



STATEMENT OF COMMON GROUND – FRIENDS OF CROSSNESS NATURE RESERVE: 8.1.6

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

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Revision B

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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 of Housing, Communities and Local Government (MHCLG) (formerly the Department for Levelling Up, Housing and Communities) guidance entitled ‘Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects’¹ (30 April 2024) (hereafter referred to as MHCLG Guidance) 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 examination focusses 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. 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 the SoCG aids 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 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) of the Department 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 (National Grid Reference/NGR 549572,180512).
- 1.1.7. The Proposed Scheme is described in Chapter 2: Site and Proposed Scheme Description of the Environmental Statement (Volume 1) (ES, APP-051) and includes:

¹ <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>

- 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 Friends of Crossness Nature Reserve

- 1.2.1. Crossness Nature Reserve is a 25.5 hectare local nature reserve, forming part of the Erith Marshes Site of Metropolitan Importance for Nature Conservation (MSINC). The site is adjacent to Crossness Sewage Treatment Works, which forms the reserve's western boundary. It was created under a section 106 planning agreement in 1994 and is owned and managed by Thames Water.
- 1.2.2. The Friends of Crossness Nature Reserve (FoCNR) is a non-constituted group set-up by Thames Water in 2004. Membership provides access to the Protected Area of the Reserve, enables access to attend volunteer work parties, to attend cultural and wildlife-themed community events, to receive newsletters and emails about wildlife highlights, enhancement work taking place etc. The Protected Area has restricted access to minimise wildlife disturbance and protect its wildlife sensitivity. The scheme is free to join.
- 1.2.3. The Friends group advises that since it was set up, 747 members have joined the scheme (as of Oct 2024). Most of these members are wildlife enthusiasts and come to the reserve for its array of wildlife, while others, particularly since the pandemic, simply enjoy being in the natural environment as a form of escape and/or exercise. Some members volunteer their time to get involved with habitat management, while others lead walks and talks, collate wildlife data, submit wildlife records and photographs etc.
- 1.2.4. This SoCG addresses topics of interest to the FoCNR and has been prepared between FoCNR and the Applicant (jointly referred to as the Parties) in relation to the DCO Application.

1.3. STATEMENT OF COMMON GROUND STRUCTURE

- 1.3.1. Following this introduction, Section 2 summarises all engagement to date of relevance to this SoCG and Section 3 details whether matters are Agreed, Under Discussion, or Not Agreed between the Parties.
- 1.3.2. In respect of matters relevant to the Proposed Scheme, but not referred to in this SoCG, FoCNR has no further comments to make at this point.
- 1.3.3. This SoCG is a document that is expected to evolved during the Examination, concluding 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 (Cory) and FoCNR in relation to the Proposed Scheme is outlined in Table 1. There has been email correspondence between the parties to discuss the sharing of information, arrangement of meetings and for them to comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the parties.

Table 1 Schedule of Meetings and Correspondence during the Preapplication Stage

Date	Form of Engagement	Summary of Matters Dealt with in Correspondence/ Meeting
12/04/2023	Introductory Meeting with FoCNR	<p>Key Topic</p> <p>Introduce the project to FoCNR.</p> <p>Disappointment from FoCNR, considered additional pressure on the CNR that is already squeezed in.</p> <p>FoCNR consider offsetting not appropriate, and that the approach used for Riverside 2 simply changed one habitat for another, rather than creating beneficial new habitat.</p> <p>Key Outcome</p> <p>FoCNR to be notified when Scoping Report is submitted.</p>
19/04/2024	Email	Notification of Scoping Report submission
27/04/2024	Email	Provision of presentation given on 12/04/2023 with the early graphic of the proposed facility removed.

		<p>FoCNR disappointed with this removal. Cory confirmed the images based on very simplistic parameters, and not appropriate to share widely.</p>
02&03/07/2023	Email	<p>Disappointment from FoCNR to have missed details of preliminary consultation and request for a presentation.</p> <p>Cory advised project design evolving and would like to discuss with FoCNR, requesting dates for a meeting.</p>
18/07/2023 to 10/08/2023	Email	<p>Correspondence in relation to a FoCNR focussed meeting. Cory offered tour of Riverside 1 in addition to a presentation.</p> <p>Agreed, evening presentation on 13 September. Tour offer not accepted.</p>
13/09/2023	Presentation to FoCNR, with Q&A	<p>KeyTopic</p> <p>Meeting held to bring FoCNR up to date on project, give them a foretaste of the PEIR and to engage prior to statutory consultation.</p> <p>Disappointment expressed from attendees regarding loss of what they thought was a nature reserve protected by its section 106 agreement and by its LNR, MOL and MSINC designations</p> <p>Discussion of proposed mitigation measures, including impact on grazier.</p> <p>Discussion of whether carbon capture will work.</p> <p>Discussion of how the existing s.106 can be amended, of mitigation land ownership, and how future development would be prevented. This was not well received by the FoCNR who were</p>

		<p>not persuaded by the concept of an expanded nature reserve. Several attendees expressed that the proposed mitigation area Norman Road Field was already designated as mitigation land for wildlife impacts by owners Peabody Estates, and that the CCS would result in a net loss of habitat, so misleading of Cory to claim an ‘expanded’ nature reserve.</p> <p>FoCNR consider CNR is already well managed and that surveys had been undertaken without consultation.</p> <p>Discussion of site location choice. FoCNR query why not use land at Belvedere Industrial Area. Query what other sites had been considered.</p> <p>Discussion of the five off-site conservation sites for Riverside 2.</p> <p>Discussion of expanded and compressed layout options. Query re height of buildings and from where they would be visible.</p> <p>Discussion of consultation strategy.</p> <p>Key Outcome</p> <p>Presentation, notes of the meeting, and notes regarding the 5 off-site conservation sites for Riverside 2 provided.</p> <p>Meeting to be set up with project ecologist, having given FoCNR time to consider baseline information.</p>
09-11/10/2023	Email	Notification of the poster due to be erected regarding the PEIR and formal consultation. Copies of poster sent to FoCNR as requested.

17/10/2023	Email	Confirmation of formal consultation brochures being sent to FoCNR, digitally and hard copy.
Oct-Nov 2023	Email	Discussion of meeting between FoCNR and project ecologist. Provision of survey raw data and clarifying locations, including through use of early draft figures.
04/12/02023	Ecology Meeting	<p>Key Topic</p> <p>Discussion of timing and rationale for surveys.</p> <p>Discussion re impact on CNR, particularly loss of East and Stable Paddocks. FoCNR query the poor condition noted for grassland within the CNR. Cory explained the poor condition was driven by a drop in the water table outside of wettest periods of the year, leaving dry grassland not typical of marshland. There was opportunity to enhance it.</p> <p>Discussion of potentially suitable habitats for inclusion in the mitigation area.</p> <p>Discussion of stable and provision for grazier.</p> <p>CNR walkover highlighting positives of the reserve and challenges that they often face.</p> <p>Key Outcome</p> <p>Hold workshop with a representative group of the FoCNR to discuss identified elements further.</p>

05/01/2024	Email	<p>Notification of change to red line boundary in addition to statutory notification.</p> <p>Copy of response letter to Thames Water.</p>
14/02/2024	Workshop	<p>Key Topic</p> <p>Stable block relocation. FoCNR does not consider Lagoon Field² appropriate - a highly prized area of grassland, for horse grazing and habitat. Any impact on this Field would be seen as further loss and should be avoided.</p> <p>Fencing - concluded not appropriate as would limit views across the CNR.</p> <p>West Paddock – scrapes from early 2000s. Frog Rush is present, very rare, previously considered extinct until its discovery at Crossness in 2019. Fox proof fencing would be appropriate to prevent predation of ground-nesting waders that breed in this location.</p> <p>Bird hide and boxes – would like more but recognised to attract vandalism, design and construction important.</p> <p>Parking – would be welcomed so long as it did not result in further loss of habitat.</p> <p>Ditch management – agreed a comprehensive strategy across CNR and Norman Road Field would be advantageous.</p>

² A broadly triangular shaped field located south of the Thames Water Access Road and west of Borax South. It lies Work No. 8 and is shown on the map of the Crossness Nature Reserve appended to this SoCG.

	<p>Planting – tree planting that would compromise grassland not appealing, scrub management could be beneficial. Tree planting is not appropriate in a grazing marsh environment.</p> <p>Spoil heap to NE corner presumed to have arisen from digging scrapes in the Peabody-owned Norman Road Field. General level of support to remove these.</p> <p>Discussion flue gas ductwork from Riverside 2 to the carbon capture plant. This was not received well. Potential to reform ditches along these boundaries to benefit of water vole.</p> <p>FoCNR identified potential for replacement and upgrade of agricultural fencing.</p> <p>Educational facilities generally not appealing, already available in protected area and would result in further habitat loss.</p> <p>Discussion of new bridge at southern end of Great Breach lagoon to improve connectivity. Generally appealing, though design would be important.</p> <p>FoCNR suggested a new pedestrian footbridge across Eastern Way A2016 to provide a safe route between CNR and Crossness Southern Marsh. Currently Footpath 1 is the link, but means crossing a 50mph dual carriageway.</p> <p>CNR Members Area – FoCNR identified various elements that could be improved.</p>
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		<p>Southern Marshes³ – FoCNR queried whether that area had been considered as it has potential for enhancement.</p> <p>BPSJ (disused) – generally supportive of retention for bird habitat.</p> <p>Discussion about climate resilience.</p> <p>Key Outcome</p> <p>Useful meeting to understand priorities and challenges of the CNR.</p> <p>Recognised FoCNR maintained its objection to the scheme.</p> <p>Further detail regarding Frog Rush (<i>Juncus ranarius</i>) provided.</p>
03/04/2024	Email	Notification of submission of DCO application.
08-13/05/2024	Email	Exchange notifying FoCNR of the relevant representation phase and what this means for the group.

- 2.1.5. It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Applicant and FoCNR in relation to the issues addressed in this SoCG as at the date of this SoCG.
- 2.1.6. The issues and matters highlighted in Table 2 summaries the key issues that have been in discussion between the two Parties.

³ Land to the south of the A2016 Eastern Way that also forms part of the Erith Marshes SINC and is in Thames Water ownership.

3. ISSUES

3.1. Terminology

3.1.1. The phrasing used in this SoCG are understood to have the following meanings:

- “Agreed” indicates where the issue has been resolved;
- “Under discussion” indicates where these points are the subject of on-going 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 Friends of Crossness Nature Reserve’s representation and therefore have not been considered in this document.

3.2. MATTERS AGREED

3.2.1. Table 2 below details the matters agreed between Friends of Crossness Nature Reserve (FoCNR) and the Applicant (Cory).

Table 2 Matters Agreed

Topic	Sub-topic	Details of Matters Agreed
Crossness Nature Reserve	Formation	On 21 January 1994, outline planning permission was granted (reference 91/01318/OUT for the ‘ <i>construction of a sewage sludge incinerator using the fluidised bed process with dewatering, ash collection and gas cleaning facilities.</i> ’ The consent was subject to a s.106 agreement, also dated 21 January 1994, with principal commitment for Thames Water to ‘ <i>maintain and enhance the Conservation Land for a period of 99 years from the date of approval of the Management Plan by the Chief Planning Officer ...</i> ’

		(paragraph 4.3 of the s.106 agreement.) The Conservation Land referred to within the s.106 agreement is the Crossness LNR.
	Funding	<p>As required under clause 4.4 of the s.106 agreement, Thames Water paid a sum of money (to the value of not less than £150,000 and not more than £300,000) for the future objectives, maintenance and enhancement of the Crossness Nature Reserve. Thames Water funds a full time Manager for the Crossness Nature Reserve.</p> <p>Public funds (in 2005 and 2014) were secured for works on the Crossness Nature Reserves. This included the LB Bexley delivered Managing the Marshes programme which funded ditch restoration, wetland creation, the installation of a public footpath, interpretation panels and benches on the Crossness Southern Marsh, and later, the LB Bexley delivered Belvedere Green Links programme, which funded the stable block on the CNR to better facilitate grazing management and horse welfare.</p> <p>Maintenance and management works are undertaken by Thames Water, with support from the FoCNR and other volunteers when required.</p>
	Designation	<p>Crossness Nature Reserve is a Local Nature Reserve located within the Erith Marshes Site of Importance for Nature Conservation (metropolitan). It is also designated Metropolitan Open Land (MOL).</p>
	Horse grazing	<p>Grazing by horses is an important element of the management of the Reserve. Graziers have been in this area for generations by families with historic ties to the land.</p>

<p>Carbon Capture Facility</p>	<p>Principle of development</p>	<p>Climate change is a global priority and the UK Government is seeking rapid decarbonisation with a legal requirement for the UK to achieve Net Zero by 2050.</p> <p>The Cory Decarbonisation Project is proposed to capture carbon dioxide emissions from Riverside 1 and Riverside 2. Both fossil and biogenic carbon would be captured, as waste from households and businesses is composed of materials which contain biogenic carbon such as paper, cardboard, and wood, as well as fossil carbon from materials containing plastics. By capturing the fossil carbon (circa. 50%) the carbon capture plant would achieve net zero, i.e. no new carbon would be released into the atmosphere. By also capturing the carbon from biogenic materials would lead to operations being carbon negative, because carbon that is part of the natural carbon cycle is intended to be captured and stored, and thus permanently removed from the atmosphere</p>
	<p>Site location</p>	<p>The Carbon Capture Facility is proposed to be located on land immediately adjacent to, and on the western side of, Norman Road.</p> <p>The site of the Carbon Capture Facility substantially (some 70%) utilises land allocated as Strategic Industrial Location within the Bexley Local Plan. This element complies with local plan policy.</p> <p>The remaining 30% of the Carbon Capture Facility proposes to utilise land within the Crossness Nature Reserve that would result in the direct loss of habitat, as well as indirect impacts, for which mitigation is required.</p>
<p>Riverside 1 and Riverside 2</p>	<p>Designations</p>	<p>Riverside 1 and Riverside 2 are energy recovery facilities that have gained the necessary planning permission and Environmental Permit.</p>

		They are located on land allocated as Strategic Waste Management in the Bexley Local Plan.

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3.3. MATTERS UNDER DISCUSSION

3.3.1. Table 3 below details the matters Under Discussion between Friends of Crossness Nature Reserve (FoCNR) and the Applicant (Cory).

Table 3 Matters Under Discussion

Topic	Sub-topic	Details of Matters Under Discussion
<p>Accessible Open Land</p>	<p>Accessible Open Land</p>	<p>That there is clarity that Accessible/Non-Accessible Open Land does not relate to the ecological quality of habitats of the land. Cory have used these terms to reflect whether land is open space always available to the general public to stand on/within and enjoy, but FoCNR argue that some spaces are ecologically valuable because of restricted access; for example, ground-nesting waders that breed on site, would not do so if visitors and dog walkers were trampling across these areas. As such, Thames Water have provided viewing screens to view the wildlife without causing disturbance.</p> <p>For example:</p> <p>The East and Stable Paddocks can be observed from the public highway, the adjacent footpath, and Accessible Open Land. However, they are not open to the general public to enter, stand within and enjoy. This is because the landowners, Thames Water, wish to keep visitors out of horse paddocks because of the risk to general public, but the horses are present as a management tool for grazing</p>

		<p>marsh habitat, so this is a justified response to site management and visitor safety.</p> <p>The Protected/Members Area is accessible to FoCNR and their guests. This is to reduce disturbance to a wildlife-sensitive area. However, membership of the FoCNR scheme is freely available to anyone who completes an online form.</p>

3.4. MATTERS NOT AGREED

3.4.1. Table 4 below details the matters Not Agreed between the Friends of Crossness Nature Reserve (FoCNR) and the Applicant (Cory).

Table 4 Matters Not Agreed

Topic	Sub-topic	Details of Matters Not Agreed
Site location	Site alternatives assessment	<p>That there is no other reasonable site alternative that would deliver the Project Objectives.</p> <p>The FoCNR believe that South Zone 1 was selected due to reduced cost and engineering complexity even though other options better met their optioneering principles. For instance, the East Zone only failed on impacts to landowners, while South Zone 1 impacts landowners</p>

		<p>Thames Water, Peabody Estates, Landsul and Munster’s Joinery, but also fails to protect Metropolitan Open Land.</p> <p>The FoCNR wonder why the South Zone options do not go beyond the CNR/NRF boundary? Why has Veridion Park Industrial Estate to the south not been considered, with buried or elevated pipework over the A2016 and up Norman Road? Such an option might be expensive and complex, but not impossible (as demonstrated by the landowner – Thames Water – who have to bury pipes across huge tracts of land, or indeed the Applicant who has been cabling from REP2 to Dartford Power Station for the last year or so). This option would avoid loss of MOL. And the Belvedere Industrial Estate in the East Zone is the logical place to site such infrastructure. The argument that the pipework across Public Footpath 4 would be too visually unappealing, doesn’t hold up. Footpath 1 crossness a major highway.</p> <p>Cory’s position is set out in the Application documents particularly the TSAR, the TSAR Addendum, Planning Statement, the Applicant’s Response to Relevant Representations and with further explanation provided in its Deadline 1 submissions.</p>
<p>Terrestrial Biodiversity</p>	<p>Mitigation and Enhancement Area</p>	<p>That the mitigation and enhancement proposed in the Norman Road Field and the Crossness Nature Reserve will be beneficial to habitats and improve access for people.</p>

		<p>Not only do the FoCNR believe that some mitigation measures would not be beneficial, but they believe that some of the proposals suggested could be <i>harmful</i> to existing ecology. For example, tree planting is proposed in a location where the rare Frog Rush grows (so rare that it was considered extinct in Kent until its discovery at Crossness in 2019). Flooding is proposed where the rare Shril Carder Bee has been seen and probably nests (ground nesting in grassland).</p> <p>Cory's position is set out in the Application documents, particularly the Outline LaBARDS, which pursuant to Requirement 12 of the draft DCO will be updated to full LaBARDS for approval by LBB prior to commencement of development. The full LaBARDS will be developed alongside detailed design of the Carbon Capture Facility and will avoid inappropriate planting and flooding of land.</p>
	<p>Lagoon Field</p>	<p>The FoCNR considers any use of the Lagoon Field for the relocation of the stable, which would also require road access and hardstanding to support horse boxes, farrier vehicle etc, would be considerable and unacceptable.</p> <p>Cory's position is set out in the Application documents, particularly the Outline LaBARDS, which pursuant to Requirement 12 of the draft DCO will be updated to full LaBARDS for approval by LBB prior to commencement of development. The full LaBARDS will be developed alongside detailed design of the Carbon Capture Facility</p>

		<p>and will be able to consider full details relevant to the relocation of the Stable at that time..</p>
	<p>West Paddock</p>	<p>The FoCNR is disappointed to see further industrial development proposed on prized parts of the reserve such as the West Paddock.</p> <p>Cory's position is set out in the Application documents, particularly the Outline LaBARDS, which pursuant to Requirement 12 of the draft DCO will be updated to full LaBARDS for approval by LBB prior to commencement of development, Chapter 7 of the Environmental Statement, the Design Approach Document and further submissions to be made at Deadline 1. The full LaBARDS will be developed alongside detailed design of the Carbon Capture Facility.</p>
	<p>Survey data</p>	<p>The FoCNR believe that some of the environmental surveys are not satisfactory, and do not provide an appropriate baseline for the assessment and consequent mitigation and enhancement proposals. For instance, the reptile surveys were carried out in the last two weeks of Sept and not throughout the breeding season as per standard best practice; the reptile survey did not adequately cover the East Paddock and Stable Paddocks that will be directly lost to the CCF; the bat survey was inadequate in that the only static detector on the CNR was placed on the East Paddock (and nowhere else on the CNR), close to the Riverside 1 construction disturbance and light pollution, which would have skewed the data; and</p>

		<p>the botanical surveys were inadequate and missed important key species. The surveys appear to have missed parts of the site entirely, such as Island Field and Island Field Lagoons not being surveyed. This all provides a poor baseline to assess the impacts of the CCF and the mitigation required.</p> <p>Cory's position is set out in the Application documents, primarily Chapter 7 of the Environmental Assessment (Terrestrial Biodiversity; APP-056), and its appended ecological survey reports where the methods, timings and limitations of surveys have been discussed. Further comment on survey methods, timing and limitations have also been provided in the Applicant's Response to Relevant Representations where concerns regarding ecological surveys have been raised by stakeholders.</p>
	<p>Horse grazing</p>	<p>The FoCNR advise that graziers at Crossness Nature Reserve and surrounding areas are of Romany gypsy descent.</p> <p>Cory's position in regard to the two, separate graziers using land within the Order limits is set out in the Application documents, particularly Chapter 14 of the Environmental Statement and further submissions to be made at Deadline 1.</p>

4. SIGNATORIES

	Friends of Crossness Nature Reserve	Cory Environmental Holdings Ltd (the Applicant)
Signed		
Printed Name		
Title		
On behalf of	Friends of Crossness Nature Reserve	Cory Environmental Holdings Ltd
Date		

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