



Meeting note

File reference	EN010048
Status	Final
Author	Karl-Jonas Johansson
Date	13 November 2014
Meeting with	ERM on behalf of the Applicant
Venue	Temple Quay House
Attendees	The Planning Inspectorate David Price Dave Anthony Jenny Colfer Karl-Jonas Johansson ERM Rod Ellison
Meeting objectives	White Rose CCS - No Significant Effects Report Issues
Circulation	All attendees.

Summary of key points discussed and advice given:

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).

Background

The meeting was convened to discuss the planned submission of an application for the White Rose Carbon Capture and Storage (CCS) project. The Planning Inspectorate had already provided comments on the applicant's draft No Significant Effects Report (NSER) and received correspondence from Natural England as the Statutory Nature Conservation Body (SNCB). Natural England had expressed concern that having regard to a statutory 3 year exemption from the Emissions Performance Standard (EPS) the information provided may not be sufficient for the purposes of the Habitat Regulations Assessment process. This issue was the main focus of the discussion.

No Significant Effects Report (NSER) Issues

The applicant's representative explained the comprehensive nature of the information provided in the Preliminary Environmental Information (PEI) (which had modelled 100% operation in air-mode as one scenario) and stated that during consultation none of the s.42 consultees had originally indicated that there was any information missing in regard to assessing the potential impact of air emissions on designated sites.

The Planning Inspectorate explained that the relevant statutory parties during s.42 consultation were quite likely unaware of the 3 year exemption from compliance with the EPS during which time there would be no limit on air-mode operation of the plant. The applicant's representative indicated that the plant would not operate in 100% air-mode for 3 years as the commissioning phase it was assumed would be 6 months (as described in the programme supplied within the PEIR and also the EIA). Nonetheless the applicant's representative acknowledged that the EPS did allow up to three years for commissioning.

The Inspectorate indicated that though the intention would be for commissioning to take no more than 6 months the 3 year exemption would be applicable to the project and there is no guarantee that it might not take longer. Therefore the worst-case scenario should assume operation at 100% air-mode for the entire 3 year EPS exemption period.

The applicant's representative informed the Inspectorate that they believe that even if the data was used to predict the impact on the integrity of the sites in question at 100% air-mode for 3 years no impact on integrity would be found as articulated in the last draft of the NSER although the applicant's representative acknowledged that this was only a Stage 1 assessment

Natural England noted in correspondence with both the applicant and the Inspectorate dated 13 November 2014, that after reviewing the applicant's most recent No Significant Effects Report dated November 2014 there is a need for further assessment to be carried out for certain sites, proceeding to Stage 2 Appropriate Assessment.

During the teleconference held on the 6th November 2014, the Environment Agency indicated they had suggested the possibility of constraining the project through the Environmental Permit. The applicant suggested that this was not compliant with government policy to avoid duplication of legislation. The Planning Inspectorate advised at that meeting that the Inspectorate and statutory bodies operate in a framework that seeks to avoid any duplication of legislation as specified in the National Policy Statement. It further advised that in this instance there was a potential gap in the ability of EPS legislation to control impact on specific sites, and that the applicant needed to consider whether additional control was necessary through, for example, the Development Consent Order or an Environmental Permit.

The Inspectorate informed the applicant's representative that the revised assessment should take fully into account the 3 year exemption and the extent to which operation at 100% air mode for 3 years may have on designated sites. Further, the assessment should take into account the views of the SNCB and ensure that sufficient information to allow an Appropriate Assessment (if required) is provided. The applicant was reminded that sufficiency of information for this purpose is a part of the acceptance test and if the Secretary of State (SoS) thought the information was incomplete it could lead to the application not being accepted.

The applicant stated their belief that all the relevant information had been provided. The Inspectorate advised that having had regard to the information contained in the NSER and taking into account the response received by the SNCB they could not necessarily agree. The Inspectorate was unable to state how this would affect any application but did confirm that this was an important part of the acceptance test.

The applicant and the Inspectorate discussed the various options available. The Inspectorate advised the applicant's representative that the preferable way to resolve this issue was prior to submission of the application thereby avoiding unnecessary risk at acceptance.