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FAO SARAH NORRIS

BY EMAIL [corydp@planninginspectorate.gov.uk](mailto:corydp@planninginspectorate.gov.uk)

14<sup>th</sup> June 2024

Dear Sirs

### **CORY DECARBONISATION PROJECT: EN010128**

We act on behalf of Creek Side Developments (Kent) Ltd the owner of land at Norman Road, Belvedere registered at the Land Registry under title number SGL806760.

Our client objects to the planning application that has been made to you by Cory Environmental Holdings Limited and objects to the compulsory purchase of his land.

We, together with solicitors for Mr Seamus Gannon have taken advice from Melissa Murphy KC of Landmark Chambers and reserve the right to make further representations during the course of the matter as and when further information is available to us.

By way of background, our client originally agreed to purchase the site in 2010 with a view to relocating their related business, Elm Surfacing Limited (Elm) from Sittingbourne. Elm received Planning Consent (12/01930/FUL) for their entire business relocation in 2014. Cory Environmental then took five years to provide their consent for a simple cross over into the site delaying the relocation during this time. Our client believes now these delays were due to their plan to build Riverside 2.

After Elm finally purchased the site in 2019 they were effectively forced to grant a Lease of the land to The Cory Group in 2019 purported by Cory as a relatively short term solution to aid with the company's Riverside 2 project or they would be forced to sell the land under compulsory purchase at that time.

Elm's intention however was always to relocate their business fully once the lease expired to save costs, emissions and to employ staff locally. In the meantime, they have been leasing an expensive site where they have no security of tenure.

The point of this background is our clients have not found Cory to be wholly honest in their dealings since 2014 and they suspect there are matters about this project that have not fully been disclosed or any benefits are likely to have been overstated. In addition this has caused extreme uncertainty it has caused over the years and continues to cause with Elm Surfacing Ltd.

The objections we wish to raise can be summarised as follows:

1. The land is constrained, including by its Metropolitan Open Land designation, but there are also a range of nature conservation interests to take into account in addition. These tend to militate against the proposed project.
2. Re ecological/biodiversity effects – it is not clear (but seems to be the case) that the proposal includes development on land identified as an area for ecological mitigation for Riverside 2. This seems undesirable, because the project then needs to address that impact.
3. That there seems not to be a compelling case in the public interest for the compulsory acquisition of the two land interests (Creek Side & Gannon) (as required by Section 122(3) of the Planning Act 2008), not least because:
  - a. There are alternative areas on which the development/construction compounds/ecological mitigation works could be delivered (and the proposals look to develop habitat created as part of the Riverside 2 scheme, which is undesirable);
  - b. It is not clear whether there has been proper disaggregation of the elements of the proposed development in considering alternatives; and
  - c. As matters stand, there is no proper justification for permanent rather than temporary acquisition of our client's land, particularly given the availability of alternative layouts/disaggregation of the proposals.
4. If my clients land is really required, it should be by way of a Lease for a defined period rather than by the acquisition of the freehold.
5. From information our clients surveyors hold from the Climate Council website that a number of large scale decarbonisation projects elsewhere have failed and the technology seems to be unreliable. See ([https://www.climatecouncil.org.au/resources/what-is-carbon-capture-and-storage/#:~:text=Carbon%20capture%20and%20storage%20\(CCS,gases%20back%20into%20the%20ground.\)](https://www.climatecouncil.org.au/resources/what-is-carbon-capture-and-storage/#:~:text=Carbon%20capture%20and%20storage%20(CCS,gases%20back%20into%20the%20ground.)))

Please acknowledge receipt of this letter.

Yours faithfully,



James McFeely  
Director



cc. J Hollis Esq, Creek Side Developments (Kent) Ltd  
A Patel Esq Spring Law Solicitors