



# STATEMENT OF COMMON GROUND - ENVIRONMENT AGENCY: 8.1.3

DECARBONISATION

## Cory Decarbonisation Project

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Date		

Draft

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## 1. INTRODUCTION

### 1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

- 1.1.1. A Statement of Common Ground (SoCG) is a written statement produced during the application process for a Development Consent Order (DCO) and is prepared jointly by the applicant and another party.
- 1.1.2. Paragraph 007 of the Ministry for Housing Communities and Local Government (MHCLG) Guidance entitled 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (30 April 2024) (hereafter referred to as MHCLG Guidance)<sup>1</sup> describes a SoCG as follows:
- “A Statement of Common Ground (SoCG) is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at the examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority”.*
- 1.1.3. This SoCG has been prepared in accordance with the MHCLG Guidance<sup>1</sup>. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCG aid an efficient examination process.
- 1.1.4. A SoCG may be submitted to the Planning Inspectorate either prior to the start of, or during, an Examination and is updated as necessary, or as requested, during the Examination.
- 1.1.5. This SoCG has been prepared by WSP UK Limited on behalf of Cory Environmental Holdings Limited (the Applicant). It accompanies the application for a DCO (the DCO Application) in relation to the Cory Decarbonisation Project in Bexley, London. The DCO Application has been made in accordance with Section 37 of the Planning Act 2008 (as amended) and submitted to the Secretary of State ('the SoS') for Energy Security and Net Zero (DESNZ).
- 1.1.6. The DCO, if granted, would authorise the construction, operation, maintenance and decommissioning of the Cory Decarbonisation Project (the 'Proposed Scheme'). The Proposed Scheme is to be located at Norman Road, Belvedere in the London Borough of Bexley (LBB) (National Grid Reference/NGR 549572, 180512).
- 1.1.7. The Proposed Scheme is described in **Chapter 2: Site and the Proposed Scheme (Volume 1)** of the **ES (Planning Inspectorate Reference APP-051)** and includes:
- The Carbon Capture Facility (including its associated supporting plant and ancillary infrastructure);
  - A Proposed Jetty to allow for export of the captured carbon by vessel;

- A Mitigation and Enhancement Area;
- Temporary Construction Compounds; and
- Utilities Connections and Site Access Works.

## 1.2. INTRODUCTION TO ENVIRONMENT AGENCY

- 1.2.1. This SoCG has been prepared between the Environment Agency and the Applicant (jointly referred to as ‘the Parties’) in relation to the DCO Application.
- 1.2.2. The Environment Agency is a regulator and statutory consultee as prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended). All proposed applications which are likely to affect land in England/Wales must consult the Environment Agency.
- 1.2.3. Advice and consultation responses are typically provided as part of non-statutory consultation and engagement, in response to the Environmental Impact Assessment (EIA) Scoping Report<sup>2</sup>, as part of statutory consultation (including on the Preliminary Environmental Information Report (PEIR)<sup>3</sup>, engagement on the development of the Environmental Statement, Flood Risk Assessment, Coastal Modelling, Water Framework Directive Assessment and participation in the Examination process.

## 1.3. STATEMENT OF COMMON GROUND STRUCTURE

- 1.3.1. Section 2 summarises all engagement to date of relevance to this SoCG and Section 3 details whether matters are Agreed, Not Agreed or Under Discussion between the Parties.
- 1.3.2. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, the Environment Agency has no further comments to make at this point. It may have further or additional comments to make, particularly if further information about the Proposed Scheme becomes available.
- 1.3.3. The SoCG is a document that will evolve during the Examination stage and will conclude with a version that confirms the Parties’ positions on relevant matters before the close of the Examination.

## 2. RECORD OF ENGAGEMENT

2.1.1. A summary of the meetings and correspondence that has taken place between the Applicant and Environment Agency in relation to the Proposed Scheme is outlined in **Table 2-1** below. There has been email correspondence between the Parties to discuss the sharing of information, arrangement of meetings and to share comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the Parties.

**Table 2-1 – Schedule of Meetings and Correspondence during the Pre-Application Stage**

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
<b>16<sup>th</sup> February 2023</b>	Meeting	Initial introductory consultation meeting to present the Proposed Scheme. The following key topics were discussed: <ul style="list-style-type: none"> <li>• The Proposed Jetty, including pontoon mitigation options;</li> <li>• Construction dredging;</li> <li>• Existing statutory flood defences;</li> <li>• Sediment modelling; and</li> <li>• Wave wash impacts on the shoreline.</li> </ul>
<b>13<sup>th</sup> April 2023</b>	Meeting	Consultation meeting to discuss the proposed marine works, the relationship between the Proposed Scheme and the statutory flood defences, the design life of the marine components of the Proposed Scheme and the proposed methodology for the marine biodiversity assessment, the flood risk assessment, the coastal modelling assessment and sediment processes assessment.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>The Environment Agency advised that it holds the Environment Agency’s Marsh Dykes model, which is the best representation of flood risk in the area, and that this can be provided. The Environment Agency also advised that it is in the process of updating the Thames Estuary 2100 extreme water levels within the River Thames, and will subsequently update the associated breach modelling, although it was noted that both elements may not be available prior to submission of the application for development consent.</p>
<p><b>20<sup>th</sup> April 2023</b></p>	<p>Email</p>	<p>An updated coastal modelling assessment methodology and sediment processes assessment methodology was provided by the Applicant.</p>
<p><b>21<sup>st</sup> April 2023</b></p>	<p>Email</p>	<p>Local flood model data requests were made via email following the meeting on the 13<sup>th</sup> April 2023 for the Environment Agency’s Marsh Dykes model, the Thames Estuary Breach Assessment (2018) and Thames Estuary 2100 extreme water levels. These were provided by the Environment Agency.</p>
<p><b>10<sup>th</sup> May 2023</b></p>	<p>Email</p>	<p>The following data requests were received from the Environment Agency:</p> <ul style="list-style-type: none"> <li>• The Environment Agency’s Marsh Dykes model;</li> <li>• The Thames Estuary Breach Assessment (2018); and</li> <li>• Thames Estuary 2100 extreme water levels.</li> </ul>
<p><b>26<sup>th</sup> May 2023</b></p>	<p>Scoping Opinion</p>	<p>The Planning Inspectorate’s EIA Scoping Opinion<sup>4</sup> contained comments from the Environment Agency. Those comments and the Applicant’s response are shown in <b>Appendix 4-2: Scoping Opinion Response (Volume 3) (APP-076)</b>.</p>



Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
15 <sup>th</sup> September 2023	Meeting	Meeting with the area relevant planning specialists to confirm what data requests were outstanding and to whom the requests for data had been sent. Follow up actions were assigned to both parties.
20 <sup>th</sup> September 2023	Meeting	<p>Meeting to discuss the data available and the methodology for <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b> and the methodology for the coastal modelling and sediment processes assessment.</p> <p>The Environment Agency agreed that sediment modelling was required for the Proposed Scheme. The Environment Agency confirmed that they have no concerns regarding sedimentation of the Great Breach Outfall, vessel wash, intertidal habitats, and impacts on the statutory flood defences.</p>
27 <sup>th</sup> October 2023	Email	The Applicant contacted the Environment Agency to seek pertinent information including contamination issues, water quality, landfill records and remedial works relating within the Study Area.
31 <sup>st</sup> October 2023	Email	Response from the Environment Agency stating that the above enquiry had been forwarded to the Environment Agency Customers and Engagements Team.
14 <sup>th</sup> November 2023	Email	<p>The Environment Agency provided the following guidance to the Applicant on the timings of works in relation to fish species:</p> <p><i>“If percussive piling is necessary in the water, piling should be carried out outside the main periods of fish migrations. In the River Thames, this is between April to September inclusive, whilst for sites close to spawning areas, this period is extended to March to September inclusive.”</i></p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
<b>29<sup>th</sup> November 2023</b>	Section 42 Response Letter (email)	<p>The Environment Agency's Section 42 response letter made comments on the following topics of the PEIR<sup>3</sup>:</p> <ul style="list-style-type: none"> <li>• Flood risk;</li> <li>• Potential contamination and groundwater protection;</li> <li>• Biodiversity;</li> <li>• Water Framework Directive; and</li> <li>• Wastewater treatment.</li> </ul>
<b>1<sup>st</sup> December 2023</b>	Meeting	<p>Meeting to discuss the overall scope of <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b>, which included fish migration periods and dredging method.</p>
<b>13<sup>th</sup> December 2023</b>	Meeting	<p>Specific meeting to discuss the water quality scope of <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b>, which included sampling, guidance on dredging and the WFD Screening and Scoping Report.</p>
<b>15<sup>th</sup> December 2023</b>	Email	<p>Response from the Environment Agency regarding pertinent environmental information for the Study Area.</p>
<b>14<sup>th</sup> December 2023</b>	Meeting	<p>Meeting to discuss the preliminary findings of the modelling assessment and sediment processes assessment undertaken. The key outcomes:</p> <ul style="list-style-type: none"> <li>• The Environment Agency asked for more evidence to be included in the application for a development consent on:</li> </ul>

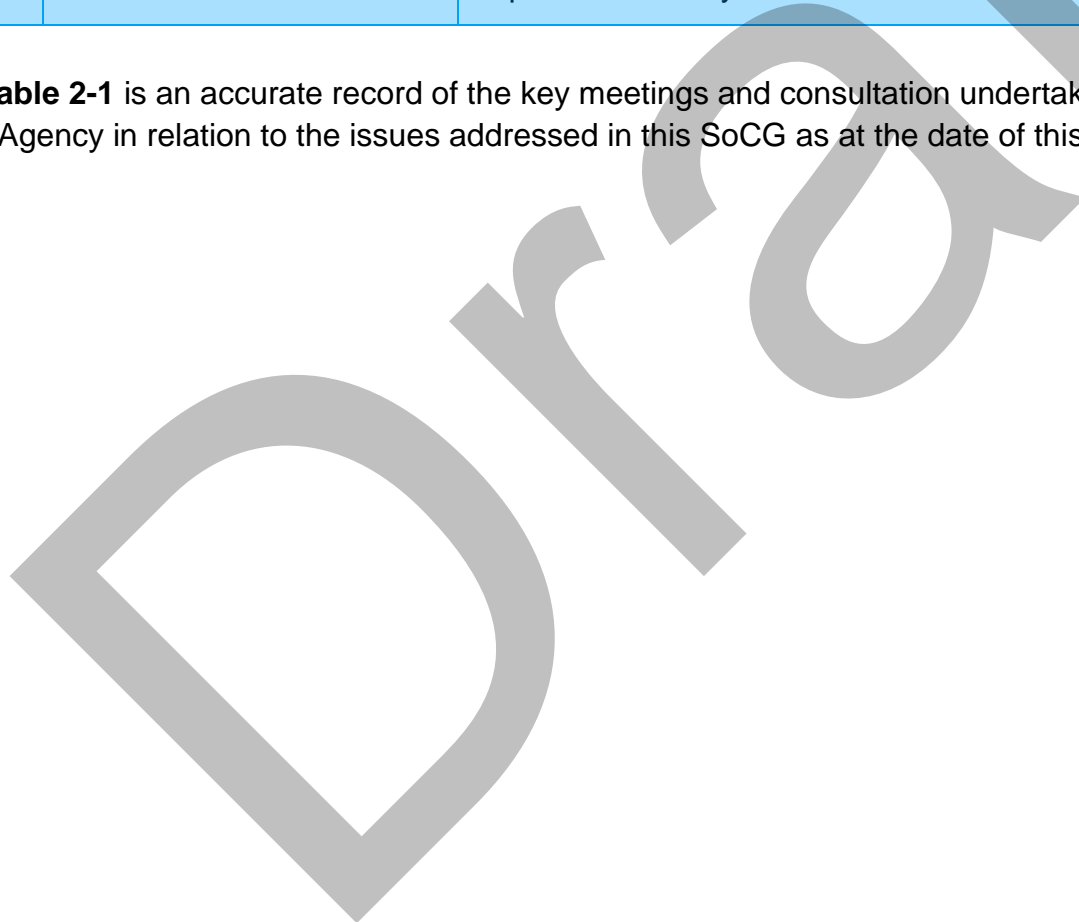
Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<ul style="list-style-type: none"> <li>- The as built or surface water drainage strategies for Riverside 1 and 2; and</li> <li>- The distance from the proposed works to the Great Breach Pumping Station and more detail on the cross sections of the watercourse.</li> <li>• The Environment Agency confirmed agreement with the approach of the modelling assessment and sediment processes assessment undertaken.</li> </ul>
<b>20<sup>th</sup> December 2023</b>	Email	The email from the Environment Agency provided baseline water quality data and additional guidance on the assessment of water quality within the River Thames to inform <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b> .
<b>22<sup>nd</sup> December 2023</b>	Email	The email provided technical feedback from the Environment Agency on the WFD Screening and Scoping report submitted for comment (since superseded by <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b> ).
<b>14<sup>th</sup> June 2024</b>	Letter	The Environment Agency submitted their <b>Relevant Representation (RR) (RR-065)</b> . The following topics were covered in: <ul style="list-style-type: none"> <li>• Flood risk;</li> <li>• Land raising;</li> <li>• Breach modelling;</li> <li>• Great Breach Pumping Station;</li> <li>• Sediment modelling;</li> <li>• Terrestrial ecology;</li> <li>• Water Framework Directive;</li> </ul>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<ul style="list-style-type: none"> <li>• Environmental permits;</li> <li>• Survey data;</li> <li>• Groundwater protection;</li> <li>• Permitting and waste; and</li> <li>• Wastewater discharge.</li> </ul>
<b>8<sup>th</sup> August 2024</b>	Meeting	<p>A meeting was held to discuss the Environment Agency's RR (<b>RR-065</b>) covering the following components:</p> <ul style="list-style-type: none"> <li>• Sediment contamination;</li> <li>• Breach modelling locations;</li> <li>• Offsite increases in flood risk; and</li> <li>• The Environment Agency site visit (14th August 2024).</li> </ul>
<b>14<sup>th</sup> August 2024</b>	Meeting	<p>An in-person meeting was held at the Site with the Environment Agency, the Applicant and the WSP Water team to discuss Flood Risk and the Environment Agency's RR (<b>RR-065</b>). Specific items of discussion included the following:</p> <ul style="list-style-type: none"> <li>• Land raising;</li> <li>• Mitigation measures;</li> <li>• Breach modelling;</li> <li>• Buffer zones to watercourses; and</li> <li>• River Thames barrier.</li> </ul>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>The following items were also discussed briefly although were not the focus of the meeting:</p> <ul style="list-style-type: none"> <li>● Biodiversity Net Gain;</li> <li>● Permits;</li> <li>● Potable water;</li> <li>● Groundwater; and</li> <li>● Protective provisions.</li> </ul>
<p><b>9<sup>th</sup> September 2024</b></p>	<p>Meeting</p>	<p>A meeting was held with the Applicant and the Environment Agency to discuss sedimentation and coastal processes with the following topics discussed:</p> <ul style="list-style-type: none"> <li>● An overview of the information used to inform the coastal processes assessment and supporting modelling;</li> <li>● Modelling for the Proposed Jetty location;</li> <li>● Sedimentation at the Great Breach Outfall location;</li> <li>● Protective provisions;</li> <li>● Thames Estuary 2100 Plan; and</li> <li>● Follow up discussion from 14<sup>th</sup> August Flood Risk meeting (as above).</li> </ul>
<p><b>12<sup>th</sup> September 2024</b></p>	<p>Email</p>	<p>The Environment Agency previously suggested the removal or enhancement of a rock revetment as an ecological enhancement at a nearby location, Riverside Way, during consultation. This could create an opportunity to deliver intertidal Biodiversity Net Gain (BNG) for the Cory Decarbonisation Project through several interventions,</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>such as removing the rock revetment to restore intertidal mudflat habitat or enhancing the revetment with artificial rock pools and/or planting.</p> <p>The Applicant requested further details on the Environment Agency's aspirations for this location to explore the feasibility of using it for intertidal BNG. The Applicant also inquired about any other intertidal enhancement schemes in the area.</p>

2.1.2. It is agreed **Table 2-1** is an accurate record of the key meetings and consultation undertaken between the Applicant and Environment Agency in relation to the issues addressed in this SoCG as at the date of this SoCG.



### 3. ISSUES

#### 3.1. TERMINOLOGY

3.1.1. In the tables in this section of this SoCG:

- “Agreed” indicates where the issue has been resolved;
- “Under Discussion” indicates where these points are the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties; and
- “Not Agreed” indicates a final position of the Parties that is Not Agreed.

3.1.2. It can be taken that any matters not specifically referred to in this section of this SoCG are not of material interest or relevance to the Interested Parties representation and therefore have not been considered in this document.

#### 3.2. MATTERS AGREED

3.2.1. **Table 3-1** below details the matters Agreed between the Environment Agency and the Applicant.

**Table 3-1 – Matters Agreed**

Date	Form of Correspondence	Details of Matters Agreed
13 <sup>th</sup> April 2023	Meeting	The Environment Agency agreed: <ul style="list-style-type: none"> <li>• the marine biodiversity assessment methodology and the marine biodiversity sampling methodology/locations; and</li> <li>• that the Biodiversity Net Gain assessment shall focus on the intertidal area of the Proposed Scheme and not the subtidal area.</li> </ul>

Date	Form of Correspondence	Details of Matters Agreed
20 <sup>th</sup> September 2023	Meeting	The Environment Agency agreed that the Thames Estuary Breach Assessment (2018) was the best available data for use within and informing the breach assessment aspect of <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b> .
1 <sup>st</sup> December 2023	Meeting	The Environment Agency agreed that the mudflat does not need to be assessed at a waterbody level (WFD) but could be assessed generally within <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b> .
13 <sup>th</sup> December 2023	Meeting	The Environment Agency agreed with: <ul style="list-style-type: none"> <li>• The methodology regarding water quality for <b>Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)</b>; and</li> <li>• That the mean low water volume of sediment for the load in the existing waterbody could be used in the WFD assessment.</li> </ul>
14 <sup>th</sup> December 2023	Meeting	The Environment Agency agreed with: <ul style="list-style-type: none"> <li>• The methodology and approach undertaken for the sediment modelling for <b>Appendix 11-4: Coastal Modelling (Volume 3) (APP-109)</b>; and</li> <li>• The Environment Agency’s Marsh Dykes model could be used as part of the breach assessment in <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b>.</li> </ul>
14 <sup>th</sup> August 2024	Meeting	The following matters were agreed:



Date	Form of Correspondence	Details of Matters Agreed
		<p>Land raising:</p> <ul style="list-style-type: none"> <li>• <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b> presents a precautionary and likely worst-case scenario, and that lowering of proposed development levels may reduce the residual impacts currently predicted.</li> <li>• Land raising will be reviewed during the detailed design to potentially reduce platform levels and freeboard based on the vulnerability of different aspects of the Proposed Scheme to flood risk. This will be secured as a design principle in an update to the <b>Design Principles and Design Code (APP-047)</b>.</li> <li>• In considering flood non-core aspects of the Proposed Scheme may be considered suitable to flood or have a lower standard of protection in the event of flood defence breach.</li> </ul> <p>Mitigation measures:</p> <ul style="list-style-type: none"> <li>• The flood risk impacts predicted in <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b> occur during a residual risk event in the event of failure of the River Thames flood defences, and assume that the existing pumping stations are not operational.</li> <li>• That there is no known guidance on what would be considered an acceptable or unacceptable risk or increase in flood levels during a residual risk event.</li> </ul> <p>Buffer zones to watercourses:</p> <ul style="list-style-type: none"> <li>• A 5m minimum distance to retained watercourses would be maintained in the detailed design and buffer zones will be reviewed during the detailed design to increase this to a minimum of 8m where this is practicable. This will be secured</li> </ul>

Date	Form of Correspondence	Details of Matters Agreed
		<p>as a design principle in an update to the <b>Design Principles and Design Code (APP-047)</b>.</p> <p>Groundwater:</p> <ul style="list-style-type: none"> <li>• No further discussion on groundwater are required.</li> </ul> <p>Permitting:</p> <ul style="list-style-type: none"> <li>• Discussions will begin in relation to the operational permit for the Proposed Scheme.</li> </ul>
<p><b>9<sup>th</sup> September 2024</b></p>	<p>Meeting</p>	<p>It was agreed that the coastal process model was satisfactory, including the modelling assumptions (e.g., spring-neap cycle, sediment supply) and the approach to modelling around the Great Breach Outfall. The worst case scenario for the Great Breach Outfall (200mm increase in bed level) was considered realistic and accepted, with further consultation expected during the detailed design phase.</p> <p>It was agreed that the use of the Order limits for flood storage as part of the T2100 plan is something that will need to be resolved post consent as the Environment Agency continues to develop its optioneering for what is brought forward as part of that plan.</p> <p>It was agreed that the Applicant will be removing Great Breach Pumping Station from the Order limits (plot 1-122), in its September submission to the ExA, which the Environment Agency welcomed.</p>

### 3.3. MATTERS UNDER DISCUSSION

3.3.1. **Table 3-2** details the Matters Under Discussion between the Environment Agency and the Applicant.

**Table 2-2: Matters Under Discussion**

Date	Form of Correspondence	Details of Matters Under Discussion
14 <sup>th</sup> June 2024	Letter	<p>The following matters remain under discussion in relation to Coastal processes and sediment modelling:</p> <ul style="list-style-type: none"> <li>• The representation of the Proposed Jetty within the coastal processes model and magnitude of potential changes as presented in <b>Appendix 11-4: Coastal Modelling (Volume 3) (APP-109)</b>.</li> <li>• The conclusions of the sediment deposition assessment presented in <b>Appendix 11-4: Coastal Modelling (Volume 3) (APP-109)</b>, specifically the risk of increased sediment deposition at the location of the Great Breach Pumping Station.</li> </ul> <p>The following other matters also remain under discussion:</p> <ul style="list-style-type: none"> <li>• the need for any offsite compensation for flood risk matters;</li> <li>• the impacts of land raising to watercourses and biodiversity; and</li> <li>• the Water Framework Directive Assessment, in light of the Environment Agency’s comments in its <b>RR (RR-65)</b>. The Applicant will be providing more information to the Agency on this matter.</li> </ul>
14 <sup>th</sup> August 2024	Meeting	<p>The following matters remain under discussion following the meeting to discuss Flood Risk and the Environment Agency’s <b>RR (RR-065)</b>:</p>

Date	Form of Correspondence	Details of Matters Under Discussion
		<p>Land raising:</p> <ul style="list-style-type: none"> <li>The specific wording of the design principle to be included in the <b>Design Principles and Design Code (APP-047)</b> that sets out the approach to setting platform and development levels and considers vulnerability to flood risk.</li> </ul> <p>Mitigation measures:</p> <ul style="list-style-type: none"> <li>The specific wording of the design principle to be included in the <b>Design Principles and Design Code (APP-047)</b> that sets out the approach to buffer zones.</li> </ul> <p>Breach modelling:</p> <ul style="list-style-type: none"> <li>The hydraulic models used to inform <b>Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)</b> and <b>Appendix 11-4: Coastal Modelling of the Environmental Statement (Volume 3) (APP-109)</b> which are being considered by the Environment Agency's Risk and Evidence Team.</li> </ul> <p>Protective provisions:</p> <ul style="list-style-type: none"> <li>The Environment Agency are considering the draft Protective Provisions within the <b>Draft DCO (APP-018)</b> to ensure its protected (including its land interests), as well as the wording of the DCO Requirements. Given this, it is as yet unable to issue its section 150 consent or agree to the disapplications currently in the <b>Draft DCO (APP-018)</b>.</li> </ul>
9 <sup>th</sup> September 2024	Meeting	The following matters remain under discussion following the meeting to discuss sedimentation and coastal processes and the Environment Agency's <b>RR (RR-065)</b> :

Date	Form of Correspondence	Details of Matters Under Discussion
		Sedimentation and Belvedere Power Station Jetty (disused): <ul style="list-style-type: none"> <li>Sediment accretion in the absence of the Belvedere Power Station Jetty (disused) – the Environment Agency is reviewing the modelling results.</li> </ul>

### 3.4. MATTERS NOT AGREED

3.4.1. No matters are currently definitively Not Agreed between the Environment Agency and the Applicant.



## 4. REFERENCES

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- 1 UK Government. 2008. 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects'. Available at:  
<https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>
- 2 Cory Environmental Holdings Limited. (2023). 'Environment Impact Assessment Scoping Report: Cory Decarbonisation Project'. Available at:  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010128/EN010128-000021-EN010128%20-%20Scoping%20Report.pdf>
- 3 Cory Environmental Holdings Limited. (2023). 'Preliminary Environmental Information Report: Cory Decarbonisation Project'. Available at:  
<https://corydecarbonisation.co.uk/document-library/>
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