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To the Applicant

Your Ref:

Our Ref: EN010128

Date: 29/11/2024

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Dear Sir/Madam

## **The Planning Act 2008 (as amended) – Section 89**

### **Application by Cory Environmental Holdings Limited for an Order Granting Development Consent for the Cory Decarbonisation Project**

#### **Notice by Applicant of Intention to Submit a Request for Proposed Changes to the Development Consent Order (DCO) Application**

Thank you for your letter dated 22 November 2024 [Examination Library reference [AS-063](#)] providing the Applicant's Notification of Intention to Submit a Change Request (NISCR) for changes to the application. It has been published on the National Infrastructure Planning website and can be found using the [above link](#). It sets out:

- the Applicant's description of the proposed changes;
- the Applicant's reasons and need for making the proposed changes;
- a statement establishing that no additional land outside the proposed Order Limits would be required, and confirming that the Applicant is not seeking a request to include additional Compulsory Acquisition powers;
- a statement establishing that the Applicant does not expect the changes to result in new or different likely significant environmental effects;
- the Applicant's view on how the proposed changes relate to anticipated statutory timescales;
- the Applicant's commentary on the need for consultation and, if required, the proposed consultation scope, approach, and timescales, and;
- the expected submission date for the Change Application.

The letter follows the approach set out in Step 1 of the recommended procedure in the Planning Inspectorate's '[Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination](#)' advice (the Advice).

The Applicant seeks advice from the Examining Authority (ExA) regarding the above matters, allowing them to decide how to progress the Change Application, although ultimately it will be a matter for the ExA to decide whether to accept a Change Application once one has been formally made.

### ***Proposed removal of Great Breach Pumping Station from the Order Land***

The ExA notes that the proposed change of the removal of the Great Breach Pumping Station was made in response to the Relevant Representation by the Environment Agency, and that the NISCR has been made in response to the ExA's procedural decision in the [Rule 8 letter](#) of 18 November 2024.

The ExA notes that the documents and plans showing the proposed change have already been accepted into the Examination without prejudice. The ExA agrees that it will not be necessary to provide additional revised documentation in respect of this particular proposed change when it is formally made, provided that those revised documents are clearly identified and itemised in any Change Application.

### ***Proposed alteration of situation of Stack(s) relative to Absorber Column(s), addition of ground-mounted gas-gas heat exchanger, addition of air-cooled heat transfer systems, and increase in height of the Regenerator***

The Applicant has detailed that the proposed changes would consist of:

- Work No 1A – Providing for the use of electrically driven fans passing air over finned tubes to cool fluid being used as part of the carbon capture process. These finned tubes would sit above the proposed process pipe and duct bridges and equipment components within the area of Work No 1A. This change would involve the addition of “air-cooled heat transfer systems” at the end of Work No 1A in Schedule 1 of the draft Development Consent Order (dDCO). These fins would be within the overall height parameters set by the dDCO. The Applicant advises that the cooling system for the Proposed Scheme may be able to be optimised through these additions, as identified through design development of the proposal.
- Work No 1B – The Stack(s) may no longer be located directly on top of the Absorber Column(s), rather the Stack(s) could potentially be connected to, but forming a separate stack, or totally separate from, and directly adjacent to, the Absorber Column(s). Such a change would facilitate a ground-mounted gas-gas heat exchanger, which may enhance heat recovery and reduce the cooling load for the Carbon Capture Facility. The height of the Stack(s) would remain similar to the current proposals. The Applicant would retain the minimum 30m distance between the top of the Stack(s) and the Absorber Column(s) to avoid downwash of pollutants. However, the Applicant acknowledges that greater clarity of this potential design approach would need to be accounted for in how the parameters are expressed in Schedule 16 of the dDCO, and they advise that this would form the basis of their Change Application.
- Potential maximum increase in the height of the ‘Regenerator’ – The Applicant now seeks the flexibility for the Solvent Regeneration System to be able to be constructed, such that the Regenerator Column sits above the Solvent Processing

System, rather than separately, thereby increasing the overall height of the System to 60m (63m AOD).

- Changing the description within the dDCO:
  - Work No 1A (i) – The word ‘system’ would be included. This is to ensure all system processes which form part of flue gas pre-treatment are encapsulated in what would be consented.
  - Work No 1A (v) – The word ‘system’ would be included. This is to ensure all system processes which form part of solvent heat exchange are encapsulated in what would be consented.
  - Work No 1C (iii) – The phrase ‘and deoxidation’ would be added after liquefaction unit(s). This is to capture all processes, including deoxidation which form part of the CO<sub>2</sub> conditioning system(s) (of which the liquefaction also forms part).
  - Work No 1C – Addition of ‘chemical storage and distribution handling facilities’. This is in addition to the ‘chemical storage and distribution handling facilities’ which would be located in Work No 1E(viii). A number of chemicals are required for operation of the Carbon Capture Facility, including for flue gas pre-treatment and CO<sub>2</sub> Processing Plant which are located within Work No 1.

The ExA considers the Applicant’s NISCR provides a sufficiently clear description of the proposed changes, and sets out the Applicant’s rationale and need for making the changes. The ExA notes that the changes would be within the same spatial limits for the various work packages as set out on the Works Plans [AS-053].

It is unclear whether the change would potentially result in the stacks being located closer to sensitive receptors. The Applicant is requested to make it clear in any Change Application if this would be the case, and if it were, what the implications would be.

The Applicant points out that they are “...considering whether any air quality modelling to account for the potential change to stack design is necessary”. Consequently, the Applicant will need to either:

- provide a robust justification for why the existing air quality modelling (and the relevant assessment conclusions) remain valid; or,
- update the air quality modelling and assessment findings where relevant.

The Applicant notes that they do not consider that the change will result in changes to likely significant effects reported in the Environmental Statement (ES). That the position will need to be confirmed in the Change Application. Even if this is not anticipated, in the interest of certainty the Applicant will also need to confirm in the Change Application whether the proposed changes would result in any changes to the conclusions of the Habitats Regulations Assessment Report.

Given that the Indicative Elevations [APP-016] show combined Absorber Columns and Stacks and are annotated to the effect that the indicative design height of the Regenerators would be 32m (AOD), it will be important to illustrate the proposed changes in a similar manner, acknowledging that they are indicative. Similarly, it is noted that Applicant intends to provide revised Photomontages [APP-104]. The applicant should

review the application and any findings or assumptions made on the configuration anticipated when the application was made, for example ES - Chapter 2: Site and proposed Scheme Description [APP-051] describes the "...Emissions Stack(s) at the top of the Absorber Column(s)".

The Change Application should show how the change has taken or would take the Design Principles and Design Code [AS-020] into account. The Applicant will need to be mindful of the guidance in paragraph 018 of [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects](#).

### **Consultation**

The ExA has noted the Applicant's comments about the need for consultation and also that the changes would involve the removal of an area of land. However, given the nature of the proposed changes the ExA considers that parties will need to be notified of the changes. The ExA notes the Applicant's proposed consultation programme would provide more than the minimum period set out in the Advice and considers that this would be reasonable, allowing for a period before and after what for many people will be a festive break at the end of the year. As such the ExA considers the proposed consultation as set out in the NISCR is required and should ensure the fair, appropriate and proportionate consultation that would be necessary.

The ExA notes that the Applicant confirms that there would be no additional land outside of the Order Limits required for the proposed changes and that there would be no upgrade required of the powers sought over the plots as shown on the Land Plans. The Proposed Changes would not, therefore, require the inclusion of "additional land" as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and consequently those Regulations would not be engaged.

The Advice requires the Applicant to consult all those persons prescribed under the Planning Act 2008 s42(1)(a) to (d) who would be affected by the proposed changes. It goes on to point out that if a targeted approach to the identification of those affected by the proposed changes is adopted then detailed justification should be provided about why the applicant considers it is not necessary to consult all the prescribed persons, although the ExA notes that this is not the Applicant's intention. If applicable, any **newly** prescribed persons that have been consulted in relation to the proposed change but were not consulted in relation to the original application need to be identified in a statement from the Applicant.

The Applicant should ensure that there is a clear visual illustration of the proposed changes accompanying the information on the Applicant's website to assist in parties understanding the scope of the change.

If the ExA decides to accept the proposed changes into the Examination, all Interested Parties will have an opportunity to make representations on the changed application in writing, or orally at hearings as might be appropriate, as the Examination progresses. Nonetheless, if the ExA is not satisfied with the extent of non-statutory consultation undertaken by the Applicant, the ExA may request that further non-statutory consultation is

carried out. This would be to safeguard the interests of and/or inform those potentially impacted by the changes who might not be already involved in the Examination.

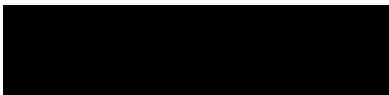
**Next steps**

The ExA notes the Applicant's intention to submit the Change Application at Deadline 3, that is 17 January 2025. This must provide the information required by Step 4 of the Advice.

The Applicant is asked to ensure that the Change Application responds fully to the points made above. Additionally, without prejudice to any view as to the materiality or merits of the proposed changes to the application, the ExA may wish to understand more about the nature of the changes and their impacts and may do so by asking questions in writing or at any hearings during the Examination.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided in this letter.

Yours faithfully



**Examining Authority**

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