

Abergelli Power Station: Comments on the draft No Significant Effects Report (NSER)

These queries relate solely to matters raised by the drafting of the NSER, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

Point no.	NSER Para	Extract from NSER	Question/Comment
1	1.2.1	<i>'This approach is in line with the consultation response received from NRW, in which Natura 2000 sites located more than 10km from the Project can be dismissed'.</i>	<p>The evidence to support this statement (ie the consultation response) should be provided and the NSER should clearly cross-reference to where this is located within the application documents.</p> <p>The Inspectorate notes that other recently submitted NSIPs (point source emitters) have included a study area of 15km, having regard to Environment Agency guidance on 'Air emissions risk assessment for your environmental permit' - which states that some larger (greater than 50 megawatt) emitters may be required to screen to 15km for European sites. NRW's website (https://naturalresources.wales/permits-and-permissions/environmental-permits/horizontal-guidance/?lang=en) explains that '<i>NRW is continuing to follow</i>' the Environment Agency guidance on 'Air emissions risk assessment for your environmental permit' (see https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit).</p> <p>Notwithstanding the agreement from NRW, the Inspectorate therefore recommends that the NSER contains a robust justification to support the use of a 10km search area, with reference to published guidance (rather than reliance solely on professional judgement).</p>

2	Section 1.3 (a)	Identification of potential impacts	<p>Water pollution pathway</p> <p>The NSER explains that an impact pathway exists between the application site and European sites, via the Afon Llan, but impacts would be controlled through embedded mitigation measures. Impacts to European sites from water pollution are scoped out on this basis.</p> <p>The NSER should clearly identify the specific embedded mitigation measures which would ensure impacts from water pollution would not result in likely significant effects (LSE) on the relevant European sites. It should be stated how each measure would be secured through the draft DCO or other suitable means. A table would be a useful means of presenting this information.</p>
3	1.3.10	<i>'It is therefore anticipated that the site will normally operate for 1,500 hours per year, but may operate for up to a maximum of 2,250 hours per year. The maximum number of hours that the plant can operate will be set out in the sites Environmental Permit and this operating period cannot be exceeded'.</i>	<p>For clarity, suggest confirming in the NSER how the operational hours of the Proposed Development would be limited through the draft DCO (ie link to Requirement 18).</p> <p>What assumptions have been made in the dispersion modelling regarding the times of the year at which the Proposed Development would be operational?</p>
4	1.3.10	<i>'A minimum stack height of 35 m has been proposed by APL for the proposed Project and a maximum height of 45 m. The assessment of impacts at ecological receptors has, therefore, used a stack height of 35 m as this represents the worst-case in terms of dispersion'.</i>	<p>A minimum stack height of 35m and a maximum of 45m is proposed – for clarity, suggest confirming in the NSER how this is secured through the draft DCO.</p> <p>The air quality modelling has been undertaken on the basis of a 35m stack height. To provide an understanding of how/if the impacts to air quality would vary with different stack heights, the NSER should reference the results of any dispersion modelling undertaken to assess the sensitivity of the stack height. It should be explained how the results of the modelling have informed the chosen stack height.</p>
5	Section 1.6; paragraph 1.6.3	Paragraph 1.6.3 of the NSER concludes that: <i>'There are no LSEs on Natura 2000 sites within 10km of the proposed development associated with air quality- nitrogen and nitrogen acid deposition as a result of NOx emissions from the proposed Project alone or in-combination with projects'.</i>	<p>Mitigation</p> <p>The NSER should confirm whether any mitigation measures (either embedded or further mitigation) have been relied upon to reach the conclusions of the screening assessment.</p> <p>Any such measures should be clearly set out in the NSER and in the footnotes to the screening matrices; it should be stated how each measure would be secured through cross-reference to the draft DCO or other suitable mechanism.</p>

6	Section 1.3 (b); 1.4	Potential impacts on air quality	<p><i>Nitrogen deposition</i></p> <ul style="list-style-type: none"> • NSER paragraph 1.4.4 states that the background concentration for Burry Inlet Special Protection Area (SPA) and Ramsar site is within the critical load (CL) for nitrogen. However, NSER Table 1-10 confirms the maximum CL for acid grassland is 15 and there is a background level of 15.1. • NSER paragraph 1.4.6 refers to a Natural England (NE) commissioned report: 'Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance' (Caporn <i>et al</i>, 2016), which shows that <i>'no habitats studied to date are responsive to such small incremental changes in nitrogen deposition'</i>. The Applicant is advised to expand on this point, to better relate the conclusions of NE's report to the specific habitat types relevant to (and dispersion modelling undertaken for) this project. In doing so, the Applicant should take into account the current conservation status of the relevant European sites and impacts in-combination with other developments. <p>As this is a NE commissioned report, the Applicant is advised to confirm with NRW that it agrees with the report conclusions.</p>
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7	1.5.3	<i>'Projects with point source emissions have been considered for the in-combination assessment where deposition of those emissions may be geographically coincident with this Project.'</i>	<p><i>In-combination assessment</i></p> <ul style="list-style-type: none"> • The Felindre Combined Heat and Power Facility is identified, which is a preferred location in the Deposit Local Development Plan Policy (currently at Examination). This has been discounted from further assessment, as there is no data available to undertake in-combination air quality modelling. The Applicant should review this position should the status of the Local Plan (and therefore the potential availability of background information) change. Where new/additional information on other developments comes forward during an Examination, the Examining Authority may request additional information on the in-combination effects with the Proposed Development. • What search zone has been applied when identifying other point source emitters? This should be clarified in the NSER. • The Applicant should demonstrate agreement with NRW and the LPA that all relevant plans/projects which may result in in-combination effects together with the Proposed Development have been identified and considered in the NSER.
8	1.6.6	<i>'It is the Applicant's intention to agree a Statement of Common Ground with NRW covering the matters included in this report...'</i>	<p>The Inspectorate suggests that the Statement of Common Ground with NRW includes confirmation of agreement on:</p> <ul style="list-style-type: none"> • The study area; • The European sites scoped into the screening assessment and their qualifying features; • The scope of impacts considered in the screening assessment; • The conclusions of the screening assessment – ie. that there would be no LSE, either alone or in combination, on any of the European sites screened into the assessment; and • That an appropriate assessment is not required. <p>Providing evidence of agreement on these issues with the DCO application may reduce the need for the Examining Authority to ask questions in this regard.</p>

9	n/a	n/a	<p>Monitoring</p> <p>Is any monitoring of emissions to air proposed? This should be confirmed in the NSER. If monitoring is proposed, it should be clear how this would be secured.</p>
10	n/a	n/a	<p>Effects during construction, decommissioning and maintenance</p> <p>It appears from the screening matrices that effects during construction and decommissioning have been scoped out, but this is not clear from the main report.</p> <p>The NSER (main report) should include a robust justification of why impacts during construction, decommissioning and maintenance of the Proposed Development would not result in LSE on any European site features.</p>
11	Screening matrices for the two Ramsar sites	n/a	<p>For clarity please add the relevant Ramsar criterion numbers into the 'European site features' column.</p>
12	Screening matrix for the Burry Inlet Ramsar	n/a	<p>Currently the matrix lists habitat types under the column 'European site features', rather than the designated criteria for the Ramsar.</p> <p>The matrix should instead list the designated criteria for the Ramsar (i.e. Criterion 5, waterfowl assemblage; Criterion 6, common redshank....) in separate rows and consider the likely effects on each. This is necessary to allow the Examining Authority to ensure all qualifying features of each designation have been fully considered in the assessment.</p> <p>Impacts on supporting habitats which are sensitive to air quality changes (leading to indirect impacts on the designated avian features) are relevant but should instead be detailed in the footnotes to the matrix.</p> <p>The footnotes for the Burry Inlet Ramsar matrix are labelled c and d – is this an error as this doesn't relate to the matrix?</p>

13	Matrix for Burry Inlet SPA	n/a	<p>Currently the matrix considers the effects on habitat types (which support the avian qualifying features) but this is not the correct approach as per Advice Note 10.</p> <p>The matrix should instead list each qualifying feature of the SPA (i.e oystercatcher, pintail and waterbird assemblage) on a new row and consider the likely effects on each. This is necessary to allow the Examining Authority to ensure all qualifying features of each designation have been fully considered in the assessment.</p> <p>Impacts on supporting habitats which are sensitive to air quality changes (leading to indirect impacts on the qualifying avian features) are relevant but should instead be detailed in the footnotes to the matrix.</p>
14	Footnotes to screening matrices	n/a	<p>The footnotes should include reference to agreement with NRW, where applicable.</p>
15	Screening matrices	n/a	<p>Please provide a separate Word version of the screening matrices with the application documents.</p>