

**DCO Examples in relation to the approval of Environmental Permits**

	NSIP	Date DCO was made by the SoS	Environmental Permit date of consent	Relevant Extracts of ExA's Report or SoS's Decision Letter
1	Knottingley Power Project (Knottingley Power Ltd)	10 <sup>th</sup> March 2015	22 <sup>nd</sup> December 2015	<p><u>ExA's Report of Findings and Conclusions (10<sup>th</sup> March 2015)</u></p> <p><i>1.10 In addition to the DCO, the power plant would require an environmental permit from the Environment Agency (EA) to control emissions to air and water. This has not yet been applied for.</i></p> <p><i>4.30 The proposed power plant would be regulated through an environmental permit which has not yet been applied for from the EA. The EA have not supplied a letter of no impediment in respect of any future permit but have stated that, from the material submitted with this application, the power plant would be capable of being adequately regulated under a permit [WRR005]. NPS EN-1 in paragraph 4.10.3 states that the ExA should work on the assumption that the relevant pollution control regime would be properly applied and enforced by the relevant regulator. At this stage, without prejudice to the EA's consideration of the permit, I do not see any reason to believe that a permit would not be granted for the plant.</i></p>
2	Meaford Energy Centre (Meaford Energy Limited)	19 <sup>th</sup> July 2016	Not yet consented	<p><u>SoS's Decision Letter (19<sup>th</sup> July 2016)</u></p> <p><i>6.1 The Secretary of State notes that the scheme will require an Environmental Permit ("EP") from the EA to cover operational emissions from the proposed development. It is also noted that the Statement of Common Ground between the Applicant and the EA states that "having considered the environmental information in the ES [Environmental Statement], the EA is satisfied that the scheme is of a type of plant (gas-fired CCGT) that should be capable of being adequately regulated under the pollution control framework and that cumulative impacts should fall within statutory limits. At this point in time the EA is unaware of anything that would preclude the grant of an EP" [ER 5.10.17]. In the circumstances, the Secretary of State considers there are no reasons to be believe the Environmental Permit will not be granted in due course.</i></p>

3	Wrexham Energy Centre (Wrexham Power Ltd)	18 <sup>th</sup> July 2017	Not yet consented	<p><u>SoS's Decision Letter (18<sup>th</sup> July 2017)</u></p> <p><i>6.1 The Secretary of State notes that the scheme will require an Environmental Permit ("EP") from NRW to cover operational emissions from the proposed development. It also requires a number of other consents, licences and permits from NRW and other authorities to construct, operate and maintain the proposed development [ER 1.8]. Without prejudice to the exercise of discretion by other authorities, and excepting matters arising from the gas connection alignment at Pickhill Bridge Farm (which are further considered by the Secretary of State below), the ExA's view is that none of the other consents, licenses and permits indicate a significant barrier to the proposed development or provide a reason why the Secretary of State should not make the recommended Order [ER 8.7.3]. In the circumstances, the Secretary of State considers there are no reasons to believe the Environmental Permit (and the other consents required for the construction, operation and maintenance of the proposed development) will not be granted in due course.</i></p>
4	Eggborough CCGT (Eggborough Power Limited)	20 <sup>th</sup> September 2018	27 <sup>th</sup> March 2019	<p><u>SoS's Decision Letter (20 September 2018)</u></p> <p><i>6.1 The Secretary of State notes that Schedule 13 of the Order is the Deemed Marine Licence ("DML") under the Marine and Coastal Act 2009 for cooling water and gas connections within the tidal section of the River Aire. The Marine Management Organisation ("MMO") submitted a number of written representations during the examination. It is understood that the MMO's principal concern had been in relation to the wording of part 2, paragraph (3)(4)(b) of the Applicant's draft DML, which they considered would have allowed the Applicant to undertake the proposed Development over a wider (and unassessed) area than indicated in the indicative DML Co-Ordinates [ER 8.8.3]. However, it is noted that revised wording was subsequently agreed within the Statement of Common Ground between the Applicant and the MMO [ER 8.8.5]. The revised wording has been included in the recommended Order and the Secretary of State agrees with the ExA that its inclusion in the Order adequately protects the interests and functions of the MMO [ER 8.8.6].</i></p> <p><i>6.2 It is noted from the EA's Statement of Common Ground [REP3-008] submitted at Examination Deadline 3 that it was agreed that the proposed Development would be</i></p>

				<p><i>subject to the Environmental Permitting regime under the Environmental Permitting Regulations 2010 ('EPR') covering operational emissions from the generating station. It was further agreed that the preferred approach to permitting the Proposed Development is to apply for a substantial variation to the existing Environmental Permit for the power station site (reference EPR/VP3930LH/V007).</i></p> <p><i>6.3 The Statement of Common Ground agrees that the Secretary of State must be satisfied that potential emissions from the Development can be adequately regulated under the EPR, as outlined in paragraph 4.10.7 of NPS EN-1. It is noted, having considered the general content of the ES for the Development, the EA is satisfied and agrees that it is of a type and nature that should be capable of being adequately regulated under EPR. Further, the EA is not aware of anything that would preclude the granting of an Environmental Permit. The EA will examine information on air quality (including the air dispersion modelling), noise and other emissions to the environment which will be provided by the Applicant as part of the Environmental Permit application, but at this point in time they are not aware of any reason why it would not be possible to address these matters as part of the EPR application process and issues that may arise.</i></p> <p><i>6.4 In the circumstances, the Secretary of State considers there are no reasons to believe the Environmental Permit will not be granted in due course.</i></p> <p><i>6.5 Similarly, the Secretary of State notes there are various other consents, licences and permits that are likely to be required to construct and operate the proposed Development [ER 1.9.1] and has no reason to believe that the relevant approvals would also not be forthcoming.</i></p>
5	Millbrook Power (Millbrook Power Limited)	13 <sup>th</sup> March 2019	25 <sup>th</sup> January 2019	<p><u>SoS's Decision Letter (13<sup>th</sup> March 2019)</u></p> <p><i>6.1 It is noted from the Environment Agency's ("EA") Statement of Common Ground [REP4-003] submitted at Examination Deadline 4 that the proposed Development would be subject to the Environmental Permitting regime under the Environmental Permitting Regulations 2016 ('EPR') covering operational emissions from the generating station.</i></p>

				<p>6.2 The Secretary of State must be satisfied that potential emissions from the Proposed Development can be adequately regulated under the EPR, as outlined in paragraph 4.10.7 of NPS EN-1. The Secretary of States notes that the Environment Agency (“EA”), having considered the general content of the ES for the proposed Development, is satisfied and agrees that it is of the type and nature that should be capable of being adequately regulated under EPR. The Secretary of State also notes that the EA is not aware of anything that would preclude the granting of an Environmental Permit.</p>
6	Tees CCPP (SembCorp Utilities)	5 <sup>th</sup> April 2019	Not yet consented	<p><u>SoS’s Decision Letter (5<sup>th</sup> April 2019)</u></p> <p>6.2 The Secretary of State notes that the proposed Development would be subject to the Environmental Permitting regime under the Environmental Permitting Regulations 2010 (‘EPR’) covering operational emissions from the generating station. The Environment Agency will examine information on air quality (including the air dispersion modelling), noise and other emissions to the environment which will be provided by the Applicant as part of the Environmental Permit application. Although it is noted that the Applicant has yet to submit an Environmental Permit application, the Environment Agency has stated that based on the information submitted to date there is no indication to suggest a Permit would not be issued [ER 1.8.1]. In the circumstances, the Secretary of State considers there is also no reason to believe the Environmental Permit will not be granted in due course.</p>
7	Drax Re-Power (Drax Power Limited)	4 <sup>th</sup> October 2019	Not yet consented	<p><u>SoS’s Decision Letter (4<sup>th</sup> October 2019)</u></p> <p>6.21 The Secretary of State notes that the proposed Development would be subject to the Environmental Permitting regime under the Environmental Permitting Regulations 2016 (“EPR”) covering operational emissions from the generating station - in the Environment Agency’s Statement of Common Ground submitted at Examination.</p> <p>6.22 The Secretary of State must be satisfied that potential emissions from the Proposed Development can be adequately regulated under the EPR, as outlined in paragraph 4.10.7 of NPS EN-1. EN-1 also offers the following: “the [decision-maker] should not refuse consent on the basis of pollution impacts unless it has good reason</p>

				<p><i>to believe that any relevant necessary operational permits or licences or other consents will not subsequently be granted. The Secretary of States notes that the ExA records that the Environment Agency confirmed that it was:</i></p> <p><i>“of the opinion that a project of this type and nature should be capable of being adequately regulated under the Environmental Permitting Regulations (EPR) and at this point the Environment Agency knows of no obvious errors or issues which would prevent a permit being granted at this time. However, as the permit application has not yet been fully assessed it would be premature to provide comments on whether or not a permit would be issued at this stage.”</i></p> <p><i>6.23 In the circumstances, the Secretary of State considers there are no reasons to believe the Environmental Permit will not be granted in due course.</i></p>
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