



Application by Cory Environmental Holdings Limited for an Order Granting Development Consent for the Cory Decarbonisation Project

Ref: EN010128

The Examining Authority's further written questions and requests for information (ExQ2)

Issued on 11 March 2025

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information, referred to as ExQ2.

It is assumed that the Applicant and Interested Parties (IPs) will respond as appropriate and necessary to the points made in representations received at Deadlines 3 and 4, and as such the ExA may not have asked a question relating to a party's response to such points.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 7 October 2024. To retain consistency with the order of Issues these have been retained in the list below although in some cases there is not a specific question or request the ExA wishes to pose at this juncture. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which IPs and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them, giving a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests. If Parties consider that a comprehensive response has already been provided in an existing document or submission, please give details in your response, signposting the relevant reference(s).

Each question has a unique reference number which starts with Q2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

References in these questions set out in square brackets (eg [[APP-010](#)]) are to documents catalogued in the Examination Library. The Examination Library can be seen by using the following link which will be updated as the examination progresses: [Examination Library](#). Please cite the Examination Library reference when referring to any documents in your response.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact corydp@planninginspectorate.gov.uk and include 'Cory Decarbonisation Project' in the subject line.

Responses are due by Deadline 5: Tuesday 25 March 2025.



Abbreviations used:

BNG	Biodiversity Net Gain	NE	Natural England
CAH2	Compulsory Acquisition Hearing 2	OLS	Outline Lighting Strategy
CCF	Carbon Capture Facility	PLA	Port of London Authority
CLNR	Crossness Local Nature Reserve	pNRA	Preliminary Navigational Risk Assessment
CO₂	Carbon Dioxide	R	(Development Consent Order) Requirement
CoCP	Outline Code of Construction Practice	S	(Development Consent Order) Schedule
dDCO	Draft Development Consent Order	SCNR	Save Crossness Nature Reserve
EA	Environment Agency	SoCG	Statement of Common Ground
EIA	Environmental Impact Assessment	SoS	Secretary of State
EN-1	Overarching National Policy Statement for Energy (EN-1)	tCO_{2e}	Tonnes of Carbon Dioxide equivalent
ES	Environmental Statement	TWUL	Thames Water Utilities Limited
ExA	Examining Authority	WFD	Water Framework Directive
ExQ	Examining Authority's question or request		
HRA	Habitats Regulation Assessment		
IP	Interested Party		
ISH2	Issue Specific Hearing 2		
LaBARDS	Outline Landscape, Biodiversity, Access and Recreation Delivery Strategy		
LLMJL	Landsul Ltd and Munster Joinery (UK) Ltd		
LBBC	London Borough of Bexley Council		
MMO	Marine Management Organisation		



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ExQ2	Question to:	Question or request:
0. General and cross-topic questions		
Q2.0.1	The Applicant and London Borough of Bexley Council (LBBC)	<p>Nationally Significant Infrastructure Projects: Advice on Good Design document, Annex A – Good design issues to consider – Design Champion</p> <p>Having regard to the Applicant’s response to ExQ1.0.1.1 [REP3-029] what provision(s) and mechanism(s) will be put into the Design Principles and Design Code [REP3-007] or other certified document, to specify the Design Champion’s brief, ensure their role continues throughout the design phases and ensure continuity by requiring that the role is occupied should the current holder of the position change?</p> <p>If not considered appropriate to include within a certified document the parties’ views are sought on whether a Requirement specifying the arrangement or requiring it to be approved would be a suitable alternative.</p>
Q2.0.2	The Applicant and LBBC	<p>Nationally Significant Infrastructure Projects: Advice on Good Design document, Annex A – Good design issues to consider – Design Review</p> <p>The Applicant, at their response to ExQ1.0.1.2 [REP3-029] and provided orally at ISH2, does not anticipate that independent design review(s) of the developing design of the scheme would be required. Nevertheless, the value of independent design peer review would appear to have been underestimated.</p> <p>Without prejudice, should it be considered necessary for independent design review(s) to be carried out to add value to the design development of the scheme and assist parties in ensuring that it reflects good design, the parties’ views are sought on what provision(s) or mechanism(s) might be put in place to provide for independent design review of the project at appropriate stages in the development of detailed design and the results of any such review to be taken into consideration in design development in i) the Design Principles and Design Code [REP3-007] or other certified document and ii) the dDCO including any Requirement(s)?</p>
Q2.0.3	The Applicant	<p>Re-use and recycling of material at decommissioning</p> <p>The ExA notes the Applicant’s response to ExQ1.0.1.4 [REP3-029] including the updating of the Design Principles and Design Code [REP3-007]. In order to ensure that the proposed approach</p>

ExQ2	Question to:	Question or request:
		<p>would be effective, the Applicant's views are sought on inclusion of implementation clauses, such as the following revised wording of DC_CCF 1.7. If not revised, please provide details of an alternative approach or a full explanation of why that would not be considered necessary.</p> <p><i>“The reusing of resources should must be explored at construction as well as operation and, later-on, decommissioning phases with the identified measures implemented wherever practicable. Circular economy practices should must be identified and considered, and the identified practices implemented wherever practicable, to maximise action in the highest tiers of the waste hierarchy practicable to design out wastes, reduce wastes and to divert materials from landfill into other productive uses through recovery, reuse and recycling.”</i></p>
Q2.0.4	The Applicant	<p>Development Platform and Crossness Local Nature Reserve (CLNR) - decommissioning</p> <p>Given that the dDCO seeks consent for decommissioning, it is noted that the Outline Landscape Biodiversity, Access and Recreation Delivery Strategy (LaBARDS) [REP4-012] does not appear to include details of what the aspiration would be for the approach to those parts of the site presently parts of the CLNR or other undeveloped land which would be built on.</p> <p>As currently drafted there is no apparent context for Requirement (R) 23, in particular 23.-(3)(a)(iv), that would provide a requirement that the Decommissioning Environmental Management Plan must accord with a clear aspiration for the end use, condition and ecological purpose of those parts of the site.</p> <p>If this is not to be explicitly provided for in a certified document, it would appear that R23 should be more explicit about the specification for that part of restoration works. The Applicant's views are sought on the above with appropriate revisions to the dDCO and/or certified documents. If not revised, please provide details of an alternative approach or a full explanation of why that would not be considered necessary.</p>
Q2.0.5	The Applicant	<p>Consistency of description of significance of effects in Environmental Statement (ES)</p> <p>In their response to Q1.0.1.12 the Applicant confirmed that Chapter 22: Summary of Effects of the Environmental Statement (Volume 1) [APP-071] contained a typographical error with regards to the reporting of the significance of effects for the residual effects associated with potential effects on</p>

ExQ2	Question to:	Question or request:
		visual amenity (including locally designated views) during the operational phase, which they advise should have been described as not significant. Please provide a revised and corrected version of the document, in clean and tracked changes versions.
1. Air Quality		
Q2.1.1	The Applicant and LBBC	<p>Air Quality – short term generator location and Design Principles and Design Code</p> <p>i) The Applicant’s Response to Interested Parties’ Deadline 1 Submissions [REP2-019] Table 2-3-2 identified a New Design Principle (then referred to as DP_PL 1.10 but that number has since been used for a different design principle) and an amendment to Design Code DC_CCF 1.9 to specify a minimum 25m distance between any back-up generators and the CLNR boundary being maintained. However these changes have not been implemented in Revision C of the Design Principles and Design Code [REP3-007]; please can the Applicant provide the updated document.</p> <p>ii) In light of LBBC’s response to ExQ1.1.0.1 [REP3-038] rather than DC_CCF 1.9 stating “...where practicable...” the Applicant’s and LBBC’s views are sought on whether it would be clearer to include the same caveat providing for the exact position of generators that forms the second sentence of the <i>suggested</i> Design Principle DP_PL 1.10 (<i>sic</i>) referred to above?</p>
Q2.1.2	Natural England (NE)	<p>Impacts on ecological sites - Air Quality</p> <p>NE advised [REP3-040] that their substantive response to ExQ1.1.0.3 would be provided at Deadline 4, however no further comments have been received. Nevertheless, the Applicant [REP4-033] explained that it received a written response from NE on 24 January 2025, regarding air quality and in-combination matters and which set out a series of questions for the Applicant to address. A meeting was also held between the parties on 18 February 2025 as noted in the draft Statement of Common Ground (SoCG) between the parties [REP4-019]. The Applicant has provided its response to NE in Appendix A of [REP4-033].</p> <p>i) For completeness, please can NE submit a copy of its written response of 24 January 2025 into the Examination? Only parts have been reproduced by the Applicant.</p> <p>ii) Please can NE provide its comments on whether the Applicant [REP4-033] in Appendix A, has addressed its concerns regarding air quality and in-combination matters including each</p>

ExQ2	Question to:	Question or request:
		matter marked as “under discussion” in NE’s interim response to ExQ1.1.0.3 [REP3-040] ? In doing so, NE is requested to specifically confirm whether it considers that an Adverse Effect on Integrity, either alone or in-combination with other projects or plans, can be ruled out for Epping Forest Special Area of Conservation - in view of the upcoming publication of the ExA’s Report on the Implications for European Sites on 8 April 2025.
2. Alternatives		
Q2.2.1	The Applicant	Extent of land take for CCF The Applicant’s views are sought on Landsul Ltd & Munster Joinery (UK) Ltd (LLMJL) joint Deadline 4 submissions [REP4-042] , [REP4-043] , including the ‘Blake Clough’ Electrical assessment.
Q2.2.2	LLMJL	Extent of land take for CCF LLMJL’s views are sought on the Applicant’s Response to Interested Parties' Deadline 3 Submissions [REP4-033] and the Written Summary of the Applicant’s Oral Submissions at CAH2 [REP4-048] , including the Heat Note at Appendix H [REP4-034] .
3. Biodiversity, Ecology and Natural Environment		
Q2.3.1	The Applicant and LBBC	Monitoring <ul style="list-style-type: none"> i) Having regard to LBBC’s response to ExQ1.3.1.1 [REP4-035] and the Applicant’s written Summary [REP4-035] how will the specification for the LaBARDS [REP4-012] set out in R12. (3) ensure the submission of an Ecological Monitoring Strategy that provides for Ecological Monitoring Reports at least every five years (or an alternative suitable timeframe) following the approval of the LaBARDS? ii) Given the limited detail in chapter 14 of the LaBARDS, should R12 include a clause to require the submission of an Ecological Monitoring Strategy and the results of monitoring and how these will influence management activities at set intervals, as part of R12.-(3)? iii) In the absence of such a provision mentioned in ii) above, how would this aspect be controlled with sufficient effectiveness and certainty for all parties?
Q2.3.2	The Applicant and LBBC	LaBARDS – review Having regard to the Applicant’s response to ExQ1.3.1.2 [REP3-029] , if there is no mechanism either within the LaBARDS [REP4-012] itself or in the specification for the LaBARDS in R12 for review,

ExQ2	Question to:	Question or request:
		updating and approval, how can necessary changes be identified, implemented and verified, and compliance effectively monitored and enforced?
Q2.3.3	The Applicant and NE	<p>Water Voles</p> <p>Having regard to the Applicant's [REP3-029] and NE's response to ExQ1.3.1.4 [REP3-040] please can the parties provide an update on obtaining a Letter of No Impediment for water voles from NE?</p>
Q2.3.4	The Applicant	<p>Priority Species/Species of Principal Importance and other scarce, vulnerable or endangered species</p> <p>Notwithstanding the Applicant's response to ExQ1.3.1.11 [REP3-029] relating to the protection and conservation of Priority Species in the LaBARDS [REP4-012], it is noted that there is no explicit reference to Priority Species or national or local Biodiversity Action Plans (except the latter in the appended Crossness Nature Reserve Management Plan 2016-2020) in the LaBARDS.</p> <ul style="list-style-type: none"> i) Given the comments made by IPs (including Save Crossness Nature Reserve's (SCNR) Written Representation [REP1-047], and submissions [REP1-050], [REP3-047], [REP4-044]) and the Applicants response [REP2- 019] and having regard to the provisions of EN-1 (and Bexley Local Plan Policy SP9), is the approach to protection and conservation of such species in the LaBARDS and other Certified Documents sufficiently explicit, specific and robust in identifying species to be conserved and protected, as well as including where they may be lost to development, the avoidance, compensation or mitigation strategies proposed to be employed? ii) If not provided for in the Outline LaBARDS should R12 specify that a specific requirement to provide that the LaBARDS to be submitted for approval provides for those species' protection and conservation?
Q2.3.5	The Applicant	<p>BNG Opportunity Area – compensation</p> <p>In the Applicant's response to ExQ1.3.1.18 [REP3-029], the Applicant explains that (ExA emphasis): "Compensation will occur on-site in the Mitigation and Enhancement Area (Norman Road Field), and off-site in the Biodiversity Net Gain Opportunity Area". Can the Applicant confirm:</p> <ul style="list-style-type: none"> i) The total area (in ha, broken down by habitat type) of habitat to be lost as a result of construction of the proposed carbon capture facility;

ExQ2	Question to:	Question or request:
		<ul style="list-style-type: none"> ii) The total area (in ha, broken down by habitat type) of habitat creation to be provided on-site (in the Mitigation and Enhancement Area) to compensate for this loss; iii) The total area (in ha, broken down by habitat type) of habitat creation to be provided off-site (in the BNG Opportunity Area) to compensate for this loss; iv) Whether there would be any net loss of habitat that cannot be compensated for; and, v) The area of BNG habitat that is not counted as mitigation or compensation (i.e. that represents overall net gain, once other habitat creation that is required to offset habitat loss has been counted).
Q2.3.6	The Applicant	<p>Extent of BNG Opportunity Area</p> <p>In light of ExQ2.3.5 above, please can the Applicant explain what the implications are of the extent of BNG Opportunity Area land being reduced to 14.496ha from the 16.363ha in area as detailed in Table 3-3 of Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) [APP-088] and any consequent effect that would have on the sufficiency (in combination with other measures) to compensate for habitat loss resulting from the Proposed Development (as opposed to net gain).</p>
Q2.3.7	The Applicant	<p>Adequacy of biodiversity mitigation and compensation</p> <p>Having regard to IP's comments (including SCNR Written Representation [REP1-047], [REP3-047], [REP4-044]), please can the Applicant expand on how the proposals in qualitative terms would provide adequate compensation and mitigation for natural areas that would be lost to development.</p>
Q2.3.8	LBBC	<p>Planning conditions and obligations relating to Veridion Park</p> <p>Further to LBBC's Deadline 4 Response [REP4-036], for the avoidance of doubt, please can LBBC confirm:</p> <ul style="list-style-type: none"> i) Whether the planning permissions for Veridion Park Phases 2 and 3 have been implemented? ii) That any conditions or obligations relating to Phases 2 and 3 have not been discharged yet or have not had schemes presented that affect any land within the Order Limits?

ExQ2	Question to:	Question or request:
		iii) Where ecological mitigation, compensation and enhancement anticipated to discharge that any conditions or obligations relating to Phases 2 and 3 would be located and that land within the Order Limits has not been identified as performing that role?
4. Climate Change		
Q2.4.1	The Applicant	<p>Existing land condition and performance</p> <p>Further to the response to ExQ1.4.0.1 [REP3-029], please can the Applicant provide a clear breakdown on how the Land Use, Land Use Change and Forestry (A5) emission figure of 463tCO_{2e} (table 13-8) [APP-062] has been calculated with specific reference to how any carbon storage function of the undeveloped part of the application site has been calculated and taken into account in this figure?</p>
Q2.4.2	EA and the Applicant	<p>Carbon cost of development platform vs disruption to CCF plant during flooding</p> <p>Having regard to the EA's response to ExQ1.4.0.2 [REP3-037] and noting that discussions between the EA and the Applicant are ongoing, please could the parties provide an update on this issue including any conclusions on an extended exercise to determine the extent to which the carbon capture equipment will be out of action and the opportunities to protect the different equipment from damage during flooding.</p>
Q2.4.3	EA	<p>Carbon cost of development platform vs disruption to CCF plant during flooding</p> <p>The EA are requested to advise whether the Applicant's response on pages 12/13 of [REP4-033] and Applicant's Flood Risk Technical Note - Breach Assessment Scenarios document [REP3-035] (Appendix C to Applicant's Response to Examining Authority's First Written Questions) have addressed the point about the extent to which the carbon capture equipment would be out of action and the opportunities to protect the different equipment from damage during flooding.</p>
Q2.4.4	The Applicant and IPs	<p>The Seventh Carbon Budget – Advice for the UK Government</p> <p>The Climate Change Committee published its advice to Government on the level of the seventh carbon budget (2038 to 2042) on 26 February 2025: The Seventh Carbon Budget - Climate Change Committee. Views are invited as to whether there are any implications of this recommendation for the application.</p>

ExQ2	Question to:	Question or request:
5.	Compulsory Acquisition (CA), Temporary Possession and other land or rights considerations	
Q2.5.1	The Applicant	<p>Objections</p> <p>Please provide an update of the Compulsory Acquisition and Temporary Possession Objection Schedule [REP3-030] to reflect any changes in position with Affected Persons.</p>
Q2.5.2	The Applicant	<p>Alternatives</p> <p>Having regard to the Applicant's explanation at CAH2 and noted in Written Summary of the Applicant's Oral Submissions at CAH2 [REP4-048] about how they envisaged the CCF plant would operate with the TWUL access running through it in a fenced of configuration with gates for both the access and the CCF compounds, the Applicant's comments and explanation are requested on whether this demonstrates that the development could be implemented in a split configuration provided that appropriate security and access were maintained.</p>
Q2.5.3	The Applicant	<p>Alternatives to CA for CLNR</p> <p>Having regard to TWUL's representations at CAH2 and Deadline 4 [REP4-045], please can the Applicant provide further justification why they consider alternatives to the compulsory acquisition of those parts of the CLNR and TWUL's land would not be effective and that alternative mechanisms could not deliver the same objectives, including the enhancement and management of CLR, including by way of the Planning Obligation approach TWUL have referred to.</p>
6.	Cultural Heritage	
		<p>Former Belvedere Power Station Jetty – Historic Building Recording</p> <p>See ExQ2.8.4 below.</p>
7.	Cumulative Effects	
Q2.7.1	LBBC	<p>Cumulative schemes assessed – Riverside District Heat Network</p> <p>In their response to ExQ1.7.0.1 LBBC [REP3-038] raised concerns that the proposed development could delay the Riverside District Heat Network. In response, the Applicant has stated [REP4-033] that R25 of the dDCO would ensure this will continue to be delivered as the CCF is brought forward, and has also provided Appendix H - Heat Note [REP4-034]. Please can LBBC confirm whether the Applicant's responses address its concerns?</p>

ExQ2	Question to:	Question or request:
8.	Draft Development Consent Order (dDCO)	
Q2.8.1	The Applicant and LBBC	<p>Schedule (S) 1 – Authorised Development: Approval of Ancillary Works</p> <p>The ExA notes the Applicant’s response to ExQ1.8.2.1 [REP3-029] that the intention is that ancillary works would be approved pursuant to R3, as part of the detailed design of the relevant parts of Work No 1, and other Rs. However, given how R3 is constructed it would appear that as currently worded there is some ambiguity around whether the detailed design of ancillary works would require approval and/or what the mechanism for doing so would be. It may be more appropriate to make it explicit in R4 (Detailed Design) that the Works it lists include those works ancillary to those work packages in order to ensure that the layout, scale and appearance of ancillary works are approved. The Applicant’s and LLBC’s views are sought and if changes are not considered appropriate to the dDCO a full explanation of how the issue would alternatively be addressed is requested.</p>
Q2.8.2	The Applicant and LBBC	<p>S2, R4 – Detailed Design</p> <p>The Applicant’s response to ExQ1.0.1.2 [REP3-029] indicates that their intention is that “a Statement of Compliance will be prepared for each relevant requirement submission to support and enable the relevant planning authority’s scrutiny and assessment of design outcomes developed during the post-consent design process”. However, R4 is not worded to reflect that, rather it requires “..a statement to confirm how the design principles and design code have been taken into account” rather than <i>complied with</i>. Should the requirement be changed to reflect this? If not revised, please provide details of an alternative approach or a full explanation of why that would not be considered necessary.</p>
		<p>S2, R4 – Detailed Design</p> <p>Please see ExQ2.8.1 above relating to inclusion of ancillary works.</p>
Q2.8.3	The Applicant and LBBC	<p>S2, R11 - Lighting strategy</p> <p>Having regard to responses from NE [REP3-040] and EA [REP3-037] to ExQ1.8.3.10, and in particular that the Outline Lighting Strategy (OLS) [APP-123], whilst mentioning some sensitive species the OLS does not specifically cater for impacts on water voles. For the Applicant’s approach set out in their response to ExQ1.3.1.5 and ExQ1.8.3.10 [REP3-029] that the strategy would be effective, the ExA considers that this aim should either specifically be included in the OLS or R11 should be explicit that the Lighting Strategy it requires must provide details of how lighting impacts on</p>

ExQ2	Question to:	Question or request:
		water voles will be avoided or mitigated. The Applicant is requested to action this point or provide an alternative, or a full explanation as to why it would not be necessary.
		<p>S2, R12 – LaBARDS specification Please see ExQ2.0.4, ExQ2.3.1 and ExQ2.3.4 above.</p>
Q2.8.4	The Applicant and LBBC	<p>S2, R16 and R22 - Jetty works environmental design scheme and archaeological mitigation strategy</p> <p>The Applicant’s response to ExQ1.6.0.1 [REP3-029] is noted, however given the nature of the recording that would be necessary should the Former Belvedere Power Station Jetty be altered or demolished and the other provisions in the Outline Code of Construction Practice (CoCP), it would appear to be more appropriate to include this as part of a relevant requirement rather than as a provision in the CoCP.</p> <p>The Applicant’s views are sought on adding wording to the following effect in R16 or R22. “No demolition or alteration of the former Belvedere Power Station Jetty shall take place until: a) a descriptive record specified and carried out to Level 2 as specified in Historic England guidance: Understanding Historic Buildings: A Guide to Good Recording Practice has been undertaken in accordance with that guidance and written confirmation provided to the relevant planning authority that it has been completed, and b) within six months of the date of the commencement of the demolition or alteration the completed record must have been deposited with the Greater London Historic Environment Record and the Archaeology Data Service, and confirmation of the deposit provided in writing to the relevant planning authority.</p>
Q2.8.5	The Applicant and LBBC	<p>S2, R20 - Control of noise during operation</p> <p>The Applicant’s response to ExQ1.8.3.21 [REP3-029] is noted and in light of their approach would it be more straightforward and comprehensive for the first part of R23 to relate to the operation of the authorised development rather than just during operation of Work No. 1? . The Applicant’s and LLBC’s views are sought and if changes are not considered appropriate to R20, a full explanation of how the issue would alternatively be addressed is requested.</p>

ExQ2	Question to:	Question or request:
		<p>S2, R23 - Decommissioning environmental management plan: intentions for CLNR and other similar land following decommissioning</p> <p>Please see ExQ2.0.4 above.</p>
Q2.8.6	The Applicant	<p>Schedule 16 – Design Parameters: Absorber column(s) and stack(s)</p> <p>The Applicant’s response to ExQ1.8.7.1 [REP3-029] and to ExA’s questions at ISH2 and the Applicant’s post hearing note [REP4-035] are noted. However, the issue is around ensuring the dDCO reflects what has been assessed in the air quality assessment presented in the ES. It is understood that the Applicant’s position is that the Air Quality modelling is based on internal stack diameters of 3.1m and 2.5m, but that parameter is currently not specified in the dDCO. The relevant planning authority would have the approval role for detailed design under R4. Consequently, and irrespective that the Applicant considers “Minor amendments to these assumed diameters will have no material impact on the conclusions of the air quality assessment and their specification can be appropriately left to detail design”, as currently drafted the dDCO could result in the relevant planning authority authorising a change to the development to an extent that is beyond what has been assessed in the ES, in relation to the diameter of the stacks.</p> <p>Although the Applicant considers that this aspect can be controlled through the environmental permitting regime, any assessment which may be carried out by the EA in relation to the Environmental Permit cannot substitute the assessment which must be made by the Secretary of State (SoS) in keeping with their statutory duty under the EIA Regulations¹ (or Habitats Regulations²).</p> <p>In the absence of a stack diameter sensitivity study to support their position nor the inclusion of an internal stack diameter parameter, how can the Applicant evidence that “Minor amendments to these assumed diameters will have no material impact on the conclusions of the air quality assessment” or confirm that approval of details under dDCO Requirements will ensure that any variations would be within an allowance where the air quality assessment conclusions can be relied upon?</p>

¹ Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

² The Conservation of Habitats and Species Regulations 2017 (as amended).

ExQ2	Question to:	Question or request:
9.	Flood risk and hydrology	
Q2.9.1	The Applicant and EA	<p>Flood Risk</p> <p>The EA published new flood and coastal erosion risk data on 28 January 2025 following the release of its "National assessment of flood and coastal erosion risk in England 2024". Are there any implications for the relevant assessments for the proposed development, as a result of these updated data sets?</p> <p>The ExA is aware that further data updates are also expected to follow on 25 March 2025.</p> <p>If the EA considers that any updates to the relevant assessments are required, the ExA asks that it communicates this to the Applicant as soon as possible and ahead of Deadline 5, with an update provided at Deadline 5, in the interests of seeking a resolution of this matter prior to the close of Examination.</p>
Q2.9.2	The EA	<p>Ground raising – development platform in vicinity of watercourses</p> <p>Do the provisions in Revision C of the Design Principles and Design Code [REP3-007] address the EA's concern over what they considered to be "excessive flexibility created by the wording of the Design Principles and the Design Code in terms of how close the ground raising and the works can extend towards the watercourses"?</p>
10.	Geology, hydrogeology, soils, materials and waste	
Q2.10.1	The Applicant	<p>Ground raising - development platform</p> <p>Having regard to the Applicant's response to ExQ1.10.0.1 [REP3-029], what provisions are there, or need to be provided, in certified documents and/or the dDCO for the details of the material to be used for the development platform to be considered and approved?</p>
Q2.10.2	The Applicant	<p>Marine Environment - Validity of Environmental Statement Conclusions</p> <p>Having regard to the Marine Management Organisation's (MMO) Deadline 4 submission [REP4-037], Pages 4-8, and the latest version of the SoCG with MMO [REP4-020], the Applicant's comments are sought on the MMO's comments, in particular those relating to the validity of ES conclusions.</p>

ExQ2	Question to:	Question or request:
11.	Land transport and public rights of way	
Q2.11.1	The Applicant	<p>TWUL emergency access route</p> <p>The Applicant's response to ExQ1.11.0.4 [REP3-029] is noted, however it is not clear what the worst case assumption has been in the assumptions for Work No 8, referring as it does to the anticipated approach of compensatory habitat creation were a new alignment be created rather than what the worst case assumption was before going on to consider compensation or mitigation. Please can the Applicant provide further information to confirm what has been assumed in the ES assessments as the worst case for Work No 8 before application of compensation and/or mitigation?</p>
Q2.11.2	LBBC	<p>Works in the highway at Norman Road</p> <p>Having regard to LBBC's Deadline 4 Response [REP4-036], please can LBBC confirm whether the latest version, Revision G, of dDCO [REP4-004] has addressed their matter relating to the undertaking of works in the highway?</p>
Q2.11.3	The Applicant	<p>Alternative access for graziers</p> <p>Appendix A (paragraph 1.1.2) to Applicant's Written Summary of the Applicant's Oral Submissions at CAH2 [REP4-034] advises that the Applicant proposes to make alternative provision for one of the graziers so they will no longer require use of the TWUL access road.</p> <ul style="list-style-type: none"> i) Please can the Applicant advise what the route of this alternative access would be. ii) Is this shown on any plans or drawings which are in the Examination, and if so please provide references? iii) How have any implications on biodiversity, and any necessary compensation and/or mitigation, be considered? iv) How would its use by vehicles be controlled in practice? v) How is it proposed that the approval of its route, means of access and details would be controlled through certified documents and/or the dDCO? vi) Having Regard to the Applicant's critique of LLMJL's alternative suggestion for the TWUL access route [REP4-048], [REP4-034] how will an alternative route for graziers avoid the any shortcomings identified? vii) How has this been considered in the ES in terms of worst case assumptions?

ExQ2	Question to:	Question or request:
12.	Major accidents and disasters	
(no questions at this stage)		
13.	Metropolitan Open Land	
(no questions at this stage)		
14.	Navigation on the River Thames and marine transport	
Q2.14.1	The Applicant and the Port of London Authority (PLA)	<p>Preliminary Navigation Risk Assessment (pNRA) [REP3-011]</p> <p>In their Comments on Deadline 3 Submissions [REP4-038] the PLA noted that they were in discussion with the Applicant about a number of issues they consider need updating in the pNRA. These included passing distances for the proposed berth, draught effects on varying tides and passing speeds for vessels in the reach, and operations at Middleton Jetty as a risk control measure, with reference to the Applicant providing a Technical Note on these matters. Most of these issues were noted as being under discussion in the latest SoCG between the parties [REP3-016]. The PLA's comments also noted that references to updated Pilotage and Navigation Directions which need to be reflected in the pNRA.</p> <p>Please can the parties provide an update on the position including, as necessary, any revised pNRA and SoCG.</p>
15.	Noise and Vibration	
(no questions at this stage)		
16.	Planning Obligations	
Q2.16.1	The Applicant	<p>Deed of Obligations (A) - drafting</p> <ul style="list-style-type: none"> i) Should new clause 8.3 [REP4-029] refer to 'party(s)' rather than 'party' so as to cover the possibility that Peabody's interests might be assigned to more than one party? ii) It appears that the word 'the' may be missing in the fourth line of clause 8; "...the Developer that the third party shall observe...". iii) Should paragraph 2.1 of Schedule 1 refer to "the Developer" rather than "the Applicant", the latter term not being defined elsewhere in the Obligation?

ExQ2	Question to:	Question or request:
Q2.16.2	The Applicant and LBBC	<p>Deed of Obligation (B)</p> <p>It is noted that the applicant's approach is to provide a Deed of Obligation under s106 of the Town and Country Planning Act 1990 [REP4-031]. Without prejudice, should any of the obligations be found by the ExA or SoS not to be planning obligations under s106, for example because they were not considered to meet one or more of the three legal tests, then there wouldn't be a legal power cited for them to be entered into. Has the Applicant considered whether the Deed of Obligation should be drafted to also cite other relevant powers, for example s111 of the Local Government Act 1972, to cover such a possibility?</p>
Q2.16.3	The Applicant	<p>Deed of Obligation (B) - CLNR Manager</p> <p>Schedule 1, Clause 2 [REP4-031] seeks to undertake that TWUL will continue to employ the CLNR Manager which is defined in Clause 1 as the manager currently employed by TWUL. The Applicant advised in their response to ExQ1.16.0.2 [REP3-029] that the definition would be updated to ensure that should the current post holder leave that the Obligation would ensure that a subsequent post holder would continue to be employed but this does not appear to have been changed in Revision B of the Deed of Obligation. Please can this be updated accordingly.</p>
Q2.16.4	The Applicant and TWUL	<p>Deed of Obligation (B) – Members' Area Land</p> <p>Clause 5 [REP4-031] seeks to require that this area is managed in accordance with the LaBARDS [REP4-012], however there is limited provision in the latest version of the LaBARDS about the Members' Area beyond the appended CLNR Management Plan. What provisions are proposed to ensure that the Members' Area will continue to be managed in an appropriate manner?</p>
Q2.16.5	LBBC, TWUL and Tilfen Land Ltd	<p>Deed of Obligation (B)</p> <p>Are the parties satisfied that the Deed of Obligation [REP4-031] has been drafted in a legally satisfactory manner and meets the tests for such obligations?</p>
Q2.16.6	LBBC	<p>Deed of Obligations (A) and (B)</p> <p>LBBC's views are sought on whether they consider the latest drafts of the Obligations address their concerns about the effectiveness of the purpose of the obligations, and any other comments they may have.</p>

ExQ2	Question to:	Question or request:
17.	Social and economic effects	
Q2.17.1	LLMJL	<p>Munster Joinery (UK) Ltd employment</p> <p>Please provide the latest actual employment figures for the Munster Joinery (UK) Ltd site expressed in headcount and full time equivalent, with a breakdown of warehouse and delivery operatives and an explanation of any operatives working from more than one site.</p>
18.	Townscape and visual impact	
Q2.18.1	The Applicant	<p>Photomontage from west between SV1 and VP1</p> <p>The Applicant's views are requested on the SCNR [REP4-044] request for a photomontage to be provided, based on a viewpoint from a position in the vicinity of the enclosed Members' Area.</p>
19.	Other matters	
Q2.19.1	Applicant	<p>Typographical and other Errors – revised documents with corrections</p> <p>Please ensure that revised and corrected documents are provided by Deadline 7 (Friday 2 May 2025) at the latest for the correction of all typographical and other errors identified, including any identified in the Errata Schedule [AS-042], that have not already been corrected and provided, accompanied by a schedule noting the corrections made.</p> <p>Including but not limited to; ES Chapter 5: Air Quality and its appendices, and ES Chapter 22: Summary of Effects of the Environmental Statement (Volume 1).</p>
Q2.19.2	The Applicant	<p>Minor Typographical and formatting errors</p> <p>There is a formatting issue with the insertion of paragraph 6.4.15 in the LaBARDS [REP4-012].</p>
20.	Water Framework Directive (WFD) assessment	
Q2.20.1	The Applicant, the EA and the MMO	<p>WFD assessment</p> <p>Further to the Applicant's and the EA's responses [AS-087][AS-088] to the ExA's Rule 17 Questions (R17Q1.1 – R17Q1.8) [PD-013]. Given the outstanding disagreements between the Applicant and the</p>

ExQ2	Question to:	Question or request:
		<p>EA relating to the Applicant's WFD Assessment, the ExA is mindful of the duty on the SoS (as the appropriate authority under the 2017 WFD Regulations³) to secure compliance with the WFD.</p> <p>The EA's position [REP3-037] regarding the applicant's WFD Assessment currently before the ExA [APP-106] is that <i>"WFD compliance cannot logically be demonstrated"</i>. Whilst it is noted that work is ongoing to resolve the identified concerns, including production of a Technical Note by the applicant, the ExA notes comments from the EA [AS-088] that: <i>"We required a revised WFD assessment. We have no knowledge of what the applicant means by a technical note nor do we anticipate it would be adequate to replace a revised WFD assessment"</i>. The ExA also notes key differences of opinion in the responses to R17Q1.3 [PD-013] from the Applicant [AS-087] and the EA [AS-088], regarding whether additional baseline data is required to inform the assessment.</p> <p>The ExA has significant concerns about the amount of Examination time remaining to resolve this issue. In the event that compliance with the WFD cannot be demonstrated, the ExA would need information to give to the SoS regarding a derogation under Article 4.7 of the WFD - or in that absence of that information, would be likely to have no alternative other than to recommend refusal of the application, irrespective of any other merits or demerits of the case.</p> <p>Consequently:</p> <ol style="list-style-type: none"> i) Please can the Applicant and EA confirm whether there is a risk that a derogation case (without prejudice or otherwise) might be necessary? ii) Please can the Applicant and the EA provide an update on progress of matters against the timelines set out in their responses to the ExA's Rule 17 Questions? iii) The Applicant, the EA and the MMO are also invited to make any other comments they wish to at this stage.

³ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

ExQ2	Question to:	Question or request:
		<p>Comments are requested by the deadlines set out in the Examination Timetable, however it would be helpful if any information which is exchanged between the parties and is available beforehand, is submitted into the Examination when available. The Applicant has confirmed it will submit the Technical Note at Deadline 5. Although Deadline 6 is the next identified deadline by which comments should be made, given its close proximity to the close of the Examination it would therefore be helpful if the EA and MMO could please submit any comments on this to the ExA as soon as they are available.</p>