



Meeting note

File reference	EN010048
Status	Final
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Date	6 November 2014
Meeting with	Capture Power Limited, Environment Agency, Natural England
Venue	Teleconference
Attendees	The Planning Inspectorate Tom Carpen – Infrastructure Planning Lead Iwan Davies – Case manager Jenny Colfer – Environmental Services Team (EST) lead Hannah Pratt – EST support David Price – EST manager Karl-Jonas Johansson – Case officer Applicant Jim Doyle (Capture Power Limited) Kevin Murphy (ERM) Nick McDonald (Pinsent Masons) Environment Agency Kathryn Richardson – PPC, Yorkshire Bethany Lovell – Biodiversity Advisor, National Office Sam Kipling – Sustainable Places, Yorkshire Leigh Sayer – PPC, Yorkshire Natural England Debbie Hall James Walsh
Meeting objectives	To discuss control of Air-Mode for the White Rose Carbon Capture Storage Project
Circulation	All attendees

Summary of key points discussed and advice given:

1. Welcome and introductions

The Planning Inspectorate advised attendees about their openness policy, that any advice given will be recorded and placed on the National Infrastructure pages of the planning portal website under section 51 of the Planning Act 2008 (as amended).

The Inspectorate set out the following background to the teleconference:

- At and following the 'round-table' meeting of xx / xx / xxxx, the Inspectorate sought updates on whether the applicant considered it necessary to introduce controls on operation in 'air mode' (the power station running without carbon capture technology) through the draft development consent order to meet requirements in relevant National Policy Statements and / or to address potential impacts on Habitats Regulations sites. The applicant advised that it considered the Emissions Performance Regulations would provide appropriate controls, should they be needed, and that it was not the intention to run the power station in air mode beyond that required to enable the effective working of carbon capture plant (oxy-mode).
- The applicant submitted a draft No Significant Effects report to the Inspectorate on 9 October 2014 for its consideration. As part of its comments at a teleconference on 23 October, the Inspectorate advised the applicant of exemptions for carbon capture power stations contained within the Energy Act 2013 and asked the applicant to consider any implications for this project in advance of this teleconference.

Please note that reference to 'European sites' within this document is to Special Areas of Conservation (SAC), candidate SACs (cSAC), Special Protection Areas (SPA), potential SPAs (pSPA), Sites of Community Importance (SCI) and Ramsar sites.

2. Control of Air-Mode in Operation for the White Rose Carbon Capture and Storage project

The applicant confirmed its intention to submit a report showing no significant effect on designated European sites, in agreement with Natural England on the basis of the information provided to them. The applicant confirmed that the requirement under the Emissions Performance Scheme, to operate in air-mode for no more than 56% of the time, relates to the requirement to achieve the emissions limit of 450g/kWh of carbon dioxide. The draft No Significant Effects Report (NSER) (October 2014) the applicant has provided results of air quality modelling which demonstrate that operation of the power station in air-mode 56% of the time would not result in a likely significant effect on any of the nearby designated European sites. Previous modelling carried out in the applicant's draft Habitat Regulations Screening Assessment (HRSA) indicates that when operating at 100% air mode as a worse-case scenario a likely significant effect on several designated sites cannot be discounted.

The Inspectorate advised it consider the assessment of no significant effect is related to the control of the time the power station will operate in air-mode.

It advised the applicant that Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 set out the requirements for applicants in submitting their applications. These requirements include: for any European site which may be affected by the proposed development sufficient information that will enable the Inspectorate to make an appropriate assessment of the implications for the site.

The Inspectorate sought the applicant's consideration of the exemptions in the Energy Act 2013 below:

58 Introduction of carbon capture and storage: exemption from emissions limit

(1) The emissions limit duty does not apply during the exemption period in relation to fossil fuel plant for which there is a complete CCS system.

(2) For this purpose, a complete CCS system, in relation to fossil fuel plant, is a system of plant and facilities for—

(a) capturing some or all of the carbon dioxide (or any substance consisting primarily of carbon dioxide) that is produced by, or in connection with, generation of electricity by the generating station comprised in the fossil fuel plant,

(b) transporting the carbon dioxide (or substance) captured, and

(c) disposing of it by way of permanent storage.

(3) The exemption period for any fossil fuel plant is the period—

(a) beginning with the first day on which the fossil fuel plant and its complete CCS system are ready for use, and

(b) ending with—

(i) the expiry of 3 years beginning with that day, or

(ii) 31 December 2027, whichever is earlier.

The Inspectorate also sought the applicant's view on whether the Government's consultation currently underway on implementing the EPS and any exemptions, was relevant. In particular, the Inspectorate sought to understand whether the applicant would need to opt-in to secure an exemption if it wished to have one.

The applicant advised that the exemption did apply, and that it understood this to apply automatically. It advised that the exemption applied only to the commissioning phase of the project and that it had no intention or foresaw no need to use the full three years available.

The applicant also advised that the additional air quality impact of operating in air mode was small and less than that of a previously consented biomass power station nearby.

The Inspectorate sought to understand whether Natural England was aware of the exemption when coming to a view on the draft NSER. Natural England advised that it was not aware of the exemption, and offered to consider further modeling information to cover three years of operation under air mode, followed by operation at the limit of the Emissions Performance Scheme.

All parties discussed the role of a potential Environmental Permit to act as a control, as well as the desire to avoid the duplication of regulations. The Environment Agency and applicant advised that at present, no environmental permit had been applied for. The Environment Agency advised that, until such time that a permit application is received, the extent to which they can advise the Inspectorate on these matters (and associated Habitats Regulations issues) will be limited. The Inspectorate advised that, if a permit was chosen as the means of control, the likelihood of a Permit being granted may be a consideration should the scheme be accepted for examination.

The Inspectorate advised that, given the exemption referred to above and prior to the drafting and commencement of any implementing regulations, there is considerable uncertainty over the extent to which the EPS can be relied upon as a control mechanism in avoiding potential impacts on European sites. The Inspectorate considers that the provision of the exemption and the apparent inability to guarantee a limit on the use of the air mode method of operation will need to be taken into account in the assessment of impacts in the EIA and on European sites. The extent to which this may alter the findings in regard to no likely significant effect will need to be considered carefully by the applicant in discussion with Natural England.

The Inspectorate advised the applicant that, without prejudice to any decision the Secretary of State may make, the failure to provide sufficient information to enable an appropriate assessment to take place, where one is considered necessary could result in non-acceptance of the application. The Inspectorate advised the applicant to address this issue prior to submission of the application and that it is able to provide further advice if required. The Inspectorate also advised that, should the application be accepted, and again without prejudice to any examination or decision the Secretary of State may make, this issue may be a matter for an examination.