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To the Applicant
(By email only)

Your Ref:

Our Ref: EN010128

Date: 18 April 2024

Dear Mr Cassells

Planning Act 2008 (as amended) – Section 51

Application by Cory Environmental Holdings Limited (CEHL) for an Order Granting Development Consent for the Cory Decarbonisation project (EN010128)

Advice following issue of decision to accept the application for examination

On 18 April 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Application documents – general

There needs to be a document control page at the front of each application document showing revision number, date, changes/reason for changes and approvals.

Environmental Statement Appendix 11-2 – Flood Risk Assessment (FRA) (Doc 6.3)

Whilst it is noted that the exception test appears to consider the requirements of Flood Zone 3b, the FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b.

It is also unclear from the information presented whether the Proposed Development would result in no net loss of floodplain storage.

The Applicant should respond to the Inspectorate as soon as practicable to confirm the location and extent of Flood Zones 3a and 3b and how this corresponds to the application of the exception test and the proposed flood mitigation/ compensation. If components would be located within Flood Zone 3b, the Applicant should provide confirmation that there would be no net loss of floodplain storage, in line with the principles of the exception test.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

Plans – Generally (Docs 2.1 to 2.12)

There appears to be a variety of map bases: the local nature reserve plan has adequate labelling but on most of the other plans the mapping is very faint and background detail eg street names and locations are missing, which makes it difficult for the reader to identify features; we would suggest a common map base for all plans which is clear, legible and well labelled.

Land Plans (Doc 2.2)

Plot 1-062 is listed in the BoR as permanent acquisition of rights within category 1, but within the dDCO as categories 1 and 5.

Where land plots cross over both sheets of the plan, they appear to have been split in two with two separate reference numbers (e.g. 1-004A and 2-006A, 1-113 and 2-004).

The mapping is very faint and background detail eg street names and locations is missing, which makes it difficult for the reader to identify what is where.

The land plan and works plan map bases/scales are different: having all map bases the same and at the same scale would help parties to cross refer between plot numbers and works numbers.

Paragraph 4.4.6 of the Statement of Reasons states and the land plan shows land subject to temporary possession only as shaded yellow; green is the colour usually used.

Works Plans (Doc 2.3)

The mapping is very faint and background detail eg street names and locations are missing, which makes it difficult for the reader to identify features.

The works plan map bases/scales are different from the land plan: having all map bases the same and at the same scale would help parties to cross refer between plot numbers and works numbers.

Access and Rights of Way Plan (Doc 2.4)

The access and rights of way plan and the works plan map bases/scales are different: having all map bases the same and at the same scale would help parties to cross refer.

Funding Statement (Doc 4.2)

The Applicant provided unaudited accounts up to 31 December 2023 for Cory Environmental Holdings Limited stating total net assets in excess of £850 million (including cash reserves of £23.5m).. Para 2.2.3 says that the 2022 audited accounts are attached at Appendix B but we cannot locate these.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

Please pay close attention to the advice set out in this letter and act on it accordingly. It is requested that you action these points before the commencement of the Relevant Representation period. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Sarah Norris

Sarah Norris
Case Manager

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