



STATEMENT OF COMMON GROUND - THAMES WATER: 8.1.14

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

January 2025

Revision A

QUALITY CONTROL

Document Reference		8.1.14			
Document Owner		Cory Environmental Holdings Limited			
Revision	Date	Comments	Author	Check	Approver
Revision A	January 2025	-	KB	MF	RW

SIGNATORIES

	Thames Water Utilities Limited	Cory Environmental Holdings Limited (the Applicant)
Signed		
Printed Name		
Title		
On behalf of	Thames Water Utilities Limited	Cory Environmental Holdings Limited
Date		

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1. Purpose of the Statement of Common Ground	1
1.2. Introduction To Thames Water Utilities Limited.....	2
1.3. Statement of Common Ground Structure.....	2
2. RECORD OF ENGAGEMENT	3
3. ISSUES	17
3.1. Terminology	17
3.2. Matters Agreed.....	17
3.3. Matters Under Discussion	22
3.4. Matters Not Agreed	28
3.5. References.....	1

TABLE

Table 2-1 Schedule of Meetings and Correspondence during the Pre-Application Stage.....	1
Table 3-1 Matters Agreed	17
Table 3-2 Matters Under Discussion	22
Table 3-3 Matters Not Agreed.....	28

1. INTRODUCTION

1.1. PURPOSE OF THE STATEMENT OF COMMON GROUND

- 1.1.1. A Statement of Common Ground ('SoCG') is a written statement produced during the application process for a Development Consent Order ('DCO') and is prepared jointly by the applicant and another party.
- 1.1.2. Paragraph 007 of the Ministry for Housing Communities and Local Government ('MHCLG'), guidance entitled 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (30 April 2024) (hereafter referred to as MHCLG Guidance)¹ describes a SoCG as follows:
- "A Statement of Common Ground (SoCG) is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at the examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority".*
- 1.1.3. This SoCG has been prepared in accordance with the MHCLG Guidance. The aim of a SoCG is to assist the Examining Authority in examining the DCO by providing an understanding of the status of discussions or negotiations between the applicant and the other party. The effective use of SoCG aids an efficient examination process.
- 1.1.4. A SoCG may be submitted to the Planning Inspectorate either prior to the start of, or during, an Examination and is updated as necessary, or as requested, during the Examination.
- 1.1.5. This SoCG has been prepared by WSP UK Limited on behalf of Cory Environmental Holdings Limited ('the Applicant'). It accompanies the application for a DCO ('the DCO Application') in relation to the Cory Decarbonisation Project ('the Proposed Scheme') in the London Borough of Bexley, London. The DCO Application has been made in accordance with Section 37 of the Planning Act 2008 (as amended)² and submitted to the Secretary of State ('the SoS') for Energy Security and Net Zero ('DESNZ').
- 1.1.6. The DCO, if granted, would authorise the construction, operation, maintenance and decommissioning of the Proposed Scheme. The Proposed Scheme is to be located at Norman Road, Belvedere in the London Borough of Bexley (National Grid Reference/NGR 549572, 180512).
- 1.1.7. The Proposed Scheme is described in **Chapter 2: Site and the Proposed Scheme (Volume 1)** of the **ES (Document Reference 6.1), Planning Inspectorate Reference (APP-051)** and includes:
- the Carbon Capture Facility (including its associated supporting plant and ancillary infrastructure);

- a Proposed Jetty to allow for export of the captured carbon by vessel;
- a Mitigation and Enhancement Area;
- Temporary Construction Compounds; and
- Utilities Connections and Site Access Works.

1.2. INTRODUCTION TO THAMES WATER UTILITIES LIMITED

- 1.2.1. This SoCG has been prepared between Thames Water Utilities Limited ('TWUL') and the Applicant (jointly referred to as the Parties) in relation to the DCO Application.
- 1.2.2. TWUL has been consulted as it is the freeholder owner of the following plots of land within the DCO Application's red-line boundary, as are listed in the **Book of Reference (REP2-006)** and identified on the **Land Plans (AS-052)**: 1-020, 1-021, 1-033, 1-036, 1-038, 1-041, 1-042, 1-044, 1-046, 1-047, 1-050, 1-057, 1-090, 1-093, 1-099, 1-102, 1-108, and 1-122. Further, the Proposed Scheme will require the provision of water resources from TWUL.
- 1.2.3. Advice and consultation responses have typically been provided as part of non-statutory consultation and engagement, in response to the Environmental Impact Assessment ('EIA') Scoping Report³, as part of statutory consultation (including on the Preliminary Environmental Information Report ('PEIR')⁴) and participation in the Examination process.

1.3. STATEMENT OF COMMON GROUND STRUCTURE

- 1.3.1. Section 2 summarises all engagement to date of relevance to this SoCG and Section 3 details whether matters are Agreed, Under Discussion or Not Agreed between the Parties.
- 1.3.2. In respect of matters relevant to the Proposed Scheme, but not referred to in this SoCG, TWUL has no further comments to make at this point but reserves the right to make representations on additional issues as the examination progresses. The SoCG is a document that will evolve during the Examination process and will conclude with a version that confirms the Parties' positions on relevant matters before the close of the Examination.

2. RECORD OF ENGAGEMENT

- 2.1.1. A summary of the meetings and correspondence that has taken place between the Applicant and TWUL in relation to the Proposed Scheme is outlined in **Table 2-1** below. There has been email correspondence between the Parties to discuss the sharing of information, arrangement of meetings and to share and comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the Parties.

DRAFT

Table 2-1 - Schedule of Meetings and Correspondence during the Pre-Application Stage

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
17 th February 2023	Email	Confirmation that Great Crested Newts (GCN) are not present at Crossness Local Nature Reserve (LNR).
5 th April 2023	Introductory Meeting Property and Site Teams	The Applicant introduced the Proposed Scheme to TWUL, including the potential use of Crossness LNR with options being explored for replacement/improvement. TWUL further requested proposed Site Layout Plans (such as the graphic on screen) as none provided to date.
13 th April to 19 th May 2023	Email exchange	<p>Provision of meetings notes and presentation given on 05.04.2023 with the early graphic of the Proposed Scheme removed.</p> <p>TWUL disappointed with this removal and requested that this be provided. The Applicant confirmed the images based on very simplistic parameters, and not appropriate to share widely.</p> <p>Confirmation that the Scoping Report had been submitted and seeking to arrange a further meeting date.</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
30 th June 2023	Introductory Meeting Corporate Team and Others	Introduction to the Proposed Scheme including the evolved masterplanning led approach to design, landscape, and biodiversity opportunities and concepts.
4 th July 2023	Email	Provision of biological records, ecological survey reports and quarterly wildlife reports for Crossness LNR.
12 th July 2023	Email	Provision of meetings notes and offer for future meetings, including with Friends of Crossness Nature Reserve.
13 th July 2023	Introductory Meeting Major Projects Team	<p>Introduction to the Major Projects Team – focus on asset protection in large projects such as NSIP. This team would respond to draft DCO, protective provisions etc.</p> <p>Presentation as given on 30.06.2023. Discussion of other sites that had been considered, including relevant policy and current land uses.</p> <p>Discussion of likely technology to be used, water supply and timeframe for the application.</p> <p>Provision of meeting notes and Scoping Report.</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
7 th August 2023	Email	Commercial Drainage and Water Enquiry sent to TWUL to determine the existing piping infrastructure in the area. A property search was completed by Thames Water.
15 th August to 17 th September 2023	Email exchange	Pre-planning enquiry application form submitted to TWUL, for both clean water and wastewater. Further information provided for the network capacity assessment.
18 th September 2023	Meeting	Discussion of outcome of the Scoping Report, answering questions on the Proposed Scheme; the inclusion of TWUL's land within the Proposed Scheme's limits; and identification of other matters that might be considered in further discussions.
26 th to 27 th September 2023	Email exchange	TWUL confirmed it reserved its position until more detail on the Proposed Scheme was available. the Applicant confirmed the statutory consultation period and suggested a further meeting to be held prior to consultation to update on latest developments.
28 th September 2023	Email	TWUL advised the clean water network could only partially supply the indicative water demand requirements of the Proposed Scheme. There is

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		sufficient capacity to supply the office space as part of the Proposed Scheme.
6 th October 2023	Meeting	Discussion between the Applicant and TWUL regarding the clean water capacity report. TWUL recommended reducing the potable water demands of the Proposed Scheme.
10 th October 2023	Email	TWUL confirmed that a trade effluent consent form would need to be submitted for the Site to assess the possibility of connecting to the existing TWUL wastewater network.
10 th October 2023	Follow up Meeting Major Projects Team	Discussion of forthcoming statutory consultation and presentation of brochure prepared. Confirmation that detailed engineering drawings of the Proposed Scheme are not available, and unlikely to be so through the DCO pre-application process.
16 th October 2023	Follow up Meeting Corporate Team and Others, including Property and Planning	Discussion of forthcoming statutory consultation and presentation of brochure prepared. Discussion of proposed mitigation and enhancement across Crossness LNR and Norman Road Field, including potential to achieve

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>BNG. The Applicant keen to progress discussion of governance for an extended Crossness LNR.</p> <p>Outline of design strategy to date, including introduction to parameters.</p> <p>Discussion of red line boundary placement and potential for impact on TWUL assets. TWUL confirmed happy to discuss mitigation proposals in principle, but still had to define its position on the application.</p> <p>Discussion of property and acquisition matters.</p> <p>TWUL expressed they still had not received proposed site layout plans to review.</p>
<p>13th November 2023</p>	<p>Follow up Meeting</p> <p>Corporate Team and Others, including Property and Planning</p>	<p>TWUL confirmed it was reviewing consultation material but considered it was losing land and would be reserving its position to the end of the consultation period.</p> <p>Discussion of consultation events held to date and level of response.</p> <p>Discussion of potential arrangements across Crossness LNR/Norman Road Field and how Peabody became committed to any future</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>management. All agreed to discuss tripartite agreement approach.</p> <p>Discussion of red line boundary and potential impact of flue gas ductwork proposed on the boundary between Riverside Campus and Crossness LNR. TWUL did not feel that element had been expressed previously, the Applicant confirmed it has always been an element of the Proposed Scheme and is looking to reduce any impact. Direction to the PEIR for further details.</p>
<p>14th to 17th November 2023</p>	<p>Email Exchange</p>	<p>Provision of draft skeletal legal framework for a tripartite agreement with Peabody, relating to the potential enhancement opportunities across the Crossness LNR and how they might be realised. The Applicant invited TWUL to review and comment on the approach set out.</p> <p>TWUL acknowledged receipt but did not feel it was appropriate to meet and discuss until the end of statutory consultation.</p>
<p>23rd November 2023</p>	<p>Meeting</p>	<p>Discussion regarding the approach taken in the design to date relating to the potable water demand for the Proposed Scheme. TWUL advised would still be unlikely able to supply the</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		requested volume, even though it had reduced from the previous estimate.
27 th November 2023	Section 42 Response Letter (email)	Section 42 response letter made comments on the PEIR including raising five specific matters on which a response was sought.
18 th December 2023	Follow up Meeting Property and Planning Team	<p>The Applicant gave overview of consultation to date, recognising TWUL as a key stakeholder.</p> <p>TWUL confirmed a meeting had been set up with Peabody in January to discuss the Proposed Scheme.</p> <p>TWUL sought response from the Applicant to its letter of 27.11.2023, objecting to the Proposed Scheme. TWUL considers it has not seen enough detail regarding site choice. High level discussion of key matters raised and desire by the Applicant to progress tripartite agreement.</p> <p>Discussion of property and acquisition matters, including draft Head to Terms for voluntary land acquisition, and the draft legal framework document for a tripartite agreement with Peabody that TWUL had not responded to.</p>
20 th to 28 th December 2023	Email exchange	Provision of Heads of Terms for an option to acquire the land owned by TWUL that is required

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		to deliver the Proposed Scheme. TWUL acknowledged receipt and requested plan to accompany the Heads of Terms.
3 rd and 4 th January 2024	Email exchange	The Applicant confirmed notification of red line boundary change.
5 th January 2024	Letter	The Applicant provided a written response to the five bullets in TWUL's s.42 response, as requested by TWUL at meeting on 18.12.2023.
30 th January 2024	Meeting	Discussion of measures incorporated into the design of the Proposed Scheme to reduce its water demand. TWUL agreed to carry out network modelling on the new flow requirement provided.
8 th January 2024; 31 st January 2024; 22 nd February 2024; 26 February 2024	Email	TWUL requested to review other consultees' responses to the statutory consultation. On 22 February the Applicant responded stating: <i>"As you'll appreciate, we are busy focussing on the finalisation of all the documentation for submission. All of the information you request below and our responses to the consultation responses received will be set out in the application."</i> And on 26 th February stating: <i>The DCO application is due to be submitted shortly, at which time you will be able to see the other</i>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<i>consultee submissions and, importantly, the project response to them; together this information may be useful to Thames Water considering its position.</i>
23rd February 2024	Email	TWUL confirmed it did not wish to be involved in the tripartite arrangement with Peabody in relation to the acquisition and future management arrangement of the extended Crossness LNR on the Norman Road Field.
27th February 2024	Meeting	Meeting to discuss water requirements. TWUL confirmed looking at the indicative water demand in a strategic context.
13th March 2024	Email	The Applicant acknowledged TWUL's position as set out on 23.02.2024. The Applicant confirmed intention to submit DCO Application by end of March, following which it will seek a meeting in April to progress discussions re voluntary acquisition.
2nd April to 5th April 2024	Email exchange	The Applicant provided confirmation that the DCO Application had been submitted and provided

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		access to the DCO Application documents pertinent to TWUL's interests.
8th April to 6th June 2024	Email exchange	The Parties agree a professional undertaking to cover: SoCG; acquisition of land and rights; and advising on how TWUL's interests may be affected by the Proposed Scheme.
22nd April 2024	Email	The Applicant confirmed the DCO Application accepted for Examination.
14th June 2024	Letter	TWUL submitted Relevant Representation based on the information available to/provided by the Applicant as at that date.
3rd July 2024	Email	Request to TWUL to provide copies of the grazing licences on its land.
8th July 2024	Meeting (Land Matters)	Meeting to introduce TWUL's new land agent to the Proposed Scheme, the land and rights the Applicant is seeking over TWUL's land, and to discuss whether TWUL wishes to progress discussions on a voluntary acquisition.
29 July 2024	Email	Copy of Grazing Tenancy provided to Ardent (on behalf of the Applicant)

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
31 st July 2024	Email	Bruton Knowles on behalf of TWUL reiterated its concern over position of flue gas ductwork in proximity to the West Paddock due to its higher ecological value and that it was not prepared to be involved in a tripartite management arrangement with Peabody in relation to an extended Crossness LNR. TWUL confirmed it could consider subject to the terms being agreeable, an early agreement for the land and rights being sought by the Applicant.
20 th September 2024	Email	The Applicant issued revised Heads of Terms to TWUL.
1 st October 2024	Email	TWUL acknowledged receipt of Heads of Terms, confirmed it had undertaken a high level review, and submitted (without prejudice) initial queries for clarification on the terms provided.
7 th October 2024	Email	Ardent on behalf of the Applicant advised Bruton Knowles (on behalf of TWUL) that the Applicant had formally advised the Examining Authority of its intention to update some of the submitted DCO Application documents, and that the Applicant submitted these on 25 September 2024.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
9 th October 2024	Email	Ardent on behalf of the Applicant provided a draft SoCG.
15 th October 2024	Email	<p>Bruton Knowles on behalf of TWUL acknowledged receipt of the draft SoCG. and proposed a further meeting to discuss HOTS for the voluntary agreement.</p> <p>Bruton Knowles on behalf of TWUL commented on key points in the proposed HOTS for discussion, including advising the consideration offer is not agreed. Also proposed keys terms of the proposed arrangements for the remainder of the nature reserve owned by TWUL.</p>
16 th October 2024	Email	Ardent asked if the SoCG could be submitted to the Examining Authority in for the form of a “Draft” and proposed a meeting to discuss HOTS on the 21 October 2024. Bruton Knowles advised it was seeking instructions on submitting a working draft of a SoCG but noted short turnaround and need to engage multiple stakeholders.
16 October 2024	Email	Bruton Knowles on behalf of TWUL advised that instructions were being sought to confirm if the SoCG could be submitted as a draft and confirming it required multiple parties to review it.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
21 st October 2024	Teams Meeting	<p>Ardent, Bruton Knowles and TWUL met to discuss the HOTS.</p> <p>Bruton Knowles on behalf of TWUL requested the Applicant did not submit a SoCG in draft to the Examining Authority, sought further clarification on the land requirements to deliver the enhancements to the Crossness Local Nature Reserve, and the parties discussed the proposed purchase price under the option, the option period and TWUL’s approval process.</p>
1 st November 2024	Email	<p>Ardent on behalf of the Applicant confirmed in writing to Bruton Knowles that the Applicant did not submit the draft SoCG at Procedural Deadline A.</p>
1 st November 2024	Email	<p>Adrent also provided further clarification to the rights and uses the Applicant is seeking, with reference to the outline LaBARDS, and suggested wording for if the purchase price for the land under the proposed voluntary agreement could not be agreed.</p>
7 th November 2024	Email	<p>Bruton Knowles on behalf of TWUL acknowledged email dated 1 November 2024 and proposed a further meeting to discuss the terms</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		for the voluntary agreement. Bruton Knowles also confirmed that TWUL that the voluntary agreement will need to determine a value for the land to satisfy governance and approvals.
13 th November 2024	Email	Pinsent Masons, on behalf of the Applicant send Eversheds, on behalf of TWUL, draft Deed of Obligation
14 th November 2024	Email	Fee undertaking letter provided to Bruton Knowles, confirming the fee is limited to advising TWUL on the agreement and acquisition of land and rights from TWUL and relevant implications of the DCO. Confirming the extent will not apply to objections or making representations in respect of the DCO application, invoices to be submitted quarterly.
15 th November 2024	Email	Bruton Knowles on behalf of TWUL wrote to Ardent to chase up a meeting and further suggested that TWUL would like to discuss the proposal to implement, manage the mitigation and enhancement works as proposed in the Deed of Obligation and LaBARDS agreement.
15 th November 2024	Email	Ardent confirmed the Applicant is happy to have a meeting to discuss Deed of Obligation and

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		<p>outline LaBARDS in due course. Ardent requested to have comments on the framework of the Deed of Obligation in advance of that meeting. Ardent suggested a meeting should have Pinsent Masons attending on behalf of the Applicant and Eversheds on behalf of TWUL. On the HOTS, Ardent also referenced recent transactions informing the Applicant's offer to acquire under the voluntary agreement, and suggested progressing the other terms in parallel.</p>
<p>2nd December 2024 – 13th December 2024</p>	<p>Email</p>	<p>Ardent propose an all-parties meeting, subsequent emails follow suggesting a date to be agreed in January with comments on HOTS, Deed of Obligation and SoCG to be shared in advance.</p>
<p>12th December 2024</p>	<p>Email</p>	<p>Bruton Knowles on behalf of TWUL return amended SoCG and Eversheds, also on behalf of TWUL, return comments on the draft Deed of Obligation</p>
<p>18 December 2024</p>	<p>Email</p>	<p>Pinsent Masons, on behalf of the Applicant, returns SoCG and responses to principle TWUL comments on Deed of Obligation.</p>

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
14 th January 2025	Teams	All parties meeting, reviewed and discussed draft HOTS for voluntary agreement, further meeting date proposed 7 February 2025.
17 th January 2025	Email	Eversheds on behalf of TWUL sends suggested Protective Provisions and SoCG

2.1.5. It is agreed **Table 2-1** summarises the key meetings that have taken place and correspondence exchanged between the Applicant and TWUL in relation to the issues addressed in this SoCG as at the date of this SoCG.

DRAFT

3. ISSUES

3.1. TERMINOLOGY

3.1.1. In the tables in this section of this SoCG:

- “Agreed” indicates where the issue has been resolved;
- “Under Discussion” indicates where these points are the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties; and
- “Not Agreed” indicates a final position of the Parties that is Not Agreed.

3.2. MATTERS AGREED

3.2.1. **Table 3-1** below details the matters Agreed between the Parties.

Table 3-1 Matters Agreed

Topic	Sub-topic	Details of Matters Agreed
Crossness Nature Reserve – Existing Arrangements	Formation	On 21 January 1994, outline planning permission was granted (reference 91/01318/OUT for the ‘ <i>construction of a sewage sludge incinerator using the fluidised bed process with dewatering, ash collection and gas cleaning facilities.</i> ’ The consent was subject to a s.106 agreement, also dated 21 January 1994, with principal commitment for TWUL to ‘ <i>maintain and enhance the Conservation Land for a period of 99 years from the date of approval of the Management Plan by the Chief Planning Officer ...</i> ’ (paragraph 4.3 of the s.106 agreement.) The Conservation Land referred to within the s.106 agreement is the Crossness LNR.
	Funding	As required under clause 4.4 of the s.106 agreement, TWUL paid a sum of money (to the value of not less than £150,000 and not more than

Topic	Sub-topic	Details of Matters Agreed
		<p>£300,000) for the future objectives, maintenance and enhancement of the Crossness LNR. TWUL funds a full time Manager for the Crossness LNR.</p> <p>Public funds (in 2005 and 2010) were secured for works on the Crossness LNR, including the construction of the stables that will be relocated by the Proposed Scheme.</p> <p>Maintenance and management works is undertaken by TWUL with assistance from the Friends of Crossness Nature Reserve volunteers upon request.</p>
	Designation	<p>Crossness LNR is a Local Nature Reserve located within the Erith Marshes Site of Importance for Nature Conservation.</p> <p>It is also designated Metropolitan Open Land (MOL)</p>
	Horse grazing	<p>Grazing by horses is an important element of the management of the Crossness LNR in order to maintain grazing marsh habitat and their ecological value. As such, this is undertaken pursuant to a grazing tenancy with TWUL. The grazier who utilises the TWUL land has been in this area for generations and is part of a family with historic ties to the land.</p>
Carbon Capture Facility	Project description	<p>Climate change is a global priority and the UK Government is seeking rapid decarbonisation with a legal requirement for the UK to achieve Net Zero by 2050.</p> <p>The Proposed Scheme would capture carbon dioxide emissions from Riverside 1 and Riverside 2. Both fossil and biogenic carbon will be captured, as waste from households and businesses is composed of</p>

Topic	Sub-topic	Details of Matters Agreed
		<p>materials which contain biogenic carbon such as paper, cardboard, and wood, as well as fossil carbon from materials containing plastics. By capturing the fossil carbon (circa. 50%), the Applicant’s operations will achieve net zero, i.e. no new carbon will be released into the atmosphere. By also capturing the carbon from biogenic materials, the Applicant’s operations will be carbon negative, because carbon that is part of the natural carbon cycle will be captured and stored, and thus permanently removed from the atmosphere.</p>
	Site policy designation	<p>The proposed site of the Carbon Capture Facility comprises approximately 70% of land allocated as Strategic Industrial Location within the Bexley Local Plan, with the remainder being designated Metropolitan Open Land and local nature reserve.</p>
	Water provision	<p>That the Applicant has evolved the processes within the Carbon Capture Facility to reduce its cooling water requirements following discussions with TWUL. Any reinforcement required to supply this water demand will be payable by the Applicant.</p>
	Trade effluent discharge	<p>Discussion will be continued as part of detailed design of the Proposed Scheme, when the composition and quantity of the trade effluent is confirmed. The latter will confirm whether Route 1 (discharge to the sewer) is feasible or whether Route 4 (Zero Liquid Discharge) is required.</p>
	Thames Water Access Road	<p>The Parties are discussing whether the combination of the Protective Provisions prepared for TWUL within the draft DCO, particularly</p>

Topic	Sub-topic	Details of Matters Agreed
		<p>paragraph 39, and the provisions of the Outline CoCP are appropriate and satisfactory.</p> <p>TWUL expects to receive proposals from Cory as a matter of urgency as to the diversion of the STW access road. TWUL cannot properly consider paragraph 39 unless and until it is satisfied the proposals will not affect TWUL’s operation of the Crossness STW.</p> <p>The Applicant’s position is that it will not be able to provide details of the diversion of the STW access road until the detailed design stage, if indeed a diversion is required. Paragraph 39 of the PPs ensures that TWUL approve any diversionary route, and any of their statutory/regulatory concerns could be used to justify any conditions or refusal of that diversionary route.</p> <p>TWUL notes the Applicant’s position but would also note that any diversion does not depend solely on TWUL’s approval. The HSE/emergency services may need to approve the diversion in accordance with the COMAH Regulations 2015 and the Environment Agency, which benefits from a right of way over the current access, will also need to agree the route and be provided with the necessary rights to any alternative.</p> <p>The Applicant notes that the EA’s position is protected by paragraph 28 of their Protective Provisions (which will be amended at Deadline 4 to refer to the commitment for access to be maintained where impacts are caused by the authorised development as a whole, not just within 3.5 m of the Pumping Station).</p>

Topic	Sub-topic	Details of Matters Agreed
		<p>The Parties have agreed that it will be the Applicant's responsibility to obtain any third party approvals (e.g. in relation to COMAH) and that obtaining such approvals (if applicable) are to be a pre-condition of TWUL granting approval. TWUL will use reasonable endeavours to cooperate with obtaining any third party approvals at Cory's expense, and any costs incurred by TWUL in providing its consent will also be covered by Cory. This will be reflected in updates to the Protective Provisions within the DCO.</p>
DCO	Article 53	<p>The Parties are agreed that if the scope of the byelaws is revised to be limited to be focussed only on public behaviour within the expanded LNR, and not how the LNR is managed, which is a matter for the LaBARDS, then it is appropriate that such byelaws are only able to be made by LBB (in consultation with TWUL and the undertaker), and not private entities such as the Applicant or TWUL. The Applicant will be amending article 53 at Deadline 4 to therefore remove the ability for the undertaker to make byelaws and to delete article 53(1)(a). On that basis, TWUL will be content with this article.</p>
		<p>To be continued</p>

3.3. MATTERS UNDER DISCUSSION

3.3.1. Table 3-2 below details the matters Under Discussion between the Parties.

Table 2-2 Matters Under Discussion

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
Terrestrial Ecology	Survey methodologies	<p>The Parties are discussing the Applicant’s survey methodologies.</p> <p>A number of survey methodologies are not considered satisfactory by TWUL, as set out in its written representation dated 26 November 2024, and therefore do not provide an appropriate baseline for the assessment and consequent mitigation and enhancement proposals. TWUL has requested additional surveys be undertaken to address this.</p> <p>The Applicant’s Deadline 2 responses to TWUL, Save Crossness LRN and Buglife (REP2-019) set out why the Applicant considers that its ecological survey approach is sufficient to understand the baseline and assess the likely significant effects of the Proposed Scheme. The Applicant does not intend to carry out any further surveys during the DCO decision making process.</p>
Proposed Scheme	Site selection	<p>The Parties are discussing the Applicant’s site selection process.</p>

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		<p>TWUL does not consider the Applicant’s site alternatives process to be sufficient. TWUL strongly believes the proposed site location is not acceptable and that the Proposed Scheme could viably be located (and therefore should be located) on either the East Zone or Veridion Park</p> <p>The aspects of the Proposed Development that are not located on SIL are located on MOL and CNR which TWUL considers does not comply with local plan policy.</p> <p>TWUL also considers that there are feasible alternatives available on the East Zone (the Industrial Estate) which would require no loss of MOL and LNR and would meet 4 of the Applicant’s 5 Optioneering Principles. The selected site fails Optioneering Principles 1, 2 and 4.</p> <p>The Applicant considers that through its Planning Statement (APP-040), Responses to Relevant Representations (AS-043), the TSAR (APP-124), the TSAR Addendum (AS-044 and AS-062), its submissions at ISH (REP1-025), Appendices D and E of those submissions (REP1-026), and its response to Interested Parties’ Deadline 1 submissions (REP2-019) it has justified that:</p> <ul style="list-style-type: none"> • its optioneering process is robust;

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		<ul style="list-style-type: none"> • that very special circumstances are made out for the very small impact to MOL that is caused by the Proposed Scheme and so is compliant with local plan policy; • that whilst a small amount of LNR is taken for the Proposed Scheme, the Proposed Scheme will improve the condition of the remaining area; • no site in the East Zone is a feasible alternative; • Veridion Park is a wholly unsuitable alternative site for the Carbon Capture Facility, and that, in line with NPS EN-1 paragraphs 4.3.26-4.3.29, it is for TWUL to bring forward evidence to demonstrate that it is a suitable alternative; and • the Applicant’s position in respect of Optioneering Principles 1, 2 and 4 for the preferred site is appropriate.
	Impacts to Crossness LNR	<p>The Parties are discussing the suitability of the proposals set out in the Outline LaBARDS to address impacts on the Crossness LNR.</p> <p>At present, TWUL considers the proposals to be inadequate, whilst the Applicant considers they are</p>

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		adequate to both mitigate the impacts of the Proposed Scheme and provide enhancements.
	Mitigation and Enhancement Area	The Parties are in discussions to ensure that together the DCO and proposed Deed of Obligation will ensure that TWUL is not required to manage the Mitigation and Enhancement Area and will only be party to a Deed of Obligation in respect of the existing Crossness LNR, subject to agreeing the details in relation to cost, input into the detailed LaBARDS, and the proposed ‘endowment’ payment.
	Voluntary Agreements	The Parties are discussing the terms for voluntary agreements in respect of the land required for the Carbon Capture Facility including the Flue Gas Ductwork, the Mitigation and Enhancement Area, and arrangements for any diversion of the TWUL Access Road.
	Lagoon Field	<p>The Parties are discussing the impacts of the Proposed Scheme on this field.</p> <p>TWUL considers that the Applicant has not carried out adequate ecological surveys in Lagoon Field, which is understood to be the proposed location for the diverted Access Road and stables.</p> <p>The Applicant notes that there is no finalised route for the diverted access road. The Works Plans simply allow space</p>

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		<p>for it to happen. The Applicant’s Deadline 2 responses to TWUL, Save Crossness LRN and Buglife (REP2-10) set out why the Applicant considers that its ecological survey approach is sufficient to understand the likely significant effects of the Proposed Scheme, including for these impacts, and its Response to the Examining Authority’s First Written Question 1.11.0.4.</p>
	Water Provision	<p>The Parties are discussing the level and detail of any reinforcement required for water demand, noting that this will still need to be continued to be discussed and will not be finalised until the detailed design stage, pursuant to the standard regulatory regime.</p>
DCO	Protective Provisions	<p>The Parties are discussing the form of Protective Provisions for TWUL’s benefit to be included in the DCO.</p> <p>TWUL has proposed its updated standard Protective Provisions to the Applicant. The Applicant has considered these and returned comments to facilitate on-going discussion.</p>
	Article 50	<p>The Parties are discussing the drafting of this article.</p> <p>TWUL are considering the Applicant’s Response to Relevant Representations to consider if their concerns in respect of article 50 have been dealt with. TWUL reserves its position on Article 50 until it understands the local</p>

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		<p>planning authority’s position on the abrogation of clause 4 of the 1994 agreement.</p> <p>The Applicant notes that LBB have raised no concern in respect of the operation of this article to date.</p>
	Requirement 12	<p>The Parties are discussing the drafting of this Requirement.</p> <p>TWUL considers that it requires input into the design of the detailed LaBARDS, insofar as it relates to the part of the LNR owned by TWUL, on the basis that the Applicant is proposing that TWUL undertakes the management of this land in accordance with the LaBARDS.</p> <p>The Applicant added TWUL as a consultee on the LaBARDS in the DCO submitted at Deadline 1, both before submission to LBB (para 42 of the TWUL PPs) and following submission by LBB (Requirement 12). As the final position on the LaBARDS is a planning matter, the Applicant does not consider that TWUL should have an approval role for the LaBARDS.</p>
Compulsory Acquisition	Justification for Powers	<p>TWUL does not consider that Cory has met the statutory tests for the grant of compulsory purchase powers in respect of TWUL land, as set out in its written representation dated 26 November 2024.</p>

Topic	Sub-topic	Details of Matters Under Discussion and Party Positions
		<p>The Applicant considers that it has met the statutory tests for the grant of compulsory purchase powers in respect of TWUL land, as explained in the Statement of Reasons (APP-020) at CAH1 (REP1-028), in its response to TWUL’s Deadline 1 submissions (REP2-019), and in its response to the Examining Authority’s First Written Questions at Deadline 3.</p>

3.4. MATTERS NOT AGREED

3.4.1. **Table 3-3** below details the matters Not Agreed between the Parties.

Table 3-3 Matters Not Agreed

Topic	Sub-topic	Details of Matters Not Agreed
		<p>To be continued</p>

3.5. REFERENCES

¹ UK Government. 2008. 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects'. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>

² UK Government. 2008. 'Planning Act 2008'. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

³ Cory Environmental Holdings Limited. (2023). 'Environment Impact Assessment Scoping Report: Cory Decarbonisation Project'. Available at:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010128/EN010128-000021-EN010128%20-%20Scoping%20Report.pdf>

⁴ Cory Environmental Holdings Limited. (2023). 'Preliminary Environmental Information Report: Cory Decarbonisation Project'. Available at: <https://corydecarbonisation.co.uk/document-library/>