

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

THE CORY DECARBONISATION PROJECT DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN10128

**DEADLINE 3: PORT OF LONDON
AUTHORITY'S COMMENTS ON
DEADLINE 2 SUBMISSIONS**



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1. Introduction

- 1.1. This is a written submission made on behalf of the Port of London Authority ("**PLA**") in respect of comments on deadline 2 submissions.
- 1.2. Documents referred to in this submission are:
 - 1.2.1. Book of Reference (REP2-006) and Schedule of Changes to Book of Reference (REP2-014)
 - 1.2.2. Draft Development Consent Order (REP2-005);
 - 1.2.3. Applicant's Response to Interested Parties Deadline 1 Submissions (REP2-019);
 - 1.2.4. Outline Code of Construction Practice (REP2-009); and
 - 1.2.5. Applicant's Response to Western Riverside Waste Authority's Deadline 1 Submission (REP2-020)

2.0 Book of Reference (REP2-006) and Schedule of Changes to Book of Reference (REP2-014)

- 2.1 At deadline 2, the Applicant updated the Book of Reference, removing reference to the PLA in relation to plots 1-095, 1-117a and 2-002 and making it clearer that the PLA's ownership in relation to plots 1-107, 1-110, 1-111, 1-116, 1-118, 2-003 and 2-005 relates to the bed of the river to mean high water, and that the PLA does not own the works that are located in/on/under/over the riverbed. The PLA welcomes these amendments. The PLA would recommend that the words in brackets "*in respect of the River Thames and riverbed to mean high water*" should be under Description of Land column rather than Owner and the brackets should be removed.
- 2.2 The Applicant has shared shape files with the PLA so that the PLA can understand the basis on which the plot areas have been calculated. The PLA is currently reviewing these files and will provide a further update at deadline 4. The PLA and the Applicant are scheduled to meet on 22 January 2025 to discuss the lease details.

3.0 Draft Development Consent Order ("dDCO") (REP2-005)

- 3.1 The PLA welcomes the updates made to the dDCO [REP2-005] at deadline 2 which were made following discussions between the PLA and the Applicant. These updates include:
 - Article 2 Interpretation – additions to the definition of belvedere power station jetty. The PLA expects a further update to this definition at deadline 3 following further discussions with the Applicant.
 - Article 8 Interaction with the 1968 Act – various updates to Article 8 following further engagement with the Applicant. As set out in the PLA's Response to the Examining

Authority's Written Question Q1.8.1.1 the PLA believes that agreement will be reached on the drafting of Article 8 shortly.

- Schedule 12, Part 5, Paragraphs 46 – revisions to the provisions dealing with the process for the variation or extinguishment of river works licences to reflect and align with the amendments made to Article 8.

3.2 A drafting amendment has been made to Schedule 2 Requirement 7 removing the PLA from the general consultation requirement in relation to the code of construction practice (“**CoCP**”) and limiting the PLA's consultation to where the construction activities are in the river Thames. For the reasons set out in paragraph 5.1 below, the PLA considers that the original drafting should be reinstated, and the PLA should be consulted on the CoCP as a whole.

4.0 Applicant's Response to Interested Parties Deadline 1 Submissions (REP2-019)

4.1 The Applicant's response to the matters raised by the PLA are set out in various sections of the document. To aid identification of the matter and Applicant's response, the references to the relevant table number have been included.

Table 2-1-1

4.2 The PLA welcomes the clarification provided by the Applicant regarding migratory fish and is satisfied that with the mitigation measures proposed significant effects on migratory fish are unlikely.

4.3 The Applicant has provided the completed Statutory Biodiversity Metric to the PLA. The PLA has reviewed this document and has no comments to make on the same.

4.4 The PLA remains unconvinced that the potential use of the jetty as a high tide roost has been assessed. The Applicant's comments focus on breeding birds. The PLA's comments relate to migratory and wintering birds that are designated features of the various Special Protection Areas (“**SPAs**”) and Ramsar sites of the estuary. The Applicant has determined that there are no likely significant effects on the SPA/Ramsar sites because designated species of them are not found on site. In the PLA's experience, structures such as the disused jetty can be an important high tide roost for wintering birds. No assessment of the use of the Belvedere Power Station jetty has been carried out to determine what species may use it as such. If the Applicant has carried out these assessments/surveys they should be provided to the PLA.

Table 2-2-1

- 4.5 The PLA's comments on the oCoCP including in relation to dredging are provided in section 5 below and in response to the Examining Authority's Written Question Q1.10.05. See also the PLA's comment at paragraph 3.2 above in relation to the amendments made to Requirement 7. The PLA's comments on the Book of Reference are provided in section 2 above.
- 4.6 In relation to the Applicant's response regarding navigation, the Applicant has responded from the standpoint of what occurs on the river once a new jetty has been constructed and is in operation, but this is not the appropriate starting point. It is also of note that the byelaws are not in place to allow proposed developments to slow vessels down. The Applicant needs to consider and assess the implications of the proposed jetty and then design the jetty in line with the 'as low as reasonably practicable' ("**ALARP**") principle. The proposed jetty should not as a matter of course alter speed limits in the area and the jetty should be designed so that existing vessel speeds are not detrimentally impacted. The preliminary Navigational Risk Assessment ("**pNRA**") needs to secure the mitigations that are required in order to ensure that they are carried through into the detailed design stage. If it is found that the jetty cannot be constructed without impacting vessels speeds, then the scale of those impacts needs to be understood. The fundamental point of designing the jetty to ensure risks of breakout are mitigated and therefore the jetty does not impact on existing vessel speeds was discussed and accepted by the Applicant's marine consultant and is documented in the 21 August 2024 meeting minutes (see entry 4.15 on page 351 of the pNRA [AS-061]).
- 4.7 The PLA and the Applicant are engaging on this point and discussions must continue including in relation to the Applicant's consideration of draught versus speed as well as relative passing position in the channel to berthed vessel (and possibly tidal state).
- 4.8 The PLA understands that the Applicant has given further consideration to the Order Limits and will be making a submission on this point at deadline 3. The PLA will therefore make any further comments on this point at deadline 4.

Table 2-8-1

- 4.9 The Applicant's response that construction traffic (road) impacts are negligible or inconsequential and therefore they do not need to consider river transport is not acceptable to the PLA. In line with The London Plan 2021 Policy 7.26: Increasing the use of the Blue Ribbon Network for freight, the PLA seeks that the use of the River for construction is maximised for bulk materials, particularly during demolition and construction and seeks to engage with the Applicant and through the DCO process to secure this primary objective of use of the river for construction purposes.

- 4.10 The PLA notes that the contents of the Construction Traffic Management Plan are still being discussed and would request that the PLA also take part in these discussions.
- 4.11 It is noted that the Applicant states that it is unable to provide any further clarification or certainty regarding the issues raised by the PLA in its Deadline 1 submission relating to HGV and construction movements on the basis that such information requires a contractor to be appointed - *“there are no specific details on construction logistics, as these will be developed with the EPC contractor at FEED stage.”* Despite this statement, the Applicant has provided some insight into the assumptions that have been made based on professional judgement in-house knowledge of earthworks productivity rates and the HGV quantum for the main construction phase was based on in house knowledge and experience of construction and installation works for similar sized schemes. It is noted that these figures were also benchmarked against the HGV traffic movements anticipated for the adjacent Riverside 2 construction and public-domain data for other carbon capture projects, scaled to reflect the size and scale of the Cory Decarbonisation Project, and advice from potential EPC contractors. The PLA accepts these assumptions in principle.

5.0 Outline Code of Construction Practice (REP2-009)

- 5.1 The PLA welcomes the revision at paragraph 1.2.3 of the oCoCP which now requires the CoCP to be prepared in the consultation with the PLA. However as set out in paragraph 3.2 above, this is not reflected in dDCO Requirement 7 which only requires consultation with the PLA where the construction activities are in the river Thames. The PLA considers that the broader consultation (in relation to the CoCP as a whole) is appropriate to ensure that use of the river during construction is given full and proper consideration. In the absence of the PLA being consulted on the CoCP as a whole, the Applicant could rule out use of the river for all the construction and waste material required and generated by the land based aspects of the development and transport this material by road.
- 5.2 What the PLA is requesting is neither novel nor unique and river use in relation to nationally significant infrastructure projects on the river Thames have to date removed tens of millions of road miles. Whilst appreciating the stage that this project is at, what is required is use of the river to not be ruled out at this stage and for full consideration to be given to it at the detailed design stage. Use of the River Thames for the transport of materials for all aspect of the scheme must be a primary objective for the Applicant. Currently the oCoCP would require the Applicant to only potentially consider specific elements of the works for transport by water and even then, there are no guarantees of that occurring. See for example paragraph 2.12.17 of the oCoCP:

“For the construction of the Proposed Jetty (i.e. steel piles, precast concrete units and marine equipment such as fenders) transport of materials will primarily be via the River Thames wherever practicable.” (emphasis added)

- 5.3 In line with the London Plan 2021 Policy 7.26: Increasing the use of the Blue Ribbon Network for freight, the PLA seeks that the use of the River for construction is maximised for bulk materials, particularly during demolition and construction phases and seeks to engage with the Applicant and through the DCO application to secure this primary objective of use of the river for construction purposes.
- 5.4 The amendments at paragraphs 2.8.1, 2.9.1 and 2.9.2 of the oCoCP which now include for consultation with the PLA on the Community Engagement Plan and during the development of any communication strategies for construction works within the river Thames are welcomed.
- 5.5 The PLA notes paragraph 2.13 Emergency Planning and requests that the process for preparing the Emergency Plan is aligned with Requirement 10 of the dDCO where the PLA is a consultee in the preparation of the Emergency Preparedness and Response Plan in relation to Works 4.
- 5.6 The PLA welcomes the amendments to paragraph 6.2.4 of the oCoCP and the confirmation that piling and construction works occurring in March will only occur at low tide and within a dry environment.
- 5.7 The PLA is not content with the amendments to the wording in paragraph 6.2.5 of the oCoCP. As set out in its response to Examining Authorities Written Question 1.10.05 the PLA notes that the Mitigation Schedule [REP1-011] includes removal dredging by backhoe as an embedded mitigation. The ES concludes that with this embedded mitigation there would be a moderate adverse (significant) impact to water quality and therefore additional controls are proposed including sediment sampling. Depending on the results of the sediment sampling further controls such as using a closed grab for dredging are then set out (see Environmental Statement Chapter 22 Summary of Effects pages 32-43 [APP-071]).
- 5.8 Given how fundamental removal dredging and sediment sampling are to the conclusions of the Environmental Statement, if the Applicant is contemplating dispersive dredging as an alternative to backhoe dredging then this should be assessed as a worse case in the Environmental Statement now so that the Examining Authority and Interested Parties have the opportunity to review it and comment on it.
- 5.9 Whilst the reference to the PLA and the cross reference to the protective provisions in paragraph 6.2.5 is helpful, the words "*unless other agreed*" introduces possible alternative

methodologies in the CoCP without the necessary assessment being carried out. This is of concern given the comments above and on this basis the CoCP as currently drafted does not address the PLA concerns.

5.10 The oCoCP contains a number of design principles (like jetty alignment), which are absent from the Design Principles and Design Code document [AS-019]. The PLA considers that these design principles should be included within the design principles and design code document.

6.0 **Applicant's Response to Western Riverside Waste Authority's Deadline 1 Submission (REP2-020)**

6.1 The Applicant's response to Western Riverside Waste Authority's Deadline 1 submission are noted [REP2-020]. In particular, the comments around the use of Middleton jetty when vessels are arriving and departing the new jetty. The PLA had understood that the operations on Middleton jetty would cease for all arrivals/departures of vessels on the new jetty. This was certainly what was communicated to the PLA in pNRA meetings and is set out as a risk control in the pNRA – see additional risk control 4 on page 325 of the pNRA which states “*Cory tug and barge operation in and around Middleton Jetty to cease during project vessel arrival / departure.*” This relates to the operational phase of the development. Clarification is required on whether this will now form a risk control given that Western Riverside appear to be unaware of this risk control.