APPLICANT'S RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS: 9.18

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

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Volume A

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations, 2009 – Regulation 5(2)(b)

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EXECUTIVE SUMMARY

On 20 December 2024, the Examining Authority's first Written Questions [PD-007] and requests for information were released. The Examining Authority's Written Questions are set out using an issue-based framework and outlined who the question was directed to (i.e. the Applicant or an Interested Party). Cory Environmental Holdings Limited (CEHL) (the 'Applicant') has taken the opportunity to review each of the questions received from the Examining Authority. This document provides the Applicant's responses and has been submitted for Examination Deadline 3.

0. INTRODUCTION

0.1. PURPOSE OF THE DOCUMENT

0.1.1. The Examining Authority published the **Examining Authority's first Written Questions (PD-007)** and requests for information on 20 December 2024 in accordance with the Examination timetable provided in the **Rule 8 letter** (**PD-006**). The Examining Authority's Written Questions are set out using an issue-based framework and outline who each question was directed to (i.e. the Applicant or an Interested Party).

0.1.2. The Applicant has taken the opportunity to review the Examining Authority's Written Questions received and this document provides the Applicant's responses.

0.2. STRUCTURE OF THE DOCUMENT

0.2.1. The Applicant has structured this document to follow the issue-based approach used by the Examining Authority. The Applicant has separated each issue category (i.e. Air Quality, Alternatives, Climate Change) into separate tables for ease of referencing. Each table row contains a unique reference number as provided in the **Examining Authority's Written Questions (PD-007),** grey rows indicate questions not directed to the Applicant. The Examining Authority raised 123 questions in total, with 109 directed towards the Applicant.

0.2.2. The Applicant has provided a response to all of the Examining Authority Questions directed to the Applicant. In addition to this, the Applicant has also provided a response to some questions that were directed at Interested Parties where the Applicant considers additional information would be useful for the Examining Authority.

0.2.3. Further to this, a number of appendices have been prepared to provide more detailed information to respond to Examining Authority Questions where required and they are included at the end of this document. The appendices are:

- Appendix A: Summary of Effects for Relevant LCO2 Transport and Storage Projects
- Appendix B: ExQ Annex: CA and TP Objections Schedule
- Appendix C: Flood Risk Technical Note - Breach Assessment Scenarios
- Appendix D: Use of Other Jetties for River Transport Appraisal
- Appendix E: Greenhouse Gas Technical Note - Terrestrial Site Alternatives

1. GENERAL AND CROSS-TOPIC QUESTIONS

Table 1-1– Response to general and cross-topic questions

ExQ1	Question to:	Question	Applicant's Response
0.1 Design, parameters and other details of the Proposed Development			
Q1.0.1.1	The Applicant	**Nationally Significant Infrastructure Projects: Advice on Good Design document, Annex A – Good design issues to consider** Can the applicant explain what measures have been taken to appoint a project board level design champion and their brief? If no design champion is proposed, please give reasons why	The Applicant is committed to good design and has a proven track record in this regard. A design principles led approach was agreed with LBB for the Riverside Energy Park DCO and this has successfully been implemented for that development due to be operational in 2026. Similarly, the Applicant pioneered the use of a Design Approach Document (DAD), as part of the Planning Inspectorate's early adopter programme, for the Proposed Scheme. LDA Design (an award-winning company of landscape designers and master planners with the team led by Alister Kratt, who sits on the NIPA Design Panel) prepared and developed the DAD through to submission. The team remains responsible for updating the Design Principles and Design Code in response to important and relevant matters raised through the Examination. The Applicant has established a specific Project Board to guide and steer the Proposed Scheme through its various design stages and co-ordinate the numerous workstreams needed to deliver large scale complex infrastructure of this nature. The Project Board is led by the CEO, CFO and other members of Cory's Senior Leadership Team. The Design Champion on the Project Board will be Richard Wilkinson, continuing his role as Project Director. Richard Wilkinson is an experienced infrastructure planner and development professional. He is a Chartered Member of the Royal Town Planning Institute and understands the importance of good design in the successful delivery of large-scale infrastructure. Richard was formerly responsible for establishing, and implementing, the design principles led approach applied to Riverside 2; working from its inception, feasibility and development iterations through to detailed design, together with subsequent hand over to Cory's Project Delivery Team. Working with an experienced design team of planners, landscape professionals and architects, Richard's brief on the Project Board will be to ensure that good design, and the specific Design Principles and Design Code developed and agreed with LBB and other key stakeholders as part of the evolution of the project are embraced and reflected in the final detailed design built by the Main Contractor.
Q1.0.1.2	The Applicant	**Nationally Significant Infrastructure Projects: Advice on Good Design document, Annex A – Good design issues to consider** Can the applicant explain if and how a representative design panel has been, or will be, used to maximise the value provided by the infrastructure? How will this approach be retained throughout the refinement of the design to detailed design?	Early on, reflecting the importance of good design, the Applicant chose to pioneer the use of a Design Approach Document (DAD), as part of the Planning Inspectorate's voluntary 'Early Adopter Programme', for the Proposed Scheme. The applicant appointed LDA Design as design lead to support the project and ensure that good design lay at the heart of the project process. LDA Design (led by Alister Kratt, who sits on the NIPA Design Group and is a recognised expert on infrastructure design) led the design process and structure of design principles to govern the design and prepared and developed the DAD through the various design stages to submission in March 2024. It is noted

ExQ1	Question to:	Question	Applicant's Response
			that the NIPA Design Group (including Alister Kratt) contributed to the preparation of the good design advice subsequently issued by the Planning Inspectorate. The PINS Advice Page 'Nationally Significant Infrastructure Projects: Advice on Good Design' was published on 23 October 2024. Annex A (Good Design Issues to Consider) to the Advice Page sets out fourteen issues for applicants to consider before submitting a NSIP application for examination. Listed seventh in that list of issues to consider is an 'Independent design review'. An independent design review panel was previously considered for Riverside 2 and again for this project but was concluded to be unnecessary. Good design has been at the heart of the master planning and design evolution that underpins the Proposed Scheme; not least Alister has been given a free hand to advise the team and Applicant on delivering best practice and particularly in the light of recently published NIC guidance 'Project Level Design Principles' which while published post submission, was being finalised by its principle author (Alister Kratt). The Applicant has comprehensively engaged with local stakeholders in developing its proposals, including LBB. The Applicant has a good understanding of the key design issues in the locality through developing Riverside 1 and Riverside 2 and through the evolution of the Proposed Scheme, including ongoing conversations with local stakeholders. Good design formed a key part of the project development process, not least in developing the indicative masterplan for the Carbon Capture Facility and MEA but also in the structuring of the Design Principles in accordance with best practice. The fundamental propositions for the Proposed Scheme are secured through the **Design Principles and Design Code (as updated alongside this submission)** which are submitted for approval. The Applicant has also set out the measures for ensuring that these principles are carried through and reflected in the final detailed design to be built by the main contractor. A Statement of Compliance will be prepared for each relevant requirement submission to support and enable the LPA's scrutiny and assessment of design outcomes developed during the post-consent design process as noted in section 6.1 of the **DAD (APP-046)** and secured through the DCO. There is no requirement for an independent design review panel. The **PINS** Advice Page is not statutory, simply asking applicants whether they intend using one or not. In discussion of the DAD with PINS through the Early Adopter Programme, the use of a design panel was not raised. It was discussed with LBB and agreed to not be necessary. Consequently, the Applicant does not anticipate that a design panel will be required to support project implementation through the discharge of requirements as the design matures post consent. The Applicant has demonstrated a clear commitment to good design and the draft DCO contains robust measures (not least requiring approval from LBB) for securing implementation of the carefully considered Design Principles and Design Code through the final design and construction of the Proposed Scheme.
Q1.0.1.3	The Applicant	**Nationally Significant Infrastructure Projects: Advice on Good Design document, Annex A – Good design issues to consider** How have the Design Principles for National Infrastructure published by the National Infrastructure Commission, the National Design	As stated in the **DAD (APP–046)** at Section 9.2: Appendix B, NPS EN-1 para 4.6.13 states that: 'Design principles should take into account any national guidance on infrastructure design, this could include **for example** [emphasis added] the Design Principles for National Infrastructure published by the National Infrastructure Commission, the National Design Guide and National Model Design Code, as well as any local design policies and standards.'

ExQ1	Question to:	Question	Applicant's Response
		Guide and National Model Design Code, as well as any local design policies and standards been taken into account? How will this approach be retained throughout the refinement of the design to detailed design?	The DAD submitted with the DCO **(APP-044 to 046)** takes account of relevant published guidance and policy on good design and is aligned with subsequently published guidance on Project Specific Design Principles published by the NIC, which were used to inform both the design process, approach to design governance through the life of the project. Design principles were developed to support the design process up to submission and are set out in the **DAD (APP-044 to 046)** and have been developed in response to important and relevant matters raised through the examination. The **Design Principles and Design Codes (as submitted alongside this response)** have been prepared to inform ongoing design post consent and submitted for approval to support future requirements discharge. The delivery of the Design Principles and Design Code is secured through the DCO, which requires that the detailed design of Work No. 1 and Work No. 5 must be presented with statements demonstrating how those elements have complied with the Design Principles and Design Code. The following have been taken into account in support of demonstrating and securing good design and a brief description of how they have been taken into account is provided: • UN Sustainable Development Goals in DAD (APP-045) at Section 5.4: It is important that the Proposed Development is founded on an understanding of/ approach to design as it relates to sustainable development and policy. The UN 17 SDGs define a framework to support the consideration and delivery of sustainable development and sustainability underpins policy NPS EN1. Sustainability is an important part of the design development process to date and will be moving forward as set out in the Design Principles and Design Code (for example DW_CCF 1.6). • Design Principles for National Infrastructure ('NIC'), refer to DAD (APP-044) at Section 2.3: This guidance has informed the approach taken to the structuring of the design principles under key theme headings comprising Climate, People, Places and Value • Project Level Design Principles, NIC (not published at time of submission): Reference to the use of and approach to the structuring of design principles extending across the project life cycle from early concept, optioneering to delivery of detailed design. This is ultimately secured through the DCO's securing of the Design Principles and Design Code and the requirement to produce compliance statements with that document during detailed design. • National Design Guide and National Model Design Code (part 1 and 2): Although not referenced in the DAD itself, both documents are reflected in the approach to the design process and structure of coding especially in relation to 6 of the 10 characteristics referred to within it: context; identity; built form; movement; nature; and public spaces. • Role of design principles – Bexley Growth Strategy 2017 (Appendix C Part II Chapter 3) in DAD (APP-046) at Section 9.1: It is important that the Applicant considers any relevant design policy and to that end the local authority/s defined approach to the role of design principles set out in its growth strategy was important to understand in shaping how the principles should govern the design and delivery process. LBB was engaged with as part of the development of the DAD and the Design Principles.

ExQ1	Question to:	Question	Applicant's Response
			• Local design policies and standards in DAD (APP-044) at Section 1.5: Considered to ensure that the Proposed Scheme, a project of national significance, was cognisant of and sought to accord with local policy ambition. Relevant policies considered included: Policy SP5 - Place Making, good design; Policy DP11 – Achieveing high quality design; and Policy SP8 – Green infrastructure including Green Belt, including the Bexley GI Study 2022. • LBB Guidance on design and access statements – within Planning Application Requirements 2018: Guidance on design and access statements helped inform the content of the DAD to accord with local guidance ambition of the receiving authority.
Q1.0.1.4	The Applicant	**Re-use and recycling of material at decommissioning** How will the design of all the works be specified to maximise the materials that can be re-used or recycled at the point when the plant is decommissioned and dismantled? DC_LNR 1.6 of DAD: Design Principles and Design Code [APP-047] only applies to works in Crossness Local Nature Reserve (CLNR). How would this be controlled in the draft Development Consent Order (dDCO)?	Section 5.2 Sustainable Design [page 118+] of the DAD **(APP-044 to 046)** outlines approaches to Circular Economy and Green House Gas (GHG) emissions and states: In line with policy requirements to consider whole-life cycle GHG emissions for proposed development, the Proposed Scheme takes into account GHG emissions and the potential effects from emissions arising during construction, operation and decommissioning. This is aligned with the lifecycle stages identified in PAS 2080:2023, a standard developed for managing carbon in building and infrastructure, which looks at the whole value chain and aims to reduce carbon and cost through intelligent design, construction, and use. The **Design Principles and Design Code (as updated alongside this submission)** for the Carbon Capture Facility provides for the following in relation to materials reuse: *DC_CCF 1.7 The reusing of resources should be explored at construction as well as operation and, later-on, decommissioning phases.* Further to the ExA's question, this Design Code has been supplemented at Deadline 3 by the addition of the following text: Circular economy practices should be identified and considered to maximise action in the highest tiers of the waste hierarchy to design out wastes, reduce wastes and to divert materials from landfill into other productive uses through recovery, reuse and recycling.
Q1.0.1.5	The Applicant	**Development Platform - decommissioning** The proposed Decommissioning Environmental Management Plan would include details of finished levels of land; is the expectation that the development platform would be removed at the decommissioning stage? Please provide details of the intended approach.	It is not known at this time if restoration of existing ground levels would be viable, and it would depend on the flood risk, climate change and development position in and around the Riverside Campus at the time of decommissioning. In any event, as set out in **Section 2.7** of **Chapter 2: Site and Proposed Scheme Description (Volume 1)** and **Section 4.15** of **Chapter 4: EIA Methodology (Volume 1) of the Environmental Statement (Volume 1) (APP-051 and APP-053, respectively)**, any decommissioning would be likely to be completed in less time than the construction phase and would be likely to require a similar degree of plant, equipment and disturbance to that predicted during construction, including if any removal of the development platform was required.

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Q1.0.1.6	The Applicant	**Infilled water courses - decommissioning** Would those watercourses intended to be infilled or otherwise lost be re-instated as part of decommissioning? If so how would this be controlled?	It is not known at this time if the watercourses that are to be in-filled would be re-instated, as this would depend on the local surface water drainage and flood risk management functions of those ditches, climate change and development position in and around the Riverside Campus at the time of decommissioning. However, the Applicant has updated the **Draft DCO (as updated alongside this submission)** to specify that in submitting the Decommissioning Environmental Management Plan, which is to be approved by LBB (in consultation with the Environment Agency) at the end of the Proposed Scheme's design life, that any restoration works for watercourses would be set out.
Q1.0.1.7	The Applicant	**Order limits in River Thames** In light of the Port of London Authority's (PLA) comments in their Deadline 2 submission [REP2-026] about the extent of Order Limits into the 'authorised channel' of the Thames, what is the Applicant's justification for those limits, what is their response to PLA on this point and are changes necessary?	The Applicant has developed the temporary possession extent within the river Thames on the basis of enabling sufficient room for the construction works to take place, whilst accounting for the constraints of existing operations in the area. Latest comments received from PLA in their Deadline 2 submission [REP2-026] have been acknowledged and considered and as a result the Applicant has adjusted the Order limits in the river to avoid the navigation channel, except within the limit of deviation for Work No. 4C, where this area is still required to allow for potential sloping into the navigation channel at the edge of the dredged area.
Q1.0.1.8	The Applicant and Environment Agency (EA)	**Use of Amine products within Carbon Capture** By what mechanisms are the use of Amine products controlled (do they form part of the Environmental Permit controls)? Should the control of Amine products be dealt with through the dDCO? If so, please provide a method for doing so.	The process of obtaining an Environmental Permit with the Environment Agency will control the use of amine-based products, through the consideration of best available techniques which relate to amines through solvent selection, solvent degradation through the post-combustion CO_2 capture system operational controls as well as emissions abatement. As part of the Environmental Permit, the Environment Agency will also impose emission limit values for total amines and total nitrosamines, which the Proposed Scheme will be required to meet.
Q1.0.1.9	The Applicant	**Options for cooling and liquefaction** It is unclear if there are any parameter differences between the two options for the cooling system (Hybrid (Wet-Dry) Cooling Towers or Dry Cooling Towers). Can the Applicant provide clarity on this point and confirm what has been assumed in the ES assessments as the worst case?	As shown in **Table 2-2** of **Chapter 2: Site and Proposed Scheme Description (Volume 1) of the Environmental Statement (Volume 1) (APP-051)**, there is no parameter based differences between the Hybrid (Wet-Dry) Cooling Towers or Dry Cooling Towers, as such it is anticipated that both cooling options can be delivered within the maximum parameters stated for the Proposed Scheme. Given this, within the assessments presented in **Chapters 5: Air Quality (Volume 1) (APP-054)** to **Chapter 20: Major Accidents and Disasters (Volume 1) (APP-069) of the Environmental Statement** there is no need to differentiate between the cooling options.
Q1.0.1.10	The Applicant	**Scoping out of effects associated with the transport and storage of liquified CO_2 (LCO_2)** The Applicant has stated in Environmental Statement (ES) Appendix 4-2 [APP-076], ID entry 2.1.2, that both the transportation and storage of the LCO_2 falls outside of the scope of the Proposed Development and consequently, the ES, with some exceptions (transportation of LCO_2 is considered in ES Chapter 5: Air Quality	As detailed in the **Project Benefits Report** (**APP-042**) the Applicant has an exclusive commercial relationship with Viking CCS to collaborate on the transport and storage of shipped CO2 captured from the Riverside EfW facilities. The result of this arrangement is that there can be confidence that there will be capacity for the Proposed Scheme's captured carbon. The Viking CCS project is led by Harbour Energy, the largest UK-listed independent oil and gas company. Viking CCS is strategically located in the Humber region, the most industrialised and largest CO2-emitting region in the UK. The Viking CCS Project intends to transport compressed and

ExQ1	Question to:	Question	Applicant's Response
		[APP-054], Chapter 8: Marine Biodiversity [APP-057], Chapter 13: Greenhouse Gases [APP-062], Chapter 19: Marine Navigation [APP-068], and Chapter 20: Major Accidents and Disasters [APP-069]. The Applicant considers that the chapters listed are the only ones relevant to transportation of LCO_2. Storage of the LCO_2 is not assessed on the basis that this would be consented separately. Can the Applicant explain the implications for the Proposed Development if the options for CO_2 storage are either not consented, or do not have the capacity to take the CO_2 from the Proposed Development?	conditioned CO2 received at a facility near Immingham to store in depleted gas reservoirs in the Southern North Sea. CO2 would be transferred from the Immingham area to the former Theddlethorpe gas terminal site via a new 55km onshore underground pipeline. From Theddlethorpe, the CO2 would be transported via a 140km existing pipeline to then be stored in the depleted Viking reservoirs. The Viking reservoirs provide a storage capacity for some 300m tonnes of CO2 and the project plans to capture and store 10m tonnes of carbon emissions per annum by 2030. The Viking project has received Track 2 cluster backing from Government, meaning that it has the political and economic support to come forward. The onshore elements of the Viking CCS project (being both the pipeline DCO and the Immingham Green Energy Terminal DCO which would provide the jetty facilities to receive Proposed Scheme ships) have finished Examination and are in the three-month period for Secretary of State decision. In light of the recent successful carbon storage licence given to the Track 1 'Endurance' store meaning there is now precedent, and the fact that the Viking store concept involves a lot less 'new' infrastructure than Endurance (as it will re-purpose existing offshore pipelines), there can be confidence that the Viking project will come forward to meet the anticipated timescales of the Proposed Scheme, and the Government support for Non Pipeline-Transport as part of delivering the CCS Vision. As such, whilst this storage element does not form part of Cory's DCO Application, the Applicant is able to demonstrate how the Proposed Scheme fits within a credible carbon capture cluster that has gained government support including being awarded Track 2 status as part of the UK Government's CCUS Cluster Sequencing process. It is also noted that whilst the Applicant has the arrangements with the Viking project, if in the worst case scenario that project did not come forward, the fact that the Proposed Scheme's carbon is transported by vessel means that it has the flexibility to be able to take the carbon to the locations that are ready to accept it – this could include, for example, Northern Lights, which has all the consents it requires and is built out, but could also include Acorn, the other Track 2 cluster, or indeed Endurance. These options would be dependent on commercial negotiations and the status of other 'emitter' projects that may connect to these stores, however the key point is that the Applicant has the ability to adapt as necessary, as the market evolves. This means that the Applicant, unlike emitters linked by terrestrial pipeline to a single dedicated store provider, the riparian location of the Proposed Scheme and its proposed jetty maximises the potential for sustainable shipping and a downstream link with Viking CCS or any other storage locations that are ready. This is in the context that the ability to prove the viability of Non-Pipeline Transport options for carbon dioxide, making carbon capture more attractive to other CO2 emitters who do not have access to pipelines, is a benefit at the national level, aligned with the Government's objectives. The Proposed Scheme can act as a catalyst for growth to the UK shipping sector, opening up a whole new market.

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			Finally, in the very worst case that no stores are available to the Applicant, then the baseline position would continue – Riverside 1 and Riverside 2 would continue to emit carbon emissions, uncaptured.
Q1.0.1.11	The Applicant	**Scoping out of effects associated with the transport and storage of LCO_2** Further to Q1.0.1.10 above, It is noted that no specific justification is provided for the response to Scoping Opinion point 2.1.2 [APP-076]: "However, both the transportation and storage of the LCO_2 falls out of the scope of the Proposed Scheme and consequently the chapters of this ES, with the following exceptions……:" The Applicant is requested to provide justification for why the other chapters are not considered relevant to this matter, and whether there is any potential for cumulative effects from transport and storage of the LCO_2 from the Proposed Development (where not considered within the ES aspect chapters), with other projects using the same CO_2 storage location?	The following chapters of the Environmental Statement have assessed the potential effects transportation of LCO_2 and the geological storage destinations: • **Chapter 5: Air Quality (Volume 1) (APP-054)**, which considers marine vessel emissions of NO_2, PM_{10} and $PM_{2.5}$; • **Chapter 8: Marine Biodiversity (Volume 1) (APP-057)**, which assesses the potential impacts of vessel strikes on marine mammals (alongside **Appendix 6-4: Underwater Noise Assessment (Volume 3) (APP-084)**); • **Chapter 13: Greenhouse Gases (Volume 1) (APP-061)** which assesses the emissions related to the transportation of LCO_2, in marine vessels, to the geological storage destination and explains the basis on which this is undertaken; • **Chapter 19: Marine Navigation (Volume 1) (APP-068)**, which considers impacts of collision, contact, grounding and breakout associated with the marine vessels; and • **Chapter 20: Major Accidents and Disasters (Volume 1) (APP-069)**, which assesses the risk of transport accidents in the River Thames. In regard to other topics' consideration of the transport of the LCO_2 by vessel it is noted that: • **Chapter 6: Noise and Vibration (Volume 1) (APP-055)**, where impacts from vessel movements were considered to not require assessment (see **Paragraph 6.4.3**); • **Chapter 9: Historic Environment (Volume 1) (APP-058)** and **Chapter 10: Townscape and Visual (Volume 1) (APP-059)**, in which the impacts of the Proposed Jetty were assessed. The small amount of vessel movements will be undertaken in the context of the already busy existing marine environment, so there would be no significant visual effects or changes to the setting of the historic environment or change to the townscape character arising from these movements; • **Chapter 12: Climate Resilience (Volume 1) (APP-061)**, which is relevant in terms of the resilience of the vessels undertaking the transport activity, where it can be assumed that they will be designed to industry standards; • **Chapter 14: Population, Health and Land Use (Volume 1) (APP-063)**, where the assessment considers impacts from **Chapter 5: Air Quality (Volume 1) (APP-054)** and **Chapter 6: Noise and Vibration (Volume 1) (APP-055)** and so is not relevant for the reasons given above; • **Chapter 16: Materials and Waste (Volume 1) (APP-065)**, the Applicant notes that this would relate to the construction of the relevant vessels. It is noted that it would not be any one vessel that would be specifically used just for the Proposed Scheme, and so it would be not appropriate to try and estimate the materials that would be required to build it. However, even if a percentage 'allocation' was sought to be allocated to the Proposed Scheme (in a

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			similar fashion to that in **Section 13.8** of **Chapter 13: Greenhouse Gases (Volume 1) (APP-061)**), in the context of the wider shipbuilding supply chain, the Applicant considers it highly unlikely that this could be a significant effect in materials terms; • **Chapter 17: Ground Conditions and Soils (Volume 1) (APP-066)**, where the transport by vessel means there will be no interaction with ground conditions and soils; and • **Chapter 18: Landside Transport (Volume 1) (APP-067)**, as the marine transport of the carbon means that there are no land movements, so the Landside Transport assessment is not relevant. To the extent that the transport of LCO_2 involves other terrestrial infrastructure (e.g. through the Viking project), and in respect of storage infrastructure (whether through Viking or any other scenario such as Northern Lights), the Applicant notes that these are projects that are being brought forward by other parties, subject to their own impact assessment processes. In light of the judgment in *Finch*, the Applicant acknowledges that it may be argued that effects associated with those projects should be considered as 'indirect' effects of the Proposed Scheme. Whilst the Applicant has considered this in its GHG assessment through 'allocating' a percentage of emissions from those projects to the Proposed Scheme on the basis of the percentage of the overall capacity those projects provide that the Proposed Scheme would take up, given that they form part of the wider chain for the LCO_2 captured by the Proposed Scheme, it is considered that it is not possible or appropriate to take a similar approach for other topics in the context of the Proposed Scheme. By way of example, noise effects from the construction of those other projects would: • happen irrespective of the Proposed Scheme's existence as none of these projects are reliant on the Proposed Scheme to come forward, and • are not the type of effects that can be 'divided up', for example, into a certain number of decibels being the responsibility of different inputting projects into the pipeline. The same logic applies to direct effects such as to biodiversity habitats or heritage assets – it would not be possible (or indeed reasonable) to say that a specific inputting project was responsible for a certain % of whatever percentage of habitat or heritage asset is lost. In any event, for completeness, the Applicant has appended the following EIA information (at **Appendix A**) that is publicly available for those projects: • Immingham Green Energy Terminal Summary of Likely Significant Effects; • Viking CCS Summary of Likely Significant Effects (there is currently no EIA for the Viking store or offshore pipelines although that project will be mainly repurposing existing pipelines); and • Summary of Effects for all aspects of the Northern Lights project as a 'worst case' proxy for a transport and storage solution. As can be seen, all potential LSEs (for the latter the Applicant has taken 'significant environmental degradation' as being equivalent to LSEs) identified for those projects relate to impacts local to those projects, such as landscape, local habitats, traffic or loss of close neighbouring properties.

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			Further to the above, the Applicant does not consider that these should be considered as indirect effects of the Proposed Scheme, as they would occur irrespective of the Proposed Scheme's existence and so the Scheme is not the inevitable cause of those effects. The Study Area for the assessments within the remaining chapters of the Environmental Statement are within the terrestrial environment up to 10km from the Site or a small section of the River Thames. These were also to set the Study Area for the cumulative effects assessment, presented in **Chapter 21: Cumulative Effects (Volume 1) of the Environmental Statement (APP-070)**. By contrast, the potential effects of the transportation of LCO_2 and the geological storage destinations would occur a significant distance from this Study Area, noting that: • the closest geological storage location is approximately 450km in shipping distance; • the nearest aspect of the Viking onshore infrastructure (noting that the Immingham Green Energy Terminal is even further from the Site than this) is approximately 205km away; and • the nearest aspect of the Northern Lights (whose information was used as the alternative 'worst case' option for assessment purposes in the ES) onshore infrastructure is approximately 1,048km (as the crow flies). There are not anticipated to be any significant cumulative effects from the Proposed Scheme outside of the Study Area of 10km for the assessment of Inter-Project cumulative effects presented in **Chapter 21: Cumulative Effects (Volume 1) of the Environmental Statement (APP-070)**. In this context and given the distances to the other infrastructure as identified above, the assessment of cumulative effects from the transportation of LCO_2 and geological storage destinations has not been included within the assessment of Inter-Project cumulative effects presented in **Chapter 21: Cumulative Effects (Volume 1) of the Environmental Statement (APP-070)**.
Q1.0.1.12	The Applicant	**Consistency of description of significance of effects in ES** There are some potential inconsistencies in the description of likely significant effects across the different ES Chapters, as follows: i) ES Chapter 6: Noise and vibration [APP-055] concludes that no significant residual effects would occur. However, it is noted that the assessment for receptors C1 and C5 identifies a moderate adverse effect (significant) pre-mitigation but that the moderate adverse effect changes to not significant after mitigation, despite remaining moderate. The Applicant is requested to explain how the moderate adverse effect has been judged to not be significant. ii) ES Chapter 22: Summary of Effects [APP-071] occasionally refers to slight to moderate effects (resulting from changes to character and visual amenity from study area open spaces) as significant, and other times not significant. Noting that these effects are described as not significant in ES Chapter 10: Townscape and Visual [APP-059],	Point i): **Table 6-14** of **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)** depicts that significance of effects, with the embedded mitigation in place, are Moderate (significant) for receptor C1 (Clydesdale Way) during construction phase and receptor C5 (Travelodge London Belvedere hotel) during operation phase. For receptor C1 during the construction phase, **Paragraph 6.9.2** of **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)** states that *"Construction noise may be considered a significant adverse effect where it is determined that a major or moderate magnitude of impact will occur to a noise sensitive receptor for a duration exceeding:* • *10 or more days or nights in any 15 consecutive days or nights; or* • *a total number of days exceeding 40 in any six consecutive months."* **Table 6-14** of **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)** states that receptor C1 will be subject to this noise impact magnitude for a duration less than these periods. Therefore, the residual effect is considered to be not significant.

ExQ1	Question to:	Question	Applicant's Response
		the Applicant is requested to clarify whether this is a typographical error in ES Chapter 22.	For the operation phase, the assessment was undertaken in accordance with BS 4142:2014+A1:2019[1]. The detailed methodology for assessing industrial sources in line with BS 4142:2014+A1:2019[1] has been set out in **Appendix 6-3: Supplementary Acoustics Legislation, Policy and Guidance of the Environmental Statement (Volume 3) (APP-083)**. In summary, the methodology is based on an initial quantitative estimate with the residual significance depends on the context in which the sound will occur. Following the initial quantitative estimate, as explained in **Table 6-12** and **Paragraph 6.8.25** of the **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)**, a number of contextual considerations were applied before modifying the initial impact estimation accordingly. The contextual considerations applied are detailed in **Paragraph 6.8.26** of **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)**. Taking these into consideration, the significance of effect during the operation phase at receptor C5 is considered to be not significant, notwithstanding the 'moderate' effect identified. With regards to the construction phase the mitigation is secured through a requirement in the **Draft DCO (as updated alongside this submission)**, which states that the full Code of Construction Practice (CoCP) will be developed in accordance with the **Outline CoCP (REP2-008)**. With regards to the operational phase the **Draft DCO (as updated alongside this submission)** includes **Requirement 20** which requires details to be submitted to and approved by LBB as the relevant planning authority prior to commissioning of any part of Work No.1 demonstrating how the maximum permitted operational noise rating levels will be achieved, including at receptor C5. The maximum permitted operational noise rating levels have been set to values equal to background noise levels measured during night-time. Point ii): **Table 10-8** of **Chapter 10: Townscape and Visual of the Environmental Assessment of the Environmental Statement (Volume 1) (APP-059)** reports the correct significance of effects. It is acknowledged that within **Chapter 22: Summary of Effects of the Environmental Statement (Volume 1) (APP-071)** there is a typographical error with regards to the reporting of the significance of effects for the residual effects associated with potential effects on visual amenity (including locally designated views) during the operational phase, which should be described as not significant.
Q1.0.2.1	The Applicant	Bearing in mind comments made by Ridgeway Users at the Preliminary Meeting and Written Representations [REP1-069] and [REP1-070] how has the applicant communicated and engaged with the wider Romani and other traveller communities who may have cultural connections with the Order Land beyond any direct interests as grazing licence holders?	Within the Order limits, grazing activities are undertaken in the area covered by Work No.7, the Mitigation and Enhancement Area (the 'MEA'). The MEA comprises Norman Road Field (owned by Peabody, specifically Tilfen Land Limited a wholly owned subsidiary of the Peabody Trust) and Crossness Local Nature Reserve (owned by TWUL). There are no grazing licences but each of the separate freeholders has granted a grazing tenancy to a separate tenant. With the exception of PRoW users, there is no right for any other party to use this land. The open land to be lost is predominantly the Eastern Paddock (within Crossness Local Nature Reserve) owned by TWUL and

[1] British Standards Institution. (2019). 'BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound'.

ExQ1	Question to:	Question	Applicant's Response
			let exclusively to a single tenant and the Applicant proposes to improve the quality of grazing land to the south as detailed in the Outline LaBARDS. The Applicant acknowledges that the Erith Marshes have, historically, been extensively used by 'the Gypsies of Belvedere Marshes'. However, the historical evidence as submitted by Ridgeway Users is also clear that the significant flood of 1953 effectively ended this occupation, with all gypsies removed by 1956 and many housed by LBB. These events happened a long time prior to Cory's involvement with the area and are in no way related to the Proposed Scheme. The Applicant has engaged directly with each freeholder and each tenant, with only one tenant identifying themselves being from the traveller community. The Applicant has met with both tenants to discuss the Proposed Scheme with them, and when requested, with their family members and freeholder representative in attendance. At one such meeting, the tenant's family member recalled that her grandmother had been affected by the Great Flood of 1953 and had met the Queen. At these meetings, the Applicant provided graphical and written information about the Proposed Scheme and also provided telephone details to relevant team members so that either of the tenants could make direct contact. Consequently, in addition to providing the required, written correspondence, the Applicant has engaged with both tenants through face-to-face meetings and telephone conversations, providing a number of options for engagement. Contrary to the assertions made by Ridgeway Users, the Applicant confirms that the information it has submitted is an accurate and truthful presentation of the information gained from its engagement with both the freeholders and tenants of the grazing land. In terms of the wider communities, the Applicant has consulted with individuals that would be recognised under S.44 of the PA2008 including those with direct interests in the land withing the Order Limits. The Applicant asked LBB for details for a local liaison contact for the traveller communities (not specifically Romani) and was directed to the freeholder of the Norman Road Field with whom the Applicant has engaged. The Applicant asked both Peabody and TWUL of any other liaison contacts with the traveller community and none were provided. In addition to formally writing to all the required interests, the Applicant publicised more broadly at each stage of consultation. At non-statutory consultation, between 05 June to 14 July 2023, the Applicant placed advertising on two separate occasions in the *Bexley and Bromley News Shopper*, issued a press release to local media and placed posters in local community venues. Two public information events were held on Friday 16 and Saturday 17 June and two online webinars were held on Wednesday 28 June and Tuesday 4 July. At statutory consultation stage, between 18 October 2023 and 29 November 2023, the Applicant also placed advertising on two separate occasions in the *Bexley and Bromley News Shopper*, issued a press release to trade and local media, and placed posters in local community venues. In addition, posters were also displayed across public footpaths near the Proposed Scheme and a project postcard was issued to 18,354 addresses. Three public information events were held across Friday 10 and Saturday 11 November and an online webinar was held on 15 November.

ExQ1	Question to:	Question	Applicant's Response
			The nearest Gypsy/Traveller Site is located at Jenningtree Way, within the Belvedere Industrial Estate approximately 600m to the east. It lies within the consultation zone of the Proposed Scheme (as shown below, indicated by the yellow highlight) such that residents should be aware of the project.  **Figure 1-1 – Consultation Zone** Further, this sensitive receptor has been appropriately considered within the Environmental Statement, with Chapter 5: Air Quality and Chapter 6: Noise and Vibration specifically naming Jenningtree Way within the defined Study Area. The ES demonstrates that likely significant residual adverse effects are limited to: the terrestrial biodiversity within the Order limits (Chapter 7 Terrestrial Biodiversity); site character and visual amenity for those using the PRoW within the Order limits (Chapter 10 Townscape and Visual); and the loss of Munster Joinery (in the event a voluntary agreement cannot be reached), users of PRoW and AOL within the Order limits during the construction phase (Chapter 14: Population, Health and Land Use). These significant adverse effects are substantially temporary, and all spatially limited to within the Order limits. There are therefore no direct or indirect, significant, adverse effects on wider communities, including the Gypsy/Traveller Site at Jenningtree Way. The local traveller/Gypsy/Romani communities are neither unduly nor specifically affected by the Proposed Scheme. The land within the Order limits is a registered freehold, owned by two identified parties and each let to two further identified parties. With the exception of the footpaths and the Accessible Open Land, it is neither accessible nor usable by anybody except by agreement with those parties. The barriers in the area have been erected by others, not the Applicant. The Proposed Scheme does not change any of this existing situation. Ridgeway Users misunderstands the Outline LaBARDS, and criticises language that it erroneously attributes to the Applicant. The Outline LaBARDS does not, and the Applicant would not, use deprecating language of any community. In fact, the reference given is from section 1.7.2 of the Crossness Nature Reserve Management Plan (2016- 2020) that is appended to the Outline LaBARDS. This is a document prepared by TWUL, not the Applicant.

ExQ1	Question to:	Question	Applicant's Response
			The Applicant has engaged appropriately with all important and relevant parties, including statutory bodies and members of the local community.

2. AIR QUALITY

Table 2-1– Response to Air Quality questions

ExQ1	Question to:	Question	Applicant's Response
Q1.1.0.1	London Borough of Bexley Council (LBBC)	**3. Issues raised by LBBC on Air Quality** Would the changes proposed by the Applicant to the Design Principles and Design Code set out in their Response to Interested Parties Deadline 1 Submissions. document [REP2-019] address the issue of location of short term generators relative to CLNR? Does the Applicant's Response to Interested Parties Deadline 1 Submissions document [REP2-019] address LBBC's comments on i) the potential emissions of chemicals used to capture CO_2 emissions and ii) in respect of the consistency of the evaluation of the model results relating to the EA's nitrosamine guidance and acceptable level of risk?	Point 1) Yes – the changes to the **Design Principles and Design Code** (will address the issue of location of short-term generators (see response to **LBB's Written Representation (REP1-034)** within the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019)**). Point 2 i) Yes – A response has been provided on the potential emissions of chemicals used to capture CO_2 emissions (see response to **LBB's Written Representation (REP1-034)** within the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019)**). Point 2 ii) Yes – A response has been provided on the assessment against the Environment Agency's nitrosamine guidance. On this, there is a typographical error in **Table 5-36** of **Chapter 5: Air Quality of the Environmental Statement (Volume 1) (APP-054)** where the column label indicates the data is in µg/m^3. This is not the case as all the values for nitrosamine and nitramine concentrations are in ng/m^3 (see response to **LBB's Written Representation (REP1-034)** within the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2019)**).
Q1.1.0.2	The Applicant	**Updated tables for Environmental Statement (ES) Chapter 5** Updated tables for ES Chapter 5, Appendix 5-2 and 5-3 are provided as Appendix B of [AS-044]. The Statement of Common Ground (SoCG) with Natural England (NE) [PDA-002], p10, states that NE is considering how amine deposition impacts to designated sites have been assessed. The Applicant has confirmed [AS-044] that the updated Tables provided for ES Chapter 5: Air Quality and ES Appendices 5-2 and 5-3 do not change any conclusions presented within ES Chapter 5: Air Quality. Can the Applicant confirm whether the updated Tables would change the conclusions of the HRA Report [APP-090]?	The Applicant can confirm that the updated tables do not change the conclusions of **Appendix 7-3: Information to Inform a Habitat Regulations Assessment of the Environmental Statement (Volume 3) (APP-090)**.
Q1.1.0.3	NE and the Applicant	**Inner Thames Marshes Site of Special Scientific Interest (SSSI) - Air Quality** The ExA notes that NE advise [REP1-038] that they will continue to work with the Applicant to obtain the information they require and resolve the issue. The ExA requests an update on this matter, including whether the information requested by NE has been provided and what matters of disagreement remain outstanding, including those identified in NE's Deadline 2	The Applicant had a positive meeting with Natural England on the 13th January 2025. During the meeting an explanation was provided to Natural England on the matters under discussion, including the Inner Thames Marshes SSSI, which allowed Natural England to better understand the methodology, terminology and approach to assessment of impacts. An updated **Natural England Statement of Common Ground (Revision C)** has been prepared following the meeting. As depicted in the Statement of Common Ground, the Applicant understands that Natural England are undertaking a further review of the submissions made to date and will be providing a written response in due course. The Applicant is committed to providing further explanations, if required, to support with Natural England's further review.

ExQ1	Question to:	Question	Applicant's Response
		representations [REP2-027] in their comments on the Technical Note.	The Applicant has also responded to Natural England's Deadline 2 submissions, as presented in the **Applicant's Response To Interested Parties' Deadline 2 Submissions (Document Reference 9.17)**.

3. ALTERNATIVE LOCATIONS AND LAYOUT CONSIDERED FOR THE PROPOSED SCHEME AND SCOPE OF DEVELOPMENT

Table 3-1– Response to alternative locations and layouts considered for the proposed scheme and scope of development questions

ExQ1	Question to:	Question	Applicant's Response
		No questions at this stage	

4. TERRESTRIAL BIODIVERSITY

Table 4-1– Response to Biodiversity, Ecology and Natural Environment questions

ExQ1	Question to:	Question	Applicant's Response
3.1 Biodiversity, Ecology and Natural Environment			
Q1.3.1.1	The Applicant and LBBC	**Monitoring** How will the effectiveness of any management regimes or works implemented either on the Order Land or the Offsite Biodiversity Net Gain (BNG) Area be monitored over time and what mechanisms would be put in place to provide for remedial measures or alternative approaches in light of any monitoring results? How would these be specified and enforced?	The effectiveness of management would be assessed through monitoring of habitats. Monitoring would cover the Order Land (including the Mitigation and Enhancement Area) and Biodiversity Net Gain Opportunity Area (i.e. Thamesmead Golf Course). Monitoring would utilise habitat condition assessment (the method and criteria developed by Defra and Natural England and underpinning the UK Government Statutory Metric), and Common Standards Monitoring approaches for habitats as defined by Natural England. These are as detailed in the **outline LaBARDS (Outline Landscape, Biodiversity, Access and Recreation Delivery Strategy) as updated alongside this submission)**. Management would be considered effective if it maintains both the character of habitats in reference to their definition (primarily with reference to the UK Habitats Classification system, which incorporates definitions of Habitats of Principal Importance) and their target condition, as proposed in **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**. Management would cover retained habitats, and those created and enhanced through compensation proposals. On the ground, management would involve instituting an appropriate grazing regime in conjunction with graziers, supplementary mowing as required, cutting of marginal plants such as reedbeds to promote ditch enhancement and woodland management (e.g. selective thinning to promote the growth of understorey). Monitoring proposals are at outline stage but would be undertaken on an annual basis as detailed in **Section 14.1** of the outline LaBARDS (**Outline Landscape, Biodiversity, Access and Recreation Delivery Strategy) as updated alongside this submission**, with provision for adjustments to management if conditions require it. Monitoring would assess ditches against the criteria within the Statutory Biodiversity Metric to ensure they are meeting targets detailed within **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088), as well as against habitat definitions within the** UK Habitats Classification system to check they are not deviating from their desired habitat type. In particular, plant species diversity in line with expectation of their UK Habitats Classification type and that ground water levels are maintained at the desired raised level will be monitored.
Q1.3.1.2	The Applicant and LBBC	**Outline Landscape, Biodiversity, Access and Recreation Delivery Strategy (LaBARDS) – review** Bearing in mind the potential timespan, should there be a provision requiring the LaBARDS to be reviewed and updated at relevant intervals, for the lifetime of the Proposed Development, and for any	The outline LaBARDS has been updated at Deadline 3 to provide for review mechanisms involving LBB and relevant stakeholders. The Applicant does not propose that updates are approved each time by LBB, as it is anticipated that such changes will be evolutionary over time and may not involve a change to the approved full LaBARDS each time, as such a review could simply involve a change to what is being delivered or managed rather than the document itself.

ExQ1	Question to:	Question	Applicant's Response
		updated LaBARDS to be submitted to, and approved in writing by, LBBC within agreed timescales?	The Applicant considers it would be to the benefit of all parties to enable a flexible collaborative approach moving forward.
Q1.3.1.3	The Applicant and NE	**Water Voles** The ExA notes that the Applicant and NE have met to discuss a Water Vole Method Statement. The ExA requests an update on this matter, including whether the information requested by NE has been provided and what matters of disagreement remain outstanding.	The Applicant met with Natural England on the 21st November 2024 to discuss its written feedback on the Water Vole Method Statement. The Water Vole Method Statement has subsequently been revised taking into account Natural England's advice. Primarily the Applicant has changed its approach from a programme of capture, captive breeding and subsequent release into a receptor area within Norman Road Field as put forward previously, to a programme of water vole displacement into enhanced ditches within Norman Road Field supported by creation of new ditches. The Applicant has incorporated the changes requested by Natural England and does not disagree with any of the amendments to water vole mitigation that Natural England proposed. The Applicant re-submitted the Water Vole Method Statement to Natural England on the 17th January 2025 and the revised approach has been reflected in the **Draft DCO (as updated alongside this submission)**, i.e. to allow for the works to ditches to be undertaken as permitted preliminary works (with these activities controlled by the measures in **Appendix 2-1: Permitted Preliminary Works of the Environmental Statement (Volume 3) (as updated alongside this submission)**, pursuant to Requirement 5 and the **Outline LaBARDS(as updated alongside this submission)**.
Q1.3.1.4	The Applicant	**Water Voles** Please can the Applicant confirm what their timescales are for obtaining a Letter of No Impediment for water voles from NE.	The Applicant re-submitted the Water Vole Method Statement to Natural England on the 17th January 2025. The requested supporting documentation (including the Reasoned Statement) was included within this submission. The Water Vole Method Statement is required to be agreed to obtain the issue of a Letter of No Impediment (LONI) from Natural England. As the revised Method Statement has responded positively to all Natural England's comments, it is hoped the LONI will be issued by Natural England shortly.
Q1.3.1.5	The Applicant, NE and EA	**Effects of lighting on Water Voles** Would the lighting strategy required by Requirement (R) 11 in the dDCO be capable of mitigating effects of lighting on water voles? If so, please provide a full and detailed justification and if not, what alternative arrangements are proposed?	During both the construction and operational phases, the Applicant has assessed the impacts of lighting on water voles within **Section 7.8** of **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)**. The assessment considered the embedded mitigation detailed in **Section 7.7** of **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)** and accounted for the indicative lighting modelling set out in the **Outline Lighting Strategy (APP-123)**. The embedded mitigation would comprise the design of lighting such that it avoids light spillage beyond the construction areas (construction phase) and the Carbon Capture Facility (operational phase) and onto water vole habitat. For the construction phase the mitigation is included within the **Outline CoCP (REP2-008)**, and for the operational phase it is included in the **Outline Lighting Strategy (APP-123)**. In respect of the latter, it is noted that **Paragraph 2.2.5** of the **Outline Lighting Strategy (APP-123)** gives examples of light sensitive fauna as 'Bats and Barn Owls', but the Applicant acknowledges that this also includes water voles. However, the mitigation noted in that paragraph (as summarised above), would be equally effective for water voles as for bats and barn owls.

ExQ1	Question to:	Question	Applicant's Response
			Thus, at both the construction and operational phases of the Proposed Scheme the Applicant has determined that lighting would have negligible (not significant) effects on water voles, as shown in **Table 7-11** of **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)**.
Q1.3.1.6	The Applicant	**Enhancement – water table** Bearing in mind Annex F to the Written Summary of the Applicant's Oral Submission at Issue Specific Hearing 1 [REP1-026] can the Applicant confirm that none of the existing or previous management plans included works or proposals to raise the water table to restore the wet character of soils throughout the year on the Norman Road field and the CLNR.	**Annex B** to **Appendix F** of the **Written Summary** of the **Applicant's Oral Submission at Issue Specific Hearing 1 (REP1-027)** provides the documents relevant to the two Norman Road Field planning application, including the Committee Report for 07/08166/FULM (08/01834/FUL was a delegated decision). Under title 'PROPOSAL' the Committee Report refers to works to the eastern ditch, such that it would '*be seasonally inundated*' and that a *'further area some 0.84 hectare will be excavated to a depth of 200mm below existing ground level to remove top soil the exposed sub soil will be prepared and planted. This may on occasion seasonally inundate*.' This is the extent of works proposed at Norman Road Field intended to restore the wet character of soils throughout the year. The Crossness Nature Reserve Management Plan (2016- 2020) advises (on page 11, under title 'surface flooding') that the West Paddock is flooded '*during the winter months to attract wintering wildfowl and roosting waders.'* Also on page 11, under title 'Current and historical groundwater levels', the Management Plan observes that *'there is a general belief that that the Crossness site became drier in the mid-1980's'.* Whilst this is hard to corroborate with historical data, *'there have undoubtedly been major changes to the hydrology of the site over the last 25 years.'* This section concludes: *'It is quite possible that the creation of the Lagoon could be responsible both for local decrease in groundwater and for a reduction in standing water area on the site.'* Section 1.7 of the Crossness Nature Reserve Management Plan (2016- 2020) sets out the current management of the site, with water levels addressed at section 1.7.1.3. Section 1.7.3 presents current maintenance and management operations. There is no reference to restoring the wet character of soils under current management provision, though the raising of water levels is presented as an 'opportunity' in the SWOT analysis presented on pages 32 and 33 of the Management Plan, but is not something committed to. In the site specific wish list (page 34) an environmental desire is 'Controlled water levels on Crossness Southern Marsh'; this is the land to the south of the A2016, not the LNR within the Order limits. The Applicant is not aware of any previous management plans to raise the water table at Norman Road Field or the Crossness LNR to restore the wet character of soils.
Q1.3.1.7	The Applicant	**Water table** Can the Applicant explain what consideration has been given to any potential negative effects of raising the water table might have on species and habitats and how any negative impacts would be	The Applicant does not consider there would be negative effects of raising the water table on habitats and species. Floodplain Grazing Marsh and other wetland habitats (e.g. reedbed) comprise Crossness LNR, and these incur their biodiversity value through their aquatic character. This includes their supporting value to species (both plant and animal) which depend on the ample availability of ground water beneath the surface and that in interfacing water bodies (ditches and ponds in this case) to maintain them as part of the Crossness LNR's ecological community. Drying of the Crossness LNR is

ExQ1	Question to:	Question	Applicant's Response
		avoided or mitigated against? How would such impacts be controlled (if necessary)?	leading to loss of its biodiversity, evidenced by the discussion on this subject within the Crossness Nature Reserve Management Plan 2016-2020 for the site. To suggest that enhancing the wetland characteristic of habitats that form Crossness LNR through raising ground water levels would have negative effects on biodiversity is to suggest that the character of the LNR is not one of a wetland, a community which thrives on, rather than is harmed by, water availability. It is acknowledged that not all species identified at Crossness LNR would necessarily benefit from raising the water table (such as brown-banded carder bee *Bombus humilis*, a soil nesting species which would avoid newly wetted areas). However, sufficient diversity of topography is present within the Crossness LNR to provide the desired extensive areas of enhanced Floodplain Grazing Marsh whilst also providing pockets of higher ground (e.g. old spoil piles are present in Norman Road Field close to its boundary with Borax South and Creekside that would remain far above the ground water level, providing nesting habitat for important invertebrates), part of a mosaic of habitats that already gives the LNR its character. The Examining Authority's attention is also drawn to the **Applicant's response to Q1.3.1.10** which responds to this point following discussions with Buglife on the subject of maintaining habitat diversity at Crossness LNR. The Applicant acknowledges however that a wetter site, although desirable, places a greater responsibility on habitat management provisions to avoid excessive poaching by grazing animals (creating bare ground patches) and by public access. Condition of habitats would be maintained through management provisions to control for such effects, as informed by monitoring (see the Applicant's response to **Q1.3.1.1**) and detailed in the full LaBARDS produced in response to detailed design and in accordance with the **Outline LaBARDs (as updated alongside this submission)**.
Q1.3.1.8	The Applicant	**Loss or replacement of habitat through tree planting on grazing marsh** What would the effect be of proposed tree and other planting proposed in the vicinity of the proposed Carbon Capture Facility (CCF) on existing grazing marsh habitats? How would any adverse effects be avoided, mitigated and controlled?	The illustrative proposals in **Figure 14** of the **Outline LaBARDS (Revision B)** indicate a sparse collection of trees along the eastern edge of Norman Road Field. The intention was to: • Improve diversity of ditch side habitat to include some occasional low level native trees such as Willow *Salix caprea*. • Provide additional layers of screening for the Carbon Capture Facility built form and fence lines when viewed from Crossness LNR. • Maintain light levels for grazing marsh plant species through wide spacing between proposed trees/ shrubs and selecting species with a low/ hunkered form. However, the Applicant agrees that tree planting should not detract from grazing marsh habitats and has updated the illustrative **Figure 14** to show significantly reduced tree numbers in the current iteration of the of the **Outline LaBARDS (as updated alongside this submission)**. Where tree planting will occur, it will be confined the boundary between the Carbon Capture Facility and Norman Road Field only. The planting, as set-out in the **Outline LaBARDS (as updated alongside this submission)** does not change the findings of the assessment presented in **Chapter 10: Townscape and Visual of the Environmental Statement (Volume 1) (APP-059)**. It should be noted that adherence to the ecological mitigation hierarchy for effects identified in the **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)**, nor

ExQ1	Question to:	Question	Applicant's Response
			proposals for Biodiversity Net Gain (**Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**) rely on tree planting within Floodplain Grazing Marsh areas.
Q1.3.1.9	The Applicant	**Accessibility and disturbance** How will improvements to access to the extended CLNR ensure that there is no disturbance to habitats and species that may be sensitive to human disturbance? How will the LaBARDS make provision that this is factored in when exact routing of footpaths is confirmed?	Improvements to access will enhance the experience of users to Crossness LNR and Norman Road Field by providing improved paths that more people can use; the Proposed Scheme does not propose to open up additional areas to public access within the existing Crossness LNR. It is not the intention that areas currently closed to public access within the Crossness LNR will be opened to members of the public, maintaining these as non-accessible reserve areas for wildlife. In addition, provision of improved footpaths tends to encourage people to use them, avoiding disturbance by those straying from the path. On the basis of this, an increase in disturbance from the public using the Crossness LNR is not expected. Further, the exact alignment of all the access proposals is indicative, including between the proposed start and end points of permanent Public Rights of Way diversions shown on the **Access and Rights of Way Plans (APP-138)** and shown in illustrative plans. The final route and details of the associate path (route and construction) are to be agreed with LBB through submission, and approval, of the full LaBARDS. The second access through Sea Wall Field (new FP2 leg) is proposed to support improved access to, and presence of, the Crossness LNR on the England Coast Path (FP3/NCN1), enhancing amenity and user experience and representing a more attractive route for user approaching from the east or heading east. It too is indicative and could replace the existing route rather than adding to it. It could be lined with fencing to contain users and prevent wider disturbance, in a similar way to the existing access route. The proposed new link (between FP2 and FP1) is again indicative and substantially located within Norman Road Field, which does not currently lie within the Crossness LNR. The proposed crossing of the Great Breach Lagoon (at its southern end) would necessarily require some form of boardwalk (to cross the water body) that can be designed with balustrades and/or fencing to contain users within that route. The Applicant has proposed these footpath and access improvements as additional measures (not strictly required as mitigation) within the Proposed Scheme to enhance the users experience of this area. As these do not open up new areas of the Crossness LNR, merely improve connectivity, they do not represent the risk of additional disturbance to species or loss/degradation of habitats from members of the public than exists already at Crossness LNR and has been factored into the ecological baseline conditions. Furthermore, increased control could come from managing Norman Road Field as a nature reserve for wildlife, including restricting the movement of visitors and dogs in ecologically sensitive areas. The following has been included within the **Outline LaBARDS (as updated alongside this submission)** to clarify the points above: *"6.4.15 - Proposals for new footpath and permissive paths or links will be developed with terrestrial biodiversity in mind and through engagement with LBB and relevant user groups to ensure that*

ExQ1	Question to:	Question	Applicant's Response
			potential negative impacts are understood, mitigated and managed through construction and operation phases. This could include installation of boardwalks, fences, all weather surfacing, gates and signage, with the aim of improving the user experience and conservation of habitats. The alignment of new public rights of way (footpaths) will be secured through submission and approval of the full LaBARDS."
Q1.3.1.10	The Applicant	**Terrestrial invertebrates** With reference to Buglife's Written Representation [REP1-046] and the SoCG Revision B between Buglife and the Applicant [REP2-012], what specific provision would be made for the mitigation of any habitat loss for invertebrates and any habitat enhancements. How would such mitigation be controlled?	As discussed in the response to Q1.3.1.7, the mosaic of topography within the Crossness LNR would reinstate the predominantly wetland character to habitats (which is desirable) with areas of higher ground such as the aforementioned spoil piles which would remain dry. Habitat loss is therefore not anticipated. However, the Applicant and Buglife agree, as documented in **Revision B** of the **Statement of Common Ground (REP2-012)**, that variations in habitat, specifically topography, is important to maintaining and enhancing invertebrate community diversity. The Applicant has committed to continued engagement with Buglife (see the updates to the **Outline LaBARDS (as updated alongside this submission)**), including on proposals to promote (i.e. enhance) the topographical mosaic within Norman Road Field such that it is enhanced for invertebrates as well as resulting in improved condition of Floodplain Grazing Marsh. The Applicant is not of the opinion that these two goals are mutually exclusive, as the existing Local Nature Reserve is able to support important invertebrates as well as wetland plants and animals. These proposals are included in the **Outline LaBARDS (as updated alongside this submission)**, with the detail to be incorporated into the full LaBARDS.
Q1.3.1.11	The Applicant	**Priority Species** How will the LaBARDS ensure that priority species are appropriately protected and conserved?	The full LaBARDS, to be developed in accordance with the **Outline LaBARDS (as updated alongside this submission)**, will protect and conserve priority species through the creation and enhancement of habitats on which they depend and deliver this in the long term through a commitment to management backed by monitoring. Primarily, creation of new ditches and enhancement of existing ones will protect and conserve the water vole population at Crossness LNR. Enhancement of floodplain grazing marsh habitat will conserve the function this habitat provides, including the botanical diversity (including Priority Species plants) it supports alongside the reptile population present at Crossness LNR. It is hoped that ground nesting birds such as wader species, many of which are Priority Species, would be attracted to the enhanced grazing marsh. Reedbed creation and ditch enhancement would benefit migratory birds (again, many of which are Priority Species).
Q1.3.1.12	The Applicant	**Breeding Birds** Can the Applicant clarify their response in their Response to Interested Parties' (IP) representations at Deadline 1 to Save Crossness Nature Reserve's (SCNR) [REP1-047]? Is there a typographical error in the first sentence (p58)?	Confirmed, there is a typographical error in the Applicant's response. It should read *"The Applicant maintains that the information provided here by SCNR does **not** change the evaluation of the Site for breeding birds presented in **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)** nor the subsequent assessment of impacts provided therein."*
Q1.3.1.13	The Applicant	**Use of jetty or river structures for ecological niche area**	The Applicant has considered the recommendations from the Environment Agency regarding ecological enhancement to the Belvedere Power Station Jetty (disused). Specifics of any ecological enhancements on the Belvedere Power Station Jetty (disused) will be dependent on outcomes of the detailed design stage and whether the Belvedere Power Station Jetty (disused) is retained or

ExQ1	Question to:	Question	Applicant's Response
		The Applicant's further views are sought on the 'strong encouragement' from the EA to use the redundant or retained jetty to create an 'ecological niche area' which could be enhanced with timbers and/or fish refugia and whether this should be pursued irrespective of which of the former Belvedere Power Station Jetty options are eventually selected.	demolished. Enhancements to the Belvedere Power Station Jetty (disused) are in addition to the mitigation measures proposed in the **Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057)** that include fish refuge enhancements such as the inclusion of ropes on the piles of the Proposed Jetty to increase habitat complexity and mimic natural conditions. The full proposals for environmental measures in the marine environment will be dependent on the detailed design and construction methodology for Work No. 4 and ultimately be developed into the 'jetty works environmental design scheme' required to be approved under Requirement 16 of the **Draft DCO (as updated alongside this submission)**. At this stage, the Applicant cannot commit definitively to implementing the measures the EA is proposing.
Q1.3.1.14	The Applicant	**Area of BNG Opportunity Area** Can the applicant confirm the total area of the BNG Opportunity Area?	The BNG Opportunity Area was given as 16.363ha in area as detailed in **Table 3-3** of **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**. This initial area has since been reduced at the request of the Peabody Trust whom the Applicant is partnering with to deliver enhancements at the BNG Opportunity Area. Reductions in area have resulted from: • Exclusion of the car park area found around the former Thamesmead Golf Course entry on its north-west side, and the driving range buildings at this location. Habitats in this area are mainly sealed and unsealed surfaces of no ecological importance, with an area of mixed scrub also present. • Exclusion of habitats south of the Eastern Way flyover (comprising mixed scrub and woodland) which are considered not practical for enhancement. Consequently, the total area of the BNG Opportunity Area is 14.496ha. The Applicant can confirm this is sufficient to deliver the area of neutral grassland enhancement, reedbed creation and open mosaic habitat creation committed to as compensation requirements and to achieve 10% BNG in **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**.
Q1.3.1.15	The Applicant	**BNG Opportunity Area – need for permissions** Would any additional permissions be required, such as planning permission, for the works and creation of the BNG Opportunity Area?	The works necessary to create the identified habitats for BNG at the BNG Opportunity Area are considered neither as engineering operations on land nor a change of use of the land. Consequently, the Applicant does not currently believe that express planning permission would be necessary.
Q1.3.1.16	The Applicant	**BNG Opportunity Area – baseline habitat** Further to the evidence of Dr Joyce at Issue Specific Hearing 1 and the LaBARDS [REP1-012] which states that the former Thamesmead Golf Course has been subject to ecology surveys, but these do not appear to have been provided with the DCO application. Can the Applicant confirm whether it intends to submit these surveys to the Examination, and if not why this is not considered necessary, as it is not clear how any positive weight could be	Habitat survey data underpinning proposals for Thamesmead Golf Course is provided as **Annex A: Habitat Survey Data** and **Annex B: Condition Assessment Sheets** of **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**. Baseline data sources are identified in **Section 2.2** and **Annex A** of **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)**. Thus, the Applicant can confirm that the baseline for the Biodiversity Net Gain Opportunity Area is known.

ExQ1	Question to:	Question	Applicant's Response
		attributed to the potential BNG if the baseline is not known?	
Q1.3.1.17	The Applicant	**BNG Opportunity Area – future habitats** The LaBARDS [REP1-012] states that the exact future habitat creation at the BNG Opportunity Area has not been designed yet. Outline area measurements are listed in Section 11.1 and Appendix 1 of the outline LaBARDS. Further to the evidence of Dr Joyce at Issue Specific Hearing 1 and bearing in mind representations received regarding the proposed BNG Opportunity potential to support a range of wildlife at present, how has the Applicant considered this in the BNG calculations. Can the Applicant confirm: • When the design of the BNG Opportunity Area will be determined?; • How this is considered to represent BNG in an area that may already be subject to a diverse ecological baseline?, and • How any positive weight can be attributed to the BNG when it is not known whether the proposed habitats are feasible (e.g. whether the BNG Opportunity Area is located in an area of potential flood risk)?	Bullet Point 1: The Applicant can confirm that it has been working with Peabody Trust and its landscape design partners, Land Use Consultants, on detailed proposals for habitat creation and enhancement at the BNG Opportunity Area, with the in-principle agreed design appended to the **Peabody Trust Statement of Common Ground (REP1-017)**. These designs will be subject to iterative changes as part of the detailed design, but many of the habitat elements are now broadly fixed and have been presented to stakeholders where it has been possible to arrange dialogue (including Buglife at the Applicant's meeting on the 26th November 2024). Ultimately, the design of BNG at the BNG Opportunity Area will be subject to approval from LBB through details submitted under Requirement 12 of the **Draft DCO (as updated alongside this submission)**, which relates to the full LaBARDS. Bullet Point 2: The Applicant does not disagree that a variety of habitats are present at the Biodiversity Net Gain Opportunity Area, but baseline habitat survey data and condition assessment shows them to be limited in their ecological value. They represent common and widespread habitats resulting from the former use of the area as a golf course, now left unmanaged. Although reedbed and pond habitat was found to be in 'Moderate' condition, grasslands (which occupy most of its area) are in 'Poor' condition, alongside woodlands and mixed scrub habitat that are also in 'Poor' condition. Grassland is also succumbing to scrub encroachment (which can be seen by comparing the habitat map in **Annex A** of **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)** with current aerial photographs available on Google Maps), reducing both botanical diversity and the diversity of habitats. Given the state of its habitats and lack of management, it is clear the current ecological value of the former golf course is below that which it could achieve. Even an intervention such enhancement of grassland by reintroducing active management to improve its condition from 'Poor' to 'Moderate' (as is proposed by the Applicant) would represent a significant improvement by encouraging botanical diversity and preventing the loss of this habitat to ecological succession (i.e. by preventing it 'scrubbing over'). Thus, the Applicant is clear that habitat creation and enhancement at the Biodiversity Net Gain Opportunity Area will lead to a positive outcome for biodiversity. Bullet Point 3: As stated above, baseline assessment of habitats has shown the majority are in 'Poor' condition and therefore their biodiversity value is limited. Thus, their improvement is feasible, in many cases by relatively simple means (e.g. by reinstating management), or allowing their replacement by habitats of a greater distinctiveness. Positive weight can therefore be attributed through the Applicant's use of the Statutory Metric that indicates a 10% net gain will be achieved. This results from quantification of habitat creation and enhancement as balanced against the Biodiversity Net Gain Opportunity Area's baseline value (as measured in Biodiversity Units) and added to deficit created within the Site as a result of the Proposed Scheme's construction. The Biodiversity Net Gain Opportunity Area is located in Flood Zone 3 within the undefended tidal flood extent based on the Environment Agency's Flood Map for Planning. The Flood Zones do not take into account the presence of flood defences. The Biodiversity Net Gain Opportunity Area is protected by

ExQ1	Question to:	Question	Applicant's Response
			the River Thames Flood Defences and as shown by the Environment Agency's 'Reduction in Risk of Flooding from Rivers and Sea due to Defences' dataset is protected up to the present day 1 in 1000 year event[2]. Flooding is therefore not an issue that would preclude the objectives of BNG Opportunity Area from being able to be delivered.
Q1.3.1.18	The Applicant	**BNG Opportunity Area – mitigation** Can the Applicant further confirm how they have applied the mitigation hierarchy to the Mitigation and Enhancement Area within the red line boundary of the Order Land and have ensured that mitigation and net gain have not been conflated resulting in habitat creation that is required to offset habitat loss being considered as overall net gain?	The Applicant recognises the mitigation hierarchy as that defined in both Paragraph 192(a) of the National Planning Policy Framework (2024)[3] and the glossary of the Overarching National Policy Statement for Energy (EN-1)[4]: • Avoid; • Minimise/reduce; • Mitigate; and • Compensate. These options are in decreasing order of preference such that those lower on the list should only be carried out once higher options have been exhausted, with compensation (including off-setting of biodiversity loss) only undertaken as a 'last resort' option. The Applicant's approach to the mitigation hierarchy is presented throughout the Application documents, not least the **Planning Statement (APP-040)** at **Section 4.7** and the **Applicant's Response to Relevant Representations (AS-043)**, particularly **Paragraphs 2.5.8 to 2.5.10**. The optioneering process described in **Chapter 3: Consideration of Alternatives Environmental Statement (Volume 1) (APP-052)** and the **Terrestrial Site Alternatives Report (TSAR) (APP-125)** describe how the site selection process and criteria used placed emphasis on the avoidance of biodiversity features. Upon Site selection, a design process was undertaken seeking to compress the layout of the Proposed Scheme such that its footprint could be minimised (as detailed in the **Design Approach Document (APP-044 to APP-046)**). These actions demonstrate compliance with the avoid/minimise level of the mitigation hierarchy. Thus, these upper levels have not been conflated with those of a lower level, mitigation and compensation. As demonstrated in **Section 7.7 and 7.9** of **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056)** and the **Outline LaBARDS (as updated alongside this submission)**, both embedded and additional mitigation for both habitats and protected species have been designed, such as measures for water voles and reptiles, and habitat creation within the indicative layout of the Carbon Capture Facility comprising the Proposed Scheme. It should be noted that ditch habitat creation proposals, required for the delivery of mitigation for this species, have only been included in the Statutory Metric up to the No Net Loss level, as required by UK Government guidance on what counts towards Biodiversity Net Gain[5] (this guidance has been applied

[2] Department for Environment, Food & Rural Affairs. (2025). 'Reduction in Risk of Flooding from Rivers and Sea due to Defences' Available at: https://environment.data.gov.uk/dataset/7b5cf457-6853-4b50-a812-b041d9da003a
[3] Ministry of Housing, Communities and Local Government. (2024). 'National Planning Policy Framework'. Available at: National Planning Policy Framework
[4] Department for Energy Security and Net Zero. (2024). 'Overarching National Policy Statement for Energy (EN-1)'. Available at: https://assets.publishing.service.gov.uk/media/655dc190d03a8d001207fe33/overarchi ng-nps-for-energy-en1.pdf
[5] What you can count towards a development's biodiversity net gain - GOV.UK

ExQ1	Question to:	Question	Applicant's Response
			to all habitats such that none required for mitigation contribute above the no net loss level). This demonstrates compliance with the penultimate level of the mitigation hierarchy (mitigate). As it has not been possible to design the Proposed Scheme to avoid habitat loss (although loss has been reduced as described above), compensatory habitat creation and enhancement is required to balance losses and ultimately achieve net gain. Compensation will occur on-site in the Mitigation and Enhancement Area (Norman Road Field), and off-site in the Biodiversity Net Gain Opportunity Area. It will comprise: • Loss of Floodplain Grazing Marsh will be compensated for by enhancement of Norman Road Field on-Site. • Loss of Reedbed habitat will be compensated by a combination of on-site and off-site habitat creation. • Loss of Open Mosaic Habitat will be compensated for entirely through off-site habitat creation. • Loss of Ditch habitat will be compensated for by creation of new ditches within Norman Road Field on-site and enhancement of ditches on-site. • Loss of other habitat types (scrub, neutral grassland, modified grassland) will be compensated for by habitat creation through landscaping within the Carbon Capture Facility and off-site habitat creation/enhancement. Off-Site compensation is required as further on-site habitat creation would require a concurrent loss of valuable Floodplain Grazing Marsh habitat and not achieve the required standard of additionality (i.e. a net gain for biodiversity). Further to the above, additionality has been achieved (i.e. a net gain for biodiversity) through further habitat creation and enhancement at Thamesmead Golf Course, and landscaping within the area of the Carbon Capture Facility. This includes the enhancement of grassland to improve its condition, planting of trees and woodland and enhancement of ditch habitat. Additionality has been demonstrated through the use of the Statutory Biodiversity metric, which has quantified habitat creation and enhancement proposals against habitat losses to ensure that an overall net gain for biodiversity is achieved and that compensation and net gain have not been conflated.
Q1.3.1.19	The Applicant	**Environment Agency (EA) requested mitigation measures** Within ES Appendix 4-2 [APP-076], and the Consultation Report Appendices [APP-024 – APP-039] the Applicant responds to a request from the EA to vent oxygen into the Thames in the "Thames Tideway" area adjacent to the DCO boundary. The Applicant appears to have confused this with the Thames Tideway tunnel which is 5km from the DCO boundary. As such, it does not appear as though they have considered this as an option for	The Applicant advises that there are no emission sources of oxygen within the Proposed Scheme. Therefore, if it was desired to vent oxygen into the River Thames, then this would have to be brought to the Riverside Campus by road (tanker), for the specific purpose of venting into the river. There is not a functional need for this as part of the Proposed Scheme, and this is not considered practicable. Furthermore, there is no requirement for the venting of oxygen as a mitigation measure within the assessment presented in **Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057)** or **Chapter 11: Water Environment and Flood Risk (Volume 1) of the Environmental Statement (Volume 1) (APP-060)**.

ExQ1	Question to:	Question	Applicant's Response
		mitigation measures for relevant environmental effects. Can the Applicant confirm whether it has considered venting of oxygen as a mitigation measure/ beneficial effect, and if not then confirm why this is the case?	
Q1.3.1.20	The Applicant	**Outline documents** Some control/mitigation documents relating to the onshore environment have not been provided in draft/outline form and with the exception of the preliminary Navigational Risk Assessment [AS-060], none appear to have been provided in any form for the marine environment. Can the Applicant explain why it does not consider it necessary to provide details of the scope of all proposed control and/or mitigation documents within draft or outline versions for Examination?	Through the outline mitigation documents submitted and the **Mitigation Schedule (REP1-010)**, all mitigation measures that have been set out in the Environmental Statement for the terrestrial and marine environment for each phase of the development are captured. Compliance with these measures is secured via requirement within the **Draft DCO (as updated alongside this submission)** through reference to the outline plan or the relevant measure in the **Mitigation Schedule (REP1-010)**, with the latter to be incorporated into the plans, schemes and strategies to be brought forward pursuant to those Requirements. Any additional outline documents would not include any mitigation measures that are not already included within the **Mitigation Schedule (REP1-010)**. Put another way, producing an outline document would simply duplicate the information in that schedule, which is not necessary. Due to the current stage of the design of the Proposed Scheme, there is no additional detail available to put into an outline document and therefore it is not considered appropriate to prepare any further control and/or mitigation documents at this stage.
3.2 HRA			
Q1.3.2.1	The Applicant	**Mitigation** The HRA Report [APP-090] at paragraph 2.6.1 indicates that mitigation measures have been relied on in reaching the conclusion of no Adverse Effects on Integrity (AEoI). However, the Appropriate Assessment sections of the HRA Report (Section 3 and 4) do not describe any mitigation measures, or indicate that the conclusion of no AEoI is reliant upon mitigation measures. Mitigation measures relevant to air quality during operation are described in ES Chapter 5: Air Quality [APP-054] at paragraphs 5.9.3 to 5.9.5. It is also noted that the Environmental Permit required for operation of the Proposed Development will consider detailed operation processes. Can the Applicant confirm which (if any) mitigation measures relevant to air quality during operation have been relied upon in the HRA Report in reaching	**Chapter 5: Air Quality of the Environmental Statement (Volume 1) (APP-054)** sets out two different forms of mitigation. **Section 5.7** covers embedded mitigation measures and **Section 5.9** covers additional mitigation measures. For the operation phase, the embedded mitigation measures set out in **Section 5.7** comprise of design measures (i.e. flue gas release temperature and minimum offset distances between Riverside 1 and Riverside 2). The former is secured via requirement 14 of the DCO (being item 1.1(c) of the **Mitigation Schedule (REP1-010)**. For the latter, see response to Q 1.8.7.2 below. The additional mitigation consists of recommendations for the siting of the new backup power generator only. This additional mitigation measure is secured using the **Design Principles and Design Code (as updated alongside this submission)**. This additional mitigation measure relates to impacts on human health and the Crossness LNR only and therefore is not relevant to **Appendix 7-3: Information to Inform a Habitat Regulations Assessment of the Environmental Statement (Volume 3) (APP-090)**. **Appendix B: Ammonia Emissions Limits Technical Note** in the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019)** sets out further embedded mitigation measures which affect ammonia concentrations and comprise of a reduction in the ammonia Emission Limit Value (ELV) from what has been assessed in **Chapter 5: Air Quality of the Environmental**

ExQ1	Question to:	Question	Applicant's Response
		the conclusion of no AEoI of the Epping Forest Special Area of Conservation (SAC) and if so, confirm how each applicable measure would be secured through the dDCO or other legal mechanism?	**Statement (Volume 1) (APP-054)**. This mitigation results in a decrease in both the maximum ammonia concentration and nitrogen deposition at Epping Forest Special Area of Conservation (SAC) (see **Table 2** of **Appendix B**). The reduced ELV has been incorporated at 1.12 of the **Mitigation Schedule (REP1-010)** and is secured via requirement 14 of the **Draft DCO (updated alongside this submission)**. The statement in **Paragraph 2.6.1** of **Appendix 7-3: Information to Inform a Habitat Regulations Assessment of the Environmental Statement (Volume 3) (APP-090)** is intended to signpost the application of legal precedent from Courts of Justice of the European Union Case C-258/11 (Sweetman v. An Bord Pleanála, 2013) rather than indicate the application of mitigation itself. It can be confirmed that the conclusion of no Adverse Effects on Integrity on Epping Forest SAC has been reached within **Appendix 7-3: Information to Inform a Habitat Regulations Assessment of the Environmental Statement (Volume 3) (APP-090)** without the need (although given this was Stage 2 of the assessment, it would have been legally possible to apply them) to apply the above mitigation (i.e. that the change in airborne ammonia, nitrogen oxides, sulphur dioxides, and deposition of nitrogen and acid are all <1.0% (rounded to 1 decimal place), and considered negligible regardless of their measured concentration). The mitigation described above will further improve the situation with regards air quality, but the conclusion of no adverse effects on integrity remains the same regardless.
Q1.3.2.2	The Applicant	**Site condition** Can the Applicant confirm whether the Epping Forest SAC is currently considered to be in favourable condition?	Epping Forest SAC comprises 37 units representing areas within the SAC. The condition of each unit is shown on Natural England's Designated Sites System[6]. The condition of units can be summarised as follows: • Favourable – 8 • Unfavourable recovering – 20 • Unfavourable no change – 8 • Unfavourable declining – 1 Overall, it could be concluded that most units are in an unfavourable condition (78%), but the majority are recovering.
Q1.3.2.3	The Applicant	**HRA Report Conclusions** The Applicant has confirmed [AS-044] that the updated Tables provided for ES Chapter 5: Air Quality and ES Appendices 5-2 and 5-3 [AS-044] do not change any conclusions presented within ES Chapter 5: Air Quality. Can the Applicant confirm whether the updated Tables would change the conclusions of the HRA Report [APP-090]?	The Applicant can confirm that the updated tables do not change the conclusions of **Appendix 7-3: Information to Inform a Habitat Regulations Assessment of the Environmental Statement (Volume 3) (APP-090)**.

[6] Natural England, 2024. Designated Sites View. Available at: https://designatedsites.naturalengland.org.uk

5. CLIMATE CHANGE

Table 5-1– Response to Climate Change questions

ExQ1	Question to:	Question	Applicant's Response
Q1.4.0.1	The Applicant	**Existing land condition and performance** How has any existing performance of land that would be lost as a result of the development in terms of any existing beneficial role in reducing climate change been factored into the Applicant's approach to any climate change benefits of the development?	The reduction in the uptake of CO_2 associated with land lost as a result of the Proposed Scheme has been quantified and reported in **Table 13-8** and **Table 13-10** of **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)**. GHG emissions associated with the change in land use are identified in **Table 13-8** under category 'A5 – Land use, Land Use Change and Forestry (LULUCF)' for the construction phase, and in **Table 13-9** under category 'B8 – Land use, Land Use Change and Forestry (LULUCF)' for the operational phase. The methodology for determining GHG emissions associated with the change in land use for the Proposed Scheme is provided in **Section 13.4** of **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)**, which considers the estimated carbon storage of existing land use and the change over time from different habitat types and the area of individual habitats identified. The GHG emissions for land use change are incorporated along with other sources of emissions and the CO_2 captured by the Proposed Scheme, reported in the whole life emissions reported in **Table 13-11** of **Chapter 13: Greenhouse Gases Volume 1) of the Environmental Statement (Volume 1) (APP-062)**, which identifies the overall net saving in GHG emissions attributed to the Proposed Scheme.
Q1.4.0.2	EA	**Carbon cost of development platform vs disruption to CCF plant during flooding** Has the Applicant's Response to Interested Parties Deadline 1 Submissions document [REP2-019] addressed the EA's observations [REP1-035] relating to the relative carbon costs of land raising and any equipment being temporarily out of action due to flooding caused by a breach in the flood defences?	The Applicant has provided a response in **Table 2-6-2** of **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019)**, to address the Environment Agency's comments, raised in its **Written Representations (REP1-035)** regarding the carbon cost of the ground raising relative to the disruption to carbon capture should the equipment be temporarily out of action due to flooding caused by a breach in the flood defences. To summarise, the extent to which carbon capture equipment could be out of action due to flooding has not been determined however the following provides an estimate of the number of days it would take for emissions savings from the Proposed Scheme to match the embodied carbon for construction of the Proposed Scheme (including ground-raising). The annual GHG emissions savings identified for the Proposed Scheme are 1,620,603 tCO_2e/yr (**Table 13-10** of **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)**), which is equivalent to 4,440 tCO_2e/day. The total carbon identified for construction of the Proposed Scheme is 98,332 tCO_2e (**Table 13-8** of **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)**), which would be equivalent to 22 days of avoided GHG emissions (or approximately half a day per year over the lifetime of the Proposed Scheme). It is also noted that only a proportion of the total construction GHG emissions would be attributed to ground-raising (primarily aggregate material used in earthworks), which based on GHG emissions for key construction materials

ExQ1	Question to:	Question	Applicant's Response
			used in the Proposed Scheme (**Table 13-9** of **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)**), would represent less than 5% of the total construction emissions, equivalent to approximately one day of avoided emissions in total over the lifetime of the Proposed Scheme.

6. COMPULSORY ACQUISITION, TEMPORARY POSESSION AND OTHER LAND OR RIGHTS CONSIDERATIONS

Table 6-1– Response to Compulsory Acquisition, Temporary Possession and other Land or Rights Considerations questions

ExQ1	Question to:	Question	Applicant's Response
Q1.5.0.1	Affected Persons (APs) and IPs	**Any inaccuracies** Are any APs or IPs aware of any inaccuracies in the Book of Reference (BoR) [REP2-006], Statement of Reasons (SoR) [APP-020] or Land Plans [APP-136]? If so, please set out what these are and provide the correct details.	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.
Q1.5.0.2	The Applicant	**Identification of land interests** Please could the Applicant confirm that all persons having an interest in land, including any rights over unregistered land have been identified and where this has not been possible: i) provide a summary of where it has not yet been able to identify any persons having an interest in land, including any rights over unregistered land; and ii) confirm what further steps the Applicant will be taking to identify any unknown right(s) during the Examination?	The Applicant can confirm all persons having an interest in land, including any rights over unregistered land have been identified. Where it has not been able to identify any persons the Applicant erected notices on site to identify any persons to come forward who own the land, these notices were monitored over a period of 6 weeks in October 2023 and then at DCO submission in March 2024.The Applicant has also displayed site notices regarding the consultations for both Change Requests, seeking to ensure that all relevant parties are aware of the Proposed Scheme. In most cases, the unknown interests are related to unregistered plots at the riverbank, public footpaths or roads, and historical rights. The assumed freeholder is also within these plots. The Applicant has engaged with these landowners, as we expect them to hold ownership of the plots. The Applicant maintains accuracy of the BoR **[REP2-006]** during the examination by refreshing the HMLR titles and any information received from affected persons would be reflected in **a track changes BoR [REP2-006]** and updated at the scheduled deadline for submission
Q1.5.0.3	The Applicant and Statutory Undertakers	**Statutory Undertakers** The Book of Reference (BoR) [REP2-006] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to: i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them; ii) State whether there are any envisaged impediments to the securing of such agreements; and iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of the BoR includes any recently identified Statutory Undertakers.	**Environment Agency** Comments from the EA are still awaited on the Protective Provisions included within the draft DCO. However, the Applicant considers that they provide sufficient protection for the Agency, being based on the provisions in the REP Order and based on precedents on other DCO schemes. **Port of London Authority (PLA)** The Applicant has issued draft terms to the PLA for the land and rights required for the Proposed Scheme and the parties intend to continue discussions on these with a view to reaching an agreement as soon as possible. Following productive meetings between the parties, all DCO drafting matters (including Protective Provisions) are agreed between the parties, with the exception of the extent of PLA consultation in Requirement 7. With these provisions in place, the PLA's interests are protected, irrespective of whether negotiations on the voluntary agreement complete before the end of Examination. **Thames Water Utilities Limited (TWUL)**

ExQ1	Question to:	Question	Applicant's Response
			The Applicant is discussing with TWUL whether the combination of the Protective Provisions prepared for TWUL within the **draft DCO (REP2-004)**, particularly paragraph 39, and the provisions of the **Outline CoCP (REP2-008)** appropriately and satisfactorily protect TWUL's operational interests in respect of the TWUL Access Road. The Protective Provisions also give protection to TWUL in respect of their operational apparatus, and so protecting their statutory undertaking. Comments are awaited from TWUL on these draft Protective Provisions, but the Applicant in any event considers that they are sufficient, having been developed from the protective provisions in the REP DCO. The Applicant is discussing the terms for voluntary agreements with TWUL in respect of the Crossness LNR land such that the exercise of compulsory acquisition powers may be avoided, but notes that this land does not constitute operational land and so the Protective Provisions do not apply to it. As such, the Secretary of State will need to determine if the Applicant's compulsory acquisition proposals are appropriate. **UK Power Networks (Operations) Limited (UKPN)** The **draft DCO (REP2-004)** contains Protective Provisions for UKPN. The Applicant has sought specific feedback from UKPN on These provisions, but UKPN is yet to respond. The Applicant hopes to record an agreed position in a Statement of Common Ground with UKPN as soon as possible. **National Grid Electricity Transmission (NGET)** The **draft DCO (REP2-004)** contains Protective Provisions for electricity undertakers but NGET has confirmed to the Applicant that it does not intend to seek specific Protective Provisions in respect of a decommissioned and redundant cable believed to be linked to the now decommissioned Belvedere Power Station. The Applicant does not consider further engagement is required with NGET at this stage. **General** All other known Statutory Undertakers (London Power Networks plc, and Southern Gas Networks plc) and telecoms companies, have been covered by the Protective Provisions in the **draft DCO (as updated alongside this submission)**. No detailed comments have been received. The Applicant has not identified any additional Statutory Undertakers since the original submission of the Book of Reference, nor does the version of the Book of Reference submitted at Deadline 3 (see Examination Library reference **REP2-006**) identify any.
Q1.5.0.4	The Applicant	**Objections** Please complete the table at Annex A of this ExQ1 document**.**	Please refer to the completed table at Appendix B of this document. Please note that the first and third columns have not been completed because they are not relevant to this project.
Q1.5.0.5	APs and IPs	**Alternatives**	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.

ExQ1	Question to:	Question	Applicant's Response
		Unless already set out in Written Representations, are any APs and/ or IPs aware of: i) any reasonable alternatives to any Compulsory Acquisition (CA) or Temporary Possession (TP) sought by the Applicant; or ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?	
Q1.5.0.6	The Applicant	**Category 3 persons** The BoR [REP2-006] advises that there no 'Category 3' persons have been identified. Please can the Applicant confirm this remains the case or clarify if there are any other persons who might be entitled to make a 'relevant claim' if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR? This could include, but not be limited to, those that have provided representations on, or have interests in: • noise, vibration, smell, fumes, smoke or artificial lighting; • the effect of construction or operation of the Proposed Development on property values or rental incomes; • concerns about subsidence or settlement; • claims that someone would need to be temporarily or permanently relocated; • impacts on a business; • loss of rights, e.g. to a parking space or access to a private property; • concerns about project financing; • claims that there are viable alternatives; or • blight.	As explained in **paragraph 7.2.11 of the Statement of Reasons (APP-020)**, it is considered that there are no parties able to make a relevant claim whose land interests are outside of the Order limits. This view has not changed as a result of the representations of Interested Parties into the Examination. It is also considered that there are no parties with interests in the Order limits who will be able to make a relevant claim, on the basis that their rights are either those of a mortgagee, or their rights are self-contained within the Order limits, and so would be affected directly by the Proposed Scheme (rather than needing to make a claim under section 10 of the Compulsory Purchase Act).
Q1.5.0.7	The Applicant	**Additional land** Are any land or rights acquisitions required in addition to those sought through the dDCO before the Proposed Development can become operational?	No additional land or right acquisitions above and beyond those set out in the DCO are required before the Proposed Scheme can become operational. The arrangements at Thamesmead Golf Course do not require any land transaction between the Applicant and Peabody; and it is not intended that any land transaction would be required if any Alternative Off-Site Delivery Mechanism was required.

ExQ1	Question to:	Question	Applicant's Response
Q1.5.0.8	The Applicant	**Alternatives to CA** Please can the applicant expand on the reasons why they consider that there is no alternative to CA for the land that comprises the proposed mitigation area including parts of the CLNR and other land in the vicinity which would not contain the CCF?	The Applicant considers that the possible 'alternatives' to compulsory acquisition of the Mitigation and Enhancement Area (inclusive of the existing Crossness LNR) need to be identified to be able to answer this question. The Applicant has done so under the headings below. Negotiated Agreement Clearly the preferred approach for all parties is that DCO land powers are not needed to be used, and that negotiated settlements are able to be reached. In that vein, the Applicant has been and is continuing to seek to reach a voluntary agreement with Thames Water Utilities Ltd ('TWUL') in relation to the CLNR land, which would ensure that compliance with the DCO can be secured. It is also doing the same with Peabody/Tilfen Land Limited in respect of the Norman Road Field. However, if these voluntary agreements are unable to be completed, the Applicant needs to be able to rely on the fallback of using DCO powers to ensure that it can deliver its LaBARDS commitments. Dealing with Planning Obligations Although it has been established that the Norman Road Field is not subject to on-going planning obligations, article 50 of the DCO seeks to provide the clarity that any existing arrangements/requirements no longer apply to the MEA. This works alongside the CA position to ensure that where TWUL/Tilfen Land no longer own the land, they are not subject to on-going commitments in a section 106 Agreement for that land. However, what is required is not just to remove existing arrangements, but also to ensure that the new LaBARDS arrangements, and the 'next chapter' (see **REP1-027 – Appendix F to the Written Summary of the Applicant's Oral Submission at ISH1**) that they create, are delivered. In the scenario where DCO land powers were not relied upon, and therefore TWUL/Tilfen Land therefore still own the land in question, that could only be achieved through additionally varying the existing section 106 agreements to require compliance with the LaBARDS. At page 12 of its **Written Oral Submissions at CAH1** (**REP1-025**), the Applicant set out why this would not be appropriate. However, it also adds the following reasoning to those points: In the case of Norman Road Field, the planning obligations no longer operate. Furthermore, even if they were considered to still operate, **REP1-027** identifies that the obligations were minimal in terms of what was required to be undertaken and managed, particularly in comparison to what is now proposed through the LaBARDS. In either scenario, it is therefore considered that to use the DCO to vary the Norman Road Field section 106 to impose a number of additional burdens (both in terms of time and works/management requirements) on a third-party developer to comply with the LaBARDS, whose scheme does not necessitate those additional burdens, would not meet the policy test for planning obligations, as they are not necessary to make that development acceptable in planning terms.

ExQ1	Question to:	Question	Applicant's Response
			This means that the option of varying planning obligations is not available for the Norman Road Field, necessitating the use of DCO land powers absent a voluntary agreement. This means that if DCO land powers were not able to be used for the TWUL land within the MEA, the Applicant would be left with a position where it could have greater reassurance of being able to comply with the LaBARDS for only part of the MEA, but not all of it. For the reasons discussed in **REP1-025** in respect of the Applicant's concerns about enforcement, this is not considered to be appropriate. In any event, it is considered that the obligations of the 1994 Agreement were created to mitigate the impacts of the sludge incinerator at Crossness Sewage Treatment Works and required the establishment of a Nature Reserve and compliance with a Management Plan developed by TWUL itself. The Applicant is now proposing the enhancement of this Nature Reserve through improvements to ground water level and to ditches, to raise the ecological value of the area; whilst also managing habitats in a co-joined way with Norman Road Field. These are additional measures, which will require additional management; and were not measures identified as necessary to require at the time of the sludge incinerator permission. Varying the 1994 Agreement to require TWUL to take these on would also not appear to meet the policy tests for planning obligations and therefore negates the use of this alternative in place of DCO land powers. <u>DCO Powers less than full Compulsory Acquisition</u> The Applicant's view is that: • it would not be possible to solely rely on Temporary Possession powers to deliver the works and management measures in the LaBARDS as it requires long term management to be undertaken beyond five years of commissioning of the Carbon Capture Facility, meaning that even a combination of articles 37 (for undertaking initial works) and 38 (to enter on occasion to undertake monitoring/management works) of the DCO are insufficient; and • it would not be sufficient to rely on Temporary Possession powers to undertake the LaBARDS works and then impose restrictive covenants under article 30, as the LaBARDS requires positive management measures to be undertaken. Article 30 cannot be used to impose positive covenants, as it is not possible to compulsorily acquire positive covenants; and as such, only a combination of rights for the benefit of the Applicant in conjunction with the imposition of restrictive covenants on TWUL/Tilfen Land Limited would be a potential alternative. For the reasons set out in **REP1-075**, this is not considered appropriate, as it would be placing such an imposition on TWUL that would have the same effect as full compulsory acquisition. It is the case, therefore, that using a combination of lesser DCO land powers is not sufficient to deliver on what will be required by the DCO (to deliver the LaBARDS).

ExQ1	Question to:	Question	Applicant's Response
			As such, the Applicant considers that in the absence of a voluntary agreement, there is no alternative to seeking full compulsory acquisition powers for the Mitigation and Enhancement Area.
Q1.5.0.9	The Applicant	**Special Category Land – open space** Bearing in mind development plan allocations and having regard to SCNR's Written Representations, can the applicant expand on why they consider that Special Category Land would be limited to that shown on the Special Category Land Plan [AS-011] including the Applicant's response to the suggestion that the CLNR forms open space, that is land used for the purposes of public recreation that may not be reliant on its physical accessibility?	This question relates to the scope of the definition of special category land in section 131 of the Planning Act 2008, and in particular what should be considered as 'open space' within that definition. 'Open space' is defined in section 131 by reference to section 19 of the Acquisition of Land Act 1981, which defines open space as "*any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground".* That is a specific test in the legislation that needs to be applied. It is not a question of what open space might mean in policy terms (noting footnote 246 of the NPS (when considering the policies in section 5.11 of that document) states that "*in applying the policies in this section, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity").* It is also not a question that just because the local plan allocates the land as open space, it must be open space for section 131 purposes. The Applicant has made numerous submissions on the point that it has properly considered the impacts to both the Accessible Open Land and Non-Accessible Open Land, in light of planning policy. For the purposes of the Proposed Scheme, the question is therefore whether any of what the Applicant has termed as 'Non-Accessible Open Land' within the Crossness LNR should be considered to be 'use for the purposes of public recreation' in order for it to be considered to be special category land. The Applicant has already identified that it considers that the Accessible Open Land does meet that test. It is first important to establish the scope of the land to which this question applies. It is the case that by reference to the field names noted in the Outline LaABRDS: • the East Paddock is not accessible to the public in any way, or for any form of recreation. It is grazed by horses under licence and is completely fenced off and locked; • this is also the case for the Stable Paddock (which has built structures upon it), West Paddock (which can be viewed through a viewpoint but cannot be accessed), the Parsley Field, the Sea Wall Field, and those parts of the Lagoon Field which are not the Accessible Open Land; and • those parts of the North Scrape Field that are in the Order limits have been identified as Accessible Open Land; • the Norman Road Field has been identified as Accessible Open Land save for ponded areas that are completely fenced off inaccessible to the public and not recreated upon, and the

ExQ1	Question to:	Question	Applicant's Response
			eastern strip connected to Borax South, which is also inaccessible to the public (via fencing or natural features), including for any form of recreation. For the Non-Accessible Open Land, the Applicant also notes that section 131 of the Planning Act 2008 states that the land must be 'used' for the purposes of public recreation, which plainly denotes physical use. This leaves only the question of the Island Field. This land is able to be accessed, but only if an individual has signed up to be a Member of the Friends of Crossness LNR and is given the key to open the gate to access that land. Although this land is used for recreation, it is not used for public recreation. In this context, the Applicant notes the Recommendation Report in the Thanet Offshore Extension Farm DCO project, which noted that (from paragraph 10.6.84): *The Baypoint Club is operated as a private sports and recreation facility on land that Ramac holds freehold. The club is not an IP and the Ramac objection does not relate to the club or its interests. At no point in the Examination was it suggested that the effect of the development plan allocation was to do any more than to protect the undeveloped area of the site currently used as a sports field from built development. The Applicant did not identify the allocated land as special category land for the purposes of s132 PA2008 and there were no other representations suggesting that the land should be considered as such. However, for the avoidance of any later doubt or concern, the ExA considers it prudent to make a finding on this point.* *"Open space" is defined in PA2008 s132(12) as having the same meaning as in section 19 of the Acquisition of Land Act 1981. There, open space is defined as follows: "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.* *As a matter of fact, from its inspection in ASI1, the ExA finds that the playing fields at the Baypoint Club are not so laid out, used (or disused). It is evidently not a public garden in any sense of that term. The essentially private and access-controlled nature of the club use of the land and facilities mean that whilst it is used in part for recreation, this is not public recreation. There is no evidence that it has ever been a burial ground.* *"The essentially private and access-controlled nature of the club use of the land and facilities mean that whilst it is used in part for recreation, this is not public recreation".* *For these reasons, the ExA concludes as follows:* *"The allocation of the Baypoint Club land as protected open space in the development plan does not mean that it is open space for the purposes of PA2008"* The Applicant considers that this is directly applicable to the Island Field. That land is therefore clearly not public recreation.

ExQ1	Question to:	Question	Applicant's Response
Q1.5.0.10	The Applicant	**Port of London Authority (PLA)** Please can the Applicant provide the latest position on the PLA's comments relating to land identified as their having an interest in [REP1-041] and their Deadline 2 submission [REP2-026], and as necessary reflect this in any updated BoR.	The Applicant had advance sight of the PLA's concerns on this matter prior to Deadline 2 and so the changes the PLA requested are reflected in the latest BoR submitted at Deadline 2.
Q1.5.0.11	The Applicant	**Clarification of PLA ownership and size of plots** In addition to the above, in light of the PLA's comments in section 2 of their Deadline 2 representations [REP2-026], please can the Applicant review and where necessary revise the BoR and land Rights Tracker.	The Applicant has confirmed the size of the plots and no changes are required for a revised BoR **[REP2-006].** Additionally, the Applicant has issued a shapefile to PLA of all the plots and their sizes to ensure the PLA is content on this matter.
Q1.5.0.12	The Applicant	**Justification for extent of Order Limits in River Thames** In light of PLA's comments in section 4 of their Deadline 2 representations [REP2-026], please can the Applicant provide a more detailed explanation of the extent of Order Limits and TP sought or propose any necessary alterations**.**	Refer to response to Q1.0.1.7

7. CULTURAL HERITAGE

Table 7-1– Response to Cultural Heritage questions

ExQ1	Question to:	Question	Applicant's Response
Q1.6.0.1	The Applicant	**Former Belvedere Power Station Jetty** There is no requirement in the dDCO to record the Former Belvedere Power Station Jetty in the event it is altered or removed (for example in dDCO R16 or R22). Notwithstanding LBBC's update provided at Deadline 2 [REP2-024], how will the Jetty be recorded to Historic England Level 2 Historic Building Recording as suggested by LBBC [RR-124]?	As stated in **Paragraph 9.9.2** of **Chapter 9: Historic Environment of the Environmental Statement (Volume 1) (APP-058)**, should the Belvedere Power Station Jetty (disused) be demolished, an Historic England Level 2 Historic Building Recording will be undertaken prior to demolition. This would ensure that an accurate record of the Belvedere Power Station Jetty (disused) is archived with the Greater London Historic Environment Record and Archaeology Data Service for future research and understanding of heritage significance (value). **Paragraph 7.2.1** of the **Outline CoCP (REP2-008)** states that: *"Should the Belvedere Power Station Jetty (disused) be demolished, an Historic England Level 2 Historic Building Recording will be undertaken prior to demolition."* The Level 2 Historic Building Recording is secured by **Requirement 7** of the **Draft DCO (as updated alongside this submission)** which states that the full CoCP submitted for approval must be substantially in accordance with the **Outline CoCP (REP2-008)**. This approach has been agreed by the London Borough of Bexley, as stated within their **Relevant Representation (RR-124)** and their **Statement of Common Ground (REP1-014)**.

8. CUMULATIVE EFFECTS

Table 8-1– Response to Cumulative Effects questions

ExQ1	Question to:	Question	Applicant's Response
Q1.7.0.1	Marine Management Organisation (MMO), NE and LBBC	**List of cumulative schemes assessed** Could the MMO, NE and LBBC please confirm whether they are content that all other developments, plans and projects that have the potential to result in cumulative or in-combination effects together with the proposed development have been identified and appropriately assessed by the Applicant in the Environmental Statement [APP-118] and the HRA Report [APP-090] (including any relevant marine licensed projects)?	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.

9. DRAFT DEVELOPMENT CONSENT ORDER (DDCO)

Table 9-1– Response to Draft Development Consent Order (dDCO) questions

ExQ1	Question to:	Question	Applicant's Response
8.1 Articles			
Q1.8.1.1	PLA	**Article 7 - Disapplication of legislative provisions** The PLA's comments are sought on the Applicant's Response to Interested Parties' Deadline 1 Submissions document [REP2-019], in respect of the PLA's observations regarding the drafting of Article 7.	The drafting of Article 8 (what was Article 7) and the Protective Provisions, is now agreed with the PLA.
Q1.8.1.2	The Applicant	**Article 10 - Consent to transfer benefit of the Order** Given the provisions of this article, what arrangements need to be put in place to ensure that the Deeds of Obligation continue to have effect with any transferee or similar? Does this need to be provided for in the article or elsewhere in the dDCO?	Any transfer provisions in respect of the Deeds of Obligation will be contained within the Deeds of Obligation, as necessary, which are in discussion with LBB, TWUL and Peabody. The dDCO will therefore not need to include transfer provisions with regards to the Deeds of Obligation.
Q1.8.1.3	The Applicant	**Article 50 - Crossness Local Nature Reserve** (2)(c) provides for "clause 4 of the 1994 agreement shall be abrogated in its entirety". Given that part of the 'Conservation Land' specified in clause 4 lies outside the Order Limits to the west of the boundary fence what measures would be put in place to ensure that the requirements of the 1994 Planning Obligation would remain in force on that part of the CLNR?	The **Written Summaries of the Applicants Oral Submission at Compulsory Acquisition Hearing 1 (CAH1)** [**REP1-028**] explains that that the Outline **LaBARDS** [**APP-129**] will replace the existing provisions for the Crossness LNR and build upon it in respect of the land outside the Order limits. In other words, the LaBARDS and Deed of Obligations (B) will commit Thames Water to a new regime and the intention is for the obligations under the 1994 Agreement to fall away, such that the new regime under the LaBARDS will apply to the Nature Reserve (including the land outside of the Order limits). However as explained at CAH1 and ISH1, if TWUL do not agree to this, the DCO would be amended to make clear that the abrogation will not apply to the land outside of the Order limits.
8.2 Schedule 1 – Authorised Development			
Q1.8.2.1	The Applicant	**Development Platform** It is not clear which of the specified works in Schedule 1 permits the development platform, or the required 300mm height flood wall and demountable defences on access roads referred to in ES Appendix 11-2 [APP-107]. Can the applicant confirm which works numbers these three proposed features come under? What is the proposed approach to include and control this element of the proposal?	These are ancillary works and are therefore not referred to in the specific numbered works. They are therefore covered by the list of ancillary works at the end of Schedule 1. The flood wall and demountable defences could be built under items (e), (m) and (w). The development platform is covered by paragraphs (r) and/or (w). As their nature is ancillary to the different aspects of Work No. 1, they will be approved pursuant to Requirement 3, as part of the detailed design of the relevant parts of that Work, and indeed all other Requirements of the DCO.

ExQ1	Question to:	Question	Applicant's Response
Q1.8.2.2	The Applicant	**Description of Work No 9** It is noted that the ES does not refer to Work No 9 (shown on the Works Plans [REP2-003] and described in the dDCO [REP2-004] as protective works to land "if required" as a result of the authorised development). The Works Plans show that these works are apparently limited to the existing access road and a small area which appears to be a sluice gate or other form of outfall in the western part of the DCO boundary. Can the Applicant confirm what these protective works (if required) may comprise and how any potential impacts have been assessed in the ES?	As described within the Applicants **Notification of Intention to Submit a Change Request (AS-063)** and shown on the **Works Plans (REP2-003)**, the Environment Agency's Great Breach Pumping Station has been removed from the Site Boundary of the Proposed Scheme. The remaining area within Work No. 9 is not the Thames Water Access Road; it is the ditch running between Norman Road and the Iron Mountain Records Storage and Asda Access Road. This has been included to allow for protective measures to be put in place for that ditch whilst Proposed Scheme construction works are carried out close to it (e.g. preliminary works, such as fencing). The preliminary works are set out in **Appendix 2-1: Permitted Preliminary Works of the Environmental Statement (Volume 3) (as updated alongside this submission)**. These preliminary works shall be undertaken in accordance with relevant commitments of the **Outline CoCP (REP2-008)** only. As set-out within **Chapter 2: Site and Proposed Scheme Description of the Environmental Statement (Volume 1) (APP-051)**. With these commitments in place, the preliminary works would have negligible or relatively minor environmental effects and so have not been specifically assessed as a set of separate works. works. They would therefore not lead to likely significant effects.
Q1.8.2.3	The Applicant	**Ancillary or related development** The ancillary or related development listed as (a) to (y) at the end of Schedule 1 of the dDCO [REP2-004] appear to be very broad in scope and therefore it is not clear how these would be controlled, other than the introductory paragraph which states "…..which does not give rise to any materially new or materially different effects which are worse than those assessed in the environmental statement". Can the Applicant provide additional detail on the ancillary works likely to be required and how the likely impacts would be mitigated - for example, through cross reference to specific measures in the Outline Code of Construction Practice (CoCP) [REP2-008]?	The ancillary works set out in (a) to (y) of Schedule 1 form part of the associated development that may be carried out in connection with the numbered works packages (Work No. 1 to Work No. 9). Whilst the Proposed Scheme has been divided into those numbered works packages on a careful and logical basis, further general development may be required across any part of the Order limits to ensure a successful delivery of the specific works packages. The Applicant has grouped such ancillary works at the end of Schedule 1 in order to avoid unnecessary repetition of works which may apply to multiple works packages. All of the ancillary works may be reasonably anticipated to be subordinate to and/or necessary in order to facilitate or mitigate the impact of the authorised development. The description of works in the catch-all paragraphs (a) to (y) as drafted has been assembled to reflect the full nature and scope of the works foreseen as necessary to safely and efficiently construct the entirety of the Proposed Scheme. The Applicant's twin aims of keeping the descriptions of the main numbered works clear and simple and avoiding unnecessary repetition in the drafting of Schedule 1, have driven its approach to the scoping of these ancillary works. The Applicant considers this approach to be prudent as it provides the necessary flexibility for works in connection to Work No. 1 to Work No. 9 which may be required following detailed design. This provides the certainty of a deliverable consent whilst also ensuring that the scope of the consent is appropriately limited within the parameters set out in **Table 2-2** of **Chapter 2: Site and Proposed Scheme Description (Volume 1) of the Environmental Statement (Volume 1) (APP-051)**. In terms of control of those broad works powers, the dDCO only allows such ancillary works powers to be exercised if they do not cause effects that are materially new or materially different to those assessed in the ES. Furthermore, these ancillary works still form part of the 'authorised development'; they remain subject to the Requirements in the same way as the rest of Schedule 1.

ExQ1	Question to:	Question	Applicant's Response
			In this context, it is not possible to provide further detail on these works or cross reference to specific measures in the **Outline CoCP (REP2-008)**. This approach reflects a number of DCO made to date, including in respect of accounting for interactions with the marine environment, The Silvertown Tunnel Order 2018, The Port of Tilbury (Expansion) Order 2019, The Lake Lothing (Lowestoft) Third Crossing Order 2020 and The Great Yarmouth Third River Crossing Development Consent Order 2020; and in respect of a broad approach to ancillary works in Energy DCO, the Gate Burton Energy Park Order 2024, the Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024, and the Riverside Energy Park Order 2020.
Q1.8.2.4	The Applicant	**Permitted preliminary works** The permitted preliminary works [APP-074] and Schedule 2, R5 of the dDCO [REP2-004] appear to be very broad in scope. Whilst it is noted that these would be controlled by measures in the CoCP, it is not clear which measures in the CoCP relate to the different preliminary works. Can the Applicant provide additional detail on the permitted preliminary works likely to be required and confirm, with cross reference to specific measures in the CoCP [REP2-008], how the likely impacts would be mitigated?	The Applicant disagrees that these activities are broad in scope, and notes that they are consistent with, or similar to a wide range of made DCOs. In any event, specific controls have been developed for them in **Appendix 2-1: Permitted Preliminary Works of the Environmental Statement (Volume 3) (as updated alongside this submission)**, which identifies the specific mitigation measures that will be undertaken in respect of each of the identified PPWs. This is then secured through Requirement 5 of the draft DCO. As established in paragraph 2.4.8 of the ES, "*with these commitments in place, the preliminary works would have negligible or relatively minor environmental effects*".
Q1.8.2.5	The Applicant	**Description of all works and comparison to parameters** Other than the lateral limits in the Works Plans [REP2-003] (which are shaded areas rather than given as a measured area), no parameters are given for work numbers 2A, 2B, 2C (modification of existing generating stations) and work number 5 (CO_2 pipeline to works 4B and 4C). Can the Applicant: • Provide these parameters, in particular if there are any amendments to the heights of the existing facilities and how these maximum heights have been secured. • If so, confirm how the ES has currently assessed a worst-case scenario in the absence of this information? • What has been assumed in the assessment as the worst case for depth of any below ground pipeline proposed and how is this secured?	Bullet Point 1: The Applicant has updated the Design Principles and Design Code to add the following new Design Principle: The height of Flue Gas Ductwork, LCO_2 Above Ground Pipelines, other elevated process pipes, duct bridges and racking shall be of sufficient height to allow the safe and unimpeded access of all necessary vehicular traffic requiring access under these structures, depending on the location this may include HGVs, mobile cranes, other mobile plant, and emergency services vehicles. The LCO2 Above Ground Pipework should be no higher than the minimum that is necessary to fit technical requirements, including meeting connection points to the Carbon Capture Facility and the Proposed Jetty (including the Access Trestle). Bullet Point 2: The elements of the Proposed Scheme within Works No. 2A, 2B and 2C comprise of connections rather than built form, therefore in the context of Riverside 1, Riverside 2 (both in terms of impacts and the practicalities of connecting into those existing facilities) and the other equipment proposed within Work No. 1A to E, and the Proposed Scheme holistically it is not considered appropriate or necessary to have parameters. There is no intention, or importantly, necessity, to change the heights of Riverside 1 and Riverside 2 to facilitate the connection. For Work No. 5, the townscape and visual assessment (as the topic for which a parameter is the most relevant) within the Environment Statement is, in part, indicatively based on the **Appendix 10-4: Photomontages of the Environmental Statement (Volume 3) (APP-104)**, and for the development of these, it was assumed that the LCO_2 Piping and Utilities Connections within Work No.5 would be of

ExQ1	Question to:	Question	Applicant's Response
			a suitable height to allow for connection to the Proposed Jetty (and therefore would be of a similar height to the parameter for the Proposed Jetty). Bullet Point 3: **Paragraph 1.1.4** in **Appendix 11-3: Groundwater Impact Assessment of the Environmental Statement (Volume 3) (APP-108)** indicates that that assessment had assumed a depth of approximately 15m. A specific depth of pipeline is not specifically stated within the ground conditions assessment within **Chapter 17: Ground Conditions and Soils of the Environmental Statement (Volume 1) (APP-066)** (the only other assessment), however proposed mitigation includes a Piling Risk Assessment, Materials Management Plan and Earthworks Specification which will take the final determined pipeline depth into consideration. These are secured via a requirement within the **Draft DCO (as updated alongside this submission)**. The depth of the below ground pipeline will not alter the outcome of these assessments with those mitigation measures in place.
8.3 Schedule 2 - Requirements			
Q1.8.3.1	The Applicant	**All Requirements specifying matters to be approved** Bearing in mind the provisions in Article 3 and Schedule 14, why is it not specified that matters requiring approval are submitted and approved *in writing* in all those Rs specifying matters to be approved.	The Applicant has updated the dDCO at Deadline 3 to clarify that matters requiring approval must be submitted and approved in writing.
Q1.8.3.2	The Applicant	**All Requirements specifying matters to be implemented** Why is it not specified that matters requiring implementation of a scheme or strategy do not also require that this should be maintained in accordance with the scheme or strategy for the lifetime of the development, until decommissioning, or some other appropriate timescale?	The Applicant has added drafting to Requirements 10, 11, 12,14 15 and 25 to confirm that those management plans, strategies or schemes requiring implementation should maintained throughout the operation of the relevant part of the authorised development to which the approved document relates.
Q1.8.3.3	The Applicant	**R4 – Detailed Design** Bearing in mind the potential effects of works in other work packages (for example above ground LCO_2 pipelines in Work No 5, amenity and educational facilities, and stable blocks in Work No 7, gatehouses and control rooms in Work 9 etc.), why is this R limited to Work No1?	The Applicant has updated the dDCO at Deadline 3 to add Work No. 5 into Requirement 4 (Detailed Design). Matters in relation to the MEA facilitated under Work No. 7 will be addressed within the **LaBARDS** [**REP1-012**] that is required to be submitted and approved in writing under Requirement 12. Consequently, sufficient controls are in place in terms of where any infrastructure would be placed and whether the Applicant would even pursue such development. For completeness, it is appropriate for Requirement 4 to be limited to Work No. 1 (and now Work No. 5) only on the following basis: • Work No. 2 relates to technical engineering matters whose design will be informed by how the connections are made to other existing and forthcoming equipment. As such there is not a 'design' per se to approve in planning sense – the design will be driven by engineering. This is

ExQ1	Question to:	Question	Applicant's Response
			reflected in the fact that the Design Principles and Design Code (DPDC) (**as updated alongside this submission**) does not have specific principles/codes relating to these works; • Work No. 3 is an underground utilities corridor in the highway and therefore there would not be a 'detailed design' as relevant for the purposes of Requirement 4. It is acknowledged that Norman Road is referenced in Work No. 3(e) and in the DCPC, however the DPDC is focussed on how the Proposed Scheme faces Norman Road and will be appropriately managed through the LaBARDS which will require the Applicant to demonstrate how it has complied with the DPDC (as secured by Requirement 12); • For the purposes of Work No. 4A, any improvements to the England Coast Path are covered under the LaBARDS (see section 10 of the outline LaBARDS). For Work No. 4B and 4C, the Proposed Jetty and dredging works are technical matters that the PLA and the Environment Agency will approve pursuant to the protective provisions set out at Parts 5 and 3 of Schedule 12 of the dDCO respectively. To the extent there is any environmental design associated with those works, this is dealt with via Requirement 16 (Jetty works environmental design scheme). • Work No. 6 relates to temporary construction compounds and laydown areas only and therefore there is no permanent design; • Work No. 8 relates to the rerouting of the Thames Water Access Road which will be of most concern to Thames Water, who has a right of approval under the protective provisions at Part 4 of Schedule 12 of the dDCO. • As set out in the response to Q1.8.2.2, Work No. 9 would involve small scale mitigation works during the construction period, if required at all, and therefore do not need to be subject to 'detailed design' approval.
Q1.8.3.4	LBBC	**R8 – Construction Hours** LBBC point out that their "limitations for noisy works" have a start time of 08:00 rather than 07:00. What is the basis for this timeframe and what supporting documentation is there?	It is noted that, further to discussion between the Parties, LBB and the Applicant have agreed that the construction hours as set out at requirement 8 of the draft DCO are acceptable. Please see **LBB SoCG, Rev B (REP2-010)**).
Q1.8.3.5	The Applicant	**R8 – Construction Hours** The Applicant points to the approved construction hours relating to Riverside 2 being that same as those proposed for the development. Does the relative proximity to receptors (including residential receptors) to the CCF development area affect this consideration?	The assessment of the potential for effects from construction noise on sensitive receptors (including residential receptors) presented within **Chapter 6: Noise and Vibration of the Environmental Statement (Volume 1) (APP-055)** is based on the Riverside 2 construction hours, which are described in **Paragraph 6.7.3** of the chapter. The selected sensitive receptors for the construction phase noise assessments are also representative of neighbouring properties in the vicinity. By choosing a selection of the closest, identified, potentially sensitive receptors the reported impacts are, consequently, typical of the worst affected receptors and all potentially significant effects are identified. At receptors further away from the works the impact would be reduced. It should be noted that the assessment generally anticipates effects of negligible to minor (not significant); this is to be expected given the separation distance

ExQ1	Question to:	Question	Applicant's Response
			between the Proposed Scheme and the nearest noise sensitive receptors is sizeable (over 150m) in most cases. A specific response in relation to sensitive receptor C1 (Clydesdale Way) and C5 (Travelodge London Belvedere hotel) is provided in Q1.0.1.12 above.
Q1.8.3.6	The Applicant	**R8 – Construction Hours** Given the nature of the works why does this R not also include works 7, 8 and 9?	Given the minor nature of the works, the Applicant did not consider it necessary to include Work Nos. 7, 8 or 9 in Requirement 8. However, the Applicant has updated the dDCO in response to the ExA's comment to add Work Nos. 7, 8 and 9 into Requirement 8.
Q1.8.3.7	National Highways (NH)	**R9 - Construction traffic management plan** Please can NH clarify what changes to R9 they are seeking? The text in part 3 of the comments [REP1-037] appears to be the same with a commentary on the additional information sought.	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.
Q1.8.3.8	The Applicant	**R10 - Emergency preparedness and response plan (and R14 & R15)** What is the distinction between 'fully commissioned' used in these Rs and 'commissioned' used in others?	Following the amends made to the draft DCO at Deadline 2 in respect of Requirement 15 now being a pre-commencement requirement, the term 'commissioned' is not present in Schedule 2. The trigger points for Requirement 10 (Emergency preparedness and response plan) and Requirement 14 (Operational environmental management plan) are 'full commissioning' because the process of commissioning is iterative and follows a set of activities (for example, through cold and hot commissioning stages), where matters such as emergency preparedness and operational management will be tested, reviewed and fully developed for each part of the scheme as it is commissioned. The Requirement therefore allows for the plans to be finalised as the commissioning process takes place, but ensures they are in place before commissioning has finished.
Q1.8.3.9	The Applicant	**R11 - Lighting strategy** This requires the lighting strategy to be implemented but there is no clause that it be subsequently retained, maintained nor that any new lighting be installed in accordance with the strategy – how will this be provided for?	In response to the ExA's Q1.8.3.2, the updated dDCO provides that the lighting strategy must be "…*maintained throughout the operation of the relevant part of the authorised development to which the strategy relates*". As the Applicant will therefore be under an obligation to remain in compliance with that strategy on an ongoing basis, any new lighting will need to be installed in accordance with that strategy.
Q1.8.3.10	The Applicant, NE and EA	**R11 - Lighting strategy** Would this R, either as proposed or suitably amended, be capable of satisfying the particular issue of sensitivity of water voles as pointed out in EA's Written Representation, section 6 [RE1-035]? Should EA or NE be required consultees on any strategy?	Yes – the Applicant's response to Q1.3.1.5 deals with effects of lighting on Water Voles. The Applicant does not consider that Natural England needs to be a consultee for the purposes of this requirement, as effects to water voles require a separate species licence directly from NE. In a similar vein, the Applicant does not consider it is necessary for the Environment Agency to be a consultee, given that NE will consider biodiversity impacts fully as part of the licensing process.
Q1.8.3.11	The Applicant	**R12 - LaBARDS**	Following discussions with TWUL, the protective provisions for TWUL's benefit provide for the Applicant to consult with TWUL before submitting the LaBARDS (see paragraph 42 of Part 4 of

ExQ1	Question to:	Question	Applicant's Response
		R12 (1) is unclear what the precise arrangement and sequence of consultation with Thames Water Utilities Limited (TWUL) is intended, please can the Applicant clarify?	Schedule 12). LBB would then consult with TWUL again after the Applicant has submitted the **LaBARDS** to LBB for approval, as part of the discharge process for Requirement 12. The Applicant considers that the DCO is clear for all Requirements that consultation is to be done by the LPA, as they each state that approval is by the relevant planning authority, in consultation with the relevant identified body in each case. This is the formulation used in other recent DCOs such as the Mallard Pass Solar Farm Order 2024 and the Gate Burton Energy Park Order 2024, and many others.
Q1.8.3.12	The Applicant	**R12 - LaBARDS** What arrangements would be put in place to ensure the long term ongoing management of areas covered by the LaBARDS following decommissioning of the CCF? How would these be secured and monitored, and if necessary updated?	The Deeds of Obligation will not just remove existing arrangements under the 1994 Agreement, but also ensure that the new LaBARDS arrangements, and the 'next chapter' (see **REP1-027 – Appendix F to the Written Summary of the Applicant's Oral Submission at ISH1**) that they create, are delivered. As set out in Draft Deed of Obligations (B) [**REP1-031**, the Applicant is intending to provide an endowment sum to the council. This would enable the ongoing management of areas covered by the LaBARDS post-decommissioning of the CCF. This endowment payment would cover the period in time between when the Proposed Scheme is decommissioned and 2093 (the date at which the obligations in the existing 1994 agreement are set to expire). This is to ensure that there is sufficient resource for the ongoing management until the point when the existing arrangements under the 1994 agreement would otherwise fall away and that there is no 'gap' in planning terms. Beyond 2093, the Applicant considers that this expanded Crossness LNR would be able to be managed as with any other local nature reserve in the UK, particularly in the context where the Proposed Scheme would no longer be causing impacts.
Q1.8.3.13	The Applicant	**R12 (2)- LaBARDS** Is the provision that the LaBARDS be "substantially in accordance with…" sufficiently precise? What is the justification for this approach? What areas is it anticipated that there may be any deviation? Can these be factored into the R?	The Applicant considers the words "substantially in accordance with" to be sufficiently precise and enforceable for a planning condition relating to an outline or framework plan document, such as the **Outline LaBARDS (as updated alongside this submission)**. The current outline LaBARDS sets out a strategic approach to ensure that outcomes are achieved and is clear that the detailed matters will be subject to ongoing discussions with relevant stakeholders, and ultimately determination by LBB. It is necessary for the Applicant to maintain some scope for flexibility in how the LaBARDS is delivered, and any stricter formulation (e.g. "strict accordance") would therefore be inappropriate. The wording aligns with corresponding requirements (for 'landscape and ecological management plans') in various other made development consent orders, including The National Grid (Bramford to Twinstead Reinforcement) Order 2024, The Cottam Solar Project Order 2024, The Gate Burton Energy Park Order 2024, The Mallard Pass Solar Project Order 2024 and The Medworth Energy from Waste Combined Heat and Power Facility Order 2024, which demonstrates that the Secretary of State considers this wording to be sufficiently precise and enforceable.

ExQ1	Question to:	Question	Applicant's Response
Q1.8.3.14	The Applicant	**R13 (1) - Surface and foul water drainage** The provision for consultation in R13 (1) appears ambiguous – is the intention that the local planning authority (LPA) consult with the Lead Local Flood Authority (LLFA) before approving any scheme or for the Applicant to consult with them before submitting the information? Is there an intention that the LPA take consideration of any consultation response from the LLFA?	The intention is for the LPA to consult with the LLFA as part of its decision making in discharging Requirement 13. It is at the LPA's discretion whether to grant approval of the surface and foul water drainage strategy (or require any changes to it by the Applicant) in light of any consultee feedback.
Q1.8.3.15	The Applicant	**R13 (1) - Surface and foul water drainage** Given the anticipated site layout and arrangement why does the R seek to approve the drainage strategy in 'parts' and what is the relationship of 'parts' to works packages?	It is the case that from a technical perspective, the **detailed drainage design** can either be undertaken as a whole package or in accordance with the proposed construction phase plan of the Contractor. Both approaches are common practice and are not anticipated to be an issue; both approaches would work to ensure that there is no increase in flood risk and pollution on the site or elsewhere. It is noted that in this Requirement, as with all other Requirements, the use of 'part' is deliberate, rather than Work No., to give the Contractor the flexibility to deliver the scheme in the most efficient and flexible way. There is therefore not necessarily a relationship between 'part' to a work package.
Q1.8.3.16	The Applicant	**R15 – Skills and employment plan** • Why is the trigger for a skills and employment plan the commissioning of Work No1? • Notwithstanding LBBC's response at deadline 2 [REP2-024], what is the intended approach to employment and skills development during the preparation and construction phases? • Noting the Applicant's observations [REP2-019] about construction phase in paragraph 1.2.6 of the Outline Skills and Employment Plan (Revision A) [REP2-022], and noting that it would not be an unusual situation that contractors are yet to be selected, please can the Applicant explain further why it would not be possible to also target the construction phase to provide employment and/or skills development opportunities?	Commissioning was originally the trigger for the skills and employment plan because it is this phase of the Proposed Scheme over which the Applicant would have most control and be able to make most effective change. However, following discussion with LBB, requirement 15 of the **draft DCO (REP2-005)** has been amended such that the Skills and Employment Plan is required to be submitted prior to the commencement of development. Also at Deadline 2, the Applicant amended the **Outline CoCP (REP2-008)**, specifically to incorporate measures relevant to skills and employment at this phase of the Proposed Scheme. Please see new paragraphs 2.14.3 and 2.14.4 of the **Outline CoCP (REP2-008)**. Recognising the limitations that exist, the Applicant considers that the approach presented in the Outline SEP and Outline CoCP is appropriate and proportionate. The Applicant also notes that this is a mattered agreed with LBB, please see **LBB SoCG, Rev B (REP2-010)).**
Q1.8.3.17	The Applicant	**R16 - Jetty works environmental design scheme** The provision for consultation in R16 (1) appears ambiguous – is the intention that the LPA consult with the	As per the response set out to Q1.8.3.14, this standard drafting is used to facilitate the intention for the LPA to consult with the EA and the PLA as part of its decision making in discharging Requirement 16.

ExQ1	Question to:	Question	Applicant's Response
		EA and PLA before approving any scheme or for the Applicant to consult with them before submitting the information?	It is at the LPA's discretion whether to grant approval of the jetty works environmental design scheme in light of any consultee feedback from either consultee. The draft DCO also includes a requirement in the protective provisions for the Applicant to consult with the PLA before it submits the jetty works environmental design scheme for approval to the LPA (see paragraph 64).
Q1.8.3.18	The Applicant and EA	**R17 – River wall** Why is the R to seek approval from the EA rather than the LPA (who may consult with the EA)?	The river wall is the EA's asset and Requirement 17 is making sure that the wall continues to perform its role as a flood defence asset. Therefore, it is appropriate for the EA to have the right of approval of matters relating to that asset. This aligns with the approach taken in Requirement 20 of The Riverside Energy Park Order 2020.
Q1.8.3.19	The Applicant	**R18 – Flood risk mitigation** R18 (1) requires development to accord with the Flood Risk Assessment (FRA). To what extent does the Assessment set out the mitigation to be implemented to support its recommendations as opposed to actions incorporated into the design of the proposed Development or other strategies such as the outline drainage strategy? As an assessment is it appropriate to require that the development accords with it?	The Applicant has updated the wording of Requirement 18 to add a clear reference to the specific sections of the FRA that contain the required mitigation to be implemented. It is also noted that (as indicated in the FRA) some aspects of the controls set out in the FRA are covered by the protective provisions in Schedule 12 of the dDCO and/or in other requirements (e.g. Requirement 10 (Emergency preparedness and response plan)). These matters have not been repeated in Requirement 18 as those mitigation measures are already appropriately secured.
Q1.8.3.20	The Applicant	**R19 – Navigational risk assessment (NRA)** Is inclusion of the phrase "which must not be unreasonably withheld" necessary? The construction of the R means its intention could be unclear. Is the key requirement an intention that the development needs to be carried out in accordance with an approved, updated NRA, and that work No 4 should not commence until it has been approved (with other clauses setting out measures that need to inform the update of the NRA)?	Yes – the ExA's understanding is correct. The drafting of the Requirement was simplified at Deadline 1 to set out this intention more clearly. The wording "which must not be unreasonably withheld", has been included specifically for this Requirement for consistency with the principles of the protective provisions for the benefit of the PLA, which include this wording where their approval is required. As the NRA is something that the PLA would otherwise approve under the protective provisions but for this Requirement, it is felt appropriate to ensure there is a consistent approach throughout the DCO to PLA approval matters. The Applicant also notes that the PLA is not caught by Schedule 14 (Procedure In Relation To Certain Approvals Etc.) of the DCO (and it is considered that the PLA would be unlikely to accept being added to it) and therefore it is important for the Applicant to ensure that the principle of consents being not unreasonably withheld or delayed is secured in the DCO.
Q1.8.3.21	The Applicant	**R20 - Control of noise during operation** Why is the trigger the commissioning of Work No 1 when some other work packages contain development that could give rise to noise?	The Applicant's position is that none of the other works would give rise to any likely significant effects that would require to be controlled during operation. As set out at **paragraph 6.9.5 of Chapter 6 of the ES (APP-055)**, the purpose of the Noise Mitigation Plan is to detail the final mitigation measures to demonstrate that only negligible to minor impacts would arise. This is in response to the moderate adverse impacts that are predicted at Clydesdale Way and the Travelodge London Belvedere Hotel during the substructure and superstructure landside

ExQ1	Question to:	Question	Applicant's Response
			Carbon Capture Facility construction works (see paragraph 6.9.3). Requirement 20 therefore addresses these two locations, but no other measures are necessary. In any event, the Applicant notes that the summary of effects for the ES **(APP-071)** concludes that no likely significant effects for noise are anticipated during the operation phase. There is therefore no requirement for any other control. The Applicant further notes that Work Nos. 3, 4, 6, 8 and 9 will not lead to noise in the operation phase, Work Nos. 2 and 5 are located furthest away from Noise Sensitive Receptors, and Work No. 7, although closer to noise sensitive receptors, will be the expanded LNR, with limited scope for noise, and certainly not to an extent that would cause likely significant effects.
Q1.8.3.22	The Applicant	**R23 - Decommissioning environmental management plan** Should the decommissioning environmental management plan also incorporate measures to maximise the re-use of any material removed or demolished?	The Applicant has updated the DCO at Deadline 3 to require that the DEMP includes a site waste management plan that demonstrates how the waste hierarchy will be followed in respect of the decommissioning works. Implementation of the waste hierarchy will prioritise re-use of materials removed or demolished. At this stage, given the decommissioning works are some years away, the Applicant considers that this is an appropriate approach without reducing the flexibility of how those works are ultimately carried out.
Q1.8.3.23	The Applicant	**R24 - Decommissioning traffic management plan** Given when decommissioning is anticipated to take place, does the R have enough flexibility to cover other traffic, e.g. river traffic?	Yes – there is nothing in the Requirement that would prevent the use of other traffic, including river traffic.
Q1.8.3.24	The Applicant	**R25 – Heat Strategy** How would the timescale for the implementation of the approved Heat Strategy be controlled?	The Requirement does not require the Heat Strategy to have an 'implementation timetable' because the implementation of that heat network would be delivered by a third party. Therefore, the Applicant cannot commit to the strategy including a particular timetable with sufficient certainty to capture it under a Requirement, a breach of which is a criminal offence. The purpose of Requirement is to enable the Applicant to demonstrate that the Proposed Scheme will facilitate a heat network to be brought forward, interact with the rest of the Riverside Campus in doing so, and how that heat strategy would connect into the Proposed Scheme.
8.4 Schedule 11 – Deemed Marine Licence			
Q1.8.4.1	The Applicant and MMO	**Parameters of marine based works** The MMO's Written Representations and comments on the first Change Request [REP1-036] detail a series of changes to the dDML they consider appropriate. Please can the parties advise whether these are acceptable and agreed or, where appropriate, provide alternative wording.	The Applicant responded to the MMO's comments at Deadline 2 (REP2-019) and the Applicant awaits any further comments from the MMO.

ExQ1	Question to:	Question	Applicant's Response
Q1.8.4.2	The Applicant	**Parameters of marine based works** The dDML provided in schedule 11 of the dDCO [REP2-004] does not refer to any parameters of marine based works. Can the Applicant explain why no parameters are included in the dDML for the marine based works?	This is not required because parameters of the marine based works are already secured otherwise in the DCO (see Requirement 4 and Schedule 16).
8.5 Schedule 12 – Protective Provisions			
Q1.8.5.1	EA	**Suitability of protective provisions** Please can the EA clarify what changes to protective provisions they are seeking as mentioned in their written representation [REP1-035]?	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.
8.6 Schedule 13 – Documents and Plans to be Certified			
Q1.8.6.1	The Applicant	**Documents requiring certification - Mitigation** Only the documents that have been provided in outline/ preliminary form as application documents are listed as being required to be certified, and as such there does not appear to be a list of all documents requiring certification. Can the Applicant explain why the dDCO as currently drafted does not require all management/mitigation plans to be certified?	Only those documents that are referred to by the Order are required to be certified. Schedule 13 of the Order includes all documents referred to in article 2 and Schedule 2 of the draft DCO. This is the standard approach used in all DCOs (and TWAOs). To the extent that any management/mitigation plans are to be approved by LBB post-consent, it is not appropriate for those plans to be certified by the Secretary of State as those plans do not exist (unless in outline form, in which case they will be certified, as set out in Schedule 13).
8.7 Schedule 16 – Design Parameters			
Q1.8.7.1	The Applicant	**Absorber column(s) and stack(s)** Can the Applicant explain why it has not included parameter(s) for stack diameter in Schedule 16 (Design Parameters) of the dDCO [REP2-004], for the (two) new stack(s)?	The functional requirements of the Stack(s) limit the diameter range to be relatively narrow. This parameter, as opposed to the Stack(s) height parameter, would not be of material consideration for the townscape and visual assessment, presented within **Chapter 10: Townscape and Visual of the Environmental Assessment (Volume 1) (APP-059)**. With regard to the air quality assessment presented in **Chapter 5: Air Quality of the Environmental Assessment (Volume 1) (APP-054)**, the key determinants of ground level effects from the Proposed Scheme are the mass release rate of pollutants post carbon capture and the stack height(s). The stack diameter for each Carbon Capture Plant is of secondary importance to the modelled effects. The air quality modelling has assumed internal stack diameters of 3.1m (Riverside 1) and 2.5 (Riverside 2), which, at full load operation, give flue gas exit velocities for each Carbon Capture Plant that are equivalent to those for the existing plant designs (without carbon capture). Minor amendments to these assumed diameters will have no material impact on the conclusions of the air quality assessment and their specification can be appropriately left to detail design. The detailed design will

ExQ1	Question to:	Question	Applicant's Response
			be subject to further dispersion modelling and approval as part of the Environmental Permit and so does not need to be duplicated.
Q1.8.7.2	The Applicant	**Absorber column(s) and stack(s)** ES Appendix 5-2 (Operational Phase Assessment) [APP-078] states at paragraph 3.2.14 that: "The location of the new Stack(s) is based on the most up to date design information currently available and they lie approximately 100m from the Riverside 1 and Riverside 2 buildings, as shown on the Works Plans (Document Reference 2.3). This is the minimum recommended distance and is secured pursuant to the parameters defined in the Draft DCO (Document Reference 3.1)". Schedule 16 (Design Parameters) of the dDCO [**REP2-004**] **does not specify a minimum recommended distance between the new stack(s) and the Riverside 1 and Riverside 2 buildings. It is noted that the Work Provisions at Part 2 of the dDCO [REP2-004] state that each numbered work (in this case, 1B) must be situated within the corresponding numbered area shown on the works plans and within the limits of deviation.** Can the Applicant confirm, with reference to its statement that "This is the minimum recommended distance and is secured pursuant to the parameters defined in the Draft DCO (Document Reference 3.1)", how this minimum recommended distance is secured in the parameters defined in the dDCO?	The Applicant has updated Requirement 4 to provide that the Proposed Scheme must be designed to account for the minimum recommended distance of 100m between the Stack(s) and Riverside 1 and Riverside 2 buildings, by reference to the relevant paragraph of Item 1.12 of the **Mitigation Schedule (REP1-010)**.
Q1.8.7.3	The Applicant	**Parameters for supporting Plant and Engineering Plans - Indicative Equipment Layout** Bearing in mind the approach set out in DAD: Design Principles and Design Code [**APP-047**] **why does the 35m maximum height parameter for supporting plant extend to the southernmost extent of the proposed CCF footprint where buildings and plant of much lower height are anticipated?** Should the parameters in Schedule 16 be reviewed in light of this and the principles in the DAD: Design Principles and Design Code document?	There is not a 35m maximum height parameter for the CCF Supporting Plant, as a group of facilities, within the DCO or the documents secured by Requirements. However, it is noted that the main elements of the CCF Supporting Plant as described in Chapter 2 do have parameters, such as the Cooling Tower (30m) and the Water Treatment Plant (20m). The remainder of the Supporting Plant (e.g. storage, gatehouse) are functionally small buildings, which will ultimately be controlled by Design Principle DP_PL1.4. This provides an undertaking that building heights will cascade from north to south: DP_PL 1.4 Building massing and structure height should step down from high in the north to low in the south, reflecting the transition from the industrial river corridor to local community. Lower-level

ExQ1	Question to:	Question	Applicant's Response
			development to the south should allow for some intervisibility between buildings responding to the interface with the community. The design principle is supported by Design Code DC_CCF 1.2 and DC_CCF 1.3 which provide further undertakings in this regard. The design principle and design code commitments would work in tandem with the project parameters. Ultimately Requirement 4 ensures that the Proposed Scheme accords with that design principle, meaning that these other elements will need to be smaller than those elements to the north. The Applicant does not consider it necessary to alter the parameter to ensure this design intent is delivered or indeed is complied with.
Q1.8.7.4	The Applicant	**List of components** Why is the list of component/building/areas not comprehensive in terms of the works proposed?	Further to the response to question 1.8.7.3, the Applicant considers that all buildings that have the functional possibility of being tall structures that could lead to a visual impact have been controlled via the parameters in Schedule 16 of the DCO, particularly those located in the northern part of the CCF. Other aspects of the CCF are controlled by the Design Principles and Design Code referred to in question 1.8.7.3 and consequently do not need to be individually referred to in the Parameters schedule.
8.8 General			
Q1.8.8.1	The Applicant	**PLA comments** The Applicant's views are sought on the 'minor comments' on the dDCO raised by the PLA in their Deadline 2 representation [REP2-026].	All matters of DCO drafting are now agreed with the PLA save in relation to Requirement 7, where the PLA is currently seeking to be consulted on the full CoCP in relation to all works, rather than just works in the river Thames, in relation to their submissions on river transport. These related matters remain under discussion with the Applicant.

10. FLOOD RISK AND HYDROLOGY

Table 10-1– Response to Flood Risk and Hydrology questions

ExQ1	Question to:	Question	Applicant's Response
Q1.9.0.1	The Applicant and EA	**Flood Risk** Bearing in mind the Applicant's Response to Interested Parties' Deadline 1 Submissions document [REP2-019], please can the Applicant and EA advise what further progress has been made regarding the matters set out in the EA's written representation [REP1-035] and what matters remain outstanding?	A Flood Risk Technical Note, is included as **Appendix C** of this report, which details further modelling that has been undertaken in addition to that provided in **Appendix 11-2: Flood Risk Assessment (FRA) of the Environmental Statement (Volume 3) (AS-023)**. This has been prepared in response to the Environment Agency's concerns regarding the potential for increased residual flood risk in the event of breach of the Thames flood defences. In particular, the Applicant has brought forward the review of the Development Platform for the Carbon Capture Facility in terms of its layout and levels to present results to reflect design development. The Technical Note describes the updates made to both the Cory Marsh Dykes Model and Cory Thames Estuary Breach Model regarding changes to the breach set up and breach scenarios run for the alternative platform levels. The Applicant intends to meet with the Environment Agency to discuss the Technical Note following Deadline 3 of the Examination. A detailed model log will be provided to the Environment Agency in January 2025.
Q1.9.0.2	The Applicant	**Ground raising – development platform** Chapter 2 of the ES [APP-051] refers to a 3m development platform, although does not explain why this is required (nor do any of the other ES Chapters). ES Appendix 11-2, FRA [AS-023] notes that the development platform is required to raise the area outside of some potential flood levels. The Applicant is requested to provide information on the requirement for this development platform as follows: i) - The source of material for this platform does not appear to be specified and whilst Table 16-17 of ES Chapter 16 [APP-065] specifies the total anticipated material import for earthworks, it is not specifically stated that this includes the platform. Can the Applicant confirm what has been assumed in the ES assessments in this regard and how any effects of the transport of this material has been assessed in the relevant ES chapters? ii) - The height of this platform is also variably presented, as ES Chapter 2 [APP-051] refers to 3m AOD, whereas ES Appendix 11-2 [AS-023] specifies 2.8 – 3.1m AOD. Can the Applicant confirm the value that has been used in the ES (and FRA) assessments and how this is secured?	The reason for using the approach to the development platform is described in **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)** was to uniformly raise the Carbon Capture Facility equipment above peak flood levels that could occur in the event of breach of the Thames tidal flood defences. This approach was adopted as it presented a worst-case approach for the assessment of environmental effects. Bullet Point 1: The Applicant can confirm that **Table 16-17** of **Chapter 16: Materials and Waste of the Environmental Statement (Volume 1) (APP-065)** includes the maximum material required for the development platform. With regards to the transportation of this material, the source of the material will be determined as part of the detailed design stage of the Proposed Scheme, however the assessment of the transportation of materials required for the construction of the Proposed Scheme presented in **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)** is based on the material being sourced from within 50km of the Site Boundary; and the transport movements assumed in **Chapter 17: Land-Side Transport (APP-066)** account for the transport of this material. Bullet Point 2: The reference to a 3m development platform has been rounded within **Chapter 2: Site and Proposed Scheme Description of the Environmental Statement (Volume 1) (APP-051).** All assessments, with the exception of **Chapter 11: Water Environment and Flood Risk (APP-060)**, are based on the parameters of the assessment presented in **Table 2-2** of **Chapter 2: Site and Proposed Scheme Description (Volume 1) (APP-051)**. The Applicant can confirm that parameters for the maximum height of the components of the Proposed Scheme account for the development platform, as per the title row of **Table 2-2** (i.e. it is already built into the parameters given). As a result of this it is not appropriate to have an additional parameter for the development platform. **Chapter 11: Water Environment and Flood Risk (Volume 1) (APP-060)** and **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023),** in order to represent a worst case assessment scenario, predicted a minimum potential height for the development platform of 2.8mAOD with further

ExQ1	Question to:	Question	Applicant's Response
			potential of localised raising up to 3.1mAOD and localised flood defence walls to better protect more vulnerable assets of the Proposed Scheme. This worst case approach was adopted as this would reflect the likely greatest impact to residual flood risk should a breach in the Thames tidal defences occur. It was the Applicant's intention to revisit the layout and levels of the development platform during detailed design as set out in the **Design Principles and Design Code (AS-020)** that will form the basis of design development for the Proposed Scheme as the detailed design comes forward through requirement discharge. In response to comments received from the Environment Agency (as refenced in Question 1.9.0.1) the Applicant has brought forward this review as discussed in the Applicant's response to Question 1.9.0.1 above.
Q1.9.0.3	The Applicant	**Ground raising – development platform** What alternatives to a development platform have been investigated and why were they considered unsuitable? Why would it be necessary for the whole CCF to be sited on a development Platform?	The development platform was proposed as a means of uniformly protecting the Carbon Capture Facility equipment from flood water ingress in the event of a breach of the River Thames flood defences by raising all equipment above the breach flood level. The height of the development platform as presented in **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)** was considered a worst-case approach that would reflect the likely greatest impact to residual flood risk should a breach in the Thames tidal defences occur. It was always the Applicant's intention to revisit the layout and levels of the development platform during detailed design, as is now secured in the **Design Principles and Design Code (as updated alongside this submission)**, which will form the basis of design development for the Proposed Scheme as the detailed design comes forward through requirement discharge. Following further discussion with the Environment Agency, the Applicant has undertaken further analysis on the development platform, as presented in **Appendix D** of this response. **Appendix D** of this response details further modelling that has been undertaken in addition to that provided in **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**. This has been prepared in response to the Environment Agency's concerns regarding the potential for increased residual flood risk in the event of a breach of the Thames flood defences. This note considers alternative scenarios for the Development Platform, based on a review of equipment sensitivity and a review of reasonable likely levels for the Development Platform. It therefore considers the practical application of the **Design Principles and Design Code (as updated alongside this submission)** of what minimising the development platform may look like once detailed design has taken place.
Q1.9.0.4	The Applicant	**Ground raising – development platform height** The methodology for the additional modelling given in section 8.3 of ES Appendix 11-2 [AS023] uses the existing Thames breach model maximum depth of 2.49m AOD (for the 1 in 200-year event plus climate change) as a starting point of determining the development platform height. The 2.49m figure does not match the peak flood depths in Table 8-4 of ES Appendix 11-2, which appears to be 4.59m at point 18. Can the applicant confirm whether the 2.49m figure represents the highest breach within the	The 2.49m AOD flood level was extracted from the Environment Agency's Thames Estuary Breach Assessment (2018) that simulated failure of the tidal defences every 20m along a continuous length of the flood defences. It was agreed during consultation with the Environment Agency in September 2023 (as described in the **Environment Agency Statement of Common Ground (AS-037)**) that this model provided a suitable basis from which to assess the Proposed Scheme. The 2.49m AOD level does not match the peak flood levels as presented in **Table 8-4** of **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**. This is because the modelling that was undertaken to inform the results presented in **Table 8-4** extracts the peak flood level following an instantaneous breach at a single location (although the table has selected the highest peak flood level from all seven locations assessed)

ExQ1	Question to:	Question	Applicant's Response
		order limits, (as it is noted the model covers a wider area than the DCO boundary)? If this is not the case, the applicant is requested to provide an explanation of why the 2.49m figure was chosen.	and therefore levels will be higher closer to the defence breach (in the case of Points 15-18 in **Table 8-4**) and as the water interacts with buildings that channelise or limit the flow of water (in the case of Points 20-22 and 27-28 of **Table 8-4**). The Environment Agency's Thames Estuary Breach Assessment (2018) presents a much more uniform flood level, as illustrated by **Figure 8-4** and **Table 8-2** of **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**. The selected level of 2.49m AOD is generally higher than the flood levels presented in **Table 8-4** of **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**, particularly around the proposed location of the Development Platform, and therefore was considered to provide a conservative worst case to the proposed level of the Development Platform. Please also note that, as discussed in response to Question 1.9.0.1 above, a Flood Risk Technical Note is included as **Appendix D** of this report which details further modelling that has been undertaken in addition to that provided in **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**. This has been prepared in response to the Environment Agency's concerns regarding the potential for increased residual flood risk in the event of breach of the Thames flood defences. In particular, the Applicant has brought forward the review of the Development Platform for the Carbon Capture Facility in terms of its layout and levels to present results that are more reflective of design development for the Proposed Scheme.
Q1.9.0.5	The Applicant	**Flood wall height** ES Appendix 11-2 [AS-023] indicates that the peak breach water level within the DCO boundary is 3.52m AOD, adjacent to the proposed development platform. This would be above the proposed platform level that (based on the description in ES Appendix 11-2) has a minimum proposed level of 2.8m AOD, up to 3.10m AOD. Further breach water levels of greater than 2.8m AOD are also indicated (breaches of 3.10m, 3.14m and 3.52m are noted on site). Paragraph 8.3.56 states that a further 300mm high flood wall is therefore proposed on top of the platform, offering protection up to a height of 3.4m. It is not clear why the wall height has been designed to protect against a 3.10 - 3.40m breach (2.80m - 3.1m platform plus 0.3m wall) rather than the maximum 3.52m breach. The applicant is requested to provide clarity on this matter.	The purpose of the proposed flood wall that could be constructed on top of the Development Platform was to demonstrate that, if required, the Proposed Scheme could be defended against a breach in the Thames tidal defences. Although the proposed height of the flood wall of 3.4m AOD is slightly lower than the modelled peak flood level of 3.52m AOD at Point 1 in **Table 8-4** of **Appendix 11-2: FRA of the Environmental Statement (Volume 3) (AS-023)**, this is a very localised flood level that results from a breach along a short section of flood wall that would channel water directly towards the development platform (as indicated by flood levels at Point 2 being significantly lower). The peak flood level would also only occur for a short duration before flood waters dissipate. The slight elevation of the peak flood level at Point 1 above the proposed height of the flood wall would therefore not likely pose risk to the operation of the Proposed Scheme.
Q1.9.0.6	EA	**Comments in EA's written representation** The Applicant's Response to Interested Parties Deadline 1 Submissions document [REP2-019] (p10) queries whether some comments in the EA's written representation [REP1-035] may relate to a different project; please can EA clarify and confirm the position.	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.

11. GEOLOGY, hydrogeology, soils, materials and waste

Table 11-1– Response to Geology, hydrogeology, soils, materials and waste questions

ExQ1	Question to:	Question	Applicant's Response
Q1.10.0.1	The Applicant	**Ground raising - development platform** Further to Q1.9.0.2 above, what is the anticipated material to be used for the development platform and from where would it be sourced? How would the import and use of material to construct the development platform be controlled?	**Table 16-17** of **Chapter 16: Materials and Waste of the Environmental Statement (Volume 1) (APP-065)** includes for the material required for the development platform. With regards to the transportation of this material, the source of the material will be determined as part of the detailed design stage of the Proposed Scheme, however the assessment of the transportation of materials required for the construction of the Proposed Scheme presented in **Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)** is based on the material being sourced from within 50km of the Site; and the transport movements assumed in **Chapter 18: Landside Transport of the Environmental Statement (Volume 1) (APP-067)** account for the transport of this material. The Study Area for the assessment presented in this chapter, which was agreed with the relevant local highway authorities, is described in **Section 18.5** of the chapter. This Study Area includes key links from the Site to the surrounding local and strategic road network resulting from the construction or operation of the Proposed Scheme. Due to the anticipated trip attraction and forecast assignment onto the road networks, the Applicant does not consider it appropriate or proportionate to extend the Study Area within **Chapter 17: Landside Transport of the Environmental Statement (Volume 1) (APP-067)** as far as 50km. The import and use of material to construct the development platform will be managed in accordance with the Materials Management Plan, which will be prepared prior to construction commencing, which is secured via Requirement 7 of the **Draft DCO (as updated alongside this submission)**. In addition, the **Framework Construction Traffic Management Plan (CTMP) (REP1-008)** describes the measures to be implemented to control the routeing and minimise, where practicable, the effects of Heavy Goods Vehicles (HGV) on the surrounding road network, local communities, and the environment during construction of the Proposed Scheme, which is also secured via Requirement 9 of the **Draft DCO (as updated alongside this submission)**.
Q1.10.0.2	The Applicant	**Amines** What measures would be put in place to dispose of degraded amines? How would these be controlled?	Operational waste management procedures, including those related to waste amine-based solvents, will be set out in an Operational Environmental Management Plan (Operational EMP), which will be prepared prior to the Proposed Scheme commencing operation, and is secured by a requirement in the **Draft DCO (as updated alongside this submission)**. As is standard procedure for products falling with the Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended)[7], the concentrated waste amine-based solvents would be segregated and temporarily stored on the Site in storage tanks with appropriate tank containment bunds before being transported off-site by an appropriately licenced waste carrier to an appropriate waste treatment facility. As outlined in **Table 7** of the **Mitigation Schedule (REP1-**

[7] HM Government. (2002). 'The Control of Substances Hazardous to Health Regulations 2002 (as amended)'. Available at: The Control of Substances Hazardous to Health Regulations 2002

ExQ1	Question to:	Question	Applicant's Response
			010), the Proposed Scheme amine storage will be designed in accordance with the COSHH, COMAH/HSE guidance/GPPs requirements at the detailed design phase. Waste amine-based solvents, i.e. liquid waste, cannot be disposed of to landfill as defined in Environmental Permitting Guidance: The Landfill Directive[8]. Amine-based solvents are likely to be managed at energy from waste facilities. There are also, opportunities for this to be treated in facilities with the potential to valorise and recycle amine-based solvents instead. The licenced disposal destination will be determined prior to the Proposed Scheme becoming operational. Amine-based solvents are not currently assumed/assessed to be recovered at Riverside 1 and Riverside 2, as hazardous waste is not part of the operational permits for these facilities.
Q1.10.0.3	Ridgeway Users	**Chemicals in watercourse (1)** Please can Ridgeway Users clarify what they consider any implications for the Proposed Development would be in the light of their comments about chemicals in the vicinity?	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.
Q1.10.0.4	The Applicant and EA	**Chemicals in watercourse (2)** The Applicant's comments on this matter in their Response to Interested Parties' Deadline 1 Submissions document [REP2-019] are noted. EA's views on Ridgeway Users comments [REP1-069] on chemicals in watercourse are invited, as are any further comments from the Applicant. What are the implications for the Water Frameworks Directive assessment?	There are no implications for the Water Framework Directive assessment. The proposed changes to the drainage design on the Riverside Campus was screened out of the **Water Framework Directive Assessment (APP-106)** as the activity (discharge of surface water run-off) is not taking place in a WFD designated waterbody. Discharge from the Site will be in accordance with the **Outline Drainage Strategy (AS-027)**, which contains measures to ensure adverse effects are avoided.
Q1.10.0.5	PLA	**Removal and/or dispersive dredging** Would the provisions in Article 27 of the dDCO [REP2-004] and the proposal in paragraph 6.2.5 of the CoCP Revision C [REP2-008] that any alternative to backhoe dredging would be agreed with the PLA, MMO and EA address the PLA's concerns [REP2-026]? Please explain why, or why not, and advise whether any additional measures would need to be put in place.	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.

[8] European Union. (1993). 'EU Directive 1993/31/EC – The Landfill Directive'. Available at: Council Directive 1999/31/EC of 26 April 1999 on the Landfill of Waste

12. LAND TRANSPORT AND PUBLIC RIGHTS OF WAY

Table 12-1– Response to Land transport and public rights of way questions

ExQ1	Question to:	Question	Applicant's Response
Q1.11.0.1	LBBC	**Footpaths** LBBC in the LIR [REP1-034] seeks "more powers over how the process for re-routing footpaths would occur in order to make sure that the best possible routes for users are created". Please can LBBC clarify what power they seek and how it envisages the powers sought would be delivered?	Article 15(3) of the **Draft DCO (as updated alongside this submission)** is agreed between LBB and the Applicant. The parties agree that LBB will gain the relevant controls through its approval of the full LaBARDS and that the amendments sought in its LIR are not necessary. Please see the **LBB Statement of Common Ground Revision B (REP2-010)** which reflects this agreement.
Q1.11.0.2	The Applicant	**Temporary and permanent footpaths** The ES states in paragraph 14.7.1 [APP-063] that the start and end points of permanent Public Rights of Way diversions are shown on the Access and Rights of Way Plans [AS-008]. Therefore, it is understood that the diversion or new routes for these footpaths are not known at present. The ES assumes that any permanent amendments to footpaths will be present during the operational phase. Can the Applicant confirm when it is likely that these temporary and permanent diversions will be known and what has been assumed in the ES assessments as the worst case?	The assumptions that have been applied for assessments within the Environmental Statement with regard to temporary and permanent Public Rights of Way diversions for FP2, the England Coast Path (FP3/NCN1) and FP4 are described in **Paragraphs 2.4.67 to 2.4.71** of **Chapter 2: Site and Proposed Scheme Description of the Environmental Statement (Volume 1) (APP-051)**. Any diversions required would be localised in nature. FP1 and FP242 will remain open throughout the construction phase. It is anticipated that once operational, the route of the majority of PRoW within the Study Area will remain largely unaffected by the Proposed Scheme and all temporary construction diversions would be removed, although FP2 would have been permanently diverted (this would be a very localised diversion, within the Norman Road Field). Ultimately, the new routes would be confirmed prior to the commencement of the construction phase as part of the detailed design of the Proposed Scheme and agreed by LBB, pursuant to the full CoCP (further to the mitigation commitments in respect of such diversions set out in **Section 2.11** of the **Outline CoCP (REP2-008)**) under Requirement 7 (in relation to temporary footpath diversions during construction) and the full LaBARDs under Requirement 12 (in relation to permanent footpath diversions).
Q1.11.0.3	The Applicant	**Improvements to England Coast Path/Footpath 3/National Cycle Route** Work No 4a in the dDCO [REP2-004] includes improvements to the route of the England Coast Path/Footpath 3/National Cycle Network 1. No information is given in ES Chapter 2 [APP-051] regarding improvements to this route, although it is noted that ES Chapter 14 [APP-063] describes mitigation for Footpath 3 as "New information boards detailing the Proposed Development and other points of interest, improvements to the Public Right of Way (PRoW) to ensure they are accessible for all user groups, and inclusion of/updates to existing street furniture including benches, bins and signage". Can the Applicant confirm what the	The proposed enhancements to the Thames Path (England Coast Path/Footpath 3/National Cycle Network 1) are described in the **Design Principles and Design Code (updated alongside this submission)** at Section 3 (paragraph 3.1.14) Design Codes DC_TP 1.1 and DC_TP 1.2. That could include enhancements to materials, signage, furniture, lighting, habitats, planting, art, interpretation and connectivity. The ultimate proposals would be approved pursuant to discharge of the full LaBARDS under DCO Requirement 12 (see paragraph 10.2.9 of the Outline LaBARDS). The Environmental Statement does not consider within the assessments undertaken detailed design elements such as the provision of information boards, signage or street furniture. It is considered that these very small-scale activities, in and of themselves, would not in and of themselves cause likely significant effects. The Environment Statement does, however, consider potential impacts on Public Rights of Way and the users of them, notably:

ExQ1	Question to:	Question	Applicant's Response
		improvement works to this route would comprise and how any potential impacts have been assessed within the ES?	• **Paragraph 14.8.16** of **Chapter 14: Population, Health and Land Use** of the **Environmental Statement (Volume 1) (APP-063)** sets out the potential impacts of the Proposed Scheme on the England Coast Path/Footpath 3/National Cycle Route 1 during construction. **Section 14.7** and **Paragraph 14.8.16** details the proposed mitigation measures for these routes for the construction period. As set out in **Table 14-18** of **Chapter 14: Population, Health and Land Use** of the **Environmental Statement** (**Volume 1**) (**APP-063**), there is anticipated to be a moderate adverse (significant) effect on the England Coast Path/Footpath 3/National Cycle Route 1 during construction with mitigation in place. Whilst this assessment has focussed on the impacts of installing the Access Trestle, they are considered over the path, it is considered that any localised impact of changes to street furniture would be able to be managed in a similar fashion. • **Paragraphs 14.8.49** to **14.8.51** of **Chapter 14: Population, Health and Land Use** of the **Environmental Statement (Volume 1) (APP-063)** set out the operational impacts of the Proposed Scheme on walkers and cyclist routes, including the England Coast Path/Footpath 3/National Cycle Route 1. As set out in **Table 14-18** of **Chapter 14: Population, Health and Land Use** of the **Environmental Statement** (**Volume 1**) (**APP-063**), there is anticipated to be a negligible (not significant) effect on the England Coast Path/ National Cycle Route 1 and a minor adverse (not significant) effect on Footpath 3 during operation with mitigation in place, such as new information boards and additional street furniture.
Q1.11.0.4	The Applicant	**TWUL emergency access route** Work No 8 in the dDCO [REP2-004] is for the relocation of the existing east to west emergency access track for the Thames Water Crossness sewage treatment works. The Works Plans show this over a wide area, including additional land take within the existing CLNR and proposed mitigation area outside of the proposed CCF. However, it is noted that the route has not been confirmed and there is limited detail presented in relation to Work No 8, such as how the final location will be decided (or any currently preferred options), construction methods and timescales. Can the Applicant confirm what has been assumed in the ES assessments as the worst case for Work No 8?	Although the design of Work No. 8 has not been finalised, it is the Applicant's intention to, where practicable, avoid additional land take within Crossness LNR. Any additional land take in this location, if it were to occur, would be a result of design to allow for emergency vehicles to access Crossness Sewage Treatment Works. Realignment of the access road would require temporary land-take to allow its construction, as well a new permanent paved road broadly of similar width as the current one. Thus, although temporary land take would be required this would be remediated through restoration of habitats to their former condition. Permanent land take for any newly aligned road would be balanced by replacement compensatory creation. Details of such compensatory habitat creation would be included in the full LaBARDS submitted for approval to LBB. Thus, if Work No. 8 were to require alternative land from within Crossness LNR it would not change the conclusions of **Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 3) (APP-056)**, with mitigation and compensation proposals within the impact assessment remaining the same. In addition, the outcome with regards the net gain for biodiversity as demonstrated in **Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)** would still be achievable. Seeking to minimise impact to biodiversity is strengthened in the updates to the **Design Principles and Design Code (as updated alongside this submission)**.

13. MAJOR ACCIDENTS AND DISASTERS

Table 13-1– Response to Major accidents and disasters questions

ExQ1	Question to:	Question	Applicant's Response
		No questions at this stage	

14. METROPOLITAN OPEN LAND

Table 14-1– Response to Metropolitan Open Land questions

ExQ1	Question to:	Question	Applicant's Response
Q1.13.0.1	The Applicant	**Accessibility** Notwithstanding the observations made within their Response to Interested Parties' Deadline 1 Submissions document [REP2-019], please can the applicant expand on the issue of the relevance of issues of accessibility bearing in mind national and local policy for Green Belt (GB) and Metropolitan Open Land (MOL)? (Bexley Local Plan policies SP8 and G3)?	As was set out in **Section 3.4 of the Applicant's Response to Relevant Representations (AS-043)**, the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; it is a purely spatial objective. Whilst the definition and primary purpose of MOL as given in The London Plan and Bexley Local Plan is '*strategic open land*' that provides '*a break within a built-up area*', which echoes this fundamental aim, both policies G3 and SP8 and the supporting text to each, attribute further '*aims and purposes*' to the MOL that indicate a clear divergence from the simple intentions of Green Belt policy (to prevent urban sprawl by keeping land permanently open). Policy G3 of the London Plan clearly states that '*It plays an important role in London's green infrastructure...MOL protects and enhances the open environment **and** improves Londoners' quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking and running and other physical activity.*' (emphasis added) To this end, Policy G3, paragraph A(2) introduces a requirement on boroughs to '*work with partners to enhance the quality and range of uses of MOL*' and the supporting text at paragraph 8.3.4 (replicated at paragraph 5.65 of the Bexley Local Plan and noted in the **Planning Statement (APP-040)** (at paragraph 5.3.15), states that *'proposals to enhance access to MOL and to improve poorer quality areas such that they provide a wider range of benefits for Londoners that are appropriate within the MOL will be encouraged.*' The text advises that examples of this would include *'improved public access for all, inclusive design, recreation facilities, habitat creation, landscaping improvement and flood storage'*. Due to the comprehensive design and layout of the Proposed Scheme, the project will have a limited impact on the primary purpose of MOL: to keep land open and provide a break within a built-up area. Whilst a small area of MOL will be lost (c.2.5ha), the remaining MOL will continue to provide this primary function. The majority of the Order land is to be retained as the Mitigation and Enhancement Area (identified as such as Work No. 7 and with enhancement and management commitments made through the **Outline LaBARDS (as updated alongside this document)**). The quality and condition of the retained MOL and Accessible Open Land will be comprehensively mitigated through a general improvement in the habitats present, amenity experience of retained MOL and Accessible Open Land and delivery of a more consistent natural environment of recreation facilities and improved access, which recognises the proximity of the local community through the provision of improved and extended PROW. The retention and tangible improvements to the accessible parts of the MOL for visitors and local residents is therefore relevant because it is consistent with the wider intention and purposes of MOL policy, which goes beyond the simple aim of Green Belt policy to preserve the openness of land.

ExQ1	Question to:	Question	Applicant's Response
Q1.13.0.2	The Applicant	**MOL tests** Bearing in mind the above question Q1.13.0.1 how have the tests set out in national and local policy for MOL (and by extension GB) been considered?	Policy G3 (and paragraph 8.3.2) of the London Plan and paragraph 5.65 of the Bexley Local Plan, both stipulate that MOL should be protected from inappropriate development in the accordance with the national planning policy tests that apply to the Green Belt. Recognising that MOL, as designated under development plan policy, is afforded the same status and level of protection as Green Belt and should be considered in policy terms to be the same (not least at paragraph 5.3.1 of the **Planning Statement (APP-040)**) the Applicant has taken a comprehensive approach to the consideration of the tests set out in national and local plan policy. The policy relating to MOL, and by extension Green Belt, as set out in national and local policy is primarily considered in Section 5 of the Planning Statement, specifically in sections 5.3 to 5.6. The policy tests are specifically discussed in paragraphs 5.3.16 to 5.3.23. It is, however, important and relevant to confirm that the policy designation that applies within the Order limits is Metropolitan Open Land (MOL) not Green Belt. **Paragraphs 5.3.7, 5.3.8 and 5.3.18** of the **Planning Statement (APP-040)** make clear that the Proposed Scheme does not satisfy any of the exclusions set out in paragraphs 154 and 155 of the December 2023 NPPF (paragraph 154 of the December 2024 NPPF) which set out when development which would otherwise be inappropriate within the Green Belt, might be acceptable. Therefore, the Proposed Scheme constitutes inappropriate development, which is by definition harmful to the MOL/Green Belt and is not compliant with either policy G3 of The London Plan or policy SP8 of the Bexley Local Plan. **Section 5.4** of the **Planning Statement (APP-040)** consequently considers the harm, by inappropriate development and other harms, that result from the Proposed Scheme. These harms are demonstrated: to be limited (not least spatially, affecting c.30% of the Carbon Capture Facility development); to be appropriately mitigated; and to enable the remaining MOL to continue to perform its fundamental role of maintaining a substantial, and definitive, area of openness between the physical characteristics of the Carbon Capture Facility and the Crossness Sewage Treatment Works. The primary aim and relevant function of the MOL, '*a break within the built-up area*', is maintained. The Proposed Scheme comprises Critical National Priority (CNP) Infrastructure, which *"is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy which requires a clear outweighing of harm, exceptionality or very special circumstances"* (paragraph 4.2.16 of NPS EN-1, and paragraph 5.3.21 of the Planning Statement, APP-040). Consequently, the starting point for determination of CNP infrastructure is that it will meet the very special circumstances required to justify development by the recognised need for new low carbon infrastructure (i.e. there is already a presumption of very special circumstances). Notwithstanding this position, the Applicant has presented very special circumstances that robustly outweigh the harm identified. These are set out at **Section 5.5** of the **Planning Statement (APP-040)** and the **Project Benefits Report (APP-042)** and summarised here:

ExQ1	Question to:	Question	Applicant's Response
			• The capacity to capture at least 95% of the carbon dioxide emitted by Riverside 1 and 2 and to do so in a timely manner. The significant contribution of the Proposed Scheme to achieving local, national and global priorities to address climate change, including net-negative Co2 emissions of some 0.6million tonnes per year. The Proposed Scheme would make and important and relevant contribution to achieving early milestones on the way to net zero by 2050 and contribute to the Mayor's aspirations for London to be a zero-carbon city by 2050. • The ability to decarbonise not only essential sustainable waste management infrastructure serving London and the south-east of England, but also the energy and recovered byproducts, bringing desired environmental, economic and societal benefits; not least of which is the opportunity to optimise the Riverside Heat Network. • Expanding Cory Group's established riverside operations to continue to provide environmental, economic and societal benefit, not least of which is demonstrating the potential of non-pipeline transport options for future CO2 projects. • Delivering sustainable infrastructure through coherent design, namely by primarily utilising land allocated for SIL to deliver a single, comprehensively considered development underpinned by the **Design Principles and Design Code (as updated alongside this submission)** and the associated benefits to be achieved across the Mitigation and Enhancement Area (set out in the **Outline LaBARDS, updated alongside this submission)**. With regard to *how* the tests set out in national and local policy for MOL (and by extension Green Belt) have been considered '*Bearing in mind the above question Q1.13.0.1…'*, the Applicant has responded to the wider aims and purposes attributed to MOL by policies G3 and SP8 of the London Plan and Bexley Local Plan respectively, which extend beyond the simple spatial intentions of Green Belt policy. These local development plan documents require MOL not only to provide a break within a built-up area, but also to improve Londoners' quality of life by providing benefits for residents such as '*improved public access for all, inclusive design, recreation facilities, habitat creation, landscaping improvement and flood storage'* (paragraphs 8.3.4 and 5.65 of the London Plan and Bexley Local Plan respectively). As noted above, these development plan documents stipulate that MOL should be protected from inappropriate development in the accordance with the national planning policy tests that apply to the Green Belt. However, the tests for Green Belt are focused on protecting the purely spatial aim of the designation, namely, to prevent urban sprawl by keeping land permanently open. This test aligns with the primary function of MOL, which is to serve 'as a break within a built-up area, rather than at the edge' and is addressed above. However, with regard to the wider purposes of MOL (as discussed above and in Q1.13.0.1), there is no specific 'test' set out in the London Plan or Bexley Local Plan. Nevertheless, the wider benefits to be delivered by the Proposed Scheme, primarily within the Mitigation and Enhancement Area, in terms of environmental, ecological, access and recreation improvements as set out in the **Outline LaBARDS (as updated alongside this submission)** are considered to accord with the wider aims and purposes of MOL, and therefore policies G3 and SP8.

ExQ1	Question to:	Question	Applicant's Response
			The Proposed Scheme has been informed by an appreciation of the effects of the Scheme on MOL and considered strategy to minimise this effect in relation to its purposes and its performance with regard to Bexley Local Plan (policy SP8) and London Plan (policy G3). The Proposed Scheme will result in a net loss of 2.5ha of MOL from the Stable and East Paddock (albeit that some of the Stable Paddock is proposed for buffer planting). Whilst these fields contribute to the primary aim of MOL, providing a break within the built up area, they are surrounded to the north, east and south by industrial development. These field parcels are Non-Accessible Open Land; they are not accessible to the public (only to the graziers) to fulfil the wider purposes of MOL. The Applicant maintains therefore that they perform poorly against wider aims of MOL Policy, as set out in policy G3 and paragraphs 8.3.4 and 5.65 of the London Plan and Bexley Local Plan respectively. Further, even if the Stable and East Paddock were not lost to the Proposed Scheme, they would likely be substantially affected by the need to place overhead pipework, principally the large Flue Gas Ductwork, within them. There is not a development option that avoids the East and Stable Paddocks. Within the Mitigation and Enhancement Area, the Proposed Scheme will provide an extensive range of environmental and landscape enhancements, designed to mitigate the unavoidable loss of MOL and to enhance both public accessibility and amenity and the biodiversity value of the retained area of MOL, in accordance with the wider policy aims for MOL. These improvements will significantly enhance the performance of the MOL in this area for London's residents and are only available through the delivery of the Proposed Scheme. These improvements are set out in the Outline LaBARDS (Section 10) and will include the following: *A general improvement of the habitats present and the delivery of a more consistent natural environment. Crossness Local Nature Reserve (CLNR) will be expanded into the land immediately south and west of the CC Facility, providing a gain of 5-6ha for land under CLNR management ("One Nature Reserve"). This will allow for the ongoing CLNR management to be retained and the additional benefits of a single and enlarged LNR to be secured through the Proposed Scheme (LaBARDS, paragraphs 10.1.10-11). This would not only provide opportunities for habitat mitigation it would also improve the distinctiveness and condition of existing valued flood plain grazing marsh habitats and help to manage and improve water levels within the CLNR and reduce the impact of flooding.* *Delivery of improved access, recreational facilities and amenity experience of the retained MOL which recognises the proximity of the local community. This is to be delivered through the provision of extended and improved PRoW which will improve the connectivity of the site and increase the opportunity for, and encourage, active travel through this part of the MOL. The recreation potential of the retained MOL will also be increased through provision of way finding, visitor and education facilities as part of the expanded CLNR which will enhance visitor interpretation, appreciation and enjoyment of the recreation amenity of the expanded CLNR proposal. The proposals include cycle parking, a relocated stable block and potential for a new visitor car park as part of a generous new entrance from Norman Road.* *These proposals will create a gateway and more obvious presence of the MOL and improve access to the Nature Reserve and Accessible Open Land for the local community and user groups in proximity to*

ExQ1	Question to:	Question	Applicant's Response
			the site. They will fully accord with the aims and intentions of MOL policy, particularly policy G3, paragraphs 8.3.4 and 5.65 of The London Plan and Bexley Local Plan respectively and will improve the performance of the retained area of MOL in this location for the benefit of London's residents. The Applicant has applied a comprehensive approach to development master planning to prepare an appropriate response to the tests set out in national and local policy for MOL (and by extension Green Belt) and to secure a wide range of enhancements to mitigate the limited loss and address the relevant policy tests. The indicative masterplan is considered to deliver on a globally important environmental challenge with a positive and locally relevant solution.
Q1.13.0.3	The Applicant	**Replacement stables** Would the replacement stables be materially larger than the building it would replace? Would the proposed stables be an exception to new buildings being inappropriate development under para 154 of the National Planning Policy Framework (NPPF)? If so, how and why?	Details relevant to the design of replacement stables would be a matter for the detailed design phase of the Proposed Scheme. However, at this stage, the Applicant expects the replacement stables to be on a like-for-like basis, and materially the same size and shape as its current formation. The **Outline LaBARDS (updated alongside this submission)** has been amended to reflect this position (see paragraph 10.2.7). Consequently, it would satisfy paragraph 154(d) of the NPPF (as most recently published in December 2024) and would not constitute inappropriate development.

15. NAVIGATION ON THE RIVER THAMES AND MARINE TRANSPORT

Table 15-1– Response to Navigation on the River Thames and marine transport questions

ExQ1	Question to:	Question	Applicant's Response
Q1.14.0.1	The Applicant	**Additional wharves to support construction materials** In light of the PLA's comments in section 4 of their Deadline 2 representations [REP2-026], and further to the information given in the Applicant's response to relevant representations [AS-043] please can the Applicant provide more information why Victoria Deep Water Terminal in Greenwich has been identified as the only viable option for handling construction material, and whether any alternatives might be identified for any stage of the project? If so, which and how will this be factored into the planning for construction transport?	The Applicant notes from the outset of answering this question that: • no likely significant effects have been assessed as occurring from the land-side transport impacts of the Proposed Scheme; • for any proposal to use river transport that does not involve jetties in the immediate vicinity of the Proposed Scheme, this will necessitate HGV journeys using the same Study Area that has already been assessed in the ES, as well as additional roads in the London area. As such, there would be limited benefit in environmental or planning terms in using an alternative river transport option; • as discussed in its previous submissions, the Applicant is a riverside and marine logistics business, and so will seek to use riverside infrastructure where this is possible; and • this project is not akin to other NSIP that have taken place/are due to take place in the river, such as the Thames Tideway Tunnel, Silvertown Tunnel or Lower Thames Crossing. Those projects, which have had firm river transport commitments, have involved/will involve the large-scale transport of construction and aggregate material over an extended period, on both an import and export basis. The Proposed Scheme will involve a limited period, import of specialist material, for a new industrial facility. Indeed, the closest comparable NSIP to the Proposed Scheme on the River Thames, Tilbury2, which was a port expansion project, including extensions to jetties, did not include a river transport commitment above and beyond what the Applicant has committed to in the Outline CoCP. • As such, any consideration of river transport needs to be seen in the context of the very limited benefit that would arise. In considering the suitability of jetties/berths in that context, the Applicant has initially considered the suitability of jetties and wharves available immediately adjacent to the Proposed Site and has concluded that none are suitable for handling of construction materials and plant/equipment as presented below: • Middleton Jetty: It is not possible for Middleton Jetty to be used for construction transport for terrestrial elements as the movements required would cause unacceptable disruption to the operation of Riverside 1 and Riverside 2; • Proposed Jetty: It would also not be possible to use the Proposed Jetty itself to first take on construction material – not only would this delay delivery of the Proposed Scheme, but it would also be unlikely to be physically possible due proposed usage compatibility as it has been designed to handle bulk liquids rather than heavy construction materials and abnormal indivisible loads

ExQ1	Question to:	Question	Applicant's Response
			• Re-use of Belvedere Power Station Jetty (BPSJ): The Applicant considers that the BPSJ is not suitable for the following significant reasons: - Existing condition of the structure would require significant rehabilitation works. - The jetty is connected to land via a pedestrian only access trestle, which is elevated over the Thames Path and accessed by a set of stairs at either end. The landside end of this trestle is located on land owned by a third party with limited access for construction vehicles. - Usage of the BPSJ would impact development of the Proposed Jetty (i.e. construction of access trestle) • Thames Water Jetty: the jetty is part of Thames Water's undertaking, so unlikely to be acceptable to them for its use. Even if it was operationally acceptable, traffic movements between that jetty and the Order limits, would either have to involve extensive HGV movements through the Thames Water STW and then through the middle of Crossness LNR, or along the Thames Path, neither of which are considered to be appropriate courses of action in policy or environmental terms. As such, any alternative river transport option requires looking 'off-site'. Its conclusion that the Victoria Deep Terminal may be the only feasible option is based upon the analysis recorded in the Technical Note appended at Appendix D. This Technical Note presents an appraisal of the jetties and wharves ('structures') along the River Thames that may have the potential to be utilised for the handling and transporting of construction materials (i.e. dry bulk such as sand and breakbulk such as piles and precast units) and plant/equipment such as Abnormal Indivisible Load (AIL) to the Site for the construction of the Proposed Scheme. It is to be noted that at this stage, the Applicant has carried out a high-level desktop review exercise. Further assessment of river transport opportunities will be carried out with the Contractor during detailed design when further information on material/equipment breakdown and proposed contractor supply chain/construction logistics are defined. The Study Area for the appraisal is between Victoria Deep Wharf on the western side of the Greenwich Peninsula, as the westernmost extent of the Study Area, and the Dartford Crossing, as the easternmost extent of the Study Area. The easternmost extent of the Study Area has been selected as any structure eastward of the Dartford Crossing would mean construction material traffic would need to route through Junction 1a of the A282/A206 (which is a sensitive junction to increased Heavy Good Vehicle (HGV) movements during peak travel periods). The assessment has identified 5 existing structures suitable for handling materials: Victoria Deep Water Terminal; Angerstiens Wharf; Murphy's Wharf; Pioneer Wharf and Conways Jetty and concluded the following: • Victoria Deep Water Terminal has been identified as the only terminal capable of handling all construction materials (dry bulk and break bulk) and plant/equipment to support the Proposed Scheme. • All other four terminals can only handle construction material in dry bulk form.

ExQ1	Question to:	Question	Applicant's Response
			• For the Greenwich terminals (Victoria Deep Water Terminal, Angerstiens Wharf and Murphy's Wharf), some of the route to the Proposed Scheme site (A206 through Woolwich) is not part of the London Lorry Control Scheme (LLCS) permitted routes, which would limit out of hours deliveries and therefore are not a viable option. • Bexley terminals (Pioneer Wharf and Conways Jetty) could be a possibility but will be limited to a limited type of construction material. Suitability and availability cannot be ensured at this stage but and further assessment will be carried out by EPC contractor during detailed design stage as discussed above. The assessment considers that Angerstiens Wharf, Murphy's Wharf, Pioneer Wharf and Conways Jetty are only suitable for handling a limited type of construction material and are therefore not suitable to be relied upon for the construction of the Proposed Scheme. While Victoria Deep Water Terminal has the potential for handling various type of construction material and equipment, the route is some distance away to the Proposed Scheme with sections of the route not within the London Lorry Control Scheme permitted routes. This therefore minimises the benefits of utilising the wharf as part of the 'last mile delivery' solution. In conclusion, all shortlisted structures identified do not present immediate benefits and are not considered appropriate to be relied upon to support the construction of the Proposed Scheme for AIL and construction materials, such that their usage should be said to be required. The Applicant and the PLA continue to discuss this matter and the wording of the CoCP in relation to it.

16. NOISE AND VIBRATION

Table 16-1– Response to Noise and Vibration questions

ExQ1	Question to:	Question	Applicant's Response
		No questions at this stage	

17. PLANNING OBLIGATIONS

Table 17-1– Response to Planning Obligations questions

ExQ1	Question to:	Question	Applicant's Response
Q1.16.0.1	The Applicant	**Deed of Obligations (A)** How will the proposed Deed of Obligations (A) [REP1-030] ensure that the mitigation hierarchy is adhered to in respect of how it would prioritise implementation and its provision for an 'Alternative Off-Site Delivery Mechanism'?	The Deed of Obligations (A) is the mechanism (additional to Requirement 12) to secure the off-site compensation, identified in the ES as necessary, and BNG. The ES has already gone through the process of considering the Mitigation Hierarchy in identifying that the impacts that are the subject of the off-site compensation cannot be avoided or mitigated, and so therefore must be compensated. The Deed of Obligations is therefore just the mechanism for the delivery of that that compensation – it does not need to then go through an additional application of the hierarchy.
Q1.16.0.2	The Applicant	**Deed of Obligations (B)** Given the definition in Schedule 1 of the "Crossness LNR Manager" means the "manager of Crossness LNR, currently employed by TWUL", how would the proposed Deed of Obligations (B) [REP1-031] ensure that the obligation applies to any successors to that post?	The Deed of Obligations (B) will be updated to remove reference to 'currently employed by TWUL'. The concept is that the Crossness LNR Manager, whoever that person happens to be, is the subject of the obligation in clause 2.1 for TWUL to continue to employ a person in that role.
Q1.16.0.3	LBBC, Peabody Trust and TWUL	**Deed of Obligations (A) and (B)** Are the parties satisfied that the Deeds of Obligations have been drafted in a legally satisfactory manner and meet the tests for such obligations?	This question is not directed to the Applicant and so no answer is provided to it by the Applicant.

18. SOCIAL AND ECONOMIC EFFECTS

Table 18-1– Response to Social and economic Effects questions

ExQ1	Question to:	Question	Applicant's Response
		No questions at this stage	

19. TOWNSCAPE AND VISUAL IMPACT

Table 19-1– Response to Townscape and visual impact questions

ExQ1	Question to:	Question	Applicant's Response
Q1.18.0.1	The Applicant	**Effect of development platform 1** How has the development platform been taken into account in the design of the proposed development including the DAD: Design Principles and Design Code [APP-047] and vice versa (such as DC_NOR 1.1 Improve activation of Norman Road to enable passive surveillance)?	The operational development platform for the Carbon Capture Facility is considered within the parameters presented in **Table 2-2** of **Chapter 2: Site and Proposed Scheme Description (Volume 1) of the Environmental Statement (Volume 1) (APP-051)** and as such has been accounted for within the assessment presented in **Chapter 10: Townscape and Visual of the Environmental Assessment (Volume 1) (APP-059)**. The Design Principles and Design Code were developed cognisant of the development platform. As a result, the platform levels have been controlled via the Design Principles and Design Code to ensure that the relative change in level between Norman Road and the platform are not excessive such that the entrances to the Carbon Capture Facility and onto the platform are at a gentle gradient to the west. The grading of level changes from Norman Road Field to the Carbon Capture Facility have been similarly controlled with sufficient land included in the Site Boundary to allow for an appropriate gradient to be achieved that will allow planting to be supported. The character of the east and west boundaries are illustrated in the DAD. Improved activation and passive surveillance of Norman Road will be secured through the delivery of the coherent Carbon Capture Facility masterplan and the **Design Principles and Design Code (as updated alongside this submission)** that recognises the importance of the amenity and character of the approach road and public right of way environment. The **Design Principles and Design Code (as updated alongside this submission)** secure a quality approach to building and landscape design including the establishment of a consistent native ditch habitat and tree planting boundary to the Carbon Capture Facility forming a filter to views of Carbon Capture Facility buildings and structures. As discussed at Question 1.9.0.2 and **Appendix D**, the application of the **Design Principles and Design Code (AS-020)** demonstrate how the development platform could be lowered to further facilitate the delivery of the commitments set out within that document. Relevant Design Principles and Design Code include, by example: ***DP_PL 1.2*** *Provide well organised and well designed and managed boundaries to the operational areas. Control the visual appearance of the operational area in views from adjoining areas to deliver a coherent appearance. Provide planted boundaries appropriate to local character around the CCF site to support the natural character of the CLNR and an organised interface with Norman Road.* ***DC_CCF 1.11*** *Development platform embankments should be a maximum of a 1:3 gradient where planting/ tree planting is proposed.* ***DC_CCF 1.13*** *Minimise the extent of raised platform levels across the CCF site.*
Q1.18.0.2	The Applicant	**Effect of development platform 2** How will the development platform affect those features that may need to remain at or near ground level on the CCF	Where possible, the finished development platform will be maintained at a consistent level across the main plant areas of the CCF development, such that interfaces between areas of the plant at differing finished ground levels will be minimised. Where changes in level within the CCF development site are

ExQ1	Question to:	Question	Applicant's Response
		development site (such as the Thames Water emergency access route, vehicle and pedestrian routes into the various parts of the CCF, etc.)?	required, the means of accommodating them will be determined by the detailed design, with ramps, steps, batters, retaining walls, etc. to be provided as appropriate. Where vehicle and pedestrian access (and emergency egress) routes from adjacent existing infrastructure onto elevated areas of the site are provided, sufficient space has been allowed in the plant layout to accommodate suitable gradients on the access routes and batters and/or retaining walls to accommodate changes in level. In accordance with the Design Principle DP_PL 1.**4 Design Principles and Design Code (updated alongside this response)**, it is anticipated that the level of the development platform will reduce towards the southern end of the Site. Therefore, it is anticipated that the difference in ground levels between the Thames Water Access Road and the adjacent land will not be significant and will maintain the Thames Water Access Road at its existing levels.
Q1.18.0.3	The Applicant	**Effect of development platform 3** The FRA [AS-023] refers to the possibility that the development platform would be raised by sheet piles. How will the outer faces of the development platform be treated in terms of form, shape, appearance, etc. from all sides?	A combination of sheet piles and planted gradients are anticipated to be required to form the raised development platform. The potential provision of sheet piles to retain material to form the raised development platform has been considered to minimise the impact of accommodating the changes in level on overall site footprint and plant layout, where necessary. This requirement will be reviewed in the detailed design and, where the final development platform levels, plant layout and space allocation permits, differences in level may be accommodated using battered slopes rather than sheet piles. During detailed design opportunities will be sought to reduce the quantum of platform level that needs to be raised for efficiency in terms of build, retained flood volumes and for benefits at edges / interfaces. This may include flood tolerant land uses retained at the existing level or plant and infrastructure positioned on 'plinths' or 'legs' in line with Design Principle DP_CL 1.5 (APP-047). Where the requirement for sheet piling remains, in line with Design Principles and Design Code (DC_LNR_1.4), it will be used in locations deemed less impactful on the experience of the nature reserve and away from high profile edges/entrances along Norman Road. Where necessary sheet piling can be visually mitigated by using screening vegetation immediately in front, where practicable.

20. OTHER MATTERS

Table 20-1– Response to Other Matters questions

ExQ1	Question to:	Question	Applicant's Response
Q1.19.0.1	The Applicant, APs and IPs	**Revised NPPF** Bearing in mind that there is a designated National Policy Statement in place, please can all parties advise of any new or different implications the revised NPPF (published on 12 December 2024) may have for the development?	The Applicant has undertaken a thorough review of the latest National Planning Policy Framework published by Ministry of Housing, Communities and Local Government and updated the **Policy Accordance Tracker** for Deadline 3 accordingly. The Applicant notes that these changes are minor as the vast majority of amendments to the NPPF do not alter the policy accordance presented at the time of the submission of the DCO Application**.** The revised NPPF (December 2024) does however emphasise the Government's support for low carbon infrastructure, specifically under Paragraph 168, which now states the that when determining planning applications, local planning authorities should "*give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future".*
Q1.19.0.2	The Applicant	**Finch v Surrey CC – Supreme Court Judgment** Are there any implications for the ES or the application, or any comments the applicant wishes to make regarding the Supreme Court judgement in R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20?	The Supreme Court judgment in Finch seeks to ensure that EIA sufficiently considers 'indirect effects'. It (and the West Cumbria Mine case that followed it) emphasised the need for an ES to consider all impacts where there can be considered to be an inevitable causation between a project and an effect. Such effects must, however, not be mere 'conjecture or speculation', i.e. the relevant information needs to be available or an appropriate methodology able to be applied. Furthermore, it emphasised that an assessment should only be required if a reasoned conclusion is able to be reached – there must be sufficient evidence to draw the link between the project and effect, to say that the effect is a 'likely' significant effect of the development being considered. However, the judgment is also clear that an assessment should be made of effects even where it could be argued that the indirect effects of relevance (a) have been subject to other consenting processes; (b) are transboundary; or (c) are matters that could otherwise be argued to be dealt with through policy interventions. Most relevantly, the judgment highlights the need to ensure that an ES, particularly in respect of GHG assessments, considers the potential upstream and downstream effects of the project in question, which could be adverse or beneficial. The Applicant can confirm that the ES already considers these matters, particularly in **Chapter 13: Greenhouse Gases (APP-062)**: • for upstream effects: the Applicant has considered the GHG emissions associated with the construction supply chain for the project; and • for downstream effects: the ES has considered the emissions associated with the transport of the captured carbon through the rest of the 'CCS chain' including two different options for

ExQ1	Question to:	Question	Applicant's Response
			doing so and the construction and operational emissions of those options. It has also provided the information for the storage aspects of the CCS chain, if they were considered to be relevant (section 13.8). Please also see the response to Q 1.0.1.10 in respect of other topics and indirect effects. It is also noted that the *Finch* judgment does not comment on the approach to cumulative carbon assessments, meaning that the approach set out in paragraph 13.4.14 of the ES remains correct. Finally, it is noted that although not explicitly stated in the *Finch* judgment, the case does serve as a reminder that carbon emissions (whether indirect or direct) are of relevance when considering alternatives and the need for an ES to include (Schedule 4, para 2 of the EIA Regulations): *"A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"*. Whilst a difference in carbon emissions was not a 'main reason' for the Applicant choosing its selected development zone for the Proposed Scheme, given the analysis set out in the **Terrestrial Site Alternatives Report (TSAR) (APP-125)** and **Appendix H**: **TSAR Addendum** of the **Relevant Representation Appendices (AS-044)**, for completeness, the Applicant has completed a high-level analysis of the carbon emissions that could arise as a result of the different options considered. This is presented in **Appendix E**. As can be seen in **Appendix E** the comparative review for each of the options identifies that carbon emissions for the selected development zone are expected to be lower than the other reasonable alternatives considered , particularly when taking into account the embodied carbon associated with requirements for additional construction or demolition activities relative to the selected development zone. The Applicant considers that the selected development zone represents the preferred option to limit impacts from carbon emissions for the Proposed Scheme.
Q1.19.0.3	The Applicant	**Changes to the Application** The applicant's views are sought on LBBC's comments made in their Deadline 2 representations [REP2-024] on the changes accepted into the Examination on 18 November 2024.	The Applicant acknowledges the response made by the London Borough of Bexley in its Deadline 2 representation **(REP2-024)**. The Applicant has provided a detailed response to LBB's representation at Deadline 3 in the **Applicant's Response to Interested Parties (Document Reference 9.17)** which is not duplicated here.

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