STATEMENT OF COMMON GROUND - ENVIRONMENT AGENCY: 8.1.3

DECARBONISATION

Cory Decarbonisation Project

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Date	25/02/2025	25/02/25

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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[1]. 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 aid 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 in Bexley, London. The DCO Application has been made in accordance with Section 37 of the Planning Act 2008 (as amended) 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 Cory Decarbonisation Project (the 'Proposed Scheme'). The Proposed Scheme is to be located at Norman Road, Belvedere in the London Borough of Bexley (LBB) (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 (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 ENVIRONMENT AGENCY

1.2.1. This SoCG has been prepared between the Environment Agency and the Applicant (jointly referred to as 'the Parties') in relation to the DCO Application.

1.2.2. The Environment Agency is a regulator and statutory consultee as prescribed under Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended). All proposed applications which are likely to affect land in England/Wales must consult the Environment Agency.

1.2.3. Advice and consultation responses are typically provided as part of non-statutory consultation and engagement, in response to the Environmental Impact Assessment (EIA) Scoping Report[2], as part of statutory consultation (including on the Preliminary Environmental Information Report (PEIR)[3], engagement on the development of the Environmental Statement, Flood Risk Assessment, Coastal Modelling, Water Framework Directive Assessment 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, Not Agreed or Under Discussion between the Parties.

1.3.2. In respect of matters relevant to the Proposed Scheme but not referred to in this SoCG, the Environment Agency has no further comments to make at this point. It may have further or additional comments to make, particularly if further information about the Proposed Scheme becomes available.

1.3.3. The SoCG is a document that will evolve during the Examination stage 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 Environment Agency 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 comment on draft documentation, but this table reflects the key meetings and emails of note that have taken place between the Parties.

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
16th February 2023	Meeting	Initial introductory consultation meeting to present the Proposed Scheme. The following key topics were discussed: • The Proposed Jetty, including pontoon mitigation options; • Construction dredging; • Existing statutory flood defences; • Sediment modelling; and • Wave wash impacts on the shoreline.
13th April 2023	Meeting	Consultation meeting to discuss the proposed marine works, the relationship between the Proposed Scheme and the statutory flood defences, the design life of the marine components of the Proposed Scheme and the proposed methodology for the marine biodiversity assessment, the flood risk assessment, the coastal modelling assessment and sediment processes assessment.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		The Environment Agency advised that it holds the Environment Agency's Marsh Dykes model, which is the best representation of flood risk in the area, and that this can be provided. The Environment Agency also advised that it is in the process of updating the Thames Estuary 2100 extreme water levels within the River Thames, and will subsequently update the associated breach modelling, although it was noted that both elements may not be available prior to submission of the application for development consent.
20th April 2023	Email	An updated coastal modelling assessment methodology and sediment processes assessment methodology was provided by the Applicant.
21st April 2023	Email	Local flood model data requests were made via email following the meeting on the 13th April 2023 for the Environment Agency's Marsh Dykes model, the Thames Estuary Breach Assessment (2018) and Thames Estuary 2100 extreme water levels. These were provided by the Environment Agency.
10th May 2023	Email	The following data requests were received from the Environment Agency: • The Environment Agency's Marsh Dykes model; • The Thames Estuary Breach Assessment (2018); and • Thames Estuary 2100 extreme water levels.
26th May 2023	Scoping Opinion	The Planning Inspectorate's EIA Scoping Opinion[4] contained comments from the Environment Agency. Those comments and the Applicant's response are shown in **Appendix 4-2: Scoping Opinion Response (Volume 3) (APP-076)**.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
15th September 2023	Meeting	Meeting with the area relevant planning specialists to confirm what data requests were outstanding and to whom the requests for data had been sent. Follow up actions were assigned to both parties.
20th September 2023	Meeting	Meeting to discuss the data available and the methodology for **Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)** and the methodology for the coastal modelling and sediment processes assessment. The Environment Agency agreed that sediment modelling was required for the Proposed Scheme.The Environment Agency confirmed that they have no concerns regarding sedimentation of the Great Breach Outfall, vessel wash, intertidal habitats, and impacts on the statutory flood defences.
27th October 2023	Email	The Applicant contacted the Environment Agency to seek pertinent information including contamination issues, water quality, landfill records and remedial works relating within the Study Area.
31st October 2023	Email	Response from the Environment Agency stating that the above enquiry had been forwarded to the Environment Agency Customers and Engagements Team.
14th November 2023	Email	The Environment Agency provided the following guidance to the Applicant on the timings of works in relation to fish species: *"If percussive piling is necessary in the water, piling should be carried out outside the main periods of fish migrations. In the River Thames, this is between April to September inclusive, whilst for sites close to spawning areas, this period is extended to March to September inclusive."*

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
29th November 2023	Section 42 Response Letter (email)	The Environment Agency's Section 42 response letter made comments on the following topics of the PEIR[3]: • Flood risk; • Potential contamination and groundwater protection; • Biodiversity; • Water Framework Directive; and • Wastewater treatment.
1st December 2023	Meeting	Meeting to discuss the overall scope of **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**, which included fish migration periods and dredging method.
13th December 2023	Meeting	Specific meeting to discuss the water quality scope of **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**, which included sampling, guidance on dredging and the WFD Screening and Scoping Report.
15th December 2023	Email	Response from the Environment Agency regarding pertinent environmental information for the Study Area.
14th December 2023	Meeting	Meeting to discuss the preliminary findings of the modelling assessment and sediment processes assessment undertaken. The key outcomes:

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		• The Environment Agency asked for more evidence to be included in the application for a development consent on: – The as built or surface water drainage strategies for Riverside 1 and 2; and – The distance from the proposed works to the Great Breach Pumping Station and more detail on the cross sections of the watercourse. • The Environment Agency confirmed agreement with the approach of the modelling assessment and sediment processes assessment undertaken.
20th December 2023	Email	The email from the Environment Agency provided baseline water quality data and additional guidance on the assessment of water quality within the River Thames to inform **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**.
22nd December 2023	Email	The email provided technical feedback from the Environment Agency on the WFD Screening and Scoping report submitted for comment (since superseded by **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**.
14th June 2024	Letter	The Environment Agency submitted their **Relevant Representation (RR) (RR-065)**. The following topics were covered in: • Flood risk; • Land raising; • Breach modelling; • Great Breach Pumping Station;

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		• Sediment modelling; • Terrestrial ecology; • Water Framework Directive; • Environmental permits; • Survey data; • Groundwater protection; • Permitting and waste; and • Wastewater discharge.
8th August 2024	Meeting	A meeting was held to discuss the Environment Agency's RR (**RR-065**) covering the following components: • Sediment contamination; • Breach modelling locations; • Offsite increases in flood risk; and • The Environment Agency site visit (14th August 2024).
14th August 2024	Meeting	An in-person meeting was held at the Site with the Environment Agency, the Applicant and the WSP Water team to discuss Flood Risk and the Environment Agency's **RR (RR-065)**. Specific items of discussion included the following: • Land raising; • Mitigation measures;

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		• Breach modelling; • Buffer zones to watercourses; and • River Thames barrier. The following items were also discussed briefly although were not the focus of the meeting: • Biodiversity Net Gain; • Permits; • Potable water; • Groundwater; and • Protective provisions.
9th September 2024	Meeting	A meeting was held with the Applicant and the Environment Agency to discuss sedimentation and coastal processes with the following topics discussed: • An overview of the information used to inform the coastal processes assessment and supporting modelling; • Modelling for the Proposed Jetty location; • Sedimentation at the Great Breach Outfall location; • Protective provisions; • Thames Estuary 2100 Plan; and • Follow up discussion from 14th August Flood Risk meeting (as above).

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
12th September 2024	Email	The Environment Agency previously suggested the removal or enhancement of a rock revetment as an ecological enhancement at a nearby location, Riverside Way, during consultation. This could create an opportunity to deliver intertidal Biodiversity Net Gain (BNG) for the Cory Decarbonisation Project through several interventions, such as removing the rock revetment to restore intertidal mudflat habitat or enhancing the revetment with artificial rock pools and/or planting. The Applicant requested further details on the Environment Agency's aspirations for this location to explore the feasibility of using it for intertidal BNG. The Applicant also inquired about any other intertidal enhancement schemes in the area.
13th September 2024	Email	The Applicant provided the Cory Thames Estuary Breach Model for the Environment Agency's review.
16th September 2024	Email	The Applicant sent the minutes from the Sedimentation Meeting held on 9th September 2024 and included a draft version of the Environment Agency's SoCG, requesting their review and signature.
17th September 2024	Email	The Environment Agency responded to the Applicant's email, indicating that, due to limited internal resources, they require additional time to review and sign the SoCG. They also requested access to the Proposed Scheme's Design Principles and Design Code for review prior to signing the SoCG.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
19th September 2024	Email	The Applicant provided the Proposed Scheme's submitted version of the Design Principals and Code document.
7th October 2024	Email	The Applicant informed the Environment Agency of their plan to update certain submitted DCO Application documents through a Notification of Change Letter to the Planning Inspectorate, a link to these was provided, intended to support the Environment Agency's preparation for the examination.
21st October	Email	The Environment Agency acknowledged receipt of the Cory Thames Breach Model email from the Applicant from the 13th September 2024. The Environment Agency stated that a hydraulic modelling report is typically required for flood model reviews and requested the Applicant to submit this report. Additionally, they highlighted the need for sensitivity testing within the model. The Environment Agency further requested that the Applicant provide a justification for the approach to sensitivity testing and outline this justification within the hydraulic modelling report.
30th October 2024	Email	In response to the sedimentation meeting held on 9 September 2024, the Environment Agency raised concerns regarding the Applicant's modelling choice as a valid assessment of coastal change. Additionally, the Environment Agency requested clarification on the location and potential ecological enhancement of the rock revetment between the mudflat and tidal defence at a nearby site. They have also requested a meeting to discuss the Design Principles in relation to the Estuary Edges and the Thames Estuary Partnership.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
31st October 2024	Email	The Applicant submitted Annex B of the Flood Risk Assessment, which contains the Cory Thames Estuary Breach Model report, to the Environment Agency and provided a detailed explanation of the decision regarding sensitivity testing. Sensitivity testing, typically used to assess a model's responsiveness to parameters when observational data is unavailable, was not conducted in this case. Since the breach model is designed to represent residual risk from a standardised breach scenario without calibration data, altering tidal boundary conditions or the model's Manning's "n" roughness would likely not affect the overall flood risk assessment, given the model's large domain, short breach duration, and standardised breach width. Therefore, sensitivity testing was considered unnecessary in this context, as it would not further enhance the understanding of potential breach impacts, even when factoring in other uncertainties, such as the probability of storm surge events.
5th November 2024	Email	The Applicant responded to the email received by the Environment Agency on 30th October which: • Notified the Environment Agency of the Applicant's intent to respond to their questions regarding sediment flux. • Clarified in regard to rock revetment, this measure (including location) amongst other options will be considered during the detailed design and the post consent BNG process. The Applicant provided a link to **Appendix 7-1: Biodiversity Net Gain Report (Volume 3)** of the **Environmental Statement (APP-109)** for further information. • Notified the Environment Agency that an issue had been identified with the Environment Agency's Marsh Dykes Model that has been used to inform the

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		breach assessment for the Proposed Scheme. The Applicant notified the Environment Agency that they are currently reviewing the model.
19th November 2024	Email	In response to the Applicant submitting Annex B of the Flood Risk Assessment, the Environment Agency requested the following additional information to carry out their review: • Mike+ project set-up file to show how all the scenarios are linked together; and • Description of boundary condition information. The Environment Agency also requested an update on the problem with their Marsh Dykes flood model identified by the Applicant.
25th November 2024	Email	The Applicant responded to the email received by the Environment Agency on 19th November which: • Provided the Environment Agency with the text file included within the model package which details the different scenarios and the relevant input files that were run as part of the assessment, because the model was built using MIKE21 there are no Mike+ Project set-up files. • Identified that a description of the boundary condition information Is provided in **Annex B** of **Appendix 11-2 Flood Risk Assessment (AS-023)** which provides details of the breach modelling methodology, and the approach taken was agreed with the Environment Agency during a meeting on the 13th April 2023 (meeting minutes were attached to the email). • Notified the Environment Agency that the Environment Agency's Marsh Dykes model contains run files connected only to the baseline model. The run files and

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		results were not being generated from the correct breach scenarios. The Applicant is currently reviewing the results and will be in touch to discuss any findings.
26th November 2024	Email	The Environment Agency responded to the email from the Applicant on 25th November which: • Clarified that their original comment was about the availability of the data rather than justification that the 2018 dataset was better. • Requested further clarity on the Applicant's response regarding the issues identified with the Marsh Dykes model.
26th November	Letter	The Applicant received the **Environment Agency's Written Representation (RR-065)** as part of the DCO examination deadline one. The written representation covered the following topics: • Flood risk; • WFD water quality; • Terrestrial ecology; • Environmental permits; and • Protective provisions.
27th November 2024	Email	The Applicant responded to the Environment Agency's email on 26th November and provided clarification on the following points:

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		• The Applicant confirmed they were referring to the Environment Agency's Marsh Dykes Model in their email sent on 25th November 2024. • The Applicant confirmed it is the breach assessment in the Environment Agency's Marsh Dykes Model that they have noticed anomalies with and are currently reviewing. • The Applicant has used the Environment Agency's Marsh Dykes Model in two ways: 1) to assess fluvial and pluvial flood risks, and 2) to assess residual risk in the event of breach at the Great Breach and Green Levels pumping stations. • The model shared with the Environment Agency to date is WSP's Thames Estuary MIKE21 breach model. • The Applicant informed the Environment Agency that they have not yet sent the Environment Agency's Marsh Dykes Model that was updated to include the Proposed Scheme.
12th December 2024	Email	The Applicant submitted the Coastal Processes Modelling Technical Note to support **Appendix 11-4: Coastal Modelling Studies (Volume 3)** of the **Environmental Statement (APP-109)**. This is in response to comments received from the Environment Agency regarding sedimentation at the Great Breach Pumping Station outfall. The Coastal Processes Modelling Technical was also submitted into the examination as Appendix A of the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP1-019)**.

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
20th December 2024	Email	The Applicant notified the Environment Agency that there were a couple of questions in the Examining Authorities First Written Questions that have been assigned to them.
23rd December 2024	Email	The Environment Agency responded to the Applicant's email on 25th November 2024 providing comments and questions in relation to the Applicant's Breach Flood Modelling and Flood Risk Assessment. The following key points were discussed: • Models referenced to justify worst case scenario. • Missing files required to run the models. • Incomplete geometry in the MIKE21 model. • The need for additional clarification on the basis for the timings used for the breaches in the MIKE21 model. • Confirmation on why breach location 8 was not modelled and why Breach 7 has been modelled differently. • Further clarification on the design water levels, design ground and defence crest levels based on the modelling results. • Concerns over the Applicant's assertion that the changes in the floodplain are minimal.
24th December 2024	Email	The Environment Agency responded to the Applicant's email on 12th December 2024 and confirmed that they had received the consultation from PINS and an email from the Case Officer listing the Environment Agency specific questions. The Environment

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		Agency confirmed that they had contacted their technical specialists in relation to the questions.
06th January 2025	Email	The Applicant notified the Environment Agency that they are in the process of preparing a response to the comments and questions raised in their email on 23rd December 2024.
17th January 2025	Letter	The Applicant submitted their **Responses to Interested Parties' Deadline 2 Submissions (REP3-034)** and the **Applicant's Response to Examining Authority's First Written Questions (REP3-029)** which included **Appendix C: Flood Risk Technical Note- Breach Assessment Scenarios (REP3-035)**. The Environment Agency submitted their **Response to the Examining Authority's First Written Questions (REP3-037)** and the **Standard Protective Provisions Including Explanatory Advice Note (REP3-036)** at Deadline 3. The Applicant provided responses to the questions submitted by the Environment Agency within **The Applicant's Response to Interested Parties' Deadline 3 Submissions (as submitted at Deadline 4)**.
20th January 2025	Meeting	A meeting was held with the Environment Agency, on the 20th January 2025, to discuss the Applicant's proposed approach, understanding and interpretation of the Environment Agency's key guidance and the process for an environmental permit specific to the Carbon Capture Facility, Riverside 1 and Riverside 2.
23rd January 2025	Email	The Applicant submitted a written response to the questions raised by the Environment Agency in their email on 23rd December. The Applicant also provided

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		the Environment Agency with a link to **Appendix C: Flood Risk Technical Note- Breach Assessment Scenarios (REP3-035)** which was submitted at Deadline 3.
28th January 2025	Email	The Applicant requested a meeting with the Environment Agency discuss the outstanding matters under discussion regarding flood risk and the sediment sampling.
29th January 2025	Email	The Applicant submitted the **Updated Flood Risk Technical Note: Further Breach Modelling and Platform Scenarios Methodology** and provided a link to download the files for the Marsk Dykes and Thames Estuary Breach Models.
10th February 2025	Email	The Applicant reviewed the **Standard Protective Provisions Including Explanatory Advice Note (REP3-036)** submitted at Deadline 3 by the Environment Agency and provided comments on them, which focussed on their interaction with the particulars of this Proposed Scheme. The Applicant submitted two documents for the Environment Agency's review: • The updated protective provisions that the Applicant proposes to include in the Draft DCO to be submitted at Deadline 4. • A document showing the redline between the Applicant's updated protective provisions and the Environment Agency's recently updated protective provisions.
12th February 2025	Issue Specific Hearing 2 (ISH2)	During ISH2 a representative from the Environment Agency, noted a point that a limiting clause is unacceptable, and they will complete their review and provide comments. The representative separately raised a concern about disapplied legislation, in particular the Metropolis Management Act, arguing that the obligation on the land owner to maintain the flood defences should not be extinguished. The

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		Applicant explained that a response to the disapplication would be submitted at Deadline 4 and the Applicant would also respond on the Thames Barrier Act.
13th February 2025	Meeting	A meeting was held to discuss outstanding matters in relation to flood risk. The Environment Agency were pleased that the Applicant has assessed the need for equipment and the buildings to be protected from flooding. It was agreed that the protection of the elements of the Proposed Development vulnerable to flooding is not dependant on raising the development platform above the existing ground levels, with localised protection via raised plinth, bunding or appropriate flood resilient structure to be provided, where required. The Environment Agency's Evidence and Risk Team are reviewing the raw outputs of the breach modelling data before providing further comment.
13th February 2025	Email	Following the meeting on 13th February 2025, the Environment Agency requested the depth (m) and water surface (m AOD) results as grid files for each of the breach locations new scenarios.
14th February 2025	Technical Note	The Applicant provided a response to the questions asked by the Examining Authority in the **Rule 17 Letter – Request for Further Information – Applicant and Environment Agency (PD-013)** within the **Applicant's Response to the Examining Authorities Rule 17 Letter – Request for Further Information – Applicant and Environment Agency (AS-087)**.
14th February 2025	Letter	The Environment Agency sent the Applicant a copy their response (**Environment Agency's Response to the Rule 17 Letter (AS-088)**) to the questions asked by the

Date	Form of Correspondence	Summary of Matters Dealt with in Correspondence/ Meeting
		Examining Authority within the **Rule 17 Letter – Request for Further Information – Applicant and Environment Agency (PD-013)**.
19th February 2025	Meeting	A meeting was held to discuss outstanding matters in relation to additional sediment sampling and the **Appendix 11-1: Water Framework Directive Assessment of the Environmental Statement (Volume 3) (APP-106)**. The key topics discussed included: • Description of sampling and extent of samples taken. • Results of the additional sediment sampling (December 2024). • Discussion of assessment methodology.
19th February 2025	Email	The Environment Agency have provided the Applicant with a contact for obtaining the baseline Thames middle water quality data (annual averages) and a suggested example methodology for the analysis of the sediment sample results.
19th February 2025	Email	Following the meeting and email on 13th February 2025, the Applicant sent the requested additional data files to the Environment Agency.

2.1.2. It is agreed **Table 2-1** is an accurate record of the key meetings and consultation undertaken between the Applicant and Environment Agency in relation to the issues addressed in this SoCG as at the date of this SoCG.

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.

3.1.2. It can be taken that any matters not specifically referred to in this section of this SoCG are not of material interest or relevance to the Interested Parties representation and therefore have not been considered in this document.

3.2. MATTERS AGREED

3.2.1. **Table 3-1** below details the matters Agreed between the Environment Agency and the Applicant.

Table 3-1: Matters Agreed

Date	Form of Correspondence	Details of Matters Agreed
13th April 2023	Meeting	The Environment Agency agreed: • The marine biodiversity assessment methodology and the marine biodiversity sampling methodology/locations; and • That the Biodiversity Net Gain assessment shall focus on the intertidal area of the Proposed Scheme and not the subtidal area.

Date	Form of Correspondence	Details of Matters Agreed
20th September 2023	Meeting	The Environment Agency agreed that the Thames Estuary Breach Assessment (2018) was the best available data for use within and informing the breach assessment aspect of **Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)**.
1st December 2023	Meeting	The Environment Agency agreed that the mudflat does not need to be assessed at a waterbody level (WFD) but could be assessed generally within **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**.
13th December 2023	Meeting	The Environment Agency agreed with: • The methodology regarding water quality for **Appendix 11-1: Water Framework Directive Assessment (Volume 3) (APP-106)**; and • That the mean low water volume of sediment for the load in the existing waterbody could be used in the WFD assessment.
14th December 2023	Meeting	The Environment Agency agreed with: • The methodology and approach undertaken for the sediment modelling for **Appendix 11-4: Coastal Modelling (Volume 3) (APP-109)**; and • The Environment Agency's Marsh Dykes model could be used as part of the breach assessment in **Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)**.
14th August 2024	Meeting	The following matters were agreed:

Date	Form of Correspondence	Details of Matters Agreed
		Land raising: • **Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)** presents a precautionary and likely worst-case scenario, and that lowering of proposed development levels may reduce the residual impacts currently predicted. • Land raising will be reviewed during the detailed design to potentially reduce platform levels and freeboard based on the vulnerability of different aspects of the Proposed Scheme to flood risk. This will be secured as a design principle in an update to the **Design Principles and Design Code (APP-047)**. • In considering flood non-core aspects of the Proposed Scheme may be considered suitable to flood or have a lower standard of protection in the event of flood defence breach. Mitigation measures: • The flood risk impacts predicted in **Appendix 11-2: Flood Risk Assessment (Volume 3) (APP-107)** occur during a residual risk event in the event of failure of the River Thames flood defences, and assume that the existing pumping stations are not operational. • That there is no known guidance on what would be considered an acceptable or unacceptable risk or increase in flood levels during a residual risk event. Groundwater: • No further discussion on groundwater are required.

Date	Form of Correspondence	Details of Matters Agreed
		Permitting: • Discussions will begin in relation to the operational permit for the Proposed Scheme.
9th September 2024	Meeting	It was agreed that the use of the Order limits for flood storage as part of the T2100 plan is something that will need to be resolved post consent as the Environment Agency continues to develop its optioneering for what is brought forward as part of that plan. It was agreed that the Applicant will be removing Great Breach Pumping Station from the Order limits (plot 1-122), in its September submission to the ExA, which the Environment Agency welcomed.
17th January 2025	Letter	The Environment Agency confirmed in their response to the **Examining Authority's First Written Questions (REP3-037)**, that they are satisfied (based on Appendix A: Coastal Processes Technical Note of the **Applicant's Response to Interested Parties' Deadline 1 Submissions (REP1-019)**) that the sediment modelling presents a reasonable assessment of change. It was agreed that the coastal process model was satisfactory, including the modelling assumptions. The worst case scenario for the Great Breach Outfall was considered realistic and accepted, with further consultation expected during the detailed design phase. The Environment Agency confimed that they are no longer concerned about sedimentation in front of the Great Breach outfall as a result of the Proposed Scheme.

Date	Form of Correspondence	Details of Matters Agreed
19th January 2025	Meeting	The Environment Agency confirmed that a Technical Note to present the findings of the December 2024 sediment sampling, and the information requested by the Environment Agency, would be acceptable.

3.3. MATTERS UNDER DISCUSSION

3.3.1. **Table 3-2** details the Matters Under Discussion between the Environment Agency and the Applicant.

Table 3-2: Matters Under Discussion

Date	Form of Correspondence	Details of Matters Under Discussion
14th June 2024	Letter	The following other matters remain under discussion following the Environment Agency's submission of their **Relevant Representation (RR) (RR-065):** • the need for any offsite compensation for flood risk matters; and • the impacts of land raising to watercourses and biodiversity.
14th August 2024	Meeting	The following matters remain under discussion following the meeting to discuss Flood Risk and the Environment Agency's **RR (RR-065)**: Land raising:

Date	Form of Correspondence	Details of Matters Under Discussion
		• The specific wording of the design principle to be included in the **Design Principles and Design Code (APP-047)** that sets out the approach to setting platform and development levels and considers vulnerability to flood risk. Treatment and width of buffer zones to watercourses: • The specific wording of the design principle to be included in the **Design Principles and Design Code (APP-047)** that sets out the approach to buffer zones.
26th November 2024 **17th January 2025**	Email Response to the Examining Authority's First Written Questions (REP3-037)	The following matters remain under discussion: • Spatial extent of the Order Land; • Modelling (breach); • Impacts from land raising and spatial extent of the development platform and maximising the setback from main rivers, the Great Breach Pumping Station and the Thames Tidal Defences; • Proposed infilling of ditches that have a potential for Water Voles; • Modification of Requirement 12 to include a lighting strategy and for mitigation with particular reference to Water Vole habitat; • Justification for and further quantification and constraint of the amount of ground raising under the proposed **Design Principles and Design Code (AS-020)**.

Date	Form of Correspondence	Details of Matters Under Discussion
23rd December 2024 **13th February 2025**	Email Meeting	The previously outstanding matters were discussed during the meeting. In regards to the breach modelling, the Environment Agency's Evidence and Risk Team are reviewing the raw outputs of the breach modelling data before providing further comment.
10th February 2025 **12th February**	Email ISH2	The Applicant has considered the Protective Provisions submitted at Deadline 3 by the Environment Agency and provided comments on them, focussed on their interaction with the particulars of this Proposed Scheme. During ISH2 a representative from the Environment Agency, noted that a limiting clause in the revised protective provisions is unaccetyable and they will provide further comments. The representative raised a further point about disapplied legislation, in particular the Metropolis Management Act that the positive obligation on the landowner to maintain the flood defences should not be extinguished. The Applicant has responded on this matter and on the Thames Barrier Act Deadline 4 (see **Written Summary of the Applicant's Oral Submission at ISH2**).
19th January 2025	Meeting	The details and presentation of the data which is to be presented in the Technical Note which will validate the mitigation measures presented within the WFD Assessment (presented as **Appendix 11-1: Water Framework Directive Assessment of the Environmental Statement (Volume 3) (APP-106)**).

3.4. MATTERS NOT AGREED

3.4.1. No matters are currently definitively Not Agreed between the Environment Agency and the Applicant.

4. 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 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

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

4 Planning Inspectorate. (2023). 'Environmental Impact Assessment Scoping Opinion: Cory Decarbonisation Project.' Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010128/EN010128-000026-EN010128%20-%20Scoping%20Opinion.pdf

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