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24 October 2019

Dear [REDACTED]

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 2017**

**SCREENING DECISIONS FOR KNAPTON GENERATING STATION AND ASSOCIATED OVERHEAD LINE APPLICATIONS MADE UNDER SECTIONS 36C AND 37 OF THE ELECTRICITY ACT 1989**

1. I refer to Third Energy UK Limited's ("the Applicant") application to the Secretary of State under Section 36C of the Electricity Act 1989 ("the Section 36C application") on 4 May 2018 for a variation to the existing consent for the Knapton Generating Station in North Yorkshire. I also refer to a separate application made to the Secretary of State on 17 May 2018 on behalf of Northern Powergrid (Northeast) Ltd to keep installed an associated 132kV overhead line under Section 37 of the Electricity Act 1989 ("the Section 37 application").
2. The Secretary of State notes that a previous request from the Applicant for Environmental Impact Assessment ("EIA") screening opinions in respect of the generating station and overhead line developments were withdrawn on 18 and 26 April 2018 respectively, because the Applicant intended submitting applications with a supporting Environmental Report. These are the applications referred to above. However, as the Applicant submitted an Environmental Report with their applications rather than an Environmental Statement, and indicated in their view what is proposed does not comprise EIA Development, the Secretary of State has not yet been able to confirm the Section 36C application as "suitable for publication" under Regulation 4(6) of the Electricity Generating Stations (Applications for Variation of Consent Regulations 2013 ("the 2013 Regulations") before concluding this EIA screening exercise. Similarly, given the Secretary of State's intention to consider both applications in tandem, the Section 37 application has also not been progressed.
3. In accordance with Regulation 13 of the Electricity Works (Environmental Impact Assessment)(England and Wales) Regulations 2017 ("the 2017 Regulations"), the Secretary of State consulted the relevant planning authorities ("RPAs"), North

Yorkshire County Council (“NYCC”) and Ryedale District Council to obtain their views on whether or not an environmental impact assessment should be undertaken in respect of the Developments. No EIA screening opinions were received from the RPAs directly, however the Secretary of State notes that the Form B for the Section 37 application was returned by Ryedale District Council to the Applicant on 14 August 2018 indicating that the Council does not consider the overhead line application should be accompanied by an Environmental Statement.

4. The Secretary of State is aware of a “Request for Screening Direction” letter sent from Friends of the Earth (“FOE”) to the Secretary of State for Housing, Communities and Local Government (“MHCLG”) dated 6 July 2018. The FOE letter refers to the screening requests submitted by the Applicant to NYCC and to the Secretary of State for Business, Energy and Industrial Strategy for the generating station and overhead line in February 2018.
5. The Secretary of State has considered the FoE letter and their points on the environmental baseline adopted in screening by the Applicant, she has also considered the response from MBH Environmental on behalf of the Applicant sent to NYCC. The Secretary of State considers that the Applicant is likely to be correct that the decommissioning of the generating station would have a greater impact in the short term than continued operation, however she does not disagree with FOE and what they say about the baseline for the purposes of EIA, but considers however, that a new position on the baseline in her view would not change the impacts given the scale of this particular generating station. Even on the basis of the FoE environmental baseline, the Secretary of State considers it would not be EIA development.
6. The Secretary of State is satisfied that the emissions from the generating station are relatively low and will be controlled by an environmental permit from the Environment Agency, noting also that the existing development’s emissions are well within the limits set out by their current environmental permit. As the infrastructure is already in place there would be no construction impacts on the environment and there are no identified significant impacts on sensitive sites from the existing operation.

#### Generating Station

7. The Secretary of State has considered the information within the supplied documentation and has taken the following factors into account in reaching her decision:
  - The generating station development does not fall within Schedule 1 (mandatory EIA);
  - The generating station development falls under Schedule 2 of the 2017 Regulations as the proposed variation will not result in a change or extension to the generating station which meets the threshold set out in Schedule 1;
  - The generating station development is not located within any “sensitive area” as defined in paragraph 4 of Schedule 2 of the 2017 Regulations, although the Secretary of State notes that the development is located within 15 kilometres of a number of nationally, internationally and locally designated sites;

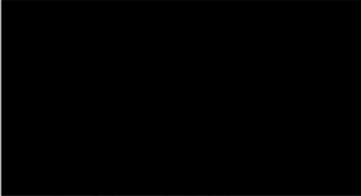
- No views have been expressed by the RPAs on whether the generating station is likely to have a significant effect on the environment or if an EIA is required; and
  - In considering against the selection criteria in Schedule 3, the Secretary of State notes the Applicant's view is that there will be no physical changes to the generating station development, which they consider forms part of the environmental base, and with the mitigation measures in place, there will not be any significant adverse effects arising from its continued operation. An Environmental Report has been provided in support of the Section 36C application (and other applications), which includes an independent Air Quality Impact Assessment, independent Phase 1 Habitat Survey; independent Landscape and Visual Assessments; Hydrogeological Risk Assessment and Flood Risk Assessment.
8. Taking account of the above factors, the Secretary of State concludes that the documents provided are sufficient for EIA screening purposes. The Secretary of State confirms that the generating station development does not require a statutory EIA as it is unlikely to have significant effects on the environment due to its nature, location and size. However, in forming this view, the Secretary of State is also aware that the Section 36C application and supporting documents (if accepted) will need to be advertised, consulted upon, an opportunity given for representations to be made and will be subject to further analysis. This could also include a request under Regulation 25 of the 2017 Regulations for further environmental information following consultation if deemed necessary at that stage.

### 132kV Overhead Line

9. The Secretary of State has considered the information within the supplied documentation and has taken the following factors into account in reaching her decision:
- The overhead line development does not fall within Schedule 1 (mandatory EIA);
  - The overhead line development falls under Schedule 2 of the 2017 Regulations;
  - The overhead line development is not located within any "sensitive area" as defined in paragraph 4 of Schedule 2 of the 2017 Regulations although the Secretary of State notes that the development is located within 15 kilometres of a number of nationally, internationally and locally designated sites; and
  - Ryedale District Council having raised no objection and considers the application should not be accompanied by an Environmental Statement.
10. Taking account of the above factors, the Secretary of State concludes that the overhead line development does not require a statutory EIA as its unlikely to have significant effects on the environment due to its nature, location and size.

11.I am copying this letter for information to Vicky Perkin at NYCC, Jill Thompson at Ryedale District Council, and Gerry Carpenter at MHCLG.

Yours sincerely,



Head of Planning