



Meeting note

Project name	Cory Decarbonisation Project
File reference	EN010128
Status	Draft
Author	The Planning Inspectorate
Date	20 February 2024
Meeting with	WSP
Venue	Microsoft Teams
Meeting objectives	Project update meeting
Circulation	All attendees/ additional contacts to share meeting note

Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Component 1: Programme

The Applicant shared the programme plan and confirmed that the project is still on track, aiming to submit the completed application on 18 March 2024.

Component 3: Key Issues

The Applicant confirmed that it is in the process of preparing the Potential Main Issues for the Examination (PMIE) document, and provided an overview of the status of four of the main issues to be included:

Optioneering

This process has been one of the key issues, and discussions are still ongoing with various parties in respect of Metropolitan Open Land (MOL), the Crossness Local Nature Reserve (LNR), and an existing business, Munster Joinery. These include concerns raised by the parties, looking at the reasons for the Applicant's decisions and where the choice of location and/or orientation of proposals can minimise impacts.

The Applicant confirmed it has produced optioneering documents for both the terrestrial and jetty sites, which will support the alternatives chapter in the Environmental Statement (ES). There is also information in the Design Approach Document (DAD) about the effects of optioneering on project design and land take. The Applicant is confident it has provided sufficient justification for the options chosen, and is looking to continue discussions regarding mitigation and enhancement sites for the LNR. The Applicant stated that while it may be possible to reach agreement with the parties in time, there are likely to be outstanding matters at the point of submission.

Delivery of the Mitigation and Enhancement Area and Biodiversity Net Gain (BNG)

The Applicant noted that some of this is proposed to be delivered off-site, outside of the Order limits, and therefore will be secured via s106 Agreement rather than in the draft DCO. Off-site elements are likely to include some of the BNG proposals and the Applicant is also looking to create better access and recreational provision in the local area, complementing the provision at the existing LNR. The Applicant intends to submit an Outline Landscape, Biodiversity, Access and Recreation Delivery Strategy (OLBARDS), rather than an Outline Landscape and Environment Management Plan (OLEMP), to bring all of these elements together as a coherent picture and to better explain the links between existing and proposed, and on- and off-site, provision. The OLBARDS will include consideration of management and maintenance issues, including links to the existing LNR.

Water supply and discharge

The Applicant noted that the proposal has a large cooling water requirement and confirmed it has been working with Thames Water to understand water availability and capacity for both supply and discharge. Thames Water is currently undertaking modelling for this (likely to be available in late February 2024), and the Applicant will be meeting with Thames Water in late February to discuss the outcome. The Applicant is also working on options for mitigation, to be included in the submitted application, and Thames Water will be advising on any further mitigation needed.

River navigation

The Applicant explained that the application site is located at a relatively narrow part of the Thames, close to a bend. River traffic at this point includes vessels of significant size, such as cruise ships and freight vessels. The new berth was proposed to extend into the river channel to avoid the impacts of dredging on or close to the foreshore, but this reduced the width of the navigable channel. During discussions, the Port of London Authority (PLA) and some existing operators raised concerns about the width of the remaining gap. The Applicant has therefore amended its proposals to move the berth closer to the bank. By incorporating a retaining wall at riverbed level, dredging will be able to take place while retaining the foreshore habitat. Updated modelling now shows that vessels can pass at a safe speed and distance, subject to one-way traffic control from the jetty to the river bend. This system is already operated on an informal basis by the PLA, though vessel tracking shows that some two-way traffic still occurs. To mitigate risks, the Applicant is proposing to formalise the one-way arrangement and will be meeting with the PLA next week to continue these discussions.

The Applicant also advised that the PLA have recently raised a new issue regarding whether an exclusion zone will be needed around the berth, and it will be progressing these discussions as well.

The Inspectorate advised the Applicant to ensure impacts from the changes made to the proposed berth design for navigation reasons are assessed in other relevant ES aspect chapters, such as Marine Biodiversity. The Applicant confirmed that as the new berth position will form part of the Proposed Development, these effects have been assessed.

Format of PMIE

The Inspectorate requested confirmation of how the PMIE information will be submitted. The Applicant advised that it is currently considering two options. One would capture all the potential issues, with the other being a shortened version covering the key issues only.

This is likely to be the option the Applicant takes. It would include a summary of the issue, and information about which stakeholders are involved and discussions with them to date. These are likely to be discussions which remain unresolved at the point of submission. The Applicant is happy to share a draft of the document once it has decided which of these approaches to take.

The Inspectorate advised that its vision for the PMIE is for it to be quite a focussed document. It is intended to give the Examining Authority (ExA) an indication of the main issues that may arise in the examination. Within the Early Adopters Programme, however, the format and approach to the PMIE are for the Applicant to determine. The Inspectorate would be happy to see a draft iteration prior to submission.

The Applicant requested clarification of the relationship between the PMIE and Principle Areas of Disagreement Summary Statements (PADSS) and Statements of Common Ground (SoCGs).

The Inspectorate explained that updated advice and other resources which would be published in support of its reformed service would provide further clarity about this. In general terms, the Inspectorate advised that it expects the PMIE to be a snapshot of the position at the time of submission, which would potentially assist the ExA in formulating its Initial Assessment of Principle Issues (if the application is accepted). The PMIE should, as far as possible, be agreed with relevant consultees. PADSS are principally a pre-application tool, which are owned and maintained by consultees. PADSS may continue to be maintained during post-submission stages subject to the discretion of the appointed ExA. SoCGs should still begin to be developed during the pre-application stage but will normally not be finalised until later in the process, and are informed by the consultees' PADSS. SoCGs are applicant-owned and maintained.

Component 5: Policy Compliance Document

The Applicant shared its third version of this, now merged into a single document. The document covers National Policy Statement (NPS) EN-1, the National Planning Policy Framework, relevant local plans and the Marine Management Organisation's (MMO's) South East Inshore Marine Plan. The Applicant confirmed it has set out the document in a tabular format as this is easiest to follow. This incorporates a direct, tailored response to each individual policy or paragraph, with a summary/overview and signposting to where further detail sits within the application documents.

Component 7: Design Approach Document (DAD) & OLBARDS

The Applicant confirmed it had had regard to advice issued in relation to DADs being prepared by other projects under the EAP, available via the most recent news item concerning the EAP on the Inspectorate's website.

The Applicant outlined the process and content of its draft DAD. It includes overall strategic principles for the development, and then for subsequent stages such as optioneering and design principles, which lead into delivery and the project design code. The Applicant explained that the design code has evolved a lot recently, incorporating issues such as safety and inclusion. The masterplan is broken into zones to help the

reader understand the nature of the individual components of the project and to explain works plans, parameters and these how translate into the design codes.

The Applicant noted that the delivery mechanisms for the access, recreation and environmental strategies as set out in the DAD will be very important. In the Applicant's view, a single document was needed to provide a coherent/holistic explanation of the strategies, including the relationship with the existing LNR; an integrated explanation for the proposed integrated solution. This informed their decision to produce an OLBARDS rather than a OLEMP and separate other strategies. For purposes of certification, a separate document is also being produced for the design principles and design code. This will enable sign-off of how proposals are in accordance with the principles and code at the post-consent approval of details stage, using lessons learnt from other projects, such as Sizewell C.

The Applicant noted that the current LNR is not formally designated as public open space, but is used as such, and in the Applicant's opinion ought to be treated as if it were. This makes it special character land. The Applicant is proposing compulsory acquisition of this area but not proposing to provide replacement land as it is seeking to acquire the land for delivery of green mitigation and enhancement measures rather than for building. It is still working through legal implications for the compulsory acquisition tests and the requirement to demonstrate no suitable alternatives.

The Inspectorate noted that it had not received a copy of the draft DAD and the Applicant agreed to resend the transfer link after the meeting. The Applicant confirmed it is not requesting for the Inspectorate to comment on the draft DAD, mainly because there is insufficient time in the programme with submission upcoming next month.

Component 8: Outline control documents

The Applicant referred to the draft outline Code of Construction Practice (CoCP), which it provided prior to the meeting. It noted that it was trying to avoid duplication of other documents and ES chapters within the CoCP. As well as best practice, the Applicant is looking at more nuance around site-specific requirements. The outline CoCP is intended to be a live document and will still be evolving up to submission.

The Inspectorate asked for clarification about the relationship of the CoCP to other control documents which would be required by the draft DCO. The Inspectorate advised that, where possible, supporting draft/ outline versions of these other control documents (e.g. the Written Scheme of Investigation) should be provided upfront and with the application, noting there are benefits to the Applicant and Interested Parties of providing these details.

The Applicant stated that it is still having discussions about the details of the control documents, but was not intending to submit complete outline documents. The Applicant considered that its approach was fairly common practice for DCO applications and also that a lot of the detail of the further documents would be for contractors to confirm and produce at a later stage of the process. The Inspectorate acknowledged the Applicant's position but advised the Applicant to consider providing at least the minimum measures that would form part of the other control documents.

Draft DCO: Oversailing and Crossness LNR Articles and Requirements

The Applicant noted that the Requirements included in the draft DCO are a work in progress, but were intended to give the Inspectorate an idea of what topics would be covered. In respect of oversailing, the Applicant noted that they were not aware of any precedents for this. The Applicant explained that the purpose of the removal of existing byelaws etc. from the existing LNR was, in effect, to create a clean slate and allow for consistency with the LNR as extended by the proposal. Byelaws ensuring access, for example, would then be applied across the whole LNR as extended, as set out in the draft DCO.

AOB

Updates requested by the Inspectorate

The Applicant advised that it had chased the Secretary of State (SoS) for a response regarding the revised s35 direction but had not yet received this. However, its position was that this should not prevent the application being submitted.

In respect of Habitats Regulations Assessment (HRA), the Applicant noted that the nearest European site is Epping Forest Special Area of Conservation, which is a considerable distance from the application site. It is currently intending to submit HRA information in the form of a No Likely Significant Effects Report.

Process and next steps

The Applicant is keen to get the Examination started as soon as possible and is looking to minimise the period between an acceptance decision and the opening of relevant representations. It confirmed there was no intention for any change requests to be submitted during pre-Examination, though it was aware issues may arise from any s51 advice the Inspectorate issues through the Acceptance process.

The Applicant confirmed it has a venue in mind for a Preliminary Meeting, which has been used before for other projects. It has the venue checklist from previous projects and is content that the venue meets these requirements.

Future meetings

The Applicant and the Inspectorate agreed that there was unlikely to be room in the programme for a further full meeting prior to submission, but that it would be useful to have a smaller meeting of key team members only to enable any final requirements or questions to be resolved. The Inspectorate agreed to look at availability for a date around ten days before submission.

Specific decisions/ follow-up required?

The following actions were agreed:

- Applicant to resend transfer link for draft DAD and to provide a draft of the PMIE document as soon as it is available.
- All to confirm availability for pre-submission meeting.