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Geoff Underwood
Examining Authority
National Infrastructure Planning
Temple Quay House
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Our Ref: CDP/PREEX/3

25 September 2024

Dear Mr Underwood,

EN010128: APPLICATION BY CORY ENVIRONMENTAL HOLDINGS LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE CORY DECARBONISATION PROJECT - PROJECT UPDATE

I write in connection with the Applicant's letter [AS-001] dated 11 September 2024 notifying the Examining Authority (ExA) that, following submission of the application in March and in light of the fact that it is understood that a Preliminary Meeting for the Proposed Scheme is unlikely to take place until November 2024, the Applicant has been taking a pro-active approach to dealing with the issues raised in Relevant Representations and on-going engagement with stakeholders, and undertaking an errata check of its documentation, to enable the Examination to start on the basis that progress has been made and some of the matters that may be of concern to you are already dealt with.

This has enabled it to respond to Relevant Representations, develop Statements of Common Ground and update its application documentation.

To that end, therefore, the Applicant is pleased to submit the following documents:

- a **Response to Relevant Representations** document setting out its response to the points raised by Interested Parties. The document is accompanied by a separate document which consolidates the following appendices to those responses:
 - Appendix A: Air Quality Neutral Statement submitted in response to the Greater London Authority;

- Appendix B: Air Quality Contour Plots and Updated Tables submitted in response to Natural England;
 - Appendix C: Air Quality – Assessment of Nitrosamines submitted in response to the London Borough of Bexley;
 - Appendix D: Proposed Scheme and LBB Policy DP12 submitted in response to the London Borough of Bexley;
 - Appendix E: Plan of existing Riverside Campus submitted in response to the London Borough of Bexley;
 - Appendix F: Greenhouse Gas Waste Throughput Sensitivity Analysis submitted in response to the London Borough of Bexley;
 - Appendix G: Government Call for Evidence on Non-Pipeline Transport submitted as part of the overall case making within the Response to Relevant Representations;
 - Appendix H: Terrestrial Site Appraisal Report Addendum submitted in response to the London Borough of Bexley and the Greater London Authority; and
 - Appendix J: Spangled Diving Beetle Information submitted in response to Buglife.
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- an **Errata Schedule** setting out minor errors and omissions to Application documents. The errors and omissions do not change the overall findings of the documents, but the Applicant considers that it would be helpful to correct them to ensure that there is clarity in the position expressed in the relevant Application document;
 - update to the **Outline Code of Construction Practice** [APP-124] in clean and track changes;
 - update to the **Framework Construction Traffic Management Plan** [APP-127] in clean and track changes;
 - update to the **Flood Risk Assessment** [APP-107] in clean and track changes;
 - update to the **Outline Drainage Strategy** [APP-122] in clean and track changes;
 - update to the **Preliminary Navigation Risk Assessment (pNRA)** (appendix to the Environmental Statement [APP-115]) in clean and tracked changes;

- update to the **Draft DCO** [APP-018] (in clean and track changes) and accompanying Schedule of Changes;
- update to the **Design Principles and Design Code** [APP-047] in clean and track changes;
- an update to the **Schedule of Negotiations and Powers Sought** [APP-023] in clean and track changes to reflect recent discussions with land interests and to update it to reflect the parties who have submitted Relevant Representations. In addition, the following information has been added to reflect recent Rule 6 Letters on other DCO projects:
 - what category of land interest (for section 44/57 purposes) each party is;
 - confirmation of whether the plot is Special Category Land or not;
 - confirmation of whether the party is a statutory undertaker or not; and
 - confirm the status of Heads of Terms/Side Agreements/Protective Provisions for the party.
- updates to the **Book of References (BoR)** [APP-022] in clean and track changes with accompanying Schedule of Changes. The changes to the BoR arise from the section 51 advice, the Applicant's Errata check, discussions with land interests, further review of utility information, and the GVD for Riverside 2 having been made. It is worth noting that none of those changes required any additional targeted consultation as no new parties have been identified.
- **Statements of Common Ground (SoCG)** – the status of these is presented in the table below which in summary sets out that there are SoCGs:
 - which have been agreed and signed between the Interested Party and the Applicant;
 - which have been submitted to the Interested Party for review, but a response has not yet been received. These are submitted so that the ExA can see the record of engagement undertaken and have an insight on at least the Applicant's understanding of the position following that engagement; and
 - where the Applicant has now determined that a SoCG is unlikely to be required.

To assist all parties, and the ExA's preparation for the initial stages of Examination, I can confirm that the Applicant also intends to submit

updated versions of the SoCGs alongside the Change Request on 25 October.

Interested Party	Status
London Borough of Bexley (LBB)	Following a productive meeting was held with LBB on 18 September, this SoCG was sent to LBB shortly before this submission.
Greater London Authority (GLA)	The version submitted is with GLA for review.
Environment Agency (EA);	The version submitted is with EA for review.
Port of London Authority (PLA)	<p>Not yet sent to the PLA, but there has been numerous meetings and a number of exchanges of correspondence between the Parties.</p> <p>The Parties remain in discussion in respect of the pNRA, the Applicant's proposed Change Request, the river transport matters set out in its Relevant Representation, and the approach to Exclusion Zones under its General Directions (including associated DCO drafting).</p> <p>The PLA has also agreed that the following statement can be submitted:</p> <p><i>The PLA and Applicant are agreed that, on the basis of the DCO submitted alongside this letter, the parties have made good progress on agreeing DCO drafting matters. There are drafting matters which remain to be resolved and these include the following:</i></p> <ul style="list-style-type: none"> • <i>the PLA considers that the Order limits should be reduced to not include the navigation channel given its importance to navigation and the carrying out of the PLA's functions. The Applicant considers that for constructability reasons it should be included and that the PLA has the ability to control these works through the PPs;</i> • <i>the PLA considers that the Order limits should be reduced to avoid encompassing</i>

Interested Party	Status
	<p><i>known existing RWLs outside of the limits of deviation of Work No. 4. The Applicant does not propose to make this change, as the full extent of the Order limits may be required for construction and sufficient protections have now been incorporated into the PLA's PPs. The Applicant's proposed wording for the PLA's PPs dealing with existing RWLs outside the limits of deviation of Work No 4 and variation of the same will continue to be discussed between the parties.</i></p> <ul style="list-style-type: none"> • <i>the PLA continues to have concerns with Article 7 including the timescales for when existing River Works Licences should be varied or extinguished and the restrictions on the PLA granting future River Works Licences or dredging licences in perpetuity, particularly given its statutory functions and the right of appeal provided for in the 1968 Act. The PLA require that any approval by the Applicant needs to be the subject of a clear consenting process including deemed consent where consent is not forthcoming in a given period. The Applicant considers that the same principles as is applied to similar positions in DCO Protective Provisions should apply – for consent not to be unreasonably withheld or delayed. As the navigational channel has been excluded from the ambit of article 7(4), deemed consent is not considered appropriate when the impacts in contemplation could affect its operational assets. In this way it will be in a similar position as a statutory undertaker in the Protective Provisions.</i> • <i>the PLA considers that there should be pre-submission consultation with the PLA on all plans and strategies where the local planning authority is to consult the PLA. The Applicant has provided for this where it considers it would be efficient to do so, but</i>

Interested Party	Status
	<p><i>considers this is not necessary where the PLA has a more ancillary role in the overall consideration of the plans and strategies being developed.</i></p> <p><i>The parties will continue discussing these matters, and will provide an update to the ExA in due course on where matters stand.</i></p>
Natural England	The version submitted is with Natural England for review
Marine Management Organisation (MMO)	The version submitted is with MMO for review
Friends of Crossness LNR Save Crossness LNR	The SoCGs submitted are with Friends of Crossness LNR and Save Crossness LNR for review
Greater London Archaeology Advisory Service	Agreed and signed on 6 September 2024
Historic England	Agreed and signed on 6 September 2024
Iron Mountain	Held pending outcome of site meeting scheduled for 8 October 2024 where the Applicant will be seeking a clearer indication of the potential concerns for the site.
Realty Income	Held pending further identification of Iron Mountain's concerns for its sites and clarification if a single SoCG with Iron Mountain is sufficient.
Thames Water Utilities Ltd	In development and not yet sent to Thames Water, but there have been numerous meetings and a number of exchanges of correspondence between the Parties, including the sending of Heads of Terms. The Applicant intends to release a draft SoCG to Thames Water shortly.
Peabody Trust and Tilfen Land Ltd	A SoCG is under discussion with these parties.

Interested Party	Status
Landsul Limited and Munster Joinery (UK) Limited Seamus Gannon Creekside Developments	The Applicant understands the position of all of these parties to be that they will continue to object in principle to the taking of their land and will object to this throughout Examination. It is therefore not considered prudent to develop a SoCG as it is unlikely that any matters would be able to be recorded as Agreed
UKPN	The version submitted is with UKPN for review
Lidl	The version submitted is with Lidl for review
Aviva	A SoCG is under discussion with this party.
Asda	The Applicant intends to send a draft SoCG to ASDA shortly.
Alaska PropCo	Held awaiting clarification if a single SoCG with ASDA is sufficient.

At this stage, and given the status of the SoCGs set out in the above table, the Applicant has not submitted a Statement of Commonality alongside these SoCGs, but intends to do so alongside the 25 October submission.

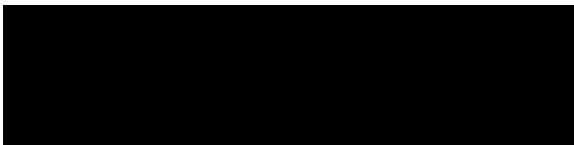
- **Land Plans** [APP-136]: these plans have been updated to reflect the removal of plot 01-122 in response to the Environment Agency's Relevant Representation;
- **Works Plans** [APP-137]: these plans have been updated to correct errors in the plan title and in light of the PLA's Relevant Representation, and to ensure consistency with the Land Plans;
- The following plans have been updated to reflect the reduction in the Order limits shown in the Land Plans:
 - Access to Rights and Way Plan [APP-138]
 - Traffic Regulation Measures Plan [APP-139]
 - Special Category Land Plans [APP-140]; and
 - Extended Crossness Local Nature Reserve Plan [APP-015]; and



- to reflect all of the above, an update to the **Application Document Tracker** [APP-113].

It is hoped that the submission of this documentation will assist the ExA in preparing the Rule 6 Letter and First Written Questions.

Yours sincerely,



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