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MMO Reference: DCO/2023/00007
Planning Inspectorate Reference: EN010128

21 February 2025

Dear Sir or Madam,

Planning Act 2008, Cory Environmental Holdings Limited (CEHL), Proposed Cory Decarbonisation Project Order

Deadline 4 Submission

On 18 April 2024 the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Cory Environmental Holdings Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Cory Decarbonisation Project (the “DCO Application”) (MMO ref: DCO/2023/00007; PINS ref: EN010128).

The Applicant seeks authorisation for the construction, operation, maintenance and decommissioning of a carbon capture facility, including supporting plant and ancillary infrastructure.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully

[Redacted signature]

[Redacted name]

Marine Licensing Case Officer

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Contents

1. MMO Comments on Applicant's Response to Interested Parties' Deadline 1 Submissions: 9.12 [REP2-019]	3
2. MMO Comments on Stakeholders Deadline 3 submissions	12
3. Policy Accordance Tracker: 5.3 [REP3-005]	12
4. Statement of Common Ground Marine Management Organisation: 8.1.7 (Rev C)	12
5. MMO Comments on Change Request and Consultation Report No. 2: 9.19 [AS-067] ..	12



1. MMO Comments on Applicant's Response to Interested Parties' Deadline 1 Submissions: 9.12 [REP2-019]

1.1. The MMO has addressed each of the Applicant's responses in the table below. Please note that the same number referencing for each comment as presented in Table 2-1-2 of the Applicant's Response to Interested Parties' Deadline 1 Submissions document has been used for consistency.

Document Reference	Summary of Issue Raised	Applicant's response	MMO comments
REP1-036	<p>Dredging 3.2.2. The Applicant has confirmed within the Change Request and Consultation Report Appendices (page 57) "As set out in Chapter 2: Site and Proposed Scheme Description of the Environmental Statement (ES) Volume 1) (APP-051) at Paragraphs 2.4.61 to 2.4.62, dredging activities will be carried out using a backhoe dredger. WID and TSHD dredging will not be undertaken as part of capital or maintenance dredging for the Proposed Scheme". The MMO, in consultation with the Centre for Environment, Fisheries and Aquaculture Science (Cefas), therefore considers that the Applicant has addressed the original comments.</p> <p>3.2.3. The original comment seeking to clarify which Marine Licence the maintenance dredging will be permitted under remains outstanding and the MMO requests further information is provided on this.</p>	<p>3.2.2. The Applicant notes this response.</p> <p>3.2.3. Maintenance dredging for the Proposed Scheme is proposed to be covered under the Deemed Marine Licence at Schedule 11 of the Draft DCO (updated alongside this submission) for the Proposed Scheme, see condition 3(2)(d).</p>	<p>The MMO thanks the Applicant for confirming and are content with this.</p>
REP1-036	<p>Sampling 3.2.4. The MMO notes from the Change Request and Consultation Report that the Applicant made a commitment to complete additional sediment sampling at 8m depth across the proposed dredging profile, as per SAM/2024/00042. We</p>	<p>3.2.4. Acknowledged. As described within the Applicant's Response to Relevant Representations (AS-043), the sample plan consultation was completed with</p>	<p>The MMO thanks the Applicant for confirming and are content with this.</p>

	<p>further note that a disposal site will be selected upon review of the sample results. The MMO therefore considers the provision of the results is likely to address some of the previous concerns raised in our Relevant Representation, pending completion of the sample plan consultation.</p>	<p>the MMO and PLA with the number of sample stations increased to 10. Once the sediment sampling has been completed, the results and assessment will be shared with the MMO and an update on this matter will be provided to the Examination. This expected to be in March 2025.</p>	
REP1-036	<p>Validity of Environmental Statement Conclusions</p> <p>3.2.5. The Applicant has still not provided evidence as to why they categorise the magnitude of impact as ‘medium’ for most receptors, ‘low’ for marine plants and macroalgae, and ‘negligible’ for plankton and marine mammals. The evidence to assess these conclusions is likely to be the sample results, so the MMO considers that this can be revisited once the samples results are provided.</p> <p>3.2.6. Evidence should be provided to support the Applicant’s conclusions regarding magnitude of impact. Until then, the original comment remains outstanding. The evidence for this will likely be the sample results so the MMO requests that the Applicant review and update the Environmental Statement as appropriate alongside the sample results when available.</p> <p>3.2.7. In addition, it does not appear that the Applicant has sufficiently assessed the impacts of changes in water quality and the release of</p>	<p>3.2.5. The medium magnitude for fish has been derived by taking a precautionary approach and assuming any sediment contaminants released during activities will be harmful to fish species in conjunction with the transient nature of fish within this section of the River Thames. The transient nature of fish will reduce the potential exposure to sediment bound contaminants and thus reduce the magnitude of the impact.</p> <p>The low magnitude for marine plants and macroalgae was derived from the distribution within the study area (i.e. colonising marginal areas and hard substrates) and the limited interactions with construction activities such as dredging and piling. In addition, the coastal</p>	<p>3.2.5. The MMO notes that sediment contamination data at depth (8 metres) has not yet been provided and so it is difficult to agree to any sort of predicted magnitude of impact as without any such characterisation there is still a large margin for error.</p> <p>The MMO considers the Applicant’s response to point 3.2.5 is still not appropriately justified, however defers further comment until the depth data are available. This is because, if the depth data do not indicate a cause of concern (contaminant levels are acceptable) then a lower magnitude of impact can be justified by this. Until then, the MMO is unable to agree to any sort of conclusion of low or medium significance in some with such a paucity of data.</p>

	<p>contaminants resulting from the proposed maintenance dredging. The Applicant should assess impacts from maintenance dredging separately and provide this assessment for review.</p> <p>3.2.8. The MMO notes from the Change Request and Consultation Report Appendices (page 59) the Applicant has “described, with evidence, that the Change is not likely to result in changes to the conclusions within the Environmental Statement. This is presented at Table 4-1 of the main report”. However, it is not clear which document the ‘main report’ is referring to, thus, the MMO is unable to confirm at this time that the Change has been assessed in an appropriate and proportionate manner. The MMO, in consultation with Cefas, would be happy to review the evidence if the Applicant could provide the report for review. Until then, this conclusion of the Environmental Statement remains outstanding.</p>	<p>process modelling predicted that the majority of suspended sediments would be retained within the main channel and not be deposited on marginal areas. Therefore, the anticipated magnitude of change is expected to be low.</p> <p>The negligible magnitude for plankton was derived from the high tidal flows within this section of the River Thames resulting in high mixing and low residence times for plankton within the study area and subsequent exposure to any released contaminants.</p> <p>The negligible magnitude for marine mammals was derived from their transient nature and low numbers reported within the study area.</p> <p>The negligible magnitude for Marine habitats and Associated Intertidal and Subtidal Benthic Communities was derived from the background levels of suspended sediments and waterborne contaminants within the Thames and took into consideration existing activities</p>	<p>3.2.6. Given the above comments regarding 3.2.5, the MMO considers that point 3.2.6 remains outstanding.</p> <p>3.2.7. The MMO notes that modelling of sediment concentrations and deposition was undertaken (paragraph 8.8.130 of ES Chapter 8) and acknowledges that the Applicant has considered suspended sediment concentrations on the various receptors within the ES, however much of this appears to be in relation to background levels and natural variation. Having reviewed paragraphs 8.8.139 to 8.8.142 of the ES, the description of the potential impacts specifically from maintenance dredging appears to be limited.</p> <p>The potential impacts assessed from the capital dredging have been used to inform maintenance dredging impacts, which, as separate activities, is not appropriate. The Applicant considers the potential impacts from the capital dredge to be of a ‘negligible magnitude’, and as the</p>
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		<p>such as maintenance dredging occurring within the study area. The scale of the proposed works in comparison to the intertidal and subtidal habitats present within the River Thames also reduces the magnitude.</p> <p>Therefore, the Applicant considers the existing conclusions of the assessment presented within Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057) to be valid. It is anticipated that the results of the sampling analysis will validate the findings of the assessment and further impact assessment will not be required.</p> <p>3.2.6. Please see responses 3.2.4 and 3.2.5 above.</p> <p>3.2.7. The Applicant considers that the potential effects from maintenance dredging have been suitably assessed within Paragraphs 8.8.139 to 8.8.142 of Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057) and within Appendix 11-4: Coastal</p>	<p>volume of material removed for each maintenance dredge campaign will be significantly less than during capital dredging, the potential impacts from maintenance dredging will be reduced. The MMO cannot agree that the impacts from capital dredging will be of a 'negligible magnitude' as again in the absence of depth data, the Applicant cannot justify this conclusion regarding release of contaminants with any notable certainty. The Applicant will need to re-assess the potential impacts of the capital and maintenance dredging in light of the additional depth sample results.</p> <p>3.2.8. The MMO thanks the Applicant for confirming that the 'main report' is the Change Request and Consultation Report (AS-048).</p> <p>The MMO requires clarification regarding the changes in dredge volumes.</p> <p>It is stated in the Change Request and Consultation Report that the Applicant requires "<i>an increase in assumed capital dredging volume</i></p>
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		<p>Modelling Studies of the Environmental Statement (Volume 3) (APP-109) (and throughout the rest of the Operational Phase assessments presented in the chapter).</p> <p>3.2.8. The ‘main report’ is the Change Request and Consultation Report (AS-048), the evidence provided is presented within Table 4-1 of the report.</p>	<p><i>by approximately 40,000m³</i>. However, Table 4-1 of this document states that “<i>during the operation phase, there will be an increase in the dredged arisings by 1,000m³ (or 10% of the original volume) a year</i>”. It is presumed that this volume increase is referring to the maintenance dredging, which was previously estimated to be 9000m³ of material, therefore 10% would equate to an additional 900m³ per year.</p> <p>The MMO requests that the Applicant clarify the maintenance dredge volume, as the 10% increase (1000m³) per year during the operational phase would suggest it is currently 10,000m³.</p> <p>It is assumed that the increase in capital dredge volume will be responsible for the subsequent increase in maintenance dredge volume. However, this should be clarified and stated explicitly in an updated Change Request and Consultation Report.</p> <p>The MMO requests that the Applicant confirm the worst-case</p>
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			volume for capital dredging, to be undertaken via backhoe dredging.
REP1-036	<p>Fisheries and Fish Ecology</p> <p>3.5.1. The Applicant has not addressed all the previous comments and concerns raised by the MMO. The outstanding concerns mainly relate to the appropriateness of the suggested mitigation measures along with the Applicant’s justification for these. It should be noted however, that some appropriate changes to the mitigation measures have now been made, including the commitment to a nighttime restriction on piling works to reduce the impacts to species such as European eel (<i>Anguilla anguilla</i>) which undertake nocturnal migrations.</p> <p>3.5.2. The Applicant has still not presented the sensitive migratory periods for diadromous Thames fish, apart from eel. It was previously requested, that the upstream/downstream migrations of the relevant sensitive species must be clearly presented (e.g. in a table). The Applicant has justified the lack of inclusion of such information by stating that the “suggested mitigation period (April to September) is based upon the migration of European smelt” (<i>Osmerus eperlanus</i>). Also stating that “this period also overlaps with the main European eel migration period (March to October) therefore it is deemed sufficient”. Whilst it is true that this mitigation period suggested by the Applicant overlaps some of the sensitive migratory periods of smelt, along with other species, not presenting the</p>	<p>3.5.2. The Applicant considers that appropriate information regarding fish migration has been included within Section 8.6 and 8.8 of Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057). Following consultation with the MMO and Environment Agency regarding sensitive periods for migratory fish, appropriate mitigation measures will be employed, which were included within the updated Outline CoCP (AS-029) submitted on 25 September 2024. In addition to the above, the Applicant will provide the MMO with a table detailing the migration periods of fish utilising the Tidal Thames in a separate technical note in January 2025.</p> <p>3.5.3. The Applicant has updated the Outline CoCP (as updated alongside this submission) whereby “<i>any pilling and construction activities occurring in the month of March will only occur at low tide and within a dry environment</i>”, in</p>	<p>The MMO thanks the Applicant for providing the Fish Migration Table Technical Note which presents the key sensitive migratory periods for the relevant fish receptors including smelt, which is appropriate.</p> <p>The MMO welcomes the update made to the Outline Code of Construction Practice (AS-029) whereby “<i>any pilling and construction activities occurring in the month of March will only occur at low tide and within a dry environment</i>”, in order to reduce impacts on the sensitive periods for smelt, including upstream migration of adults and downstream migration of juveniles.</p> <p>The MMO confirms that we have no further concerns regarding fisheries and fish ecology impacts in relation to this application.</p>

<p>migration period(s) for each species does not allow easy interrogation of the proposed dates. If a table of the migratory periods was clearly presented it would be clear that the suggested mitigation period does not provide appropriate protection for smelt. The MMO considers that this must be provided for review.</p> <p>3.5.3. The temporal restriction on piling activities suggested by the Applicant between the months of April – September has not been adjusted, so it still doesn't provide adequate protection for migrating smelt. Again, it would have helped the assessment and the justification of the chosen mitigation period if the Applicant had clearly presented the sensitive migratory periods for the key fish receptors. As previously raised by the MMO in our Relevant Representation, the month of March can be considered a key period of smelt migration as they migrate upstream to reach their spawning grounds (sites near Wansworth Bridge and Greenwich). Smelt are expected to migrate upstream past the project site in late February/ early March, which is supported by several studies showing that; smelt spawning occurs in early March in the Thames (Maitland, 2003), smelt spawn over an elongated period of five weeks during March and the beginning of April with a one-to-three week peak spawning period within that window (ZSL, 2016), and that high abundances of several-weeks-old smelt were found at Greenwich in 2018 (10km upstream from the proposed development) (ZSL, 2019). Therefore, the MMO, in consultation with</p>	<p>order to reduce impacts on the sensitive periods for smelt, including upstream migration of adults and downstream migration of juveniles.</p> <p>3.5.4. This comment has been acknowledged by the Applicant.</p>	
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<p>Cefas, has a high level of confidence that piling works undertaken below the water line during March will overlap with the upstream migration of adult smelt from February onwards. We do note that the Applicant has now stated that activities occurring in the month of March will focus on, and be limited as much as practicable, to low tide and within a dry environment. Nevertheless, this still allows the potential for piling activities to occur during a key period for smelt migration and fall short of a full restriction. If the Applicant could commit to no piling operations occurring below the water during March, then this would largely eliminate the potential for significant adverse impact to smelt from underwater noise from piling. For this reason, and in line with other developments of a similar nature in this part of the Thames, the MMO requests the following temporal mitigation measure to be included within the DML to reduce the potential impacts on migratory species: Between 1 March and 30 June (inclusive), in any given year, no piling of any type must take place in the water. Reason: to protect adult European smelt during their upstream migration to their spawning grounds. Additionally, a restriction until end of June will afford protection to juvenile/larvae migration downstream of the site for both smelt and Atlantic salmon.</p> <p>3.5.4. The Applicant has now also responded to the concerns raised in the previous consultation, relating to the material changes to the project design envelope. It is stated that these changes</p>		
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	will not result in any increases in piling operations, and despite the dredge volume increasing, the duration of the dredging works will remain the same at six months. Based on this clarification by the Applicant, the MMO is content that, with the appropriate mitigation, the changes to the project design will not significantly increase the potential impacts to fish receptors.		
REP1-036	<p>The Change Request</p> <p>Regarding the proposed Change to the original application submitted: “<i>As described within Table 4-1 of the main report, there are no anticipated changes to the vibro-piling and impact piling</i>”, the MMO is not clear what the ‘main report’ is, and no reference is provided for this. Thus, we are unable to confirm at this time that the Change has been assessed in an appropriate and proportionate manner. As above, the MMO is not clear what the ‘main report’ is, and no reference is provided for this. Thus, we are unable to confirm at this time that the Change has been assessed in an appropriate and proportionate manner.</p>	<p>The main report that is being referred to is the Change Request and Consultation Report (AS-048) which has assessed the impacts of vibro-piling and percussive piling on marine receptors within Table 4-1. The Change Request and Consultation Report (AS-048) concluded no anticipated changes to the assessment based on the small increase in the length of the sheet piled wall and the embedded mitigation including seasonal restrictions and limiting percussive piling to 30 minutes a day.</p>	<p>The MMO thanks the Applicant for confirming that the ‘main report’ is the Change Request and Consultation Report (AS-048).</p> <p>From the information provided, there will be no significant changes to the piling and dredging activities that were originally assessed. Therefore, the MMO is satisfied that this comment has been addressed and has no further concerns regarding underwater noise in relation to this application.</p>

2. MMO Comments on Stakeholders Deadline 3 submissions

- 2.1. The MMO has reviewed the Deadline 3 submissions of the following interested parties:
- Environment Agency – Responses to ExQ1 [REP3-037]
 - Natural England – Responses to ExQ1 [REP3-040]
 - Port of London Authority – Responses to ExQ1 [REP3-042]
 - Port of London Authority – Comments on any further information or submissions received at Deadline 2 [REP3-050]
- 2.2. The MMO has no comments on these and will maintain a watching brief on any further discussions or issues, in particular if any mitigation should be secured within the DML.

3. Policy Accordance Tracker: 5.3 [REP3-005]

- 3.1. The MMO has reviewed the Policy Accordance Tracker: 5.3 document. The Applicant has provided a consideration of the relevant South East Inshore Marine Plan policies within Table 1-2. The MMO is satisfied that the Applicant has detailed how the application is compliant with the relevant Marine Plan policies and has no further concerns regarding consideration of the South East Inshore Marine Plan.

4. Statement of Common Ground Marine Management Organisation: 8.1.7 (Rev C)

- 4.1. The MMO has reviewed the Statement of Common Ground Marine Management Organisation: 8.1.7 (Rev C) document. This document was provided to the MMO via email on 15 January 2025 and the MMO provided comments to the Applicant regarding the Statement of Common Ground on 11 February 2025.
- 4.2. There are a number of matters currently under discussion between the MMO and the Applicant. The MMO will look to review any further revisions of the Statement of Common Ground as Examination progresses.

5. MMO Comments on Change Request and Consultation Report No. 2: 9.19 [AS-067]

- 5.1. The MMO has reviewed the Change Request and Consultation Report No. 2: 9.19 document and has no comments or concerns regarding the changes to the application.

