

Response form – v.10

Standard Rules consultation No 26

Your details

When we come to analyse the results of this consultation, it would help us to know if you are responding as an individual or on behalf of an organisation or group.

Please select from the following options:

- Responding as an individual
- Responding on behalf of an organisation or group
- Other

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of and include its type e.g. business, environmental group.

If you selected other, please specify.

Please tell us if you would like to (tick all that apply):

- Receive an email acknowledging your response
- Receive an email to let you know that the summary of responses has been published

If you have ticked any of the boxes above, please provide us with your email address:

Email: _____

- Put a cross in this box if you are requesting non-disclosure of your response. Please provide an explanation to support your request.

Please tell us how you found out about the standard rules no 26 consultation:

- From the Environment Agency
- From another organisation
- Through an organisation you're a member of
- Press article
- Social media e.g. Facebook, Twitter
- Through a meeting you attended
- Other (please specify)_____

How we will use your information

The Environment Agency will look to make all responses publicly available during and after the consultation, unless you have specifically requested that we keep your response confidential.

We will not publish names of individuals who respond.

We will also publish a summary of responses on our website in which we will publish the name of the organisation for those responses made on behalf of organisations.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

Returning your response

Your response to this consultation needs to be returned by midnight on the **8th January 2023**.

We would like you to use this form if you are not submitting your response online. You can return it by email to **enquiries@environment-agency.gov.uk**. Please use this email address if you have any questions regarding this consultation.

Or by post to:

**Future Regulation – Permitting (standard rules consultation no 26) attention of Kaveh Mahmoudi
Environment Agency
Mance House
Arthur Drive
Hoo Farm Industrial Estate
Worcester Road
Kidderminster
Worcs
DY11 7RA**

We welcome your views on the proposals in the consultation

Section 3.1 – Proposal for the introduction of a new standard rule SR2022 No 9 for new and existing, low risk medium combustion plant (MCP) which are boilers burning natural gas for heat only

Q1. The proposals set an appropriate level of environmental protection particularly to protected habitats, do you agree?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, please explain your answer.

Q2. Do you agree that the generic risk assessment reflect the risks posed by this activity?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, please explain your answer.

Q3. Do you understand the requirements of the proposed standard rule (not including any measures introduced by SI 2018 No 110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018)?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, please explain your answer.

Q4. Do you agree with the requirements of the proposed standard rule (not including any measures introduced by SI 2018 No 110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018)?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, please explain your answer.

Q5. Are there any barriers to the use of the standard rule which you think we could resolve?

Please tick the relevant box

- Yes
- No
- I am unsure

If yes or unsure, please explain your answer.

Q6. Is it clear what is meant by the term 'new existing MCP' in the permit?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q7. Is it clear which emission limit values would apply to 'new existing MCP' if the operator confirmed they would comply with these standards for their existing MCP?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q8. In the new standard rule SR 2022 No9 and in the revised SR2018 No7 we have introduced an interpretation of hydro-treated (or hydrogenated) vegetable oil (HVO) as a gas oil, and specified that where HVO is used it must meet the standards set out in EN15940. Do you have any comments or concerns about the interpretation of HVO and its use as a gas oil for medium combustion plant?

Please tick the relevant box

- Yes
- No

I am unsure

If yes or unsure, please explain your answer

On a point of clarification, the standard should be the UK version of the HVO standard, which is BS EN 15940, rather than the CEN version without any appropriate national requirements, EN 15940.

It can be problematic to include references to standards in legally binding regulations – effectively it means that unelected experts in CEN and BSI set legal precedents without an oversight from the legal or political system. This includes changes in the standard which naturally occur over time as the standard is systematically reviewed and updated under the CEN and BSI rules.

Including a reference to a standard also raises questions on what happens if product is out of specification (for example if the HVO sulphur content is 5.1 mg/kg then it would be illegal to use.) This may mean that product which is technically suitable for use may need to be disposed of rather than used for its intended application. It would be helpful to include some guidance in this regard – for example whether the acceptability of BS ISO 4250 Part 2 (*Petroleum and related products — Precision of measurement methods and results — Part 2: Interpretation and application of precision data in relation to methods of test*) <https://knowledge.bsigroup.com/products/petroleum-and-related-products-precision-of-measurement-methods-and-results-interpretation-and-application-of-precision-data-in-relation-to-methods-of-test/standard>

It may be better to recommend a definition that references but does not require the standard directly – for example as per the new Renewable Fuel glossary <https://rtfa.org.uk/glossary/>

A paraffinic diesel very similar to petroleum diesel but made by the hydrotreatment of vegetable oils or other lipids, typically meeting the requirements of BS EN 15940

Section 3.2 additions and amendments to SR2018 No7

Q9. Do you agree with the proposal to amend SR 2018 No7 to allow for existing medium combustion plant which is greater than 5 MWth and less than 20 MWth to be permitted under this rule set?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q10. Is it clear what is meant by the term 'new existing MCP' in the permit?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q11. Is it clear which emission limit values would apply to 'new existing MCP' if the operator confirmed they would comply with these standards for their existing MCP?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q12. Do you agree with the proposals for protected habitat screening distances?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, or unsure please explain your answer.

Q13. Do you agree with the removal of the maximum distances to a protected habitat requiring a minimum stack height of 3m above ground level?

Please tick the relevant box

- Yes
- No
- I am unsure

If no or unsure, please explain your answer.

Q14. We have added several new and amended interpretations in section 4.0 of the SR 2018 No7 permit. Do the new and amended interpretations make the meaning of the terms used clear? If not, can you suggest alternative wording to improve clarity? We may use your suggestion either in the interpretation or guidance.

Please tick the relevant box

- Yes, they are clear
- No, I'd like to make some suggestions
- I am unsure

If no or unsure, please explain your answer.

Q15. As stated in the consultation, we have amended several of the permit conditions to make them clearer to understand, do you think the proposed amendments achieve this aim or can you make further suggestions?

Please tick the relevant box

- Yes, it is clear
- No, I'd like to make some suggestions
- I am unsure

If no or unsure, please explain your answer.

Q16. If you are a current permit holder will the proposals mean you will no longer be able to use the standard rules?

Please tick the relevant box

- Yes
- No
- I am unsure

If yes or unsure, please explain your answer.

Section 3.3 proposed changes to standard rules SR2018 No 4 and 5

Q17. At the moment SR2018 No 4 and 5 do not allow these specified generators to also be an existing medium combustion plant. Do you think we need to amend them to include existing medium combustion plant?

Please tick the relevant box

- Yes**
- No**
- I am unsure**

If no or unsure, or unsure please explain your answer.

Section 3.4. proposed changes to charging for medium combustion plant and specified generator standard rules permits.

Q18. Do you have any comments of concerns about the proposed charges in this consultation?

Please tick the relevant box

- Yes**
- No**
- I am unsure**

If yes or unsure, please explain your answer.

Section 3.5. Business impact of the proposed changes.

Q19. Will the proposed changes in this consultation have a financial impact on operators which you would like to make us aware of?

Please tick the relevant box

- Yes**
- No**
- I am unsure**

If no or unsure, or unsure please explain your answer.

General question

Q20. Please tell us if you have any other comments on these proposed rules that have not been covered by previous questions (not including any measures introduced by SI 2018 No110 The Environmental Permitting (England and Wales) (Amendment) Regulations 2018).