



# EXAMINATION PROGRESS TRACKER: 9.10

DECARBONISATION

## Cory Decarbonisation Project

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~~November 2024~~

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Revision AB

## QUALITY CONTROL

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# 1. INTRODUCTION

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## 1.1. INTRODUCTION AND PURPOSE

- 1.1.1. This Examination Progress Tracker relates to an application (the 'Application') made by Cory Environmental Holdings Limited (the 'Applicant'), to the Secretary of State for Energy and Net Zero for a Development Consent Order ('DCO') under section 37 of the Planning Act 2008 (the 'PA 2008') for the proposed Cory Decarbonisation Project in Bexley, London (the 'Proposed Scheme').
- 1.1.2. The Application has been accepted for examination. The Examination commenced on 5 November 2024.
- 1.1.3. This Examination Progress Tracker has been prepared by the Applicant further to the Examining Authority's ('ExA's') **Rule 6 Letter (PD-005)** and **Rule 8 Letter (PD-006)** and meets the ExA's expectations in those letters for it to be "*a live document that tracks principle and other notable issues in the Examination, most helpfully set out in tabular form, including a simple visual referencing system indicating matters resolved, capable of resolution or not*".
- 1.1.4. This ~~first~~second draft of the Examination Progress Tracker, submitted at Deadline 3, is in the form of a table, as requested by the ExA, and is set out at **Section 2**, focussing on principle/notable matters.
- 1.1.5. Notably, however, this Tracker does not deal with the matter of Optioneering. Whilst the Applicant recognises that this is likely to be the 'predominant' issue for this Examination, it is not a matter that it is considered to have any 'progress' per se that can be tracked – it is clear that Interested Parties are all of the view that the Applicant's proposals should variously avoid Metropolitan Open Land (MOL), Accessible Open Land, local nature designations, and/or Landsul/Munster Joinery land, and the Applicant considers that its optioneering process, as discussed in the **Terrestrial Sites Alternative Report ('TSAR') (APP-125)**, the **TSAR Addendum (AS-043)**, the **TSAR Appendix H: Terrestrial Site Alternatives Report – Addendum (AS-062)** ~~and~~, its **Response to Relevant Representations (AS-044)** ~~demonstrates~~, summaries of case from CAH1 (REP1-021) and ISH1 (REP1-028) and its Response to Deadline 2 Submissions (REP2-019 and REP2-021), demonstrate that the Site it has chosen is the most suitable location for the Proposed Scheme. This will continue to be discussed in Examination submissions, and each respective party will set out their case.

1.1.6. The status of the issues within the Examination Tracker is based on a Red, Amber, Green ('RAG') rating as follows:

	<b>Currently subject to disagreement</b>
	<b>Subject to further/ on-going discussion</b>
	<b>Agreed</b>

## 2. EXAMINATION PROGRESS TRACKER

### 2.1. SUMMARY OF THE PRINCIPAL ISSUES RAISED

2.1.1. Table 2-1 provides a summary of the principal/ notable issues raised by ~~Interest~~Interested Parties and the status of those issues.

**Table 2-1: Examination Progress Tracker**

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Terrestrial Biodiversity	Interaction with existing consents/planning obligations	Friends of Crossness LNR Save Crossness LNR London Borough of Bexley (LBB) Thames Water Utilities Ltd (TWUL)	Concerns raised about the efficacy of the Applicant's proposed mitigation measures and whether they can be considered as 'double counting' when considered alongside TWUL's existing Crossness LNR obligations and previous s.106 obligations relating to providing mitigation for <del>Viridion</del> <u>Veridion</u> Business Park at Norman Road Field.	Applicant has worked with Interested Parties to find planning information and its Deadline 1 submissions have set out its position on double counting for Interested Parties to consider (Written Summary of Oral Submissions at ISH1 and its Appendix F). <u>The Applicant's position is clear that the Veridion Business Park planning obligations have now fallen away and this is agreed with LBB (SOCG, REP2-010). SCNR disagrees, TWUL has not made further comment.</u>  The wording in the <b>draft DCO (AS-056as updated at Deadline 3)</b> ensures that the Outline LaBARDS <b>(as updated at Deadline 3)</b> proposals will wipe the slate clean legally and create one regime of ecological management moving forward.	
	Delivery of the Outline Landscape Biodiversity Access and Recreation Delivery Strategy (LaBARDS)	Peabody/Tilfen Land Limited LBB TWUL	Status of TWUL's retained part of the Crossness LNR in the <b>Outline LaBARDS (APP-129as updated at Deadline 3)</b> dependent on TWUL position on this.  Usage of Thamesmead Golf Course requires Deed of Obligation to be entered into.	Draft deed of obligations <del>have been</del> <u>were</u> sent to Interested Parties <u>prior to Deadline 1</u> and submitted at Deadline 1.  <u>No comments have yet been received from Peabody.</u>  <u>High level oral comments were received from LBB on 10<sup>th</sup> December 2024 with written comments awaited.</u>  <u>Written comments have been received from TWUL and were discussed with them on 14<sup>th</sup> January 2025 to inform further updates to the Deed of Obligation.</u>	
	Water Vole Mitigation	Natural England	Letter of No Impediment being sought in respect of Water Vole mitigation.	Draft method statement <del>has been</del> <u>was</u> issued to Natural England <del>and comments received.</del> A <u>consequent</u> meeting with Natural England <del>regarding the comments</del> was held on the 21 <sup>st</sup> November. <del>The Applicant is updating this 2024 and the updated method statement for re-submission was sent to Natural England on the 17<sup>th</sup> January 2025. The Draft DCO and Outline LaBARDS have been updated at Deadline 3 to reflect the commitments to the programme and activities included within that revised method statement.</del>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
	AQ impacts to Inner Thames Marshes SSSI	Natural England	Natural England have queried the Applicant's air quality assessment in respect of impacts to this SSSI.	<p>The Applicant <del>has</del> prepared and <del>issue</del> issued a technical note <del>which responds</del> responding to Natural England's queries in respect to air quality impacts on the SSSI <u>in November 2024 (Appendix B of REP2-019)</u>. The technical note outlines the additional air quality modelling <del>which</del> that has been undertaken to mitigate impacts from the Proposed Scheme on designated ecological sites. <u>Natural England provided comments on this technical note at Deadline 2 (REP2-027)</u>.</p> <p>The Applicant <del>is awaiting a response from National England</del>.</p> <p>The Applicant <del>has</del> provided an updated version of the <b>Mitigation Schedule (as updated alongside this submission) REP1-010</b>) and the <del>draft</del> Draft DCO (as updated alongside this submission REP1-002) to reflect the conclusions of the technical note and ensure that no likely significant effects can arise to the SSSI.</p> <p>The Applicant had a positive meeting with Natural England on the 13<sup>th</sup> 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 <b>Natural England Statement of Common Ground (Revision C)</b> 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.</p> <p>The Applicant has also responded to Natural England's Deadline 2 submissions, as presented in the <b>Applicant's Response To Interested Parties' Deadline 2 Submissions (Document Reference 9.17)</b>.</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Marine Ecology	n/a	MMO	<p>The MMO partially agree with the Applicant's assessment of contaminants, the Applicant agreed that once additional sampling has been carried out, the Applicant will submit a technical note into the examination to validate the conclusions reached in the Environmental Statement.</p> <p>The MMO raised queries with regards to the Applicant's marine mammals assessment within Appendix 6-4: Underwater Noise Assessment of the Environmental Statement (Volume 3) (APP-084) <del>(2% and 4%)</del>.</p>	<p><u>Additional sampling was collected in December 2024.</u> The <del>Applicant will share the results and assessment of the additional sampling samples will be shared</del> with the MMO <del>within the second half of the examination and an update on this matter will be provided to the Examination, anticipated to be in March 2025.</del></p> <p>The Applicant provided a written response to the comments made in the <del>MMO's RR (RR-150) and additional comments received on the 9<sup>th</sup> September</del> <u>Written Representation (REP1-036) and within Table 52-1-2 of the Applicant's Response to Relevant Representations (AS-043). Interested Parties Deadline 1 Submissions (REP2-019).</u> This continues to be discussed with MMO.</p>	
Flood Risk (including coastal modelling)	n/a	Environment Agency ('EA')	<p>The Applicant are currently discussing the following matters with the Environment Agency:</p> <ul style="list-style-type: none"> <li>Following the Environment Agency's sedimentation review (regarding coastal processes), the Environment Agency raised queries regarding the Applicant's modelling and the results at the Belvedere Power Station Jetty, Proposed Jetty and the Great Breach Pumping Station Outfall;</li> <li>The Environment Agency's Risk and Evidence Team are carrying out a breach model review (flood risk) and have requested data files from the Applicant;</li> <li>Regarding land raising, and mitigation regarding buffer zones the Applicant is awaiting the Environment Agency's comments on proposed updated wording within the <b>Design Principles and Design Code (AS-020)</b>; and</li> <li>The Environment Agency are considering the draft Protective Provisions within the <b>Draft DCO (AS-056)</b> to ensure its protected (including its land interests), as well as the wording of the DCO Requirements. Given this, it is as yet unable to issue its section 150 consent or agree to the disapplications currently in the <b>Draft DCO (AS-056)</b>.</li> </ul>	<p>The Applicant has since prepared and issued a Technical Note in response to the Environment Agency's queries regarding Coastal Processes <del>(presented within Appendix A of the Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019))</del>. The Applicant is awaiting a response from the Environment Agency.</p> <p>The Applicant is currently preparing the additional data files requested by the Environment Agency.</p> <p><del>The Applicant is currently awaiting confirmation from the The Environment Agency that they are content with provided comments regarding</del> the updated wording within the <b>Design Principles and Design Code (AS-020)</b>, <del>draft Draft</del> SoCG and the draft Protective Provisions within the <del>draft DCO (AS-056)</del> <u>within its <b>Written Representation (REP1-036)</b>. The Applicant provided a response to these comments within <b>Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019)</b>.</u></p> <p><u>The Applicant has also provided a Technical Note on Development Platform Matters at Deadline 3 (Appendix C to its Response to the Examining Authority's First Written Questions) which explains the flooding position following the application of the Design Principles and Design Code.</u></p>	



Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Compulsory Acquisition <sup>1</sup>	Extent/Size of Land Requirements	Landsul/Munster Joinery PLA	Landsul/Munster Joinery consider that the terrestrial land take is excessive. PLA <del>have</del> <u>has</u> queried the extent of temporary possession land in the River Thames (particularly in the navigation channel).	<p>The Applicant has set out its position in its application documentation, <del>Response to Relevant Representations (AS-043) and its Deadline 1 Summary of Case (as updated alongside this submission)</del> documentation Examination submissions as to why it considers its land take is required to meet operational requirements.</p> <p>The Applicant <del>also</del><u>has</u>:</p> <ul style="list-style-type: none"> <li><del>shared requested technical information to requested on 14 November to inform Landsul/Munster Joinery on 14<sup>th</sup> November Joinery's Deadline 1 submissions;</del></li> <li><del>facilitated an expert to expert meeting on 13 December;</del></li> <li><del>shared information following that and its Deadline 2 submissions on 20 December and 2 January; and</del></li> <li><del>following sending a draft SoCG on 18 December 2024, held a SoCG meeting on 8 January 2025 and exchanged emails since then to inform the SoCG to be submitted by 24 January 2025, which shows agreement on some matters between the parties.</del></li> </ul> <p><del>Landsul/Munster Joinery will be submitting technical report on this point at Deadline 1 which Applicant will respond to at Deadline 2.</del></p> <p><del>The Applicant has set out its position in its Written Summary of Oral Submissions at CAH1 in respect of the PLA's concerns.</del></p> <p><del>The Applicant is making a change at Deadline 3 to remove the navigation channel from the Order limits, save where this is required for Work No. 4C. This is now understood to be an agreed issue with the PLA.</del></p>	

<sup>1</sup> Note updates on negotiations with Affected Persons is recorded in the Land Rights Tracker and therefore not provided for additionally here. With the updates to the OLaBARDS and its Summary of Case from CAH1, the Applicant considers that there are no remaining 'issues' under discussions with regards to equalities matters.

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
	Need for Single Site	Landsul/Munster Joinery <u>SCNR</u>	Landsul/Munster Joinery consider <u>(through their oral submissions and Written Representation)</u> that if the South Zone is to be utilised, the Proposed Scheme could be designed to avoid its land, through a split site. <u>SCNR agree with this position in its Deadline 2 submission.</u>	Applicant has made submissions on this in its <b>Written Summary of Oral Submissions at ISH1 (REP1-025 and appendices)</b> submitted at Deadline 1 and <u>its response to Landsul/Munster Joinery's Written Representation (REP2-021)</u> and considers that <u>it has demonstrated that</u> a single site would not ensure a safe, suitable and secure operation.  <del>Landsul/Munster Joinery will be submitting technical report on this point at Deadline 1 which Applicant will respond to at Deadline 2.</del>	
	Interaction with TWUL/Western Riverside Waste Authority (WRWA)	TWUL WRWA	Both parties concerned whether the Applicant has taken the right approach to the powers sought over their respective land interests.	<del>Building</del> <u>In respect of TWUL, building</u> on Statement of Reasons, see Applicant's <b>Summary of Case-Written Summary of Oral Submissions at CAH1 (REP1-028), Response to Interested Parties Deadline 1 submissions (REP2-019),</b> and its response to FWQ 1.5.0.8 submitted at <del>Deadline 1</del> <u>D3</u> .  Discussions on voluntary agreement with TWUL continues – revised HoTs <del>have been were</del> sent to TWUL prior to Deadline 1. <u>Comments were received on 8 January, and a meeting was held on 14 January 2025 to discuss them. A further meeting is scheduled for 7 February, to be informed by the Applicant's response to those comments.</u>  Discussions continue with WRWA <del>to understand their concerns and how they can be assuaged, noting article 30(6)(b) and the RRRL Protective Provisions following submission of its Written Representation and the Applicant's response to it.</del>	
DCO Drafting	DCO Drafting	Port of London Authority (PLA) (article 8, Requirements and PP EA TWUL LBB National Highways ('NH') MMO	PLA: Article 8, Requirements and Protective Provisions Environment Agency: Protective Provisions TWUL: <u>Articles 50, 53-54, Requirement 12,</u> Protective Provisions LBB: Drafting in relation to Streets NH: Requirements MMO: Deemed Marine Licence drafting, transfer of benefit wording and dispute resolution wording.	PLA: <del>Various meetings Article 8 and sharing of correspondence. Understood that Requirements may now be agreed; Protective Provisions also agreed as at Deadline 3. Requirements agreed save for paragraph 46 and its relationship with article 8; and article 8 itself. Requirement 7. Discussions on this continue in the context of the discussions on river transport (see below).</del>  EA: Comments awaited on Protective Provisions. <del>TWUL: Comments awaited on Protective Provisions.</del> <del>LBB: Comments awaited from LBB on Applicant's response to Relevant Representations on streets related drafting.</del>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p><u>TWUL: Comments awaited on Protective Provisions. Applicant previously updated articles 50, 53-54 in light of TWUL's Relevant Representation and Deadline 1 comments, but understands TWUL may have further comments. It is understood that TWUL wish to be an approver of the LaBARDS under Requirement 12. The Applicant does not agree with this that this is appropriate or necessary. The DCO provides for TWUL to be consulted both prior to (pursuant to the PPs) submission of the LaBARDS, and by LBB once it is submitted (pursuant to Requirement 12). The LaBARDS is ultimately a planning sphere document so the Applicant does not consider it is appropriate for TWUL to approve it – this is the responsibility of the local planning authority.</u></p> <p><u>LBB: Following Deadline 2, all LBB DCO drafting points are agreed save for article 16(2). The Applicant's position on this article is set out at <b>Deadline 2 (REP2-019)</b>. It is considered that this is a matter where the parties 'agree to disagree' to allow the ExA/SoS to determine the preferred approach.</u></p> <p>NH: It is understood that NH are now content with the DCO Requirements.</p> <p>MMO: Comments awaited from MMO on <del>25 September</del><u>Deadline 2 draft</u> DCO.</p>	
Traffic and Transport	Landside Transport	National Highways Kent County Council (KCC) Dartford Borough Council (DBC)	National Highways, KCC and DBC requested information in respect of the Riverside 2 Construction Traffic Management Plan (CTMP) and recorded Riverside 2 construction HGV movements and staff survey data. Amendments to the <b>Framework Construction Traffic Management Plan (CTMP) (as updated alongside this submission REP1-008)</b> have been made in response to feedback provided by these stakeholders to strengthen the Framework CTMP to manage and mitigate the temporary construction vehicle impacts on the National Highways, KCC and DBC networks.	<p>A meeting was held with National Highways, KCC and DBC and the Applicant. In response to comments received, an updated version of the <b>Framework CTMP (as updated alongside this submission REP1-008)</b> was provided to Highways, KCC and DBC on the 15<sup>th</sup> November 2024.</p> <p><u>The Applicant is currently awaiting a response received further comments from Kent CC, Dartford BC and National Highways but has submitted on the proposed updated at Deadline 1.22<sup>nd</sup> November 2024 regarding the <b>Framework CTMP (REP1-008)</b>. The Applicant is preparing a separate Technical note on the matters that remain under discussion in the <b>National Highways Statement of Common Ground (as updated alongside this submission)</b>.</u></p> <p><u>The Applicant received further comments from KCC on the 28<sup>th</sup> November 2024 regarding the <b>Framework CTMP (REP1-008)</b>. The Applicant is preparing a</u></p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p><u>separate Technical note which will address these comments.</u></p> <p><u>Dartford BC has confirmed it is content with the Framework CTMP (REP1-008), as described in the Dartford BC Statement of Common Ground (REP2-013).</u></p>	
	River Transport	PLA, Kent County Council, NH	These Interested Parties seek more commitments in respect of river transport from the Applicant.	<p>Responses from Interested Parties <u>(beyond the PLA)</u> are awaited to the <b>Applicant's Responses to Relevant Representations (AS-043)</b> on this point.</p> <p><u>The PLA in its Deadline 2 submission queried the scope of alternative jetty facilities required. The Applicant has responded to this in its Deadline 3 submissions.</u></p> <p><u>Further to those submissions, the parties are continuing to discuss this issue, and in particular the wording in the Code of Construction Practice.</u></p>	



## DECARBONISATION

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