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All Interested Parties and Statutory Parties

Your Ref:

Our Ref: EN010128

Date: 18 November 2024

Dear Sir/ Madam

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8 and 9

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

Examination Timetable and procedure

This letter (the Rule 8 letter) provides important information about the Examination of this application. The letter includes:

- The Examination Timetable
- An invitation to submit Written Representations
- Other Procedural Decisions made by the Examining Authority (ExA)
- Information about the availability of Examination Documents
- Guidance on the use of the '[Have Your Say](#)' section of the project webpage

All documentation associated with this Examination, including a note of the Preliminary Meeting and the recording of that meeting, can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A** to this letter.

The Examination Timetable replaces the draft timetable that was included in my [Rule 6 letter](#). In finalising the Examination Timetable, I have sought to accommodate requests and suggestions made orally or in writing to the Preliminary Meeting. A list of the main changes I made to the draft Examination Timetable is set out at **Annex B** to this letter.

Please note that the Examination Timetable contains a number of Deadlines for receipt of information by the Planning Inspectorate. All Deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the Deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

I request that all Interested Parties make their submissions using the '[Have Your Say](#)' section of the [project webpage](#) on or before the applicable Deadline. **Annex E** to this letter provides further information about using the '[Have Your Say](#)' section.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to Interested Parties and Statutory Parties. The changes will be published on the [project webpage](#).

Written Representations

My [Rule 6 letter](#) of 7 October 2024 provided advance notice for the submission of Written Representations and all Interested Parties are invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by **Deadline 1** in the Examination Timetable.

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues at Annex C of my [Rule 6 letter](#).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination (see paragraph 009 of the [government's guidance on the examination stage for Nationally Significant Infrastructure Projects](#) for further information about Written Representations).

I have requested further types of written submissions at various points in the Examination (see **Annex A**).

Any Written Representations and any further written submissions requested during the Examination, that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

Representations **must not include hyperlinks** to documents/evidence hosted on third party websites. See the Planning Inspectorate's Advice for members of the public: [Advice for submitting representations or comments](#) for important information about making written submissions.

Other Procedural Decisions made by the ExA

Annex B to this letter contains important details and clarifications about other Procedural Decisions I made at, or following, the Preliminary Meeting. These include:

- Changes to the draft Examination Timetable;

- Statements of Common Ground;
- Local Impact Reports;
- changes to land interests;
- Additional Submissions accepted into the Examination;
- Applicant's Change Request;
- Accompanied Site Inspection (ASI);
- ExA's requests following Issue Specific Hearing 1 and Compulsory Acquisition Hearing 1; and
- Omission of Great Breach Pumping Station from Order Land.

Format of Examination Events

Both blended (part in-person and part virtual) and fully virtual events will form part of the operating model. I remain flexible and will confirm the format of any hearings when I provide formal notification of each hearing at least 21 days in advance of it taking place.

Hearings and Site Inspections

The Examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

The Planning Inspectorate's Advice for members of the public also provides important information about hearing procedures:

- [What to expect at a Nationally Significant Infrastructure Project event](#)
- [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#)

On this basis the Examination Timetable at **Annex A** to this letter includes periods of time reserved for any hearings to be held, and I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include a Deadline for Interested Parties to inform the Planning Inspectorate if they wish to participate at the notified hearing(s) not covered by Deadline 1.

I will also undertake site inspections. Where I am able to view the site from public land, I am likely to do this unaccompanied and a note of the site inspection will be published on the project webpage. The Examination Timetable also reserves time for me to undertake an ASI during the week commencing 10 February 2025. I will consider each suggested site location, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. I will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter from the Planning Inspectorate but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A '[Have Your Say](#)' section is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the '[Have Your Say](#)' portal is provided at **Annex E** to this letter.

There is also a function on the right-hand side of the [project webpage](#) called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you are a person or organisation who is involved in the NSIP process. See the Planning Inspectorate's Advice for members of the public: [National Infrastructure Projects and the people and organisations involved in the process](#) for further details.

If, having read the advice, you are still unsure about how you are involved in the process please contact the Case Team using the details at the top of this letter.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex D** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

I look forward to working with all parties in the Examination of this application.

Yours faithfully



Examining Authority

Annexes

- A** Examination Timetable
- B** Other Procedural Decisions made by the Examining Authority
- C** Arrangements for Hearings
- D** Availability of Examination Documents
- E** Information about the '[Have Your Say](#)' section of the project webpage

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
	Preliminary Meeting	Tuesday 5 November 2024
	Open Floor Hearing (OFH)	Tuesday 5 November 2024
	Issue Specific Hearing 1 (ISH1) Scope of the proposed development, alternatives, and environmental effects	Wednesday 6 November 2024
	Compulsory Acquisition Hearing 1 (CAH1)	Thursday 7 November 2024
1.	Issue by the ExA of: Examination Timetable	As soon as practicable after the Preliminary Meeting
2.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none"> • Post hearing submissions, including written summaries of oral submissions at OFH, ISH1 and CAH1, and any information requested by the ExA at the OFH, ISH1 and CAH1 • Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA and to enable the Applicant to investigate access to suggested locations on third party land • Notification to be heard at any additional Compulsory Acquisition Hearing (CAH2) Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be 	Tuesday 26 November 2024

	<p>heard at a Compulsory Acquisition Hearing (CAH)</p> <ul style="list-style-type: none"> • Notification by Interested Parties to be heard orally at an Open Floor Hearing (OFH) • Local Impact Reports (LIR) from Local Authorities • Notification by Statutory Parties or Local Authorities of their wish to be considered as an Interested Party • Land Rights Tracker • Examination Tracker • Policy Tracker (if required) • Written Representations (WRs) including summaries if exceeding 1500 words • Latest versions of Statements of Common Ground (SoCG) and Statement of Commonality (if not provided at the Pre-Examination Procedural Deadline A) • Responses to Relevant Representations (RRs) (if not provided at the Pre-Examination Procedural Deadline A) • Updated Book of Reference (BoR) and Schedule of Changes to the BoR, in clean and tracked versions (if required) • An updated dDCO in clean, tracked and Word versions (if required) • An updated Schedule of Changes to the dDCO (if required) • An updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions. • Draft planning obligation • Comments on any further information/submissions accepted by the ExA • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
3.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p>	<p>Friday 13 December 2024</p>

	<ul style="list-style-type: none"> • Comments on any further information or submissions received at Deadline 1, including LIRs and WRs • Any comments on the change to the application detailed in Annex B, Item 6, and accepted by the ExA into the Examination • Applicant's draft itinerary for an Accompanied Site Inspection (ASI) and suggestions for any locations for unaccompanied site inspection (USI) • Comments on the draft planning obligation • Any further information requested by ExA under Rule 17 of the Examination Rules 	
4.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • First Written Questions (ExQ1) 	Friday 20 December 2024
5.	<p>Deadline 3</p> <ul style="list-style-type: none"> • Responses to ExQ1 • Comments on any further information or submissions received at Deadline 2 • Updated Land Rights Tracker • Updated Examination Tracker • Updated Policy Tracker (if required) • Updated SoCG and Statement of Commonality (as required) • Notification of wish to attend ASI • Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required) • Updated dDCO in clean, tracked and Word versions, schedule of changes to the dDCO and updated Explanatory Memorandum (if required) • Updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions. • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Friday 17 January 2025
6.	Dates reserved for:	Week commencing

	<ul style="list-style-type: none"> • Issue Specific Hearing 2 (ISH2) draft Development Consent Order (dDCO) • Any further Issue Specific Hearings (If required) • Compulsory Acquisition Hearing 2 (CAH2) (If required) • Open Floor Hearing (OFH2) (if required) • ASI 	10 February 2025
7.	<p>Deadline 4</p> <ul style="list-style-type: none"> • Post hearing submissions, including written summaries of oral submissions and any information requested by the ExA at the Hearings w/c 10 February 2025 • Comments on any other information or submissions submitted at Deadline 3 • Updated Land Rights Tracker • Updated Examination Tracker • Updated Policy Tracker (if required) • Updated SoCG and Statement of Commonality (if required) • Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required) • Updated dDCO in clean, tracked and Word versions, schedule of changes to the dDCO and updated Explanatory Memorandum (if required) • Updated Schedule of Changes to the dDCO (if required) • Updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions. • Any further information requested by ExA under Rule 17 of the Examination Rules 	Tuesday 25 February 2025
8.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • ExA's Second Written Questions (ExQ2) (If required) 	Tuesday 11 March 2025
9.	<p>Deadline 5</p> <ul style="list-style-type: none"> • Response to ExQ2 (if required) • Comments on any other information or submission submitted at D4 	Tuesday 25 March 2025

	<ul style="list-style-type: none"> • Updated Land Rights Tracker • Updated Examination Tracker • Updated Policy Tracker (if required) • Updated SoCG and Statement of Commonality (if required) • Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required) • Updated dDCO in clean, tracked and Word versions, schedule of changes to the dDCO and updated Explanatory Memorandum (if required) • Updated Schedule of Changes to the dDCO (if required) • Updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions. • Final draft of Planning Obligation • Any further information requested by ExA under Rule 17 of the Examination Rules 	
10.	<p>Publication of:</p> <ul style="list-style-type: none"> • Report on the Implications for European Sites (RIES) and any associated questions (if required) • ExA's commentary on, or schedule of changes to, the dDCO 	Tuesday 8 April 2025
11.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES and responses to any associated questions (if issued) • Comments on any other information submitted at D5 • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Tuesday 29 April 2025
12.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final Land Rights Tracker • Final Examination Tracker 	Friday 2 May 2025

	<ul style="list-style-type: none"> • Final Policy Tracker (if required) • Final SoCG and Statement of Commonality • List of matters not agreed where SoCG could not be finalised • Final BoR and Schedule of Changes to the BoR, in clean and tracked versions • Final dDCO to be submitted by the Applicant in the SI template. Applicant to provide the email notification from https://publishing.legislation.gov.uk/validation confirming the document has successfully passed validation, and the PDF version of the SI validation report obtained from the link in the notification email. Final dDCO in clean, tracked and Word versions. • Final schedule of changes to the dDCO and updated Explanatory Memorandum • Final Application Guide (Application Document Tracker) in clean and tracked versions • Final Statement of Reasons in clean and tracked versions • Final Status of Negotiations with Statutory Undertakers • Completed section 106 agreement • Closing Statements • Any further information requested by ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
13.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Monday 5 May 2025

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State (SoS), as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the SoS. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The SoS may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017.

Other Procedural Decisions made by the Examining Authority (ExA)

I have made a number of Procedural Decisions following the Preliminary Meeting:

1. Examination Timetable

The main changes which have been made to the draft Examination Timetable are:

- i. The invitation for suggestions for locations for Accompanied and Unaccompanied Site Inspections has been moved to Deadline 1.
- ii. The requirement for the Applicant to provide an itinerary, taking suggestions into account, for the ASI has been moved to Deadline 2.
- iii. The deadline by which Interested Parties need to provide notification of a wish to attend the ASI has been moved to Deadline 3 so that consideration can be given as to whether parties may wish to attend having seen the Applicant's suggested itinerary.

All other suggested changes and modifications to the Examination Timetable and set out in representations made at Procedural Deadline A and orally during the Preliminary Meeting were considered by the ExA. However, other than those included in Annex A and as set out above, the ExA does not agree or include any of the other changes or modifications sought to the Examination Timetable.

The ExA has considered the comments of Landsul Ltd and Munster Joinery (UK) Ltd and the response by the Applicant in respect of the former considering that they would wish to cross-examine the Appellant's expert on the matter of scheme design and, site extent and configuration. The ExA would remind parties that the Examination process is a primarily written one, supplemented by oral events, and that it is for the ExA to decide whether a person making oral representations at a hearing may be questioned by another person and, if so, the matters to which the questioning may relate.

The timetable would allow the Applicant to respond to any detailed submission that Landsul Ltd and Munster Joinery (UK) Ltd make at **Deadline 1**, and **Deadline 3** provides for comments on any further information or submissions made in response and received at the previous deadline.

Nevertheless, the ExA agrees that it would be helpful to confirm areas of agreement and disagreement between any experts of those two parties with regard to those particular aspects in a Statement of Common Ground (SoCG), either as an annex to that in preparation or as a standalone SoCG, with that element at least finalised, at **Deadline 3**. This would mean that the ExA and other parties could consider any implications in advance of any ISH or CAH.

2. SoCG

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. As set out in **Annex E** of the ExA's Rule 6 letter, it is requested that those SoCG specified are submitted during the Examination of this application.

However, bearing in mind the submissions of the Applicant and the **Royal Society for the Protection of Birds (RSPB)** the ExA is no longer seeking a SoCG between those parties.

A SoCG had not been identified between the **Applicant** and the **Western Riverside Waste Authority**. However, bearing in mind representations made in writing, and orally at the Issue Specific and Compulsory Acquisition Hearings, it would assist the ExA if there was a SoCG between those two parties or at least a joint position statement between the parties should the format of a SoCG not be compatible with commercial confidentiality matters.

As referenced above and bearing in mind that **Landsul Limited and Munster Joinery (UK) Limited** have indicated their intent to submit detailed technical evidence on **scheme design and implications for site extent and configuration for Carbon Capture Facility** it would be helpful that a specific and focused SoCG prepared between their expert, and the Applicant's expert, on those matter matters is prepared to narrow down matters in dispute. This could be separate and in addition to, or as an annex to, the SoCG being prepared between the two parties.

The ExA requests that SoCG are prepared between the Applicant and:

- A. **London Borough of Bexley**
- B. **Greater London Authority**
- C. **Environment Agency**
- D. **Port of London Authority**
- E. **Natural England;**
- F. **Marine Management Organisation**
- G. **Friends of Crossness LNR and Save Crossness LNR**
- H. **Greater London Archaeology Advisory Service**
- I. **Historic England**
- J. **Iron Mountain and Realty Income**
- K. **Thames Water Utilities Ltd**
- L. **Peabody Trust and Tilfen Land Ltd**
- M. **Landsul Limited and Munster Joinery (UK) Limited**
- N. **Seamus Gannon**
- O. **UKPN**
- P. **Lidl**
- Q. **Aviva**
- R. **Asda**
- S. **Creekside Developments**
- T. **Alaska PropCo.**
- U. *Not in use*
- V. **Buglife**
- W. **Kent County Council**
- X. **Dartford Borough Council**
- Y. **National Highways**
- Z. **Western Riverside Waste Authority**

If not provided before, final signed versions of all the SoCGs are requested to be submitted **by the Applicant** at **Deadline 7**, Friday 2 May 2025.

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

3. Local Impact Reports (LIR)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see the Planning Inspectorate's [Advice for local authorities](#).

As set out in **Annex F** of the ExA's Rule 6 letter, the Local Authorities, defined in section 56A of the Planning Act 2008, are invited to submit LIRs by **Deadline 1**.

4. Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by emailing the [project mailbox](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

5. Additional Submissions

In addition to the documentation submitted by Procedural Deadline A the ExA has exercised its discretion and made a Procedural Decision prior to the Preliminary Meeting to accept into the Examination the following documents submitted by the Applicant. Please note that accepting documents as additional submissions does not indicate that the ExA has made a decision to accept any changes to the application that may be contained in those documents at this stage (please see Item 9 below).

AS-001	Project update and Applicant's Notification of Intention to Submit a Change Request.
AS-002	Response Letter to following matters raised in the ExA's response letter [PD-004].
AS-003	Cover Letter
AS-004	Application Document Tracker (Tracked) Rev C.
AS-005	Application Document Tracker (Clean) Rev C.
AS-006	Land Plans Rev P03.
AS-007	Works Plans Rev P0.3
AS-008	Access and Rights of Way Plan Rev P03.
AS-010	Traffic Regulation Measures Plan Rev P03.
AS-011	Special Category Land Plan Rev P03.
AS-012	Extended Crossness Local Nature Reserve Rev P03.
AS-013	Draft Development Consent Order (Tracked) Rev B.

AS-014	Draft Development Consent Order (Clean) Rev B.
AS-015	Book of Reference (Tracked) Rev B.
AS-016	Book of Reference (Clean) Rev B.
AS-017	Schedule of Negotiations and Powers Sought (Tracked) Rev B.
AS-018	Schedule of Negotiations and Powers Sought (Clean) Rev B.
AS-019	Design Principles and Design Code (Tracked) Rev B.
AS-020	Design Principles and Design Code (Clean) Rev B.
AS-021	Figure 3-3 Alternative Layouts for the Carbon Capture Facility Plant.
AS-022	Appendix 11-2 Flood Risk Assessment (Tracked) Rev B.
AS-023	Appendix 11-2 Flood Risk Assessment (Clean) Rev B.
AS-024	Appendix 19-1 Preliminary Navigation Risk Assessment (Tracked) Rev B.
AS-025	Appendix 19-1 Preliminary Navigation Risk Assessment (Clean) Rev B.
AS-026	Outline Drainage Strategy (Tracked) Rev B.
AS-027	Outline Drainage Strategy (Clean) Rev B.
AS-028	Outline Code of Construction Practice (Tracked) Rev B.
AS-029	Outline Code of Construction Practice (Clean) Rev B.
AS-030	Framework Construction Traffic Management Plan (Tracked) Rev B.
AS-031	Framework Construction Traffic Management Plan (Clean) Rev B.
AS-032	Historic England Statement of Common Ground (signed).
AS-033	UKPN Statement of Common Ground (working).
AS-034	London Borough of Bexley Statement of Common Ground (working).
AS-035	Lidl Statement of Common Ground (working).
AS-036	Save CNR Campaign Group Statement of Common Ground (working).
AS-037	Environment Agency Statement of Common Ground (working).
AS-038	Natural England Statement of Common Ground.
AS-039	Friends of Crossness Nature Reserve Statement of Common Ground.
AS-040	Marine Management Organisation Statement of Common Ground.
AS-041	Greater London Archaeology Advisory Service Statement of Common Ground.
AS-042	Errata Schedule.
AS-043	Applicant's Responses to Relevant Representations.
AS-044	Relevant Representation Appendices.
AS-045	Schedule of Changes to Book of Reference.
AS-046	Schedule of Changes to the Draft DCO.
AS-062	Appendix H: Terrestrial Site Alternatives Report - Addendum Annex A Rev A.

6. Change Request - revised Proposed Jetty design and associated dredging

The ExA has made a decision relating to the Applicant's request to make changes to the application. The ExA has decided to **accept** the Applicant's proposed changes to the application into the Examination.

The Applicant [notified](#) the ExA on 15 August 2024 that it intended to submit a request for non-material changes to the application, to which the ExA provided a [response](#) on 11 September 2024. The Applicant subsequently submitted a [formal request](#) for the proposed change on 25 October 2024. This involved revising the design of the Proposed Jetty and associated dredging, to facilitate a maximum vessel size of approximately 20,000m³, rather than the maximum 15,000m³ anticipated in the application documentation. This would entail an increase in assumed capital dredging volume, a likely increase of the size of the sheet pile retaining wall either side of the dredge pocket and an increase in the

downwards limits of deviation for dredging set out in article 2 of the draft Development Consent Order.

The question as to whether a change is material or not is for the ExA to determine. Having reviewed the change request including the responses made to the consultation carried out by the Applicant, the ExA is satisfied that the proposed change would not result in any greater extent of Compulsory Acquisition powers and that it would not engage the prescribed procedures of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The ExA is also satisfied that it would be unlikely to result in any new or different likely significant effects.

On this basis, the ExA concludes that the proposed change amounts to a non-material change and that the ExA has decided to accept the proposed change into the Examination.

In reaching the decision to accept the proposed changes to the application, the ExA has had regard to paragraph 018 of the Ministry of Housing, Communities and Local Government Guidance '[Planning Act 2008: examination of applications for development consent](#)' and the Planning Inspectorate's advice '[Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination](#)'.

The most up to date documents which relate to or incorporate revisions to reflect the accepted change request, can be found in the [Examination Library](#) and comprise the references [[AS-047](#) to [AS-061](#)].

Allowance has been made for Interested Parties to comment on the accepted change to the application at **Deadline 2 on 13 December 2024**.

7. Accompanied Site Inspection

Following representations made during hearings it would appear that there are a number of locations which it would assist the ExA to visit as part of an accompanied Site Inspection that are on third party land. Being conscious that securing access may take time to arrange, it would be helpful for the applicant to make the arrangements or obtain the appropriate permissions.

This is likely to include:

- The western element of the Crossness Nature Reserve which is enclosed within fencing and any parts of the Thames Water emergency access route not publicly accessible that it would be desirable for the ExA to view.
- Subject to access not causing a disturbance to wildlife and taking into account any health and safety considerations with respect to grazing livestock, those parts of the Crossness Nature Reserve comprising the East and West Paddocks and Seawall Field
- Taking into account any health and safety considerations, the parcels of land where the Carbon Capture facility would occupy, including the Munster Joinery Ltd site.
- Taking into account any health and safety considerations, those parts of the Riverside 1 and 2 sites adjacent to the proposed flue gas pipeline route, the proposed Carbon Capture Facility and the CO₂ pipeline and associated works leading to the Proposed Jetty.

8. ExA requests at ISH1 and CAH1

The ExA encourages all parties to work together including contribution to SoCG and sharing information where this will assist in giving all the parties the information they need to make effective representations into the examination.

There were a number of matters arising, points of clarification and information that arose:

The Applicant is requested to provide the following by **Deadline 1**.

(arising from ISH1)

- i. A clear and concise statement and explanation, including appropriate plans or illustrations, documenting and setting out what the implications are on the Order Land of requirements, obligations or conditions to which other developments are subject and the management arrangements in place.
- ii. An explanation of what vehicle movements would be between the existing riverside campus and the Carbon Capture Facility including the implications of those movements for the options separated by Footpath 4.
- iii. Clarification of the staff numbers anticipated, where on the site they would be deployed and at what times.
- iv. A note about an option for the interim storage of CO₂ as part of the North option, that is in the vicinity of the proposed Jetty and export point as opposed to adjacent to the substantive part of the Carbon Capture Facility
- v. An explanation of what the 'high level' consideration of cost and economic factors was, and the limitations of such a consideration, in the evaluation of other options, in particular options that would have entailed acquiring existing industrial and business units and sites on the adjacent industrial area.
- vi. Clarification about the role and implications of the Heat Transfer Station proposed and whether this would replace, complement or be separate to, any heat transfer facility that would link the Riverside 1 and 2 facilities to any heat networks.
- vii. Explanation of the timing and phasing of the scheme development and optioneering exercises with reference to the size, scale and area of anticipated development considered for options for alternative siting.

(arising from CAH 1)

- viii. Clarification of the purposes and necessity for CA, as opposed to other arrangements, of the part of the Thames footpath and the area between the footpath and Riverside 1 Power Station (including plots 1-096, 1-101, 1-103, 1-105 and 1-113A)
- ix. The Applicant to investigate interests in land raised by the Port of London Authority and as appropriate make any changes to documentation and, if necessary, follow the procedure outlined at item 4 above should any new interest be identified.
- x. Explanation of the Applicant's approach to alternatives to CA including altering existing agreements that may be in place on particular plots.
- xi. Explanation of how any forecast increases in construction costs have been factored in to the Applicant's position in the Funding Statement.
- xii. Provision of any more recent accounts than the 2022 ones referred to in the Funding Statement.

9. Removal of Great Breach Pumping Station from Order Land

In their response to Relevant Representations of 25 September 2024, the Applicant proposed changing the Order Limits by omitting the Great Breach Pumping Station from the Order Land, and provided revised documents and drawings to that effect, including a revised Book of Reference and Land Plans.

It appears to the ExA that the Applicant has submitted information that may constitute a change to the application, but the Applicant has not submitted a change notification as detailed in the Planning Inspectorate's guidance [Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination](#) (and see also paragraph 018 of MHCLG guidance [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects](#)).

The guidance makes it clear that the ExA will decide whether any new information from the applicant during the examination stage results in a change to the application. Where new information may constitute a change to the application, but the applicant has not provided a change notification (Step 1 of the change process in the guidance), the ExA may ask for the information to be included with a change notification before deciding whether and how to examine the new information.

The change proposed would not be of the type which the guidance gives as examples of the types of changes which may not result in a formal change to the proposed project. The guidance does not place a minimum threshold on the area of land or scale of a change for the change process to be necessary, nor that a reduction in the Order Land should be treated differently. Following the guidance on the approach to changes will help to ensure that any changes are dealt with in a transparent and fair manner.

The ExA has therefore made the Procedural Decision to request that the Applicant submit the information set out in Step 1 of this guidance as soon as practicable. Whilst some of the information was provided in the Applicant's commentary about the change proposed this did not cover all the information required. Once the ExA is in receipt of this information the ExA will be able to provide advice to the Applicant about the procedural implications of the proposed change and about the need, scale and nature of any potential consultation that the Applicant might need to undertake.

Arrangements for hearings

The Examination will be principally undertaken through the exchange of written submissions however the Examination Timetable reserves periods of time for hearings to be held (if required).

Requests to participate at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH) on or before **Deadline 1 (26 November 2024)**

Any request to participate in a hearing **should include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you intend to participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in and brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the [Land Plans](#); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Requests to participate should be made using the **Event Participation Form** on or before **Deadline 1**.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend hearings, either virtually or in person.

If no written requests to take part in an OFH or CAH are received by the above Deadline, the ExA is not required to hold such a hearing, although they may choose to do so nonetheless.

The ExA may also choose to hold Issue Specific Hearings (ISH) about topics that the ExA considers need to be explored orally. The decision to hold an ISH about a particular topic is not connected to how relevant or important the ExA considers an issue or topic to be.

Hearing agendas

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the [project webpage](#) at least five working days in advance of the

hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

Procedure at hearings

The Examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Availability of Examination Documents

The application documents and Relevant Representations are available to view on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation and submission made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference number which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a member/library member in order to use a computer at these locations.

Local authority	Venue/address	Opening hours	Printing Costs
Erith Library	100 High Street Erith DA8 1QY	Monday: Closed Tuesday: 9.30am – 7.00pm Wednesday: Closed Thursday: 9.30am – 5.30pm Friday: 9.30am – 5.30pm Saturday: 9.30am – 5.00pm Sunday: Closed	A4 Black and White - £0.20 per side. A3 Black and White - £0.35 per side. A4 Colour £0.80 per side. A3 Colour £1.45 per side.

Local authority	Venue/address	Opening hours	Printing Costs
Thamesmere Library	Thamesmere Drive London SE28 8RE	Monday: 7.30am – 9.00pm Tuesday: 6.30am – 9.00pm Wednesday: 6.30am – 9.00pm Thursday: 6.30am – 9.00pm Friday: 7.30am – 9.00pm Saturday: 8.00am – 4.00pm Sunday: 8.00am – 4.00pm	A4 Black and white - £0.10 per side. A3 Black and White - £0.20 per side. A4 Colour - £0.25 per side. A3 Colour - £0.50 per side.

Information about the 'Have your say' page

The '[Have your say](#)' page is available on the [project webpage](#).

You will need to enter your unique reference number ('Your ref' found at the top of your email from the Planning Inspectorate) beginning either 2004 or CDCP. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's Advice for members of the public: [Advice for submitting representations or comments](#) for important information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex A** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the '[Have your say](#)' page, please contact the Case Team using the contact details at the top of this letter and they will assist.