

Cory Decarbonisation Project DCO

LB Bexley Written Representations

26th November 2024.

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INTRODUCTION

These Written Representations are submitted by the London Borough of Bexley (the Council) in pursuance of rule 10(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (ExPR) in relation to an application under the Planning Act, 2008 (as amended) for a Development Consent Order (DCO) for the Cory Decarbonisation Project (the Project) submitted by Cory Environmental Holdings Limited (the Applicant) to the Planning Inspectorate (PINS).

The Written Representation should be read in conjunction with the Council's Relevant Representation dated 14/06/2024 and Local Impact Report dated 26/11/2024.

Format

This document comprises the view of the Council on the outstanding issues that are still to be resolved. The representations are set out under the following technical areas:

- Land Use and Consideration of Alternatives.
- Terrestrial and Marine Biodiversity.
- Land Transport.
- Historic Environment.
- Socioeconomics.
- Townscape and Visual.
- Noise and Vibration.

Each section is presented in a similar format comprising the following structure:

- Key Issues
- Areas of Contention
- Potential for Further Mitigation
- DCO requirements

This Written Representation and the Local Impact Report are accompanied by a tracked-change draft of the application version of the DCO, where the changes represent those that would address the concerns raised by the Council.

A summary of these representations are also provided in accordance with the Infrastructure Planning (Examination Procedure) Rules.

The Council is supportive of this scheme in principle. However, support is contingent on the issues set out in this document being addressed. The Overarching National Policy Statement for Energy (EN-1) (2023) sets out that the UK has become the first major economy to legislate for a 2050 net zero Greenhouse Gases emissions target through the Climate Change Act 2008 (2050 Target Amendment) Order, 2019.

EN-1 sets out at section 2.4 what the government will do in order to support the decarbonising of the power sector. Paragraph 2.4.4 states that the *“Government is developing business models to incentivise the deployment of Carbon Capture, Utilisation and Storage (CCUS) facilities and low carbon hydrogen production in the UK.”* Chapter 3 sets out why the government sees the “urgent” need for new nationally significant infrastructure projects in order to achieve the objectives set out in EN-1. This includes section 3.5 which sets out the need for new nationally significant carbon capture and storage infrastructure. Paragraph 3.5.9 states that *“It is not the role of the planning system to deliver or limit specific amounts of CCS infrastructure covered by this NPS. The government has other mechanisms to influence the delivery of CCS infrastructure. This does not reduce the need for individual projects to demonstrate compliance with planning and environmental requirements or mean that everything that obtains development consent will get built.”*

The application site’s riverside location and its ability to capture carbon from its own site and transport it via river enables this development to be undertaken without additional carbon emissions being created via such this as transportation of carbon via road. The existing plant (Riverside 1) is a significant employer in Bexley and employment would be expanded and soon to be completed Riverside 2 in 2026. The Council welcomes the employment and other economic benefits that it can bring to the borough. This support is of course contingent on the local impacts being sufficiently mitigated to make them acceptable and for the economic benefits to be captured locally.

SUMMARY

The Council is supportive of this scheme in principle. However, this support is contingent on the local impacts being acceptable and the potential benefits being properly safeguarded and delivered. Furthermore, the Council's support is also based on further information being provided in order for the Council to make a thorough assessment of any impacts that there may be on the Borough.

The main areas of contention are as follows:

Land Use and Consideration of Alternatives

- The proposed development would be located on a Metropolitan Site of Importance for Nature Conservation (MSINC) which Crossness Nature Reserve forms part of and Metropolitan Open Land (MOL) and is an inappropriate development for these land uses.
- A full assessment of alternative locations has not been undertaken by the applicant.

Terrestrial and Marine Biodiversity

- Biodiversity Mitigation Hierarchy has not been followed.
- Double counting Norman Road Field and nature reserve for baselines and on going management.
- Thamesmead Golf Course mitigation.
- Baseline conditions and future baselines for marine biodiversity are limited and further expansion of baselines to include additional information is required.

Land Transport

- Impact of construction generated traffic from HGV and workforce movements on the local network.
- Poor management of deliveries during construction may lead to backing up of traffic onto Norman Road.
- Potential overspill into the surrounding highway from private workforce vehicles.
- Localised impact on Norman Road on pedestrians, cyclists and public transport users travelling to and from these nearby developments.

Historic Environment

- An assessment on the impacts of the development upon Lesnes Abbey (a Scheduled Monument and Grade II Listed Building) needs to be provided.

Socio-economics

The development has the potential to bring economic benefits to the borough. To ensure that these are delivered, an Employment and Skills Plan should be agreed between the Applicant, the Council and other relevant stakeholders in order to optimise local employment, skills and economic development benefits from the proposed development and secured through a DCO requirement.

Use of the site for training or educational or community purposes which can add value locally should be agreed between the Applicant, the Council and other relevant stakeholders.

Townscape and Visual

The Council notes that embedded mitigation is provided by the Design Principles which detail the design process associated with the selection of material and context colour palettes, which will ensure the Proposed Development integrates into the context of its surroundings. However, the application site is located within MOL and would be harmful to the openness of the MOL. The proposal fails to conform to local plan policies, particularly Policy DP12 of the Bexley Local Plan (2023) which relates to tall buildings.

Noise and Vibration

Noise from the facility would be expected to have a low impact on existing noise levels at the site and to existing residents in the vicinity. The Applicant would be expected to undertake a post-completion, pre-operational acoustic assessment in accordance with the relevant British Standards. DCO requirements are set out that are considered necessary to safeguard the potential for noise and vibration impacts.

PLANNING POLICY

Land Use and Consideration of Alternatives.

Key Issues

- The proposed development would be located within a Metropolitan Site of Importance for Nature Conservation (MSINC) which Crossness Nature Reserve forms part of and Metropolitan Open Land (MOL) and is an inappropriate development for these land uses.
- A full assessment of alternative locations has not been undertaken by the applicant.

Areas of Contention

As highlighted in both the Council's Relevant Representation and Local Impact report, it is considered that land use and consideration of alternatives were an important issue, especially given that the application site is located within a Metropolitan Site of Importance for Nature Conservation (MSINC) which Crossness Nature Reserve forms part of and Metropolitan Open Land (MOL) where such development proposals would be considered wholly inappropriate especially when Belvedere Industrial Area, a Strategic Industrial Local (SIL) is located to the east of the application site and Veridion Park (SIL) is located to the south-west of the application site.

As set out in the Council's Relevant Representation and Local Impact report a full assessment of alternative sites has not be undertaken by the Applicant in order to demonstrate why this proposal could not be located at an alternative location. Until a thorough assessment has been undertaken the Council reserves its right to object to the proposal on this ground.

Terrestrial and Marine Biodiversity.

Areas of Contention

As part of any development, the developer must follow the Biodiversity mitigation hierarchy and demonstrate their efforts to avoid, minimise, restore and off-set biodiversity loss. The mitigation hierarchy is a four step process which if followed should lead to a development achieving a net gain in biodiversity. As noted above it is the view of the Council that the Applicant has not explored their consideration of alternatives

fully and given this it is considered that the Applicant cannot consider and address the Biodiversity Mitigation Hierarchy until they have completed their alternatives assessments.

Furthermore, based on the information provided, it is unclear whether in their calculations for baselines and on-going management whether the Applicant has “double counted” the Norman Road Field and the Crossness Nature Reserve. Confirmation is required in order to ascertain the correct baselines.

The Applicant proposes to use Thamesmead Golf Course as a biodiversity net gain opportunity area and Norman Road Field for mitigation and enhancement. Whilst the Council does not object to this in principle, any enhancement, mitigation or net gains in biodiversity on these pieces of land would require S111 agreements to be in place in order to secure this. The Council have received draft versions of S111 agreements from the applicant. These are currently under review and the Council will look to provide a response at Deadline 2.

With regard to marine biodiversity at relevant representations stage the Council raised a number of issues relating to baseline conditions and future baselines. These concerns have not been addressed in the relevant representations’ response by the Applicant and therefore the Council cannot make a thorough assessment of the application on marine (or riparian) biodiversity.

Overall, there is a lack of detail on the mitigation and compensation measures proposed and in this context the Council cannot say with any degree of certainty that the measures suggested can be achieved.

Potential for further mitigation

At this time, there remains a lack of detail on the mitigation and compensation measures that will be proposed (see above), so it is difficult to suggest what might be appropriate ‘further’ mitigation beyond this.

DCO requirements

Schedule 2, paragraph 12 of the DCO prevents any works from being carried out until details of landscape, biodiversity, access and recreation delivery strategy has been provided. This requirement is welcomed and has been strengthened in the tracked-change version of the DCO.

Land Transport.

Whilst the Council does not object on land transport grounds to this proposal, this is primarily because once constructed the proposed development would have little impact on the highway in terms of vehicle movements. Notwithstanding this there are some areas of concern which need to be addressed.

Areas of Contention

It remains imperative from the Council's perspective that during the construction of the development both HGV and workforce movements on the local network are minimized. The submitted Landside Transport and Transport Assessment chapters of the Environmental Statement sets out that as a worst case scenario there would be up to 970 daily traffic movements (of staff), plus 25 HGV deliveries. This has the potential to generate traffic on the local network and the poor management of this may lead to traffic jams on Norman Road as well as overspill onto the surrounding highway.

The Applicant has confirmed that further details on construction workforce numbers and working patterns, parking provision and the refined construction programme and associated peak period would be provided through the Construction Traffic Management Plan (or Plans) (CTMP) which would be delivered through a requirement of the DCO.

With regard to public rights of way whilst the Council does not object to the altering (temporarily or permanently), diverting, prohibiting the use of or access to public rights of way in principal, it is considered that the Council should have more involvement in any parts of the development which affect the PRow particularly with regard to any re-provisions of PRow to protect residents access. It is considered that more mechanisms are needed in the DCO in order to make sure that the Council has more of an influence on PRow issues, particularly with regard to S257 (permanent diversion of PRow) of the Town and Country Planning Act 1990 and S25 (creation of new PRow) of the Highways Act 1980.

Improvements to the highway along Norman Road form part of the works delivered by the development. The Council does not object to the changes in principle however, the DCO states it is not compulsory for the developer to enter into an appropriate agreement with the Highway Authority. This could create a possible maintenance and financial burden to the Council if temporary and permanent changes to the highway are not built to an agreed specification / design and appropriate standard. Therefore, it is considered that a mechanism is added to DCO require the applicant to enter into an appropriate agreement (S278 of the Highways Act 1980) which offers a guarantee of temporary and permanent changes to highway are complete to an acceptable standard and thus reduce the risks to the Council.

Potential for further mitigation

No additional benefits have been identified.

DCO requirements

The Council would require the imposition of both requirements 9 and 24 of the draft DCO. A requirement should also be added requiring that the applicant to work in conjunction with the Council in relation to any works to footpaths (including the creation of any new paths) and a requirement that the applicant to enter into an appropriate agreement (S278 of the Highways Act 1980) which offers a guarantee of temporary and permanent changes to highway are complete to an acceptable standard and thus reduce the risks to the Council.

Historic Environment.

Areas of Contention

In relation to the Historic Environment the main area of contention that the Council has is that an assessment of the impacts of the development upon the setting of Lesnes Abbey (a scheduled Monument and Grade II Listed Building) has not been undertaken by the Applicant. It is noted that during the Riverside 2 NSIP an assessment was made. Riverside 2 is both smaller in scale than this proposal and is further away from Lesnes Abbey than this proposal.

A full assessment is of the impacts of this proposal on the setting of Lesnes Abbey is required before the Council can comment on any contention.

Socio-Economics.

Key Issues

No update to the text provided in the Relevant Representations.

Areas of Contention

As highlighted in the Council's Relevant Representation and Local Impact Report, there are both short term positives (construction jobs) and long-term negatives (overall reduction in full time employment for the area and loss of skilled jobs). It is considered that the short-term employment gains do not outweigh the long-term harm.

Requirement 14 of the draft DCO sets out that a skills and employment plan would be submitted and include the measures set out in item 11.3 of the mitigation schedule.

Item 11.3 of the mitigation schedule sets out that *"The Applicant would recruit locally, wherever practicable, and enable access to training and career development. A Skills and*

Employment Plan will be prepared prior to the Proposed Scheme commencing operation and secured by DCO requirement". Whilst this is considered reasonable in so far as job creation once the development is operational, given the net loss of jobs (once completed) it is considered that local residents should be considered for employment for the construction of the development as well. This would mean that the trigger point for the submission of a Skills and Employment Plan would need to be altered so that the requirement is satisfied before the commencement of the development.

Potential for further mitigation

An Employment and Skills Plan should be agreed between the Applicant, LBB and other relevant stakeholders in order to optimise local employment, skills and economic development benefits from the proposed development and secured through a DCO requirement, as shown as requirement 14 in the tracked-change DCO.

DCO requirements

An Employment and Skills Plan should be agreed between the Applicant and the London Borough of Bexley in order to optimise local employment, skills and economic development benefits from the proposed development and secured through DCO requirement 14. However, this requirement should be amended in order to make sure that local residents have preferential treatment.

Townscape and Visual.

Areas of Contention

As highlighted in the Council's Relevant Representation and Local Impact Report, the application site is located partly with a Strategic Industrial Land (SIL) and Metropolitan Open Land (MOL) and wholly within a Metropolitan Site of Importance for Nature Conservation (MSINC). The application site, as is, is predominantly open with limited areas of temporary hardstanding used for construction workers parking and deliveries (for Riverside 2) and a building used by Munsters Joinery. To the north of the application site is the Riverside Campus (Riverside 1 and 2), to the east of the site is the Belvedere Industrial Area and to the west is Crossness Nature Reserve.

As described above the application site is predominantly open and devoid of any built form and therefore it is considered that that the proposed development would have a significant visual impact.

Whilst the height, scale and mass of the built form of the proposed development would vary, the proposed absorber columns are significant structures, which significantly

exceed any of the policy parameters for building heights, as stipulated under Policy DP12 of the Bexley Local Plan (2023). A tall building in the Thamesmead and Abbey Wood London Plan Opportunity Area should be up to 25 metres in height.

At circa 113 metres and separated by quite a physical distance from the taller structures at Riverside 1 (fully operational) and Riverside 2 (under construction) (where the stacks to both buildings would be/are 90 metres), the absorber column towers would have a significant impact upon the character and appearance of the area, both at more local and through wider range views.

The application site is located within MOL. MOL has the same status as Green Belt Land. There are a number of High Court decisions relating to the impact on openness and visual appearance within the Green Belt which are relevant. These have established a number of key principles, including that it is not simply about volume and visual impact is implicitly part of the concept of "openness of the Green Belt" and that 'openness of the Green Belt' is not limited to the volumetric approach; the word 'openness' is open-textured and many factors are capable of being a material consideration.

The National Planning Policy Guidance (NPPG) which supports the NPPF (2023) provides further clarification on assessing the impact of a proposal on the openness of the Green Belt. The NPPG highlights a judgment based on the circumstances of the case is needed. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

It is considered by the Council that the proposal does not adequately address the above to sufficiently consider the impact of the proposal on the MOL land designation.

No very special circumstances have been put forward to overcome these issues.

Noise and Vibration.

Areas of Contention

The key issues identified in the Council's Relevant Representation and Local Impact report remain. The requirement for the Applicant to undertake a post-completion, pre-operational acoustic assessment should be secured through a relevant DCO requirement to provide assurances that the built development will achieve the conclusions of the noise assessment presented in the Environmental Statement.

Potential for further mitigation

No additional benefits have been identified.

DCO requirements

The need for the Applicant to undertake a post-completion, pre-operational acoustic assessment should be secured through a DCO requirement.

Further aspects of the proposed development that will require to be controlled are outlined below and should be considered as additional DCO requirements.

- Construction working hours should be identical to the Council's noisy works hours which are restricted to between 08:00 and 18:00 hours on weekdays and 08:00 to 13:00 on Saturday. Dispensations to these times can be agreed as necessary with particular reference to tidal jetty works that would require some 24-hour working for logistical reasons.
- In terms of operational noise and vibration, the draft DCO includes the requirement (requirement 20) that the operational rating sound levels are such that they will not exceed typical measured background levels at the closest residential dwellings. This should be secured in the DCO.

CONCLUSION

Any DCO that is granted should take into account these representations.

Appended to this document is a tracked-change draft of the application version of the DCO, where the changes represent those that would address the Council's concerns set out in these representations. There are a number of points in this Written Representation where additional information still sought from the Applicant and therefore the Council reserves the right to request further amendments/additions to the DCO to address these matters if, once we are able to review the additional information, there are concerns that need to be raised.

APPENDIX

Tracked-change draft of the DCO

Separate document