

Date: 13 December 2024
Our ref: 478224
Your ref: EN010128



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Dear Sir/Madam,

NSIP Reference: EN010128

Natural England's comments for Cory Decarbonisation Project Deadline 2

Examining Authority's submission deadline: 13 December 2024

Natural England are pleased to provide a submission for the Deadline 2 matters. This includes an update to our written representations.

Comments on any further information or submissions received at Deadline 1, including LIRs and WRs

Natural England has provided comment on the Technical Note: Ammonia Emissions Limits which we have included in our submissions for Deadline 2 below.

Any comments on the change to the application detailed in Annex B, Item 6, and accepted by the ExA into the Examination

Natural England notes and welcomes the ExAs comments regarding the requirement for the Applicant to clarify if the Change Application would result in the stacks being located closer to sensitive receptors, and any potential changes to the applicant's air quality assessment that would result from this change. Natural England reiterates that we do not currently concur with the Applicant's conclusion of likely significant effects reported in the Environmental Statement (ES) with regard to Inner Thames Marshes SSSI and continue to work with the Applicant to resolve this matter.

Applicant's draft itinerary for an Accompanied Site Inspection (ASI) and suggestions for any locations for unaccompanied site inspection (USI)

Natural England has no comments or suggestions regarding site inspections.

Comments on the draft planning obligation

Natural England has not commissioned our legal services team for comments on this document. If our bespoke advice on this topic is required by the ExA please let us know.

Any further information requested by ExA under Rule 17 of the Examination Rules

Natural England is not aware of any further information requests from the ExA under Rule 17.

Technical Note: Ammonia Emissions Limits

Update from Natural England – Air Quality Impacts

We thank the project team for providing a technical update regarding the forecasted changes in Ammonia Emissions from the completed Cory Decarbonisation project.

Natural England has the following advice regarding the Technical Note.

Overarching Advice

We have advised that the terminology and methodology used to assess the air quality impacts of the scheme on statutory sites differs from Natural England's guidance. We have advised that a common understanding of the terms used is required in order to ensure clarity of assessment conclusions.

We advise that for the purpose of assessment, it is emissions from the proposed scheme which are relevant. These emissions are the result of Carbon Capture Technology being added into Riverside One and Two (when built). The assessment update currently focuses on the reduction from the existing situation but does not specify the Process Contribution clearly. The residual emissions could still have an environmental impact or harm/adversely impact nearby sites. This is complicated by the fact that Riverside Two is not yet built and the modelling relies upon the use of novel technology.

Emissions Limit Value (ELV)

We note that this new information includes the addition of the Emission Limit Value (ELV) provided by the supplier, to the Decarbonisation process, which indicates that the process will result in a reduction in ammonia emissions when compared with that presented in *Chapter 5: Air Quality of the Environmental Statement (Volume 1) (APP-054)*. Therefore, reductions in the amount of nitrogen deposition from the project are also predicted. We advise that it is not appropriate to include ELVs in this assessment as mitigation. It is assumed that an amendment to the Environmental Permit will be sought to ensure the revised ELVs are applied to the plant. We advise that you consult the Environment Agency regarding this matter.

Inner Thames Marshes SSSI

Natural England continues to advise that where the 1% significance threshold is breached, a site-specific assessment of the designated interest features of the site, at relevant locations, is required in order to fully assess the ecological impact of the project on protected sites (as outlined in Natural England's NEA001 guidance). In the absence of this assessment the project will not be able to conclude no harm or no likely significant effect to these features.

The removal of the "baseline" (no carbon capture) does not clearly show how the proposed scheme would directly affect the SSSI. The project will continue to produce emissions which have been modelled to fall within the Inner Thames Marshes SSSI and breach the 1% threshold. Furthermore, we have advised that sensitive ecological features (vascular plants) are located in this area which are sensitive to NDep and ammonia (critical level of $3\mu\text{g}/\text{m}^3$).

When presenting the assessment, it is of key importance to clarify that the emissions predicted from the project alone should be the "proposed scheme" emissions. Proposed reductions in background emissions as a result of the addition of carbon capture *can* be taken into account in the assessment – however, that reduction alone cannot be used as justification that the residual emissions would not harm the protected site.

This does not in itself mean the proposed scheme is unacceptable or that harm would occur to the designated features. But the assessment requires consideration of the features themselves, and how air quality changes could impact on the designated features, which remains outstanding.

An example is as follows:

Anas crecca (Eurasian teal) is recorded on APIS as having a critical load associated with saltmarsh. The assessment is required to address whether any botanical changes to the broad saltmarsh community

would adversely affect this feature. The existing background pollutant levels, trends in pollutants, the location on site of the designated features etc. should all be considered (as outlined in Natural England's NEA001 guidance).

Further advice

We would welcome additional clarification regarding the calculations presented in Table 2 of the Technical Update. It is not clear how these values have been calculated and we reiterate that the use of ELV is not appropriate here. In addition, there appear to be a number of errors in the values calculated in each of the tables.

For example, it appears the calculation from data shown in Table A2 of the Technical note (Maximum Impact on Nitrogen Deposition as a percentage of site-specific critical loads) is based on the "proposed scheme" minus the "baseline", resulting in an "impact" – which is then converted to a % of the critical load (10kgN/ha/yr). For example – for Inner Thames Marshes SSSI the "2018 Max PC" is shown in Table A2 as being -0.02kgN/ha/yr, but it is unclear how this figure is reached from the proposed scheme (0.73kgN/ha/yr) minus the baseline (0.86kgN/ha/yr) – which would result in an "impact" of -0.13kgN/ha/yr.

We reiterate that for the purpose of assessment, it is emissions from the proposed scheme which will be relevant, and not any reduction from the existing situation.

The key outstanding matters are:

- a) that the emissions from the proposed scheme need to be clarified and provided not as a reduction from the existing situation, but independently.
- and b) where the 1% threshold is breached with the introduction the project (i.e. there is a "perceptible" amount of pollution reaching the protected site), the assessment should determine whether the predicted emissions would result in harm to the designated features of the site.

It would also be helpful to quantify any predicted retardation of the recovery of affected habitats within the SSSI. The report states that the scheme will not slow recovery, but this is not evidenced or quantified.

We wish to reiterate that citing high existing background levels from alternative sources as justification for concluding no likely significant effect from a specific plan or project is not valid. As small increase in a site already over critical load may have a significant impact.

We plan to meet with the project team to directly discuss this issue and maintain a collaborative approach to working.

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

Yours faithfully

[REDACTED]
Senior Officer
Thames Solent Area Team