Environmental Permitting: IED BAT for Data Centres

Statement for the purpose of clarification

February 2022

Environment Agency (EA) officials have been informing da ta centre operators that techUK has distributed BAT (Best Available Technology) for IED permitting to the industry. This statement is untrue.

techUK has never circulated BAT relating to IED to its membership, nor have we published any BAT on our website. This is for the simple reason that there is no agreed BAT.   We have repeatedly confirmed this to the EA, for instance in February 2021.

The EA has yet to consult the industry or the supply chain on BAT. The EA has not yet formally published BAT for permitting data centres under IED.   When the EA has consulted the industry and the supply chain and we have agreed BAT, we will be delighted to publish it and circulate it to our members.

In the meantime the Environment Agency is sharing on an individual basis, a draft FAQ. The provisions therein have not been consulted on nor formally agreed with the industry or the supply chain and techUK has not circulated this FAQ to its members or the industry at large. The EA has not asked us to disseminate this document within the data centre sector.

While we consider the application of IED in this context (to emergency generating plant that is almost never used in anger) is wholly disproportionate, we do not take issue with the majority of the provisions of the FAQ. However, we disagree with provisions relating to the application of NOx related generator standards. We do not consider that due diligence has been conducted by the EA to ensure that the requirements they have chosen are fit for purpose. Most particularly we are already seeing default positions requiring adherence to standards that are either out of date, inappropriate or that do not guarantee the required performance in the runtime scenarios characteristic of data centres. The result is punitive conditions for operators that in some cases impact site viability, and negligible policy outcomes.

We are also seeing a growing assumption by the EA that they should control the choice of emergency generating plant for operators. While we understand the impact of air quality on human health, and support the EA's position that it is an important factor, data centre plant is selected to provide resilience and ensure business continuity. We have raised this in our submission under the Adaptation Reporting Power. There is already a concern that the current practice of permitting authorities to publish detailed generator configurations for sites could expose the sector to additional and unnecessary risk.

You can find our statement on IED here: https://www.techuk.org/asset/DC5F04C9-70A3-4219-81C46807B582F1A9/
You can find more in our Data Centre Programme Index: https://www.techuk.org/data-centres-programme/data-centres-resource-index.html   Permitting issues are found in the Compliance section.

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