



PART A: MATTERS DEALT WITH UNDER DELEGATED POWERS

REPORT TO: PLANNING COMMITTEE

DATE: 21 JANUARY 2010

**REPORT OF THE: HEAD OF PLANNING AND REGULATORY SERVICES
GARY HOUSDEN**

**TITLE OF REPORT: THIRD ENERGY UK GAS LIMITED. CONSULTATION ON
APPLICATIONS TO THE SECRETARY OF STATE FOR
BUSINESS, ENERGY AND INDUSTRIAL STRATEGY (BEIS).
KNAPTON GENERATING STATION AND ASSOCIATED
OVERHEAD LINES.**

WARDS AFFECTED: RILLINGTON WARD

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To inform members of two applications which have been made to BEIS by Third Energy UK Gas Limited under the provisions of the Electricity Act 1989. One application seeks consent to extend the operating life of Knapton Generating Station to 2035 and the other seeks consent to keep the associated overhead line operational over the same period.
- 1.2 To agree this Council's response to the applications.

2.0 RECOMMENDATION

- 2.1 It is recommended that:
- (i) The response at paragraph 6.11 of this report is made in respect of both applications.

3.0 REASON FOR RECOMMENDATION

- 3.1 To ensure that this Council's comments are considered in the determination of the applications.

4.0 SIGNIFICANT RISKS

- 4.1 The report covers a response to a consultation. There are no specific risks associated with the recommendations.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The applications have been made under the provisions of the Electricity Act 1989 and will be determined by BEIS as the appropriate authority. The District Council has been notified of the applications in its capacity as the local planning authority for the area in which the applications are located.
- 5.2 Responses to the applications are sought by the 4th February 2020.

6.0 REPORT

- 6.1 Third Energy UK Gas Limited is the owner and operator of the Knapton Generating Station. The station was originally consented under Section 36 of the Electricity Act in March 1993. The Overhead Line from which the electricity is exported to the National grid was also consented in 1993 under Section 37 of the same legislation. Existing consents to extend the life of the infrastructure to 2018 were granted permission by this Council in 2006.
- 6.2 Third Energy has made an application to BEIS to vary the consent to extend the operation of the generating station. The company, acting as agents for Northern Powergrid (Northeast) Limited, has also applied to keep the overhead line operational. Both applications seek to extend the operation of the infrastructure until 31 December 2035. No physical changes to the generating station or the overhead line are proposed.
- 6.3 The planning applications seek to vary existing conditions which consent operations to 2018. The applications have been made under the provisions of the Electricity Act 1989 and are, essentially a request for a planning direction from the Secretary of State to amend conditions of the deemed planning consent granted in 1993. This consenting route became possible as a result of changes in the consenting regime for Nationally Significant Infrastructure Projects in 2008 and is an alternative to an application being made to the District Council to vary the conditions attached to the planning permissions granted in 2006.
- 6.4 Following receipt of the applications in 2018, the Secretary of State issued an EIA Screening opinion in October 2019 which confirmed that the proposed development did not constitute EIA development. The Secretary of State subsequently confirmed that the applications met the requirements of the regulations and could be determined through this consenting regime. The applications were published for consultation in November 2019.
- 6.5 Members will be aware that the Knapton Generating Station is the facility which receives natural gas from the Ryedale gas fields. The electricity generated is exported by overhead line to the national grid. The existing 132kV line from the generating station to the Malton-Scarborough transmission line is approximately 600m long and is supported by three 30m steel towers.
- 6.6 The applications are supported by a Supporting Statement and Environmental report. Unfortunately the Supporting Statement does not provide an explicit justification for the proposed variations. The Environmental report notes that the applications have been made to:
- Extend the lifetime of the infrastructure and to,

- Ensure that KGS has planning consent into the future to produce and export electricity from gas from the Vale of Pickering wells.
- 6.7 Members are aware that Third Energy has also submitted a number of planning applications to North Yorkshire County Council to extend the operational life of well-sites in the Vale of Pickering and an application for a new production borehole at the Kirby Misperton (KM-A) well-site, for a further 17 year period (2018-2035). This Committee considered these applications at its meeting on 13 August 2019. The applications remain under consideration and are to be determined by NYCC.
- 6.8 In the absence of any detailed, explicit justification in support of the variation applications which are the subject of this report, it could be assumed that the justification for the proposed development is the same or similar to the justification provided in support of the applications made to North Yorkshire County Council. In summary, this was as follows:
- Permissions for consented activity expire in 2018. The application's aim to seek a coherent and unified strategy for extending the lifetime of the planning permissions as the infrastructure forms a coherent network
 - Allows continued production to 2035, supplying power across North Yorkshire and contributing to the local economy
 - The applicant is committed under its Licences, to maximise the economic recovery of gas
 - The period of assessment of the potential exploitation of unconventional gas resources necessitates an extension of the lifetime of the existing infrastructure
 - An extension of the lifetime of the existing infrastructure would support the increased production of conventional gas from bypass gas recovery, associated with conventional gas extraction, should trials of this technique prove successful.
- 6.9 The operation of the generating station and overhead line since the 1990's has not resulted in any significant level of complaints over noise, disturbance or amenity issues. In this respect, it is considered that the continued operation of the generating station and overhead line to 2035 would not raise significant issues of concern for this authority.
- 6.10 It is understood however, that conventional gas production in the Vale of Pickering is declining. Against this context, it is considered that the application is not supported by sufficient information to justify the proposed extension of the infrastructure to 2035. In view of the comments this Council has made in relation to the applications to NYCC, any extension of the generating station and line operation which would enable the generation of electricity from hydraulic fracturing would be of concern to this Authority.
- 6.11 A proposed response to the applications is outlined below.

The Knapton Generating Station and associated overhead line at Ochre Farm have been operational in Ryedale since the 1990's and the operations have not resulted in any significant level of complaints over noise, disturbance or amenity issues. In this respect, the continued operation of the facilities to 2035 to support electricity generation from existing consented, conventional gas extraction in the Vale of Pickering does not raise concerns for this authority.

Notwithstanding this point, it is the District Council's understanding that conventional gas production in the Vale of Pickering is declining. To this end, the applications are

not supported by a detailed or explicit justification as to why the infrastructure is required to the period 2035.

Ryedale District Council is mindful that Third Energy has submitted applications to North Yorkshire County Council to extend permission for consented activity at well – sites in the Vale of Pickering. The District Council’s response to those applications was as follows:

“Ryedale District Council is strongly opposed to the exploitation of unconventional gas resources through hydraulic fracturing in the Vale of Pickering. The applications are, in part justified on the basis that the development proposed would ensure that a network of infrastructure is in place to support hydraulic fracturing in the future. This is not acceptable to this Authority and it objects to the applications on this basis.

The development should and can only be justified on the basis of what the applicant is applying for. In this instance this is for an extension of time to undertake existing consented activity. In this respect, it is considered that the only information that is required to support the application and which should be considered as part of the decision-making process, is information which is confined to conventional gas production. However, against a context of what this Council understands to be a substantial decline in conventional gas production in the Vale of Pickering, it is considered that there is insufficient information to justify why a further extension of time of 17 years and a further borehole at the KM-A well site is required. There is insufficient information relating to or justifying the rate of production or anticipated levels/rate of continued exploitation of the conventional reserves. This Authority also objects to the applications on this basis and the lack of information provided to justify the development applied for.”

Whilst the District Council is aware that its views are sought on the continued operation of the infrastructure, it objects to the applications to extend the operational life of the generating station and the overhead lines if (as the applications to NYCC would indicate) these have been made in order to support the generation of electricity from hydraulic fracturing in the future.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
No direct implications associated with the recommendation
- b) Legal
No direct implications associated with the recommendation
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
No direct implications associated with the recommendation

8.0 NEXT STEPS

8.1 Once agreed, the Council’s response to both applications will be forwarded to the Secretary of State for Business, Energy and Industrial Strategy.

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Background Papers:

Application and associated documentation (Supporting Statement and Environmental Report)

Background Papers are available for inspection at:

Ryedale House (Reception)

Application web-site <https://www.third-energy.com/applications-kgs-and-overhead-line>

