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**The regulatory position statement ‘Permitting of air separation units’ was withdrawn on 23 November 2023.**

An explanation on how you can operate air separation units without an environmental permit is given in note 4.2.2 in [Regulatory Guidance Note No. 2: Understanding the meaning of regulated facility, Appendix 1 – Interpretation of Schedule 1 to the Regulations.](#)

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## Regulatory position statement 032

### Permitting of air separation units

**If you comply with the requirements below, we will allow air separation units (ASUs) to operate without the need to apply for an environmental permit.**

#### Background

Many installations covered by the Integrated Prevention and Pollution Control (IPPC) Directive need to use process gases (typically nitrogen) for inerting/dilution, but also other inert gases, oxygen and carbon dioxide. Where demand for these gases cannot be met by bottled supplies, it may be provided by dedicated ASUs using pressure swing absorption, cryogenic or membrane separation units.

ASUs can be found on a variety of installations including food & drink, chemical and metal works. They are usually owned by a third party contractor (e.g. BOC, Air Products, Air Liquide or Linde) and are often operated remotely. Despite being highly integrated into the main installation, ASUs often sit in a fenced-off compound to which the operator carrying out the primary activity has no access.

There are no significant emissions from an ASU and it is not in itself an IPPC-listed activity. But since the primary activity cannot usually operate without the gas supply, ASUs meet the three RGS 5<sup>1</sup> criteria for directly associated activities (direct association, technical connection and possible effect on emissions).

#### Our approach

We will not pursue an environmental permit application for ASUs that are directly associated to an IPPC-listed activity where:

- You operate in accordance with best practice guidelines on environmental performance. We are helping the British Compressed Gas Association (BCGA) to prepare these guidelines, which will reflect the IPPC Directive's main requirements.
- You keep relevant operational records for a period of four years and make these available to Environment Agency officers when requested.

We will not retrospectively apply this regulatory position to any ASU/gas stores already included in a permit issued under the Environmental Permitting (England and Wales) Regulations 2010.

Our regulatory position tallies with that in Northern Ireland but differs to that in Scotland (where ASUs have been issued with 'part permits' without the need for an application fee).

#### Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

This regulatory position will be reviewed by November 2018.

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<sup>1</sup> Environment Agency IPPC Regulatory Guidance Series No 5: Interpretation of 'Installation' in the PPC Regulations (RGS 5)