

Date: 26 November 2024  
Our ref: 478224  
Your ref: EN010128



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National Infrastructure Directorate  
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Hornbeam House  
Crewe Business Park  
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CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Sir/Madam,

**NSIP Reference:** EN010128

**Application by Cory Decarbonisation for an Order Granting Development Consent  
Natural England's response to Deadline 1 including our Written Representations  
Examining Authority's submission deadline: 26 November 2024**

Natural England is pleased to provide responses and our written representations for Deadline 1 for the Cory Decarbonisation Project Examination within this letter. For ease, we have provided:

- Our answers to procedural matters requested for Deadline 1 in Appendix A;
- A brief summary and our detailed Written Representations in Appendix B.

Natural England maintains a collaborative approach, working in partnership with the Applicant. This has enabled us to resolve many matters contained in our joint Statement of Common Ground. Within our Written Representations we have detailed the areas where we have yet to reach agreement highlighting where we consider additional information is needed to understand the nature and scale of the impacts and the scope for additional mitigation.

We will continue to work with the Applicant as the application proceeds to try and reach resolution wherever this is possible and will support the Examining Authority as best we are able during the Examination itself.

For any further advice on this consultation please contact the case officer Jonathan Shavelar [REDACTED] and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully,  
Jonathan Shavelar  
Senior Officer  
Thames Solent Area Team

## **Appendix A: Natural England answers to procedural matters requested for Deadline 1**

### **Post hearing submissions, including written summaries of oral submissions at OFH, ISH1 and CAH1, and any information requested by the ExA at the OFH, ISH1 and CAH1.**

Natural England did not attend OFH, 1SH1 or CAH1 and therefore has no submissions to make.

Whilst Natural England does not wish to be heard at any subsequent open floor hearings, we do however wish to be heard at Issue Specific Hearings relevant to our role and remit and look forward to details of the topics, agendas and timings being published in due course.

### **Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA and to enable the Applicant to investigate access to suggested locations on third party land.**

Natural England does not wish to make any suggestions for site inspections.

### **Notification to be heard at any additional Compulsory Acquisition Hearing (CAH2) Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing(CAH)**

Natural England is not an Affected Person. I therefore confirm that we do not wish to be heard at any Compulsory Acquisition Hearing.

### **Notification by Interested Parties to be heard orally at an Open Floor Hearing (OFH)**

I confirm that Natural England does not wish to be heard at any subsequent open floor hearings.

### **Local Impact Reports (LIR) from Local Authorities**

This request is not applicable to Natural England in our role as a statutory adviser.

### **Notification by Statutory Parties or Local Authorities of their wish to be considered as an Interested Party**

Natural England confirms that we wish to remain an Interested Party. I can confirm that the contact details for Natural England in relation to the Examination are as follows:

- Main contact: Jonathan Shavelar, Senior Adviser
- Telephone number: [REDACTED]
- Email address (this is our preferred contact method for document sharing and project updates):  
[REDACTED]
- Postal address:  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Eastleigh  
Hampshire  
SO50 9YN
- Natural England User Code: [REDACTED]

### **Land Rights Tracker**

This request is not applicable to Natural England in our role as a statutory adviser.

**Examination Tracker**

This request is not applicable to Natural England in our role as a statutory adviser.

**Policy Tracker (if required)**

This request is not applicable to Natural England in our role as a statutory adviser.

**Written Representations (WRs) including summaries if exceeding 1500 words**

We have included our detailed Written Representations and brief summary at Appendix B.

**Latest versions of Statements of Common Ground (SoCG) and Statement of Commonality (if not provided at the Pre-Examination Procedural Deadline A)**

We have worked in collaboration with the Applicant in updating the Statement of Common Ground with the Applicant and NE are expecting this to be submitted by the Applicant by 26 November.

**Responses to Relevant Representations (RRs) (if not provided at the Pre-Examination Procedural Deadline A)**

Natural England has no observations or comments to make in relation to the submitted Relevant Representations.

**Updated Book of Reference (BoR) and Schedule of Changes to the BoR, in clean and tracked versions (if required)**

This request is not applicable to Natural England in our role as a statutory adviser.

**An updated dDCO in clean, tracked and Word versions (if required)**

This request is not applicable to Natural England in our role as a statutory adviser.

**An updated Schedule of Changes to the dDCO (if required)**

This request is not applicable to Natural England in our role as a statutory adviser.

**An updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions**

This request is not applicable to Natural England in our role as a statutory adviser.

**Draft planning obligation**

This request is not applicable to Natural England in our role as a statutory adviser.

**Comments on any further information/submissions accepted by the ExA**

Natural England has no observations or comments to make in relation to further submitted information/submissions.

**Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010**

We have not received a request for specific additional information by ExA

## **Appendix B: Natural England's Written Representation**

### **Natural England's Written Representations**

PART I: Summary and Conclusions of Natural England's advice (Pages 4-8).

Annexes:

Annex A: Natural England Advice on Air Quality Impacts (Page 9)

### **Part I: Summary and Conclusions of Natural England's advice**

#### **Summary of Natural England's Advice**

##### **Sites of Special Scientific Interest (SSSIs)**

Natural England have highlighted concern about potential impacts to Nationally Designated Sites. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) may be adversely affected by this development proposal as a result of changes to air quality affecting the site's interest features. In our Relevant Representations issued 14<sup>th</sup> June 2024 ([RR-150](#)) we requested further time to assess air quality impacts.

In an email to the Planning Inspectorate dated 30<sup>th</sup> June 2024 Natural England indicated that we were now in a position to update our formal position with regard to air quality impacts.

We have continued to work with the Applicant in order to ensure we have sufficient information to assess the air quality impacts of the project and have recently received additional information which we are in the process of reviewing.

At this stage however, we do not currently agree with the conclusions of Chapter 7: Terrestrial Biodiversity (Volume 1) of the ES ([APP-056](#)) regarding air quality impacts. We advise that further information is required in order to demonstrate that there will be no significant impact to the SSSI's interest features.

##### **Protected Species**

In addition, we issued high level advice regarding impacts to Protected Species through our Relevant Representation. We identified a risk of impact to water voles but had received limited information at that stage and our advice was therefore necessarily limited in detail.

Since our Relevant Representation we have engaged on this topic further with the Applicant. However, significant information remains outstanding as detailed in our advice below.

Part I of these written representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations ([RR-150](#)). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- International designated sites

- Nationally designated sites
- Protected species
- Biodiversity net gain
- Other valuable and sensitive habitats and species, landscapes and access routes

Our comments are flagged as red, amber or green:

- **Red** are those where there are fundamental concerns which it may not be possible to overcome in their current form
- **Amber** are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **Green** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

## **Internationally designated sites - GREEN**

### **Epping Forest Special Area of Conservation (SAC) - Air Quality**

Natural England's position regarding internationally designated sites has **not** changed since submission of our Relevant Representations ([RR-150](#)).

Subsequent to RR-150 we raised the potential for in-combination air quality impacts to Epping Forest Special Area of Conservation (SAC) with the Applicant. This has been sufficiently addressed and we confirm that we agree with the Applicant's conclusions of no adverse effect on integrity on this matter. We advise that for the purposes of an HRA for completeness you may wish to note this.

Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity of internationally designated sites, subject to delivery of the project in line with the presented design and evidence.

## **Nationally designated sites – AMBER**

### **Inner Thames Marshes Site of Special Scientific Interest (SSSI) - Air Quality**

Natural England's position regarding nationally designated sites has **not** changed since submission of our Relevant Representations ([RR-150](#)).

Natural England has been actively engaged with the Applicant on this issue, as detailed in the summary of our engagement set out in the Statement of Common Ground ([PDA-002](#)). We continue to advise that further information is required in order to demonstrate that there will be no significant impact to the SSSI's interest features. We do not currently agree with the conclusions of Chapter 7: Terrestrial Biodiversity (Volume 1) of the ES ([APP-056](#)) regarding air quality impacts to the Inner Thames Marshes SSSI.

Below is a summary of our advice on Air Quality to date. Further detail can be found in Annex A which contains our detailed advice letter of 3<sup>rd</sup> October 2024.

### **Natural England Advice on Air Quality**

Natural England requested an explanation of the terminology used in the Air Quality Impact Assessment (*Chapter 5: Air Quality of the Environmental Statement (Volume 1)*) ([APP-054](#)). This was necessary in order for Natural England to clearly assess the ecological impacts of the project on statutory sites.

We identified that additional information was required to ensure a common understanding of the terminology (and therefore impacts being assessed) and that calculations used to establish significance were understood. The Applicant has provided additional explanation which is welcomed.

### **Impact Tables**

We noted that data for the baseline and proposed scheme for each pollutant were not been provided in the impact tables.

In addition, although the background levels were contained as a range in Table 5-17, these were omitted from the Impact Assessment Tables themselves. The addition of the Baseline, the Proposed Scheme and the Background for each pollutant would benefit the tables.

We welcome that the Impact Assessment Tables include the Process Contribution as a percentage of the critical load for each pollutant.

We have identified that additional information remains outstanding:

### **Inner Thames Marshes Site of Special Scientific Interest: Additional Information Required**

Source:

- *Table 5-41 NDep Impacts: Inner Thames Marshes Site of Special Scientific Interest (SSSI) Air Quality of the Environmental Statement (Volume 1)* ([APP-054](#))
- *Response to Written Representations Document 9.2* ([AS-043](#))

Nitrogen Deposition has been calculated as 2.7% of the Critical Load for the Inner Thames Marshes. This is over 1% and is therefore significant and requires additional assessment (please see [REDACTED]). This is necessary in order to assess any impact that the scheme may have on the interest features of the Inner Thames Marshes SSSI.

We welcome the additional information provided by the Applicant on the modelled spatial impact of the scheme over the SSSI and referenced in table 3-2A Ref 3.2A.2 of the Applicant's *Response to Written Representations Document 9.2* ([AS-043](#)).

This identifies habitats in which the 1% significance threshold is breached. However, it remains necessary for the assessment to identify the sensitive interest features for which the site is notified in these locations, and to assess the impact of the scheme on these specific features.

Evidence provided indicates that areas where the 1% threshold for Ndep is breached includes units, 1, 11, and part of Unit 2. Of these units, unit 1 contains vascular plants which are a notified feature and are sensitive to air quality impacts. We advise that a clear site-specific impact assessment of the scheme on vascular plants within unit 1 of the SSSI is required in order to provide sufficient information on the ecological impact of the scheme.

Natural England have advised that it is not appropriate to state the presence of existing impact pathways as reasoning to conclude whether or not a scheme's impact is significant. The impact must be considered as a percentage of the Critical Level/ Load with additional information provided per [NEA001](#) if the 1% threshold is breached.

We note that the Applicant is further analysing the calculations to validate the findings of the assessment presented in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) ([APP-056](#)) alongside working with technology providers to investigate a design solution to consider if the modelled above 1% threshold increase in NDep affecting designated sites can be reduced. We welcome this could be a potential way to ensure that air quality impacts are avoided, but there is not enough information to rely upon this at this time.

### **Amines**

We note that Amines are included with the calculated nitrogen and acid deposition using a deposition velocity approach. We will later refer the Examining Authority to the Department of Energy Security and Net Zero commissioned project '[Environmental Capacity for Industrial Clusters](#)'. The scope of this project is relevant to air quality assessment. Natural England may advise further on impacts from Cory Decarbonisation Project through this impact pathway as further information is made available.

### **Next Steps**

A further document was presented to Natural England for review on the 19<sup>th</sup> November 2024: "Technical Note: Ammonia Emissions Limits". We have not yet reviewed this document so cannot provide an update to our advice at this time.

We expect to provide further advice on this matter to the Applicant in due course. If further information about the detail of these discussions is sought we will be happy to assist the ExA. For the avoidance of doubt we have provided our full letter on this topic issued 3<sup>rd</sup> October 2024 at Annex A.

### **Protected species - AMBER**

Natural England's position regarding protected species has **not** changed since submission of our Relevant Representations ([RR-150](#)).

Natural England were presented with a Water Vole Method Statement for review on the 8<sup>th</sup> October 2024. We have not provided formal written comments on this method statement, but our Natural England Wildlife Licensing Service (NEWLS) team had significant concerns and met with the Applicant to discuss the matter on the 21<sup>st</sup> November 2024. Given that this meeting was so recent, we have not yet agreed the minutes of the meeting or formulated written advice on the subject.

We anticipate that the Applicant will revise their mitigation proposals and Water Vole Method Statement and we will provide updated advice accordingly. The submission of a draft protected species licence application remains outstanding. This matter is of key concern given that the Application is currently in examination.

### **Biodiversity Net Gain Provision**

Natural England's position regarding provision of biodiversity net gain has **not** changed since submission of our Relevant Representations ([RR-150](#)). We are not expecting to provide detailed advice on BNG at this time.

## **Other valuable and sensitive habitats and species, landscapes and access routes**

Natural England's position regarding the range of local sites in close proximity to the proposal has **not** changed since submission of our Relevant Representations ([RR-150](#)).

## **Natural England's overall conclusions**

The key issues for Natural England relate to impacts on Nationally Designated Sites and Protected Species Licensing.

Our advice and position has not significantly changed since our Relevant Representations were made, however we are positively engaged with the Applicant and continue to work through the issues. Both of these issues have been classified as **amber**, as we anticipate that additional information should enable a resolution to these matters.

Key documents and meetings have been shared with Natural England very close to Deadline 1 and so we apologise that we have not been able to incorporate their review into this written representation.

Natural England will continue engaging with the Applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.



# Natural England's Written Representations - Appendices

## Appendix A: Natural England's advice on Air Quality

Date: 03/10/2024  
Our ref: 478224  
Your ref: EN010128



[decarbonisation@corygroup.co.uk](mailto:decarbonisation@corygroup.co.uk)

[REDACTED]  
[REDACTED]

**By email only**

**Natural England  
Foss House  
Kings Pool  
1-2 Peasholme  
Green  
York  
YO1 7PX**

Dear Cory Decarbonisation Team,

### **Natural England Advice on Air Quality Impacts**

I am writing to provide further advice relating to potential Air Quality impacts on the Inner Thames Marshes Site of Special Scientific Interest (SSSI). As you are aware, we raised this issue in our relevant reps and subsequently provided further written advice. You responded to this written advice in the annex of Meeting Minutes of July 25<sup>th</sup> 2024 which was provided to NE for comment and review on the 11<sup>th</sup> September 2024.

#### **Terminology**

Natural England requested an explanation of the terminology used in the Air Quality Impact Assessment *Chapter 5: Air Quality of the Environmental Statement (Volume 1)* ([APP-054](#)). This was necessary in order for Natural England to clearly assess the ecological impacts of the project on statutorily designated sites.

Natural England's remit concerns statutory sites and our comments are therefore restricted to the assessment of these sites.

#### **Common understanding of terms used in the Impact Assessment Tables**

Following the provision of this information, it is clear that a common understanding of the terminology (and therefore impacts being assessed) was required and that calculations used to establish significance were understood. The additional explanation is welcomed.

At this stage we hope it is helpful to summarise our understanding of the terminology used to ensure

confidence that the assessment is robust. We would be grateful therefore if our understanding of the following is confirmed.

### **Process Contribution**

Natural England uses the term Process Contribution (hereafter PC) in order to assess the air quality impact resulting from the execution of a Plan or Project on designated sites. In the case of the Cory decarbonisation NSIP the PC is described as *Maximum Impact* and is derived from the following:

- The Process Contribution (PC) of the Proposed Scheme represents the change in concentrations or deposition between the Baseline and the Proposed Scheme.
- The Baseline represents the continued operation of Riverside 1 and 2 stacks (when constructed) in the absence of the Carbon Capture facility,
- The Proposed Scheme includes Riverside 1 and 2 in addition to the Carbon capture facility proposed.
- The PC (Maximum Impact) is therefore the difference between the Baseline and the proposal.

### **Impact Tables**

We note that data for the baseline and proposed scheme for each pollutant have not been provided in the impact tables.

In addition, although the background levels were contained as a range in Table 5-17, these were omitted from the Impact Assessment Tables themselves. The addition of the Baseline, the Proposed Scheme and the Background for each pollutant would benefit the tables.

We welcome that the Impact Assessment Tables include the PC as a percentage of the critical load for each pollutant.

### **Inner Thames Marshes Site of Special Scientific Interest: Additional Information Required**

Source: *Table 5-41 NDep Impacts: Inner Thames Marshes Site of Special Scientific Interest (SSSI) Air Quality of the Environmental Statement (Volume 1) (APP-054)*

NDep has been calculated as 2.7% (now revised to 2.6 in the meeting notes) of the Critical Load. This is over 1% and is therefore significant and requires additional assessment (per [NEA001](#)). This is necessary in order to assess any impact that the scheme may have on the notified features of the Inner Thames Marshes SSSI.

We welcome the provision of Figure 1, which provides information on the modelled spatial impact of the scheme over the SSSI. This identifies that habitats in which the 1% significance threshold is breached and these are depicted as red, yellow, green and blue. However, it is necessary for the assessment to identify the sensitive interest features for which the site is notified and to assess the impact of the scheme on these specific features. We note that a map showing priority habitat (Figure 2 ) has been provided, however this is not applicable for this assessment, which requires the notified features of the SSSI to be identified and assessed as above.

Figure 2 shows the area of the SSSI over the 1% threshold for Ndep. This area includes units, 1, 11, and part of Unit 2. Of these units, unit 1 contains vascular plants which are a notified feature and are sensitive to air quality impacts. We advise that a clear site-specific impact assessment of the scheme on

vascular plants within until 1 of the SSSI is required in order to provide sufficient information on the ecological impact of the scheme.

The meeting note states that: *'although the data reported within the Environmental Statement (Volume 1) is above the threshold, the habitats are not being unduly influenced by the Proposed Scheme, there are other factors contributing to this.'*

Natural England advise that it is not appropriate to state the presence of existing impact pathways as reasoning to conclude whether or not a scheme's impact is significant. The impact must be considered as a percentage of the Critical Level/ Load with additional information provided as above if the 1% threshold is breached.

We note that The Applicant is further analysing the calculations to validate the findings of the assessment presented in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) alongside working with technology providers to investigate a design solution to consider if the modelled above 1% threshold increase in NDep affecting designated sites can be reduced. We welcome this could be a potential way to ensure that air quality impacts are avoided, but there is not enough information to rely upon this at this time.

### **Epping Forest SAC**

We note the further calculations for the impact of ammonia on Epping Forest. We note your conclusion and for the purposes of any HRA for completeness you may wish to audit this. We do not disagree with the conclusion.

### **Amines**

Thank you for confirming that Amines are included with the calculated nitrogen and acid deposition using a deposition velocity approach. We will later refer the Examining Authority to the Department of Energy Security and Net Zero commissioned project 'Environmental Capacity for Industrial Clusters'. The scope of this project is relevant to air quality assessment. Natural England may advise further on impacts to nature from Cory Decarbonisation Project through this impact pathways as further information is made available.

Natural England will continue to work with the Cory Decarbonisation team to attempt to resolve this issue. If you have any questions or wish to discuss our advice in a meeting please let me know.

Yours sincerely,

Jonathan Shavelar  
Senior Officer – Major Infrastructure  
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Natural England

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Natural England  
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Senior Officer – Major Infrastructure  
Thames Solent Team  
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