



POTENTIAL MAIN ISSUES FOR THE EXAMINATION: 5.8

DECARBONISATION

Cory Decarbonisation Project

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Revision A

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EXECUTIVE SUMMARY

This document provides a summary of the main issues expressed by the consultees, which are likely to remain as topics of debate during the Examination, together with information on the Applicant's proposed solution to each.

The main issues are split into two categories. Firstly that of Optioneering and its potential to Impact to Metropolitan Open Land, Crossness Local Nature Reserve and Erith Marshes Site of Importance for Nature Conservation (SINC) and Munster Joinery. The second issue regards the delivery of the Outline Landscape, Access, Biodiversity and Recreation Strategy proposals (including Biodiversity Net Gain (BNG)) including Special Category Land considerations.

For each issue, the Applicant has sought to provide an explanation of the assumed issue, details of affected party/consultees, the approach to the issue and finally the narrative on any ongoing dialogue.

1. POTENTIAL MAIN ISSUES FOR THE EXAMINATION

1.1. INTRODUCTION

- 1.1.1. This document provides a summary of the main issues raised by consultees which are likely to be the main discussion points at Examination, and details of how the Applicant proposes to resolve them. The main issues raised are:
- Optioneering – Impact to Metropolitan Open Land, Crossness Local Nature Reserve and Erith Marshes SINC and Munster Joinery; and
 - Delivery of the **Outline Landscape, Access, Biodiversity and Recreation Strategy** proposals (including BNG) including Special Category Land considerations.
- 1.1.2. The above is not a definitive list of matters likely to be raised in Examination, however the Applicant considers that there are issues common to most projects and will be able to resolved with those interested parties through the evolution of application documents, including Protective Provisions where necessary.
- 1.1.3. The Applicant also notes that Carbon Capture projects similar to the Proposed Scheme have been the subject of similar repeated representations by certain Interested Parties with regards to the approach to the assessment of greenhouse gas emissions. The Applicant has developed its approach to this, learning the lessons from those projects and the approaches endorsed by recent court judgments and considers that it has provided the information that such parties have asked for (namely emissions associated with the wider transport and storage of the carbon captured at the Proposed Scheme) within the limits of what the Court have said is actually required. The Applicant is therefore confident that its approach to this issue is robust.

1.2. OPTIONEERING

METROPOLITAN OPEN LAND

What is the assumed issue?

- 1.2.1. The development of the Site will result in the loss of Metropolitan Open Land (MOL). MOL is designated under policy G3 of the London Plan 2021¹ and is afforded the same status and level of protection as Green Belt. This MOL is not accessible to the public – it is fenced and gated off and used solely by graziers. Affected parties will likely seek to argue that impacts to MOL could be avoided, particularly in light of the mitigation hierarchy.

Who is the affected party/consultee?

- 1.2.2. The affected parties and consultees are: Friends of Crossness Local Nature Reserve (as users of adjoining MOL that is proposed to be used for the Mitigation and Enhancement Area), London Borough of Bexley (as host LPA), Greater London Authority (whose policies protect MOL) Environment Agency (as main rivers pass through adjacent MOL), Thames Water (as owners of the affected MOL and parts of the Mitigation and Enhancement Area), Peabody Trust (who own nearby MOL and are related to Tilfen Land Limited) Tilfen Land Limited (who own adjacent MOL that is proposed to be used for the Mitigation and Enhancement Area discussed below) and the graziers who graze the affected MOL.

How have we approached the issue?

- 1.2.3. In order to reduce impacts from the Proposed Scheme on MOL, the mitigation hierarchy has been considered. The purpose of the Proposed Scheme is to capture carbon dioxide from the flue gas of Riverside 1 and Riverside 2 (once operational) Energy from Waste (EfW) facilities. The approach to design has sought to minimise infrastructure requirements connecting the Proposed Scheme to Riverside 1 and Riverside 2. Such infrastructure connections include water and electrical utilities and flue gas pipework. The location of the Proposed Scheme thus needs to be in close proximity to the existing Riverside operations. Riverside 1 and Riverside 2 are located adjacent on the southern bank the River Thames, resulting in northern options for the Proposed Scheme to be unviable. There is existing industrial development to the east of the Riverside Campus and Thames Water operations to the west. The only feasible location for the Proposed Scheme is within the MOL located south of the Riverside Campus, and therefore the Proposed Scheme could not avoid developing within MOL.
- 1.2.4. The loss of MOL, and how impact on MOL can be reduced, particularly in light of the mitigation hierarchy, was considered during the Carbon Capture Facility development

¹ Greater London Authority (2021) London Plan https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

zone optioneering process detailed in the **Terrestrial Site Alternatives Report (Document Reference 7.5)**. This report explains how the Applicant considered impacts to MOL, alongside a range of other policy, environmental, land use and operational considerations to determine the most appropriate development zone. The **Terrestrial Site Alternatives Report (Document Reference 7.5)** provides a detailed narrative of the different multiple site locations and configurations considered and the process undertaken, to minimise the area of MOL affected.

- 1.2.5. The **Planning Statement (Document Reference 5.2)** and **Design Approach Document (Document Reference 5.6)** provide a detailed assessment of how MOL will be impacted by the Proposed Scheme. Developing on MOL may result in the loss of openness, contribute to sprawl, and reduce the extent of safeguarding from encroachment. However, in this case the Proposed Scheme has sought to retain undeveloped land as much as possible, including a Mitigation and Enhancement Area on land adjacent to the Carbon Capture Facility which is MOL, and will serve to retain openness, restrict sprawl with a clear break in development and restrict encroachment. The provision of a landscaping scheme as part of the Proposed Scheme will also serve to restrict encroachment. Through this, and the wider proposals set out in the **Outline Landscape, Access and Biodiversity Recreation Strategy (Document Reference 7.9) ('LaBARDS')**, the Applicant considers that it is providing an overall better position post-consent, notwithstanding the overall direct loss of MOL. These proposals will allow for the graziers currently on the land to be able to re-graze their horses within the areas to be managed pursuant to the **LaBARDS (Document Reference 7.9)**.

Ongoing dialogue

- 1.2.6. The Applicant remains engaged with the London Borough of Bexley and has discussions with the Friends of Crossness Local Nature Reserve, Thames Water and Peabody/Tilfen in relation to its LaBARDS proposals. It has engaged with the Environment Agency generally about its drainage proposals, which include utilising the adjacent MOL. The Applicant will continue to include the aforementioned parties in dialogue regarding the optimum way to deliver enhancement to the MOL.

CROSSNESS LOCAL NATURE RESERVE AND ERITH MARSHES SINC

What is the assumed issue?

- 1.2.7. Development of the Site will result in the permanent loss of part of the Crossness Local Nature Reserve (LNR) and Erith Marshes SINC, and disturbance to the LNR and the SINC during construction of the Proposed Scheme is likely. This affected area of the LNR/SINC is not accessible to the public – it is fenced and gated off and used solely by graziers. Affected parties will likely seek to argue that impacts to the LNR/SINC could be avoided, particularly in light of the mitigation hierarchy.

Who is the affected party/consultee?

- 1.2.8. The affected parties and consultees are: Friends of Crossness Local Nature Reserve (as users and active participants in the management of the LNR), London Borough of Bexley (as host LPA), Greater London Authority (whose policies protect LNRs/SINCs) Environment Agency (as main rivers pass through the LNR/SINC), Thames Water (as owners of the affected area of LNR/SINC and parts of the Mitigation and Enhancement Area) Peabody Trust (who own nearby areas of the LNR/SINC and are related to Tilfen Land Limited) Tilfen Land Limited (who own land that is proposed to be used for the Mitigation and Enhancement Area discussed below) and the graziers who graze the affected area of LNR/SINC.

How have approached the issue?

- 1.2.9. As set out in paragraph 1.2.3 and evidenced in the **Terrestrial Site Alternatives Report (Document Reference 7.5)** developing to the south of the existing Riverside 1 and Riverside 2 was the only feasible location for the Carbon Capture Facility. As a result of this, impacts to the LNR/SINC were a key constraint that needed to be taken into account in the optioneering process.
- 1.2.10. This is set out in the **Terrestrial Site Alternatives Report (Document Reference 7.5)** which explains how the Applicant considered impacts to the LNR/SINC, alongside a range of other policy, environmental, land use and operational considerations, including the mitigation hierarchy, to determine the most appropriate development zone. The **Terrestrial Site Alternatives Report (Document Reference 7.5)** provides a detailed narrative of the different multiple site locations and configurations considered and the process undertaken, and sets out why a development zone which impacts a small amount of the LNR/SINC, whilst being predominantly based on land allocated for development as Strategic Industrial Location, is required.
- 1.2.11. **Chapter 7: Terrestrial Biodiversity of the ES Volume 1 (Document Reference 6.1.7)** assess the impact on biodiversity within Crossness LNR and sets out the mitigation and enhancement proposals which are set out in the **LaBARDS (Document Reference 7.9)**. These proposals will look to improve the baseline position in the Mitigation and Enhancement Area and the adjoining remainder of the LNR/SINC, to achieve a biodiversity net gain and overall improved ecological outcomes in this area. They will involve the 'resetting' of the management regime of the LNR through expanding it into the Mitigation and Enhancement Area.
- 1.2.12. The Mitigation and Enhancement Area will deliver a series of improvements including raised walkways, tree planting and visitor information and facilities, enhancements to existing habitats and creation of new habitats including floodplain grazing marsh, grassland, reedbed, woodland and ditches.
- 1.2.13. It is proposed that where possible, the areas of Crossness LNR that fall within, or close to, the Site that are not required for the Carbon Capture Facility and that are

currently accessible to the public should remain so during construction as much as possible. Where possible, works will be screened to minimise adverse effects on the amenity value and enjoyment of these areas.

Ongoing dialogue

- 1.2.14. The Applicant will continue to engage with the affected parties on its **LaBARDS (Document Reference 7.9)** proposals.

MUNSTER JOINERY

What is the assumed issue?

- 1.2.15. Munster Joinery will be demolished as part of the Proposed Scheme and the site used as a Temporary Construction Compound for the landside elements of the Proposed Scheme and then as part of the Carbon Capture Facility.

Who is the affected party/consultee?

- 1.2.16. Landsul Limited (as landowner) and Munster Joinery UK Limited (as part occupier of the affected site and owner of the business affected) are the affected parties.

How have approached the issue?

- 1.2.17. As discussed in relation to the MOL and the LNR/SINC, the existence of Munster Joinery as a land use was a further factor considered in the optioneering process for the Carbon Capture Facility as detailed in the **Terrestrial Site Alternatives Report (Document Reference 7.5)** as part of the overall process and when the southern zone was selected. That report, alongside the **Design Approach Document (Document Reference 5.6)**, explains that when balancing all factors, a development zone which includes the Munster Joinery parcel is the most appropriate option.

Ongoing dialogue

- 1.2.18. At the time of writing, the Applicant is engaging with Landsul and Munster Joinery (UK) Limited with the objective of identifying a relocation site. A relocation site has not yet been identified and it is understood that both parties will be objecting to the Proposed Scheme and its compulsory acquisition proposals for their land.

1.3. DELIVERY OF THE LABARDS

What is the assumed issue?

- 1.3.1. The Proposed Scheme will lead to loss of 9.235ha of area habitat within the Site Boundary. In addition, 0.4km of ditch will be lost. MOL is affected and a public right of way will need to be diverted for safety reasons. The Applicant is also committed to achieving a minimum 10% BNG, as calculated pursuant to **Appendix 8.1: BNG Report of the ES Volume 2 (Document Reference 6.2)**.
- 1.3.2. These outcomes are to be achieved pursuant to the **LaBARDS (Document Reference 7.9)**, which proposes a number of measures both on-site and off-site.
- 1.3.3. Onsite, the following is proposed:
- Creation of new floodplain grazing marsh of Moderate condition, within Norman Road Field, and enhancement of existing grazing marsh within Crossness LNR to Moderate condition. These measures will be achieved primarily through engineered changes to the hydrology of these areas to increase the amount of water they receive over a longer period of the year. Additional measures would include planting and modification of the grazing regime as necessary to achieve the goal condition.
 - Creation of new neutral grassland of Moderate condition, and enhancement of Poor condition neutral grassland to Moderate condition through seeding and management.
 - Creation of new woodland habitat of Poor condition, and enhancement of the woodland barrier along the A2016 Eastern Way from Poor to Moderate condition by implementation of a woodland management regime.
 - Creation of new reedbed habitat.
 - Enhancement of 0.2km of ditch habitat from Poor to Moderate condition through changes to management and planting as necessary.
 - Creation of a new entrance to the MOL through the southern part of the Mitigation and Enhancement Area.
 - New planting.
 - Raised walkways, new public rights of way and public rights of way diversions (both on routes to be agreed with London Borough of Bexley), and associated wayfinding infrastructure to promote better access outcomes.
 - Improvements to the Thames Path such as better signage and interpretation boards.
 - A new management plan for the extended Crossness LNR.

1.3.4. Offsite, the Applicant proposes:

- to make funding contributions to London Borough of Bexley to enable a new public right of way running parallel to Eastern Way between Crossness LNR and Thamesmead Golf Course, enabling a circulate route to be created; the delivery of a BNG Opportunity Area at Thamesmead Golf Course. Deficits identified as a result of construction phase for the Proposed Scheme have defined broad proposals for actions offsite, currently intended to be located at the former Thamesmead Golf Course. These will involve conversion of the disused gravel car park and 0.660ha of Poor condition neutral grassland habitat to a combination of open mosaic habitat and reedbed, and the improvement of 7.650ha of neutral grassland from Poor to Moderate condition.

1.3.5. Finally, the Applicant will be required to deliver enhancement of 0.05ha of intertidal mudflat habitat within the River Thames corridor to offset construction of the Proposed Jetty Access Trestle over existing mudflat habitat to deliver its BNG target. Enhancement proposals have not been finalised at this stage, but could include direct interventions within the Site to improve the condition of the mudflat, such as a commitment to removal of debris and litter or pollution remediation. It could also comprise a contribution to an established enhancement scheme within the River Thames, such as that run by Thames21².

1.3.6. In light of the various measures proposed, affected parties and the Examining Authority will want to understand how they are secured.

Who is the affected party/consultee?

1.3.7. As referenced above for the MOL and LNR/SINC. Natural England, the Port of London Authority (PLA) and the Marine Management Organisation (MMO) will also be interested in the BNG proposals for the river.

How have approached the issue?

1.3.8. All terrestrial measures are fundamentally secured by a Development Consent Order (DCO) Requirement in the **Draft DCO (Document Reference 3.1)** which will require the detailed **LaBARDS (Document Reference 7.9)** to be submitted for approval, in substantial accordance with the Outline submitted. This will provide for the future management plan for the extended Crossness LNR to be approved. The draft DCO will also provide the legal mechanism by which Crossness LNR can be formally extended.

1.3.9. This is supported by the land within which the **LaBARDS (Document Reference 7.9)** measures are to be delivered being proposed to be subject to powers of compulsory acquisition (save for the Thames Path) in the scenario where agreement with the landowners cannot be secured voluntarily. The reasons why compulsory acquisition

² Thames21 (2023) <https://www.thames21.org.uk/>

(rather than a lesser power) is proposed is set out in the **Statement of Reasons (Document Reference 4.1)**.

1.3.10. This land is:

- part owned by Thames Water. This party will seek to argue that the land in question is held for the purposes of their statutory undertaking and that acquisition of it would cause a serious detriment to their statutory undertaking, as they are required to manage it in accordance with the obligations of a section 106 Agreement associated with the planning permission for Crossness Sewage Treatment Works. As set out in the **Statement of Reasons (Document Reference 4.1)**, even if the land was considered to be so (to which the Applicant does not necessarily agree), the DCO is drafted such that no serious detriment could be caused as those section 106 obligations will be suspended and then abrogated; and
- acknowledged by the Applicant to partly be open space and thus Special Category Land for the purposes of sections 131 and 132 of the Planning Act 2008. The **Statement of Reasons (Document Reference 4.1)** explains to which land this designation applies and explains that the Applicant relies on the test in section 131 (4A) to apply to avoid special parliamentary procedure needing to be invoked. The **Statement of Reasons (Document Reference 4.1)** then goes to apply that test to the circumstances of the Proposed Scheme.

1.3.11. It is expected that these matters will be the subject of discussion at Examination.

1.3.12. The off-site BNG and access matters, as well as financial matters related to on-site measures to be secured additionally pursuant to a section 106 Agreement. Heads of Terms for this have been submitted with the **DCO Application (Document Reference 7.1)**, and envisage:

- the delivery mechanisms for the BNG Opportunity Area at Thamesmead Golf Course, working with Peabody as landowner and their wider green aspirations in the local area;
- providing for an alternative off-site BNG delivery mechanism if the Thamesmead Golf Course is unable to be used;
- the payment of monies for a staff member to manage the extended Crossness LNR, payments to Thames Water to recompense them for any increased costs to managing their remaining part of the LNR that sits within their operational land in line with the **LaBARDS (Document Reference 7.9)**; and an endowment payment at the end of the design life for the Proposed Scheme; and
- the access improvement contribution to be paid to London Borough of Bexley.

1.3.13. It is envisaged that the mechanics of this section 106 Agreement will be the subject of discussion during Examination.

1.3.14. Marine BNG is secured by a separate DCO Requirement.

Ongoing dialogue

- 1.3.15. The Applicant will continue to engage with the Friends of Crossness LNR and Thames Water with regard to the detailed design of the Mitigation and Enhancement Area/extended LNR and Peabody in relation to the BNG Opportunity Area. Engagement with the Environment Agency, PLA and MMO will also continue to determine additional commitments.



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