

**Review of an Environmental Permit for an Installation
subject to Chapter II of the Industrial Emissions Directive
under the Environmental Permitting (England & Wales)
Regulations 2016****Decision document recording our decision-making
process following review of a permit**

The Permit number is: EPR/HP3038LA
The Operator is: Third Energy UK Gas Limited
The Installation is: Knapton Generating Station
This Variation Notice number is: EPR/HP3038LA/V006

1. Key issues of the decision

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on best available techniques (BAT) conclusions.

We commenced our review of the permit for this installation against the revised BAT Conclusions for large combustion plant published on 17th August 2017. However, the operator confirmed on 1st April 2020 that the LCP was not operating and that they had no plans to commence operations in the near future.

Therefore, we have not reviewed their assessment of compliance with the BAT Conclusions that was included in their response dated 15th November 2018 to the Regulation 61 notice issued on 1st May 2018. We have not made any changes to the permit conditions necessary to ensure compliance with the BAT conclusions. We have, however, included a condition in table S1.1 of the permit that prevents the operation of the LCP after 17th August 2021 which is the date by which LCPs need to be compliant with the relevant standards in the BAT Conclusions. This means that if the operator wants to operate the LCP after this date they will have to provide an assessment of compliance with the BAT Conclusions and vary the permit to include the required standards and BAT AELs.

2. Review and assessment of changes that are not part of the BAT Conclusions derived permit review.

This document should be read in conjunction with the supporting information and notice.

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
The site	
Biodiversity, heritage, landscape and nature conservation	There are no changes to the emissions that could impact any sites of biodiversity, heritage, landscape or nature conservation as the LCP has ceased operating.
Operating techniques	
General operating techniques	<p>We have not reviewed the techniques used by the operator where they are relevant to the BAT Conclusions or compared these with the relevant guidance notes as the LCP has ceased operating.</p> <p>The permit conditions will need to be varied to ensure compliance with the relevant BREF, BAT Conclusions and BAT-AELs if the operator wishes to operate the LCP after 17/08/2021.</p>
Permit conditions	
Changes to the permit conditions due to an Environment Agency initiated variation	We have varied the permit as stated in the variation notice to prevent operation of the LCP after 17/08/2021, which is the date by which operators of LCPs need to comply with the BAT Conclusions. We have not made any other changes to the permit conditions.
Emission limits	We have not amended the emission limits for any of the parameters listed in the permit.
Monitoring	We have not made any changes to the monitoring or parameters listed in the permit, or to the methods detailed or the frequencies specified.
Reporting	We have not made any changes to the reporting requirements listed in the permit.

Aspect considered	Decision
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>