



EXAMINATION PROGRESS TRACKER: 9.10

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

February 2025

Revision C

QUALITY CONTROL

Document Reference					
Document Owner		Cory Environmental Holdings Limited			
Revision	Date	Comments	Author	Check	Approver
Revision A	November 2024		CV/JC	LJ	DC
Revision B	January 2025		CV/JC	LJ	DC
Revision C	February 2025		CV/JC	LJ	DC

TABLE OF CONTENTS

1. INTRODUCTION.....	3
1.1. Introduction and Purpose	3
2. EXAMINATION PROGRESS TRACKER	5
2.1. Summary of the Principal Issues Raised.....	5

TABLE

Table 2-1: Examination Progress Tracker.....	5
--	---

1. INTRODUCTION

1.1. INTRODUCTION AND PURPOSE

- 1.1.1. This Examination Progress Tracker relates to an application (the 'Application') made by Cory Environmental Holdings Limited (the 'Applicant'), to the Secretary of State for Energy and Net Zero for a Development Consent Order ('DCO') under section 37 of the Planning Act 2008 (the 'PA 2008') for the proposed Cory Decarbonisation Project in Bexley, London (the 'Proposed Scheme').
- 1.1.2. The Application has been accepted for examination. The Examination commenced on 5 November 2024.
- 1.1.3. This Examination Progress Tracker has been prepared by the Applicant further to the Examining Authority's ('ExA's') **Rule 6 Letter (PD-005)** and **Rule 8 Letter (PD-006)** and meets the ExA's expectations in those letters for it to be "*a live document that tracks principle and other notable issues in the Examination, most helpfully set out in tabular form, including a simple visual referencing system indicating matters resolved, capable of resolution or not*".
- 1.1.4. This third draft of the Examination Progress Tracker, submitted at Deadline 4, is in the form of a table, as requested by the ExA, and is set out at **Section 2**, focussing on principle/notable matters.
- 1.1.5. Notably, however, this Tracker does not deal with the matter of Optioneering. Whilst the Applicant recognises that this is likely to be the 'predominant' issue for this Examination, it is not a matter that it is considered to have any 'progress' per se that can be tracked – it is clear that Interested Parties are all of the view that the Applicant's proposals should variously avoid Metropolitan Open Land (MOL), Accessible Open Land, local nature designations, and/or Landsul/Munster Joinery land, and the Applicant considers that its optioneering process, as discussed in the **Terrestrial Sites Alternative Report ('TSAR') (APP-125)**, the **TSAR Addendum (AS-043)**, the **TSAR Appendix H: Terrestrial Site Alternatives Report – Addendum (AS-062)**, its **Response to Relevant Representations (AS-044)**, summaries of case from **CAH1 (REP1-021)** and **ISH1 (REP1-028)**, **Response to Deadline 2 Submissions (REP3-034)** and the **Applicant's Response to Interested Parties Deadline 3 Submissions (submitted as part of Deadline 4)**, demonstrate that the Site it has chosen is the most suitable location for the Proposed Scheme. This will continue to be discussed in Examination submissions, and each respective party will set out their case.

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

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

2. EXAMINATION PROGRESS TRACKER

2.1. SUMMARY OF THE PRINCIPAL ISSUES RAISED

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

Table 2-1: Examination Progress Tracker

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Terrestrial Biodiversity	Interaction with existing consents/planning obligations	Friends of Crossness LNR Save Crossness LNR London Borough of Bexley (LBB) Thames Water Utilities Ltd (TWUL)	Concerns raised about the efficacy of the Applicant's proposed mitigation measures and whether they can be considered as 'double counting' when considered alongside TWUL's existing Crossness LNR obligations and previous s.106 obligations relating to providing mitigation for Veridion Business Park at Norman Road Field.	Applicant has worked with Interested Parties to find planning information and its Deadline 1 submissions have set out its position on double counting for Interested Parties to consider (Written Summary of Oral Submissions at ISH1 and its Appendix F). The Applicant's position is clear that the Veridion Business Park planning obligations have now fallen away and this is agreed with LBB (SOCG, REP2-010). SCNR disagrees, TWUL has not made further comment. The wording in the Draft DCO (as updated alongside this submission) ensures that the Outline LaBARDS (as updated alongside this submission) proposals will wipe the slate clean legally and create one regime of ecological management moving forward.	Yellow
	Delivery of the Outline Landscape Biodiversity Access and Recreation Delivery Strategy (LaBARDS)	Peabody/Tilfen Land Limited LBBTWUL	Status of TWUL's retained part of the Crossness LNR in the Outline LaBARDS (as updated alongside this submission) dependent on TWUL position on this. Usage of Thamesmead Golf Course requires Deed of Obligation to be entered into. Suitability of Deeds of Obligation	Draft deed of obligations were sent to Interested Parties prior to Deadline 1 and submitted at Deadline 1. Following discussions at CAH2, ISH2, high level comments received from Peabody, and comments received from TWUL, updated Deeds have been submitted at Deadline 4. Please see also the Written Summary of Oral Submissions at CAH2 submitted at Deadline 4.	
	Water Vole Mitigation	Natural England	Letter of No Impediment being sought in respect of Water Vole mitigation.	Draft method statement was issued to Natural England. A consequent meeting with Natural England was held on the 21 st November 2024 and the updated method statement was sent to Natural England on the 17 th January 2025 as described within the Natural England SoCG (as updated alongside this submission) . Natural England issued a Letter of No Impediment (Natural England Reference: DAS 457982) to the Applicant in relation to licensing for water voles on 25 th February 2025. This was issued after signature of the Natural England Statement of Common Ground (Revision D, as updated	Green

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p>alongside this submission) therefore the latter does not reflect this.</p> <p>The Draft DCO (as updated alongside this submission) and Outline LaBARDS (as updated alongside this submission) reflect the commitments to the programme and activities included within that revised method statement.</p>	
	AQ impacts to Inner Thames Marshes SSSI	Natural England	Natural England have queried the Applicant's air quality assessment in respect of impacts to this SSSI.	<p>The Applicant prepared and issued a technical note responding to Natural England's queries in respect to air quality impacts on the SSSI in November 2024 (Appendix B of REP2-019). The technical note outlines the additional air quality modelling that has been undertaken to mitigate impacts from the Proposed Scheme on designated ecological sites. Natural England provided comments on this technical note at Deadline 2 (REP2-027).</p> <p>The Applicant provided an updated version of the Mitigation Schedule (REP1-010) and the Draft DCO (REP1-002) to reflect the conclusions of the technical note and ensure that no likely significant effects can arise to the SSSI.</p> <p>The Applicant had a positive meeting with Natural England on the 13th January 2025. During the meeting an explanation was provided to Natural England on the matters under discussion, including the Inner Thames Marshes SSSI, which allowed Natural England to better understand the methodology, terminology and approach to assessment of impacts. An updated Natural England Statement of Common Ground (REP3-017) was prepared. The Applicant also responded to Natural England's Deadline 2 submissions, as presented in the Applicant's Response To Interested Parties' Deadline 2 Submissions (REP3-034).</p> <p>Natural England, on the 24th January 2025 set out an update to its position to the Applicant. The Applicant had a further meeting with Natural England on the 18th February 2025 and has prepared a Technical Note in response to their latest position. The Technical Note forms Appendix A to the Applicant's Response To Interested Parties' Deadline 3 Submissions (Document Reference 9.23). An updated Natural England Statement of Common Ground (Revision</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p>D, as updated alongside this submission) has also been prepared.</p> <p>The Applicant awaits a response to Appendix A to the Applicant's Response To Interested Parties' Deadline 3 Submissions (Document Reference 9.23) from Natural England in due course, a meeting will be set up if considered appropriate. The parties will continue to discuss the matters in the Natural England Statement of Common Ground (Revision D, as updated alongside this submission) to seek to reach an agreed position.</p>	
Marine Ecology	n/a	Environment Agency Marine Management Organisation	The Environment Agency and Marine Management Organisation partially agree with the Applicant's assessment of contaminants, the Applicant agreed that once additional sampling has been carried out, the Applicant will submit a technical note into the examination to validate the conclusions reached in the Environmental Statement.	<p>The Applicant undertook additional sediment sampling, at depth, in December 2024 following consultation with the relevant stakeholders (MMO, PLA and Cefas). The Applicant received the additional sediment sampling data from the MMO approved laboratory on 6th February 2025. The Applicant can confirm that its initial analysis of the data from the December 2024 sediment sampling, is that it has validated the mitigation measures presented within Appendix 11-1: Water Framework Directive Assessment of the Environmental Statement (Volume 3) (APP-106). This initial analysis was relayed to the Environment Agency and the Marine Management Organisation, during two separate meetings held on the 19th February 2025.</p> <p>The Applicant is preparing a Technical Note that will present the findings of the December 2024 sediment sampling and present the evidence which validates that the conclusions and the mitigation measures presented within the WFD Assessment remain appropriate. Further details are provided within the Applicant's Response to the Examining Authority's Rule 17 Letter - Request for further information - Applicant and Environment Agency (AS-077), which was issued to the Examining Authority on 14th February 2025.</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Flood Risk	n/a	Environment Agency	<p>The Applicant is currently discussing the following matters with the Environment Agency:</p> <ul style="list-style-type: none"> The Environment Agency remain concerned over perceived excessive flexibility created by the wording of the Design Principles and Design Code (as updated alongside this submission) in terms of how close the ground raising and the works can extend towards the watercourses. The Environment Agency's Risk and Evidence Team are carrying out a further review of the breach model (flood risk); and The Environment Agency are considering the draft Protective Provisions within the Draft DCO (AS-056) to ensure its protected (including its land interests), as well as the wording of the DCO Requirements. Given this, it is as yet unable to issue its section 150 consent or agree to the disapplications currently in the Draft DCO (AS-056). 	<p>The Applicant re-emphasises its commitment to the Design Principles and Design Code that states the intention to allow for a minimum 5m offset, up to 8m or greater where practicable, from the top of bank on existing retained watercourses to allow for maintenance, to protect habitats and for the delivery of flood compensation. Requirement 4(3) of the Draft DCO (as updated alongside this submission) sets out how the authorised development must be designed and constructed in accordance with the Design Principles and Design Code and a Statement of Compliance will also be prepared as part of discharging this requirement in order to support and enable the Environment Agency's and LLFA's scrutiny and assessment of design outcomes developed during the detailed design process.</p> <p>With regards to the breach modelling, the Applicant provided a Technical Note on Development Platform Matters, presented as Appendix C of the Response to the Examining Authority's First Written Questions (REP3-035) which explains the flooding position following the application of the Design Principles and Design Code. The Applicant discussed this matter with the Environment Agency on 13th February 2025, where there was a positive discussion as to potential next steps to resolving the Environment Agency's concerns on this matter. The Environment Agency is undertaking further detailed review of the breach modelling submitted in January 2025 to allow a further discussion and agreement of a mutually acceptable next step.</p> <p>Protective Provisions update is provided below.</p>	
Compulsory Acquisition ¹	Extent/Size of Land Requirements	Landsul/Munster Joinery PLA	<p>Landsul/Munster Joinery consider that the terrestrial land take is excessive.</p> <p>PLA has queried the extent of temporary possession land in the River Thames (particularly in the navigation channel).</p>	<p>The Applicant has set out its position in its application documentation and Examination submissions as to why it considers its land take is required to meet operational requirements.</p> <p>The Applicant has:</p> <ul style="list-style-type: none"> shared information requested on 14th November to inform Landsul/Munster Joinery's Deadline 1 submissions; 	Landsul matter will not be able to be agreed. PLA matter is agreed.

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

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<ul style="list-style-type: none"> facilitated an expert to expert meeting on 13th December; shared information following that and its Deadline 2 submissions on 20th December and 2nd January; and following sending a draft SoCG on 18th December 2024, held a SoCG meeting on 8th January 2025 and exchanged emails since then to inform the SoCG to be submitted by 24th January 2025, which shows agreement on some matters between the parties. <p>This matter was further discussed at CAH2 – see the Applicant’s summary of oral submissions from this hearing submitted at Deadline 4. The Applicant made a change at Deadline 3 to remove the navigation channel from the Order Limits, save where this is required for Work No. 4C. This is an agreed issue with the PLA.</p>	
	Need for Single Site	Landsul/Munster Joinery SCNR	<p>Landsul/Munster Joinery consider (through their oral submissions and Written Representation) that if the South Zone is to be utilised, the Proposed Scheme could be designed to avoid its land, through a split site.</p> <p>SCNR agree with this position in its Deadline 2 submission.</p>	<p>Applicant has made submissions on this in its Written Summary of Oral Submissions at ISH1 (REP1-025 and appendices) submitted at Deadline 1 and its response to Landsul/Munster Joinery’s Written Representation (REP2-021) and considers that it has demonstrated that a single site would not ensure a safe, suitable and secure operation.</p> <p>Please also see the Applicant’s Follow up to Rule 17 Response (AS-083) and its summary of oral submissions from CAH2 submitted at Deadline 4.</p>	
	Interaction with TWUL/Western Riverside Waste Authority (WRWA)	TWUL WRWA	Both parties concerned whether the Applicant has taken the right approach to the powers sought over their respective land interests.	<p>In respect of TWUL, building on Statement of Reasons, see Applicant’s Written Summary of Oral Submissions at CAH1 (REP1-028), Response to Interested Parties Deadline 1 submissions (REP2-019), and its response to FWQ 1.5.0.8 submitted at D3 and its summary of oral submissions at CAH2 submitted at Deadline 4.</p> <p>Discussions on voluntary agreement with TWUL continues – revised HoTs were sent to TWUL prior to Deadline 1. Comments were received on 8th January, and a meeting was held on 14th January 2025 to discuss them. A further meeting is scheduled for 7th February, to be informed by the Applicant’s response to those comments. The Applicant returned a further iteration of the Heads of Terms for Thames Water’s consideration ahead of the meeting held on 7th</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p>February 2025, at which the Applicant explained the principles and structure of the drafting. Comments on the Applicant's revised iteration are awaited and the Applicant has requested an in person meeting with Thames Water, with a view to agreeing the Heads of Terms.</p> <p>Discussions continue with WRWA following submission of its Written Representation and the Applicant's response to it. The Applicant considers that WRWA's commercial, practical, and property concerns will be able to be dealt with through an Agreement between the parties as well as any amendments that may be agreed between the parties to the Draft DCO.</p>	
DCO Drafting	DCO Drafting	Port of London Authority (PLA) (article 8, Requirements and PP EA TWUL LBB National Highways ('NH') MMO	PLA: Article 8, Requirements and Protective Provisions Environment Agency: Protective Provisions TWUL: Articles 50, 53-54, Requirement 12, Protective Provisions LBB: Drafting in relation to Streets NH: Requirements MMO: Deemed Marine Licence drafting, transfer of benefit wording and dispute resolution wording.	<p>PLA: All DCO matters now agreed.</p> <p>EA: The Applicant has reviewed the preferred form of protective provisions submitted by the EA and reverted to them (with what is accepted reflected in the updated DCO submitted at Deadline 4). Further comments from the EA are awaited.</p> <p>TWUL: It is understood that the 'front-end' DCO drafting is now agreed with TWUL, save that TWUL considers that further drafting could be added to article 50 to avoid compulsory acquisition being replaced. The Applicant does not consider this is appropriate for the reasons given in its summary of oral submissions at CAH2 submitted at Deadline 4.</p> <p>It is understood that TWUL wish to be an approver of the LaBARDS under Requirement 12. The Applicant does not agree with this as this is appropriate or necessary. The DCO provides for TWUL to be consulted both prior to (pursuant to the PPs) submission of the LaBARDS, and by LBB once it is submitted (pursuant to Requirement 12). The LaBARDS is ultimately a planning sphere document so the Applicant does not consider it is appropriate for TWUL to approve it – this is the responsibility of the local planning authority.</p> <p>On PPs, the Applicant has reviewed TWUL's preferred drafting and reverted back on these in January 2025, with the amendments being largely about drafting, save for one issue. The Applicant received a response to this on 25 February and is now considering them.</p> <p>LBB: Following ISH2, LBB DCO drafting points are agreed.</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
				<p>NH: It is understood that NH are now content with the DCO Requirements.</p> <p>MMO: Latest position is as per the Applicant's response to the MMO's Deadline 3 submissions submitted at Deadline 4. Further comments are awaited from the MMO.</p>	
Traffic and Transport	Landside Transport	National Highways Kent County Council (KCC)	National Highways and KCC requested information in respect of the Riverside 2 Construction Traffic Management Plan (CTMP) and recorded Riverside 2 construction HGV movements and staff survey data.	<p>A meeting was held with National Highways, KCC and DBC and the Applicant. In response to comments received, an updated version of the Framework CTMP (REP1-008) was provided to Highways, KCC and DBC on the 15th November 2024.</p> <p>The Applicant received further comments from National Highways on the 22nd November 2024 regarding the Framework CTMP (REP1-008). The Applicant is preparing a separate Technical note on the matters that remain under discussion in the National Highways SoCG (as updated alongside this submission).</p> <p>The Applicant received further comments from KCC on the 28th November 2024 regarding the Framework CTMP (REP1-008). The Applicant prepared a separate Technical note which addressed these comments. The Technical Note, together with an updated Framework CTMP (as updated alongside this submission) was submitted to National Highways and KCC on the 18th January 2025. The updated Framework CTMP seeks to further manage and mitigate the temporary construction vehicle impacts on the highways networks.</p> <p>It should be noted that Dartford BC has confirmed it is content with the Framework CTMP (REP1-008), as described in the Dartford BC SoCG (REP2-013).</p>	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
	River Transport	PLA, Kent County Council, NH	These Interested Parties seek more commitments in respect of river transport from the Applicant.	The Applicant and the PLA have reached an agreed position in respect of river transport matters, reflected in updated wording in paragraph 1.2.3 of the Outline CoCP submitted at Deadline 4, and in Requirement 7 of the DCO, also submitted at Deadline 4.	



DECARBONISATION

10 Dominion Street
Floor 5
Moorgate, London
EC2M 2EF
Contact Tel: 020 7417 5200
Email: enquiries@corygroup.co.uk
corygroup.co.uk