

**Thames Water Utilities Limited
Cory Decarbonisation Project
Written Representation – Summary**

1. Introduction

- 1.1 This document provides a summary of the written representation (**WR**) submitted on behalf of Thames Water Utilities Limited (**TWUL**) on 26 November 2024, in relation to the application for development consent (**Application**) for the Cory Decarbonisation Project (**Project**) made by Cory Environmental Holdings Limited (**Applicant**).
- 1.2 TWUL submitted a relevant representation (**RR**) on June 14, 2024. The WR updates TWUL's position on the issues raised in the RR and introduces additional concerns following further assessment and attendance at initial examination hearings.
- 1.3 TWUL's primary concern with the Project remains that, as proposed, it requires the total loss of part of the Crossness Local Nature Reserve (**LNR**), which TWUL considers is unnecessary and contrary to national and local policy. Further, the ecological and amenity impacts on the part of the LNR not lost to the Project: (a) are unacceptable; and (b) have not been adequately assessed by the Applicant and are understated as a result.
- 1.4 As such, unless the Applicant relocates the Project to a site which does not involve the loss of part of the LNR (and TWUL considers there to be a number of viable alternatives in this regard, which have been prematurely discounted by the Applicant), TWUL will continue to object to the Project.

2. Main Issues

2.1 Crossness LNR & Site Selection

Policy and Legislation

- 2.1.1 TWUL considers that the Applicant has not applied and/or demonstrably applied the mitigation hierarchy correctly, meaning that the critical national priority (**CNP**) presumption in National Policy Statement EN-1 (**the NPS**) is not engaged. The starting point in assessing the Application is therefore that it is harmful development in the Green Belt/MOL.

Site Alternatives

- 2.1.2 TWUL considers this to be the position primarily because of defects in the Applicant's site selection process, namely that:
- 2.1.2.1 a viable alternative site – Veridion Park – was not considered at all, even though it would meet the Project's objectives and would not result in the loss of MOL or LNR;
- 2.1.2.2 a viable alternative site in the East Zone has been discounted prematurely, due to lack of thorough economic assessment and for invalid reasons; and
- 2.1.2.3 the alternatives process needs to be revisited, on the basis that the actual land requirement for the Project appears to have reduced compared to the original assessment.

Very Special Circumstances

- 2.1.3 Without the very special circumstances test being presumed met as a starting point, the Application must be assessed from the perspective that it is inappropriate development on MOL and, in accordance with section 5.11.36 of the NPS, should be refused unless very special circumstances apply.

- 2.1.4 TWUL does not agree that very special circumstances do apply to the Project. Those asserted by the Applicant are exaggerated, arbitrary and/or without sufficient analysis/data to justify such classification.
- 2.1.5 As such, the Application should be assessed in accordance with section 5.11 of the NPS, i.e. the Secretary of State should give substantial weight to the harm to the MOL and should refuse the Application.

Green Belt/MOL Harm

- 2.1.6 TWUL considers that the Applicant's assessment of harm to the MOL is understated and it is not agreed that only one of the Green Belt 'purposes', as set out at paragraph 143 of the NPPF, apply to the MOL. TWUL considers that all Green Belt purposes apply to the MOL, save for preserving the setting and special character of historic towns.

Ecological Impacts

- 2.1.7 TWUL considers that the adverse ecological impacts provide further weight against the grant of the Application, maintaining its view that the Applicant's survey methodologies were flawed in a number of respects, resulting in unreliable conclusions being made.
- 2.1.8 The Applicant has failed to identify a species on the LNR listed in the list of habitats and species of principal importance in England (Borrer's Saltmarsh-grass (*Puccinellia fasciculata*), which is maintained in accordance with section 41 of the Natural Environment and Rural Communities Act 2006 (**NERC**). Section 40 of NERC imposes a legal duty on the Secretary of State to further the general biodiversity objective, which cannot be satisfied without the impact of the loss of this species having been assessed by the Applicant.

Open Space

- 2.1.9 TWUL considers that there is greater harm to open space than the Applicant claims. There should be no categorisation of 'Accessible' and 'Non-Accessible' open space: they both constitute open space for the purposes of the NPS. However, harm is not assessed on this basis by the Applicant and it is as though the loss of 'non-accessible' open space does not matter.
- 2.1.10 TWUL considers that the applicant's assertion that they are providing an extended nature reserve is misleading. The 'extension' – Norman Road Field – is already subject to section 106 obligations relating to ecology and nature conservation and, overall, there is a net loss of open space.

Landscape, Biodiversity and Recreation Delivery Strategy (LaBARDS)

- 2.1.11 TWUL considers that the LaBARDS as currently drafted does not provide sufficient mitigation and enhancement of the Norman Road Field and for the LNR to overcome the permanent loss of Stable Paddocks and East Paddock, and the temporary loss of Sea Wall Field.

3. Other matters

3.1 Planning Agreement

- 3.1.1 The first draft was received from the Applicant on 13 November 2024 and is being considered by TWUL

3.2 Compulsory Acquisition of TWUL Land

- 3.2.1 TWUL does not believe there is a compelling case in the public interest for the TWUL-owned 'Enhancement Area' to be acquired compulsorily. This land is

already subject to an ongoing nature conservation and management obligation, pursuant to the 1994 section 106 agreement, does not necessarily require enhancement, nor is it required to mitigate the impact of the Project in planning terms and does not facilitate/is not incidental to the Development. TWUL also considers that there are more suitable alternatives for the location of the Project, which would negate the requirement for compulsory acquisition powers in relation to the MOL-designated East Paddock and Stable Paddock.

3.3 **STW Emergency Access**

- 3.3.1 At this stage TWUL is unable to make an assessment as to the level of impact acquiring the access will have on TWUL's operations, as the Applicant has not provided any firm proposals for an alternative access.

3.4 **TWUL Protective Provisions**

- 3.4.1 The draft Protective Provisions at Part 4 of Schedule 12 to the draft development consent order are not agreed by TWUL at this stage. TWUL will be proposing amendments to Part 4 to the Applicant in due course.

3.5 **Other DCO Provisions**

- 3.5.1 TWUL requires power to make byelaws in respect of the Crossness LNR (Article 51) and to be involved in the design of the detailed LaBARDS (Requirement 12). TWUL will continue to engage with the Applicant in relation to both points.

26 November 2024