



OTHER CONSENTS AND LICENCES STATEMENT: 5.5

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

March 2024

Revision A

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1. INTRODUCTION

1.1.1. WSP has been instructed by Cory Environmental Holdings Limited (hereafter referred to as the Applicant) to prepare an **Other Consents and Licences Statement (Document Reference 5.5)**, for the Cory Decarbonisation Project (hereafter, the 'Proposed Scheme'). The Proposed Scheme will be located at Norman Road, Belvedere in the London Borough of Bexley (LBB) (National Grid Reference/NGR 549572, 180512). The following figures are available in the Environmental Statement (ES):

- **Figure 1-1: Site Boundary Location Plan (Volume 2); and**
- **Figure 1-2: Satellite Imagery of the Site Boundary Plan (Volume 2).**

1.1.2. The Applicant intends to construct and operate the Proposed Scheme to be linked with the River Thames. It comprises of the following key components, which are described below, and further detail is provided within Chapter 2: Site and Proposed Scheme Description (Volume 1):

- The Carbon Capture Facility (including its associated Supporting Plant and Ancillary Infrastructure): the construction of infrastructure to capture a minimum of 95% of carbon dioxide (CO₂) emissions from Riverside 1 and 95% of CO₂ emissions from Riverside 2 once operational, which is equivalent to approximately 1.3Mt CO₂ per year. The Carbon Capture Facility will be one of the largest carbon capture projects in the UK.
- The Proposed Jetty: a new and dedicated export structure within the River Thames as required to export the CO₂ captured as part of the Carbon Capture Facility.
- The Mitigation and Enhancement Area: land identified as part of the **Landscape, Biodiversity, Access and Recreation Delivery Strategy (Document Reference 7.9)** to provide improved access to open land, habitat mitigation, compensation and enhancement (including forming part of the drainage system and Biodiversity Net Gain delivery proposed for the Proposed Scheme) and planting. The Mitigation and Enhancement Area provides the opportunity to improve access to outdoor space and to extend the area managed as the Crossness Local Nature Reserve (LNR).
- Temporary Construction Compounds: areas to be used during the construction phases for activities including, but not limited to office space, warehouses, workshops, open air storage and car parking, as shown on the **Works Plans (Document Reference 2.3)**. These include the core Temporary Construction Compound, the western Temporary Construction Compound and the Proposed Jetty Temporary Construction Compound.
- Utilities Connections and Site Access Works: The undergrounding of utilities required for the Proposed Scheme in Norman Road and the creation of new, or the improvement of existing, access points to the Carbon Capture Facility from Norman Road.

- 1.1.3. Together, the Carbon Capture Facility (including its associated Supporting Plant and Ancillary Infrastructure), the Proposed Jetty, the Mitigation and Enhancement Area, the Temporary Construction Compounds and the Utilities Connections and Access are referred to as the 'Proposed Scheme'. The land upon which the Proposed Scheme is to be located is referred to as the 'Site' and the edge of this land referred to as the 'Site Boundary'. The Site Boundary represents the Order Limits for the Proposed Scheme as shown on the **Works Plans (Document Reference 2.3)**.

1.2. SCOPE AND OBJECTIVES

- 1.2.1. The purpose of this document is to provide information on the additional consents and licences that are or may be required to construct and operate the Proposed Scheme.
- 1.2.2. Section 37 of the Planning Act 2008 (PA 2008) governs the content of an application for a DCO, including the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations).
- 1.2.3. Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany a development consent application. Guidance issued by the Department for Communities and Local Government: 'Planning Act 2008: Application Form Guidance' (June 2013) (paragraphs 45 and 46) requires that:

"Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of.

The applicant should also, either in Box 24 or elsewhere in one of their application documents, set out whether there are, in principle, any reasons why such consents etc. might not be granted. In providing this information the applicant should reference responses received from the relevant authorising bodies regarding the likelihood of such consents etc. being granted."

- 1.2.4. This document lists the other consents and licences, in addition to the DCO or that are incorporated into the DCO, which the Applicant intends, or may be required, to obtain to allow the construction, operation and maintenance of the Proposed Scheme. These are not obtained as part of the DCO.

1.3. APPROACH TO CONSENTING REQUIREMENTS INCORPORATED WITHIN THE DRAFT DCO

- 1.3.1. Section 33 of the PA 2008 makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project (as is the case for the Proposed Development).
- 1.3.2. Part 7 of the PA 2008, in particular section 120, makes it clear that the following can be included within a DCO:
- ancillary matters (including those listed in Part 1 of Schedule 5 to the PA 2008);
 - the application, modification or exclusion of statutory provisions for which the provision may be made in the DCO;
 - amendment, repeal or revocation of any local legislation, where thought necessary or expedient by the Secretary of State in consequence of or in connection with the DCO; and
 - incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 1.3.3. Section 150 of the PA 2008 states that a requirement to obtain certain prescribed consents, or authorisations, under the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 can be removed by the DCO with the consenting body's agreement.
- 1.3.4. From the above, it is clear that the intention of the PA 2008 is to encourage as many consents to be 'wrapped up' in a DCO as possible creating a 'one-stop-shop' approach for construction-related consents.
- 1.3.5. The Applicant considers that the approach to including consents with a DCO should apply for both those that do, and those that do not, require the agreement of the relevant body under section 150 in order for them to be included in the DCO. The Applicant envisages the approach being as follows:
- The DCO contains an express provision disapplying the requirement for the consent in question.
 - In exchange, the DCO includes either 'protective provisions' for the benefit of the body concerned or the body has a role in the discharge of DCO Requirements. Protective provisions are incorporated into the draft DCO for the Proposed Development at Schedule 15 and Requirements at Schedule 2.
 - Protective provisions are specifically stated to have effect unless otherwise agreed between the Applicant and body concerned.
 - Compliance with the provisions is a matter as between the parties and can be enforced accordingly.
 - Either way, the protective provisions provide a means for the body concerned to monitor, enforce compliance and to review the effectiveness of the approval

- The mechanism of approval being given under the protective provisions allows the body concerned to approach a project in two stages (i) the DCO application stage, where the principle of the project is accepted by the body concerned and the detail of the protective provisions is negotiated and (ii) the subsequent approval stages under the protective provisions which cannot be unreasonably refused where detailed matters going to construction can be properly considered.

1.3.6. This is a tried and tested approach adopted in numerous local and public (hybrid) Acts, Harbour Act Orders, Transport and Works Act Orders for many decades and which is now firmly established in the case of DCOs to date since the introduction of the Planning Act 2008.

1.4. CONSENTS INCORPORATED IN THE DRAFT DCO

1.4.1. The principal consent for the Proposed Scheme will be a DCO. The DCO process enables land acquisition, along with many consents and powers, to be dealt with at the same time. The DCO application may, however, need to be supplemented by other applications because:

- a particular consent cannot be contained in the DCO;
- a consenting authority declines to allow consent to be contained in the DCO; or
- it is not desirable or it is inappropriate to include consent within the DCO due to the stage of design development and the level of detail available at the time the DCO is made.

1.4.2. The majority of consents required are included, or addressed, within the **Draft DCO (Document Reference 3.1)**, as permitted by various provisions of the PA 2008, although discussions in some of these respects are continuing with the principal stakeholders. These fall into the following categories:

- authorisation of all permanent and temporary works for the Proposed Development, which is described as the "authorised development" in Schedule 1 to the draft DCO (equivalent to planning permission). Article 3 is the principal power in this respect;
- compulsory acquisition of land and of rights over land, the temporary possession of the land and other related powers. Articles 26-34 of the draft DCO provide these powers;
- authorisation of oversailing land, pursuant to article 24 of the draft DCO;
- consent to carry out street works and to temporarily prohibit the use of streets. Articles 11 and 14 of the draft DCO provides this power;
- consent to alter the layout of streets. Article 12 of the draft DCO provides this power;
- consent to permanently stop up and divert highways. Article 13 of the draft DCO provides this power;

- consent to permanently close divert and create new public rights of way. Article 15 provides this power;
- consent to create permanent and temporary means of access or improve existing means of access. Article 16 of the draft DCO provides this power;
- traffic regulation matters required during construction that are equivalent to Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Article 18 of the draft DCO provides this power;
- land drainage consent(s) under section 23 of the Land Drainage Act 1991. Article 6 provides this power;
- consent or approval for the carrying out of the works required under any relevant byelaws made under the Land Drainage Act 1991. Article 6 provides this power;
- consent or approval for the carrying out of the works required under any relevant byelaws made under the Water Resources Act 1991;
- flood risk activity permit(s) from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. Article 6 of the draft DCO provides this power, which is linked to protective provisions in Schedule 14 of the draft DCO;
- requirement for a licence under the Marine and Coastal Access Act 2009 for works within the River Thames. Article 40 and Schedule 13 provides for such a licence;
- requirement for a licence under the Port of London Act 1968 for works within the River Thames. Article 6 and the protective provisions for the PLA in Schedule 14 of the draft DCO deal with this;
- interactions for dealing with statutory undertakers are provided for pursuant to the relevant protective provisions in Schedule 14 of the draft DCO;
- consent to fell trees, discharge water, and to maintenance dredge are provided for by articles 22 and 25, with the requirement for a tree felling licence removed by article 49, and other associated protections in Schedule 13 (Deemed Marine Licence) and Schedule 14 (protective provisions) of the draft DCO;
- facilitating the extension of Crossness Local Nature Reserve, through article 48 of the draft DCO;
- Enabling the stopping up of navigation in the river Thames during construction of the Proposed Scheme, through article 23 of the draft DCO and
- the anticipated future requirements under Schedule 3 of the Flood and Water Management Act 2010 have been disapplied (building on the existent drafting that does this for NSIPs) by article 49 of the draft DCO.

1.4.3. Consents under the Land Drainage Act, Water Resources Act and the Environmental Permitting Regulations are prescribed in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. As a result, under section 150 of the PA 2008, the relevant consenting body must agree to the

inclusion of these consents within (i.e. disapplied by) the DCO. Discussions between the Applicant and these consenting bodies are ongoing, with no consents yet formally given.

- 1.4.4. For consents not prescribed, the Applicant is in discussions with all relevant parties on the wording of the relevant protective provisions and the Deemed Marine Licence contained within the draft DCO.
- 1.4.5. In both cases, as the protective provisions used in the draft DCO have used the provisions accepted by those parties for the Riverside Energy Park DCO as a base, the Applicant is confident that the necessary agreements will be obtained before or during the examination of its application.

1.5. OTHER CONSENTS AND LICENCES

- 1.5.1. Table 1 lists the type of consent or license likely to be required outside of the DCO, the relevant consenting body, and the status of the relevant application (e.g. whether the consent/ license has been granted or the anticipated application submission date).
- 1.5.2. A full glossary of defined terms and abbreviations is presented in the **Project Glossary (Document Reference: 1.7)**.
- 1.5.3. This document will be updated by the Applicant during the examination of the Application and documents that have been superseded will be clearly identified as such.

1.6. AGREEMENTS

- 1.6.1. Agreements with third parties may be required in parallel to the DCO process and may take a variety of forms, including alongside protective provisions.
- 1.6.2. The preparation of Statements of Common Ground (SoCG) with third parties to identify the matters on which agreement is achieved is important to the DCO process, serving to narrow the focus for examination making that period of the determination process more efficient. SoCG will be progressed with relevant parties by the Applicant where appropriate.

Table 1: Other Consents, Licences and Permits

Ref No.	Nature of Consent	Relevant Legislation	Consenting Authority	Status/ Comment
1.	Environmental Permit for the operation of the Carbon Capture Facility. Among other things, the Environmental Permit would regulate emissions to air from the operational and emergency venting of CO2. There would also be variations to the Environmental Permits held for Riverside 1 and Riverside 2)	Environmental Permitting (England and Wales) Regulations 2016, as amended	Environment Agency	An application for an Environmental Permit will be being made to the Environment Agency following the DCO application to the Secretary of State, following appointment of the technology provider for the Proposed Scheme.
2.	European Protected Species (EPS) Licence	Conservation of Habitats and Species Regulations 2017, as amended	Natural England	The presence (or otherwise) of protected species has been determined by surveys undertaken to inform the Environmental Impact Assessment work and is reported in Chapter 7: Terrestrial Biodiversity (Volume 1) of the Environmental Statement (Document Reference 6.1) . An application for an EPS licence would be made in the event that, prior to commencement of construction, European Protected Species are identified in any part of

Ref No.	Nature of Consent	Relevant Legislation	Consenting Authority	Status/ Comment
				the Site and affects on them through pre-construction surveys, or their habitats, cannot be avoided.
3.	Water Vole Conservation Licence	Wildlife and Countryside Act, 1981, as amended	Natural England	The Applicant intends to secure a Letter of No Impediment (LONI) regarding water voles.
4.	Environmental Permit or Medium Combustion Plant Permit (for the requirement for point of use generators for Site power during construction, the Environmental Permit would regulate emissions to air from the generators)	Environmental Permitting (England and Wales) Regulations 2016, as amended	Environment Agency	Application(s) or notification(s) to be prior to construction once detailed construction methodology is known.
5.	Standard Rules Environmental Permit (may be required for certain elements during construction, e.g. temporary discharges to watercourses, waste management activities)	Environmental Permitting (England and Wales) Regulations 2016, as amended	Environment Agency	Application(s) or notification(s) to be prior to construction once detailed construction methodology is known.
6.	Trade Effluent Consent for foul drainage discharges from the Waste	Water Industry Act 1991	MOSL	Application form is completed, submission is pending discussion

Ref No.	Nature of Consent	Relevant Legislation	Consenting Authority	Status/ Comment
	treatment facilities within the Carbon Capture Facility			with Thames Water with regards to network capacities.
7	Water Supply New Connection	Water Industry Act 1991	Thames Water	To be completed following further discussions with Thames Water on water supply.
8.	As required and in advance of any Abnormal Indivisible Loads (AIL) needing to be transported during the construction of the Proposed Scheme.	Permit for Transport of Abnormal Loads. Road Vehicles (Authorisation of Special Types) (General) Order 2003 or under them Road Traffic Act 1988	Vehicle Certification Agency ('VCA') (the Executive Agency of the Department for Transport), National Highways and/or London Borough of Bexley (as appropriate).	Only if required – prior to AIL being required.
10.	Hazardous Substances Consent ('HSC') The Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015	London Borough of Bexley	May be required for storage of chemicals/ hazardous materials in	Requirement for any application is to be established at least 12 months prior to operation of Carbon Capture Facility.

Ref No.	Nature of Consent	Relevant Legislation	Consenting Authority	Status/ Comment
			relation to the Carbon Capture Facility.	
11.	Fire Notice. The Regulatory Reform (Fire Safety) Order 2005	Local fire and rescue authority (the Health and Safety Executive ('HSE') has enforcement responsibility on construction sites)	Bexley local Fire and Rescue Authority	Will be sought after the DCO has been made by the SoS in advance of construction activities in consultation with local fire and rescue authority and the HSE. Prior to start of construction of the Proposed Scheme.
12.	Temporary Traffic Regulation Order ('TTRO')	Local highway authority (London Borough of Bexley)	Only if required and to the extent the nature of restrictions is not covered by article 18 of the DCO. The need will be determined by the appointed contractor.	TTRO would be sought once the number and nature of TTRO's is established following appointment of the contractor.



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