



Department for
Business, Energy
& Industrial Strategy

Department for Business, Energy &
Industrial Strategy
1 Victoria Street
London
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Telephone: [REDACTED]
Your ref: ZG/TE/KGS/S36C/002

8 November 2019

Dear [REDACTED]

ELECTRICITY ACT 1989

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

ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013 – NOTICE OF SUITABILITY FOR PUBLICATION GIVEN IN ACCORDANCE WITH REGULATION 4(6)

APPLICATION BY THIRD ENERGY UK GAS LIMITED TO VARY CONDITION 4 OF THE EXISTING CONSENT AND A DIRECTION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR THE KNAPTON GENERATING STATION, NORTH YORKSHIRE

I refer to the application made on behalf of Third Energy UK Gas Limited dated 4 May 2018 pursuant to section 36C of the Electricity Act 1989 and the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 (“the Variation Regulations”). The application is in respect of a variation to the section 36 consent dated 25 March 1993, varied under section 73 of the Town and Country Planning Act 1990 by Ryedale District Council in June 2006 to allow Knapton Generating Station to be used for the authorised purposes for a further 10 years to 19 May 2018, and to the direction made under section 90(2) of the Town and Country Planning Act 1990 (“the deemed planning permission”) for the same scheme (together “the Variation Application”). The Variation Application seeks to extend the life of the generating station until 31 December 2035. As the Variation Application did not include an ‘EIA Report’ as defined by regulation 17 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (“the 2017 Regulations”), the Secretary of State was required to make a screening decision in respect of the Development before further dealing with the Variation Application.

Accordingly, following the issue of the Secretary of State's EIA screening decision of 24 October 2019¹, which stated her view that the proposal to extend the life of the development did not constitute 'EIA Development' in accordance with regulation 5 of the 2017 Regulations, she has now considered whether the Variation Application is suitable for publication in accordance with regulation 4 of the Variation Regulations.

The Secretary of State considers that the Variation Application accords with the requirements of regulation 3 of those Regulations (where they are applicable). She has further concluded that the Variation Application satisfies the requirements of regulation 4(8) of the Variation Regulations and that it is suitable for publication.

The Secretary of State is, therefore, notifying you of the decision in accordance with regulation 4(6) of the Variation Regulations. The publication should be made in accordance with the requirements set out in regulation 5 of the Variation Regulations, to which your attention is drawn.

In the absence of an EIA Report, we recommend that the Secretary of State's screening decision and relevant documents on which that decision was based be published on the Variation Application website, along with the other Variation Application documents submitted to the Secretary of State. In order that the Variation Application can be properly considered by consultees and other interested parties, we also recommend that the original Environmental Report and any further environmental information provided in support of the section 36 variation application be made available on the Variation Application website.

Please note that any personal information (i.e. signatures, names and phone numbers etc) in the relevant documents should be redacted before publication.

We would be grateful if you would provide details of the Variation Application website and copies of the published notices in due course including the deadline for the receipt of any objections to the proposed variation.

You should note that the Secretary of State's decision to accept the Variation Application does not pre-judge her consideration of its merits or otherwise.

Yours sincerely,



Head of Planning, Energy Infrastructure Planning Team

¹ Published by the Secretary of State on the GOV.UK website as required under regulation 16(3) of the 2017 EIA regulations here: <https://www.gov.uk/government/publications/knapton-generating-station-secretary-of-state-screening-opinion-for-environmental-impact-assessment-variation-to-s36-and-s37-consents-electricity>