whilst our team include former MCERTS accredited stack testing engineers.
- Complete options appraisals to identify the most appropriate technique or combination of techniques for reducing emissions where these exceed, or have the potential to exceed, the MCP or SG emission limits.

Whilst AQC can provide a comprehensive service to manage the complete permit application process, our service offering is flexible, from providing initial guidance on the need or type of permit required, completing specific areas of an application and supporting technical studies, or technical review of applications. We can provide as much, or as little, support as required.

If you would like to learn more about how AQC can support you through the environmental permitting process, please contact Adam Clegg (01925 937 195 or [adamclegg@aqconsultants.co.uk](mailto:adamclegg@aqconsultants.co.uk)).

[www.aqconsultants.co.uk](http://www.aqconsultants.co.uk)