

**Portland Energy Recovery Facility**  
Portland Port, Castletown, Portland,  
Dorset, DT5 1PP

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**PPF21 Summary of Proof of Evidence  
– Habitat Regulations Assessment**

Powerfuel Portland Limited  
November 2023

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## 1.0 Summary

- 1.1 The Habitat Regulations Assessment proof of evidence has been prepared by Jeff Picksley MCIEEM. Jeff was involved in the initial stages of scoping out the potential impacts of the proposals on sites within the NSN and prepared the shadow Habitat Regulations Assessment that was submitted in support of the application to Dorset Council.
- 1.2 The proof of evidence has been prepared to set out the current position relating to the Habitat Regulations Assessments undertaken by Dorset Council and the Environment Agency for the Portland ERF project.
- 1.3 The project required the consent, permission or other authorisation from more than one competent authority. The Environment Agency assessed the operation of the proposed plant and effects associated with the stack emissions and any permitted discharges to water. Dorset Council undertook a Habitat Regulations Assessment of the impacts of the scheme linked to pollution of the marine environment during construction and operation, dust generation and air pollution from emissions and associated traffic movements. Natural England has confirmed that it agrees with the conclusions of both assessments.
- 1.4 The appropriate assessment undertaken by Dorset Council considered impacts on Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA/Ramsar, Isle of Portland to Studland Cliffs SAC and Studland to Portland SAC. No credible impact pathways on Crookhill Brick Pit SAC were identified and assessed.
- 1.5 The appropriate assessment undertaken by the Environment Agency considered impacts on Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA/Ramsar and Isle of Portland to Studland Cliffs SAC. No credible impact pathways on Studland to Portland SAC or Crookhill Brick Pit SAC were identified and assessed by the Environment Agency.
- 1.6 The appropriate assessment undertaken by Dorset Council considered air pollution impacts for Chesil and the Fleet SAC and the Isle of Portland to Studland Cliffs SAC. It concluded that concentrations of NO<sub>x</sub> and NH<sub>3</sub> arising from traffic emissions and impacts of nitrogen deposition would not result in adverse effects on the integrity of either SAC.
- 1.7 The appropriate assessment also considered impacts related to changes in water quality on all three SACs and the Chesil Beach and the Fleet SPA/Ramsar and the effects of dust on the Isle of Portland to Studland Cliffs SAC. DTA Ecology advised Dorset Council that a conclusion of no adverse effect on site integrity in respect of water quality and dust can rely on the use of conditions or restrictions subject to which planning permission may be granted.
- 1.8 The Environment Agency appropriate assessment considered emissions from the emergency diesel generator and the stack. The impacts on the Isle of Portland to Studland Cliffs SAC arising from increased concentrations of nitrogen oxides and ammonia were considered, as was the impact of increased rates of nitrogen deposition.
- 1.9 The appropriate assessment concluded there would be no adverse effect on the integrity of the SAC arising from short-term NO<sub>x</sub> emissions from the main stack or the testing of the emergency diesel generator, or from increased ammonia concentrations.

- 1.10 The Environment Agency also concluded that, as the PEC for nitrogen deposition would not exceed the site-relevant critical load for nitrogen deposition, there would be no adverse effect on site integrity.
- 1.11 The in-combination assessment undertaken by the Environment Agency considered two projects and concluded that the emissions from these projects are not likely to have a significant effect in-combination with the Portland ERF.
- 1.12 DTA Ecology advised Dorset Council that operational impacts associated with the discharge of uncontaminated surface run-off will be subject to an environmental permit issued by the Environment Agency and will be considered in its HRA. The treatment of surface water runoff is covered by the submitted flood risk assessment. The surface water drainage strategy proposes the re-use of existing points of discharge in three separate locations to accommodate water from the roof and runoff from highways and paved areas. Runoff from the yard areas and highway will be routed through a new SuDS swale and bypass separator to provide treatment of the surface water prior to discharge.
- 1.13 The appropriate assessments undertaken by both Dorset Council and the Environment Agency have concluded that the project passes the tests set out in paragraph 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The project, both alone and in-combination with other plans and projects, will not result in an adverse effect on the integrity of any of the NSN sites assessed. Natural England has confirmed it agrees with the conclusions reached in both appropriate assessments.
- 1.14 Since the application was refused there have been two important updates to the Air Pollution Information System (APIS) website. On 25 May 2023 the database was updated with pollutant information for the mid-year 2020 (2019-2021) for all pollutants. On 10 July 2023 the critical load ranges for nitrogen were updated to reflect the revised values set out in the 'Review and revision of empirical critical loads of nitrogen for Europe'.
- 1.15 The previously prepared appropriate assessments will need to be updated to reflect the revised critical loads for these habitats. Critical levels for these sites have not changed since the original assessments were undertaken by Dorset Council and the Environment Agency. My proof provides details of these changes and how they affect the appropriate assessments prepared by the competent authorities.
- 1.16 The updating of the appropriate assessments is required to ensure that the competent authorities are using the best available information at the time the appropriate assessments are undertaken. The competent authorities would still be able to conclude no adverse effect on the integrity of the NSN sites after updating the relevant documents.