



APPLICANT'S RESPONSE TO EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS: 9.28

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN01028

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Revision A

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EXECUTIVE SUMMARY

On 13 March 2025, the Examining Authority's second Written Questions [PD-014] and requests for information were released. The Examining Authority's Written Questions are set out using an issue-based framework and outlined who the question was directed to (i.e. the Applicant or an Interested Party). Cory Environmental Holdings Limited ('CEHL') (the 'Applicant') has taken the opportunity to review each of the questions received from the Examining Authority. This document provides the Applicant's responses and has been submitted for Examination Deadline 5.

1. INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. The Examining Authority published the Examining Authority's Second Written Questions (PD-014) and requests for information on 11 March 2025 in accordance with the Examination timetable provided in the Rule 8 letter (PD-006). The Examining Authority's Written Questions are set out using an issue-based framework and outlines which party each question is directed to (i.e. the Applicant or an Interested Party).
- 1.1.2. This document provides the Applicant's responses to these questions.

1.2. STRUCTURE OF THE DOCUMENT

- 1.2.1. The Applicant has structured this document to follow the issue-based approach used by the Examining Authority. The Applicant has separated each issue category (i.e. Air Quality, Alternatives, Climate Change) into separate tables for ease of referencing. Each table row contains a unique reference number as provided in the Examining Authority's Written Questions (PD-014); grey rows indicate questions not directed to the Applicant. The Examining Authority raised 50 questions in total, with 40 directed towards the Applicant.
- 1.2.2. The Applicant has provided a response to all of the Examining Authority's Written Questions directed to the Applicant. In addition to this, the Applicant has provided a response to some questions that were directed to Interested Parties where the Applicant considers additional information would be useful for the Examining Authority.
- 1.2.3. Further to this, a number of appendices have been prepared to provide more detailed information to respond to the Examining Authority's Written Questions where required and they are included at the end of this document. The appendices are:
 - Appendix A: Letter of No Impediment

2. GENERAL AND CROSS-TOPIC QUESTIONS

Table 3-0 Response to general and cross-topic questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>As confirmed in the Applicant's Response to ExA FWQ (REP3-029) (in responding to Q1.0.1.1) the Design Champion on the Project Board will be Richard Wilkinson, continuing his role as Project Director. Mr Wilkinson's experience was set out in that response. There is no reason to believe he will not continue in that role, albeit the Applicant recognises circumstances can change over time. In the event that he was not Project Director, he would be replaced by a suitably qualified individual with the right level of experience; this would be in the undertaker's interests.</p> <p>The Applicant agrees to include appropriate provision within the Design Principles and Design Code (as updated alongside this submission) to incorporate the role, specifying its brief through detailed design and implementation.</p> <p>This approach is agreed between the Applicant and LBB.</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</p>	<p>The Applicant would respectfully disagree with the ExA that the value of independent peer review has been underestimated. As set out in response to Q1.0.1.2 of the Applicant's Response to ExA FWQ (REP3-029) the Applicant has taken a proactive approach to ensuring good design lay at the heart of the project process, embracing the use of the Design Approach Document and appointing LDA Design as design lead and to drive the masterplan. Albeit working as part of the project team, LDA Design has been encouraged to challenge the emerging equipment design configuration, driving optimisation and innovation where practicable, even at this relatively early stage in the process. The project has therefore been peer reviewed by highly experienced urban design professionals and this has informed and helped to shape the proposals now before the Examining Authority.</p> <p>As confirmed in the Applicant's response to Q1.0.1: There is no specific requirement for an independent design review panel. The PINS Advice Page is not statutory, simply asking applicants whether they intend using one or not. In discussion of the DAD with PINS through the Early Adopter Programme, the use of a design panel was not raised. It was discussed with LBB and determined that it was not necessary.</p> <p>Further, there is urban design experience within LBB and the project team and Cory is well-established in the area, with a good local knowledge gained from operating in Belvedere since 2011 and this representing the third strategic infrastructure development on Norman Road.</p> <p>Whilst an independent design review panel is not considered necessary, the Applicant recognises that the ExA would like to see greater emphasis placed on the ongoing scrutiny of the design process as it evolves through to construction. The Applicant is willing to enhance the current approach to design through involvement of a third party master planning design consultancy. This organisation will be commissioned to undertake a</p>

ExQ2	Question to	Question	Applicant's Response
		Design Principles and Design Code [REP3-007] or other certified document and ii) the dDCO including any Requirement(s)?	supporting role through detailed design, advising and ensuring the Design Principles and Design Code (as updated alongside this submission) are appropriately integrated. To this end, the Applicant has made appropriate provision within the Design Principles and Design Code (as updated alongside this submission) to incorporate independent review by a third party master planning design consultancy as an integral part of design evolution, with a report of that input being reflected in the statement of compliance that would be submitted under Requirements 4 and 12. This approach is agreed between the Applicant and LBB.
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 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>	<p>The Applicant is content with the ExA's proposed amendments (with just two substantive edits and some tidying up of the language) which have been incorporated into the Design Principles and Design Code (as updated alongside this submission):</p> <p><i>"The reusing of resources should must shall 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 shall 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>The Applicant considers that there are two matters to be dealt with at the decommissioning stage – the land that is to be built on for the purposes of the Carbon Capture Facility and the land that is the subject of the Outline LaBARDS (as updated alongside this submission). In respect of the former, the Applicant has updated Requirement 23 (3)(a)(iv) to provide that the Applicant must agree the ecological outcomes to be achieved with LBB as part of seeking approval for the DEMP. The Applicant considers that it is not appropriate to set out what those ecological outcomes should be now, as the surrounding baseline and environment will have changed by the time that a DEMP is brought forward. It is also the case that in the intervening period, LBB may determine that the land that is currently LNR but will be built on by the Proposed Scheme, should become an expanded SIL (or equivalent designation) meaning that ecological outcomes may not need to be achieved at all at the point of decommissioning.</p> <p>In respect of the LaBARDS land, that is dealt with by Deed of Obligation (B).</p>

ExQ2	Question to	Question	Applicant's Response
		<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 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.</p>	<p>The Applicant will amend Chapter 22: Summary of Effects of the Environmental Statement (Volume 1) (APP-071) to reflect the minor errata depicted in the Errata Schedule (AS-042). The amended version of Chapter 22: Summary of Effects of the Environmental Statement (Volume 1) (APP-071) will be submitted by Deadline 7 at the latest as part of the wider submission dealing with the queries raised by the ExA in Question 2.19.1.</p>

3. AIR QUALITY

Table 3-1 Response to Air Quality questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>i) The ExA is correct to note that the update was missed at Deadline 3. Revision D of the Design Principles and Design Code (both clean and tracked, AS-078 and AS-079 respectively) were submitted with the Applicant's Response to the Examining Authority's Rule 17 Letter (AS-077). The missing Design Principle is now DP_PL 1.11 in the Design Principles and Design Code, Revision D (AS-078). In the same document, Design Code DC-CCF1.9 was also updated to state: <i>Allow for a minimum 25m offset between back-up generators and the Crossness Local Nature Reserve boundary where practicable, to minimise the impact of noise and emissions.</i></p> <p>ii) The Applicant has discussed this point with LBB and the parties agree that DP_PL1.11 and DC_CCF1.9 are satisfactory as they stand. It is not considered necessary to repeat the wording of DP_PL1.11 in DC_CCF1.9, it is already present. In any event, it is recognised that the back-up generators will only be used for a short period of time.</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</p>	<p>The Applicant has continued to have positive engagement with Natural England as reflected in the Natural England Statement of Common Ground (as updated alongside this submission). Most recently a meeting was held to discuss Natural England's response to Appendix A of the Applicant's Response to Interested Parties' Deadline 3 Submissions (REP4-033) and the Natural England Statement of Common Ground (as updated alongside this submission). A summary of the position between the Applicant and Natural England is provided below:</p> <ul style="list-style-type: none"> Matters agreed: <ul style="list-style-type: none"> An in-combination assessment for Epping Forest SAC is not required. The emissions limit values (ELV) can be considered as embedded mitigation and appropriate secured by Requirement 14 of the Draft DCO (as updated alongside this submission). It is likely that when the cumulative impact assessment for the Inner Thames Marshes SSSI (see below) has been completed, it will be agreed that the Proposed Scheme will have no negative impact on designated sites. Matters Under Discussion: Natural England has requested that a cumulative impact assessment is undertaken for the Inner Thames Marshes SSSI. Whilst both the Applicant and Natural England agree that the results of the cumulative impact

ExQ2	Question to	Question	Applicant's Response
		<p>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 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.</p>	<p>assessment are unlikely to show significant impact, as the species present are unlikely to be sensitive to changes in air quality, the Applicant is happy to prepare a short Technical Note to provide written evidence of this. This Technical Note will include a consideration of committed developments that are likely to impact Inner Thames Marshes SSSI. The committed developments reviewed will be limited to those identified within the Chapter 21: Cumulative Effects of the Environmental Statement (Volume 1) (APP-070) and any developments not included within the Air Pollution Information System (APIS) baseline modelling and with realistic potential to add to cumulative impacts on Inner Thames Marshes. The assessment will be undertaken using the APIS data.</p> <ul style="list-style-type: none"> • Matters Not Agreed: Whilst the Applicant and Natural England agree that when the cumulative impact assessment for the Inner Thames Marshes SSSI (see below) has been completed, it will be agreed that the Proposed Scheme will have no negative impact on designated sites, Natural England does not agree with the terminology used by the Applicant to define the baseline and the future baseline.

4. ALTERNATIVES

Table 3-2 Response to Alternatives questions

ExQ2	Question to	Question	Applicant's Response
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.	The Applicant has addressed the points raised in the Landsul Ltd & Munster Joinery (UK) Ltd (LLMJL) joint Deadline 4 submissions in the Written Summary of the Applicant's Oral Submission at CAH2 (REP4-048) . Specifically, at Appendix E (REP4-034) the Applicant has provided its review of options for electrical connections into Riverside 1 and Riverside 2, and in so doing responding to the points raised by the 'Blake Clough' Electrical assessment. In addition, in Appendix H (REP4-034) the Applicant has responded to the points raised by LLMJL in relation to the Heat Transfer Station.
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] .	No response required from the Applicant.

5. BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT

Table 3-3 Response to Biodiversity, Ecology and Natural Environment questions

ExQ2	Question to	Question	Applicant's Response
Q2.3.1	The Applicant and LBBC	<p>Monitoring</p> <p>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?</p> <p>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)?</p> <p>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?</p>	<p>i – In responding to FWQ 1.3.1.1 and 1.3.1.2, both LBB and the Applicant present a strategy of establishing baseline conditions, setting appropriate management measures and consequently providing for regular monitoring and review. LBB's response (REP3-038) named these stages, using the terms Ecological Monitoring Strategy and Reports, with the latter sought at least every five years. Cory's response (REP3-029) explains how the effectiveness of management would be assessed through monitoring of habitats and refers to the management, maintenance and monitoring strategy set out in the Outline LaBARDS (as updated alongside this submission), principally at section 14. Paragraph 14.2.2 expressly provides for a 'detailed and agreed annual programme of maintenance works'. Paragraph 14.2.5 of the Outline LaBARDS (as updated alongside this submission) expressly provides for detailed management and monitoring plans, and full review of these at least every 3 years (unless otherwise agreed with LBB). Monitoring, as appropriate to the habitat type, would be an integral part of understanding when review of any approved full LaBARDS was necessary. Consequently, the parties are aligned on the overall strategy and frequency of monitoring and review, without needing to use LBB's terminology. All of the above is already incorporated into Requirement 12(3):</p> <ul style="list-style-type: none"> R12(3)(f) requires the LaBARDS to include details for 'how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development ...' R12(3)(g) requires the LaBARDS to include details for 'the ecological surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of, or inform, the ecological mitigation measures and the monitoring regime to be taken forward following those initial surveys'. <p>LBB and the Applicant are content that between Requirement 12 and the detail required to be provided in any full LaBARDS, there is a clear strategy to ensure that monitoring is appropriately undertaken and properly directs the ongoing management of the habitats to achieve the intended outcome.</p> <p>ii – The Outline LaBARDS (as updated alongside this submission) is not intended to be the full or final submission – it presents the framework for habitat creation, management, monitoring and review, making clear the commitment for detail in any full LaBARDS(s). Requirement 12(3)(g) already requires that ecological survey is used to inform future measures and monitoring regime to be taken forward. Both LBB and the Applicant are content that there is a clear strategy to ensure that monitoring is appropriately undertaken, including the use of surveys at the appropriate time, and properly directs the ongoing management of the habitats to achieve the intended outcome. The amendments made to Requirement 12(3)(g) in the Draft DCO (as updated alongside this submission) and reported in response to Q2.3.4 below, provide further specificity on this point.</p> <p>iii – The parties agree it is already satisfactorily addressed. The full LaBARDS to be submitted to LBB, having been prepared with engagement from relevant stakeholders, will set out the appropriate level of detail, as required by Requirement 12(3), and Requirement 12(2) which requires the submission to be substantially in accordance with the Outline document.</p>
Q2.3.2	The Applicant and LBBC	<p>LaBARDS – review</p> <p>Having regard to the Applicant's response to ExQ1.3.1.2 [REP3-029], if there is no</p>	<p>LBB and the Applicant consider there is suitable mechanism for review, updating and approval. Paragraph 14.2.5 of the Outline LaBARDS (as updated alongside this submission) expressly provides for full review at least every 3 years (unless otherwise agreed with LBB).</p>

ExQ2	Question to	Question	Applicant's Response
		mechanism either within the LaBARDS [REP4-012] itself or in the specification for the LaBARDS in R12 for review, updating and approval, how can necessary changes be identified, implemented and verified, and compliance effectively monitored and enforced?	Requirement 12(3)(f) and (g) set out the details in regard to management, monitoring and review that must be contained within any full LaBARDS. Through its determination of the full LaBARDS(s) it is in LBB's power to secure different timeframes to those presented in any such submission. This is considered unlikely to occur, not least as the Applicant is committed to submission of properly prepared documents, but also because the full LaBARDS will be prepared through engagement with relevant stakeholders. It would be inappropriate for monitoring and review timeframes to be set at this time with any greater level of definition within either Requirement 12 or the Outline LaBARDS (as updated alongside this submission) . They should be set as appropriate to the habitats addressed within the full LaBARDS(s), and as appropriate to their ongoing management through the operational life of the Carbon Capture Facility, a factor which can be expected to change throughout this period.
Q2.3.3	The Applicant and NE	Water Voles 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?	The Applicant received a Letter of No Impediment (Natural England Reference: DAS 457982) in relation to licensing for water voles on 25 th February 2025. The Letter of No Impediment is presented within Appendix A of this report and described within the Natural England Statement of Common Ground (as updated alongside this submission) .
Q2.3.4	The Applicant	Priority Species/Species of Principal Importance and other scarce, vulnerable or endangered species 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. 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	Although Priority Species (both animal and plant) are not specifically mentioned in the Outline LaBARDS (as updated alongside this submission) , Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and its supporting appendices provide an assessment of impacts on such species in recognition that they are an important and relevant matter in determining the Proposed Scheme. The results of the assessment of impacts on terrestrial biodiversity has led directly to the development of the Outline LaBARDS (as updated alongside this submission) , through the avoidance/reduction, mitigation and compensation requirements it contains. Thus, although the Outline LaBARDS (as updated alongside this submission) does not explicitly address Priority Species, protection and conservation of Priority Species is implicit in the proposals contained within it. The Applicant makes a distinction between animal and plant Priority Species as both have different requirements for their protection and conservation, this due to the mobility of the former and sessile nature of the latter. Requirements for embedded and additional mitigation for animal Priority Species, primarily but not limited to water voles, reptiles and breeding birds as laid out in Section 7.7 and Section 7.9 of Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) , will be implemented to protect and conserve them. This will be achieved through implementation of the Outline CoCP (as updated alongside this submission) and Outline Lighting Strategy (as updated alongside this submission) during construction, and the Outline LaBARDS (REP4-012) , (supported by the Outline Drainage Strategy (AS-027) following construction). Habitat enhancement and creation will lead to benefits to animal Priority Species. With regards to plant Priority Species, these are part of a botanical community primarily within floodplain grazing marsh which is the dominant habitat at Crossness LNR. Habitat enhancement, supported by habitat creation, will improve the condition of floodplain grazing marsh and other habitats at Crossness LNR. Notwithstanding the above, the Applicant intends, through management, to introduce a level of variation in structure of habitat within the Mitigation and Enhancement Area to create opportunities for Priority Species, including plants and insects (e.g. bee species). This could be through small variations in topography (e.g. raising areas so they are drier, warmer, and

ExQ2	Question to	Question	Applicant's Response																						
		<div>development, the avoidance, compensation or mitigation strategies proposed to be employed?</div> <div>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?</div>	<p>thus would favour nesting bumble bee species and other insects) and managing the grass sward to be shorter in places and longer in others to favour a wider range of forb species. The Applicant is working with stakeholders to bring their expertise into the design process for the full LaBARDS(s), and has, for example agreed to work with Buglife to incorporate this sort of habitat variation such that floodplain grazing marsh enhancement will also provide habitat for insect Priority Species (see 3.2 Matters Agreed within the Buglife Statement of Common Ground (REP2-012) and the commitments to engage with Buglife in the Outline LaBARDS (as updated alongside this submission). Overall, it is the Applicant's position that habitat compensation within the Mitigation and Enhancement Area, despite adjacent habitat loss due to the Proposed Scheme, will protect and conserve Priority Species and will not be detrimental to them. Specific measures for individual botanical or insect species should not be included in Requirement 12/the Outline LaBARDS (as updated alongside this submission), as the Applicant's approach focusses on habitats and the botanical community as a whole. Although measures for the protection and conservation for individual botanical or insect Priority Species could be prepared based on the Applicant's own botanical survey Appendix 7-6: Botanical Survey Report of the Environmental Statement (Volume 1) (APP-093) and that provided by Save Crossness Nature Reserve (REP1-050), prioritising actions to promote one species specifically may negatively affect others. Trade-offs are inherent in conservation management, which should see the greatest conservation gain by balancing actions and interventions. Thus, rather than taking an individual species-based approach to the botanical and insect Priority Species the Applicant will protect and promote the botanical community as a whole, with consequent gains for a wide variety of insects through habitat enhancement and subsequent habitat management, supported by habitat creation, which will be set out in the full LaBARDS(s). However, to ensure that Priority Species are able to be considered as part of the development of the LaBARDS, the Applicant has amended Requirement 12(3)(g) to be clear that the LaBARDS measures will be informed by the surveys of flora, fauna and habitat, agreed with LBB to be necessary, rather than just a general reference to 'ecological'.</p>																						
Q2.3.5	The Applicant	<div>BNG Opportunity Area – compensation</div> <div>In the Applicant's response to Ex Q1.3.1.18 [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:</div> <div><div>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;</div><div>ii) The total area (in ha, broken down by habitat type) of habitat creation to be provided on-site (in the Mitigation</div></div>	<p>The Applicant confirms the following details in relation to habitat compensation within the Mitigation and Enhancement Area (Norman Road Field) and Biodiversity Net Gain Opportunity Area (Thamesmead Golf Course):</p> <div><div>i)</div><div>Breakdown of habitats to be lost as a result of the construction of the Proposed Carbon Capture Facility (reporting values from Table 4-1 of Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)):</div><table><thead><tr><th>On-site Habitat Type</th><th>Area (ha)</th></tr></thead><tbody><tr><td>Reedbeds</td><td>0.37</td></tr><tr><td>Other neutral grassland (Moderate)</td><td>0.67</td></tr><tr><td>Other neutral grassland (Poor)</td><td>0.04</td></tr><tr><td>Coastal floodplain and grazing marsh</td><td>2.04</td></tr><tr><td>Modified grassland</td><td>1.12</td></tr><tr><td>Bramble scrub</td><td>0.91</td></tr><tr><td>Open Mosaic Habitat</td><td>0.98</td></tr><tr><td>Developed Land Sealed Surface</td><td>0.62</td></tr><tr><td>Artificial Unvegetated Unsealed Surface</td><td>0.04</td></tr><tr><td>Habitat already offset by Riverside 2</td><td>2.36</td></tr></tbody></table></div>	On-site Habitat Type	Area (ha)	Reedbeds	0.37	Other neutral grassland (Moderate)	0.67	Other neutral grassland (Poor)	0.04	Coastal floodplain and grazing marsh	2.04	Modified grassland	1.12	Bramble scrub	0.91	Open Mosaic Habitat	0.98	Developed Land Sealed Surface	0.62	Artificial Unvegetated Unsealed Surface	0.04	Habitat already offset by Riverside 2	2.36
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ExQ2	Question to	Question	Applicant's Response
		<div>and Enhancement Area) to compensate for this loss;</div> <div>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;</div> <div>iv) Whether there would be any net loss of habitat that cannot be compensated for; and,</div> <div>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).</div>	<div><div><div>Introduced Shrub0.00</div><div>Deciduous Woodland0.00</div><div>Watercourse Footprint - Ditches0.09</div><div>TOTAL9.23</div></div><div>ii) The breakdown of habitat compensation (habitats to be created and enhanced) within the Mitigation and Enhancement Area (values calculated directly from source data as values are not provided in this form in a technical appendix):<div><div>On-site Habitat TypeArea (ha)</div><div>Reedbeds (Creation)0.41</div><div>Other neutral grassland (Creation)0.29</div><div>Coastal floodplain and grazing marsh (Enhancement)6.99</div><div>Coastal floodplain and grazing marsh (Creation)0.67</div><div>Deciduous Woodland (Enhancement)1.00</div><div>TOTAL9.36</div></div></div><div>iii) Breakdown of habitats to be created in the BNG Opportunity Area off-site to compensate for on-site losses (reporting values from Table 4-6 of Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (volume 3) (APP-088)):<div><div>Off-site Habitat TypeArea (ha)</div><div>Reedbeds0.210</div><div>Open Mosaic Habitat0.882</div><div>TOTAL1.092</div></div></div><div>iv) Two habitat types are not compensated for and show a net loss within calculations. These are:<div><div><div>Bramble Scrub – Net Loss of 0.91ha</div><div>Modified Grassland – Net Loss of 1.12ha</div></div><div>Both these habitats are common and widespread in the UK, and rather than being replaced like-for-like have been replaced with higher distinctiveness habitats within proposed landscaping of the Carbon Capture Facility, namely woodland and neutral grassland (as reported in the Biodiversity Net Gain - Trading Rules Compliance Technical Note (REP3-031)).</div><div>The Applicant also draws the ExA's attention to the fact the Proposed Scheme will lead to an overall reduction in area of Floodplain Grazing Marsh habitat by 1.37ha (2.04ha lost within the Eastern/Stable Paddocks, balanced by 0.67ha of created within Norman Road Field); however, this loss is fully compensated for by enhancement of remaining grazing marsh habitat from Poor to Moderate condition.</div></div></div><div>v) Within the Statutory Metric, losses and gains are subject to Trading Rules (see Biodiversity Net Gain - Trading Rules Compliance Technical Note (REP3-031)) and the requirement that habitat creation and enhancement to mitigate/compensate for impacts of a development do not contribute towards a net gain, although they can contribute up to the no net loss level (i.e. parity between baseline and post-development biodiversity units, and a 0% gain). Within the Statutory Metric, net gain is calculated as the sum of Biodiversity Units from habitat creation and enhancement. Thus, various combinations of habitats</div></div>

ExQ2	Question to	Question	Applicant's Response
			<p>created and enhanced and not subject to the above rules could be used to achieve a 10% net gain.</p> <p>The Biodiversity Net Gain model provided within Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) requires the Proposed Scheme to achieve an uplift of 34.87 Biodiversity Units for area-based habitats to achieve a 10.01% net gain. Despite the fact that units are summed, this uplift could be achieved through a combination of the following on-site habitat creation and off-site habitat enhancement:</p> <ul style="list-style-type: none"> On-site creation of 1.46ha of Neutral Grassland, "Moderate" condition (9.07 Biodiversity Units). On-site creation of 0.738ha of Lowland Mixed Deciduous Woodland, "Poor" condition (1.10 Biodiversity Units). Off-site enhancement of 7.70ha of Neutral Grassland from "Poor" to "Moderate" condition (24.70 Biodiversity Units). Total Biodiversity Units Achieved = 34.87, 10.01% net gain.
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>	<p>In Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088), the Applicant presents baseline data for the Biodiversity Net Gain Opportunity Area for the whole of the Peabody Trust land holding, totalling 16.36ha. The Proposed Scheme does not require this entire area for ecological compensation and habitat enhancement pursuant to a net gain for biodiversity. As detailed above, 1.09ha is required for compensatory habitat creation of reedbed and open mosaic habitat (as reported in Table 4-6 of Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)), and 7.70ha of grassland enhancement (as reported in Table 4-5 of Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)) to achieve a quantitative net gain; thus, in total 8.79ha of the Biodiversity Net Gain Opportunity Area is required by the Proposed Scheme, just over half the total area (53%). Overall, there is no effect on the sufficiency of the Biodiversity Net Gain Opportunity Area to compensate for habitat loss and also provide a net gain. Compensatory habitat creation and grassland enhancement can be comfortably accommodated with ample habitat "left over" to allow for variation.</p> <p>At the start of its discussions with the Peabody Trust, the Applicant proposed conversion of the existing disused gravel car park and driving range buildings in the north-west of the Biodiversity Net Gain Opportunity Area (which have no biodiversity value at present) into habitats of biodiversity value to maximise the gains possible. This proposal is reflected in Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088). However, since this report was prepared discussions with Peabody have indicated it wishes to retain the car park and driving range buildings for other potential uses and thus on-going design work has excluded them. This reduction in area (2.3% of the total available) is small and will not affect the ability of the Applicant to deliver the proposed compensation and enhancement at the Biodiversity Net Gain Opportunity Area. Despite the reduced baseline area at the Biodiversity Net Gain Opportunity Area, the same area of open mosaic habitat creation, reedbed creation and neutral grassland enhancement will occur, and consequently the same result as reported in Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) for a biodiversity net gain will be achieved.</p>

ExQ2	Question to	Question	Applicant's Response
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>	<p>The Applicant would draw the Examining Authority's attention to the qualitative assessment it has undertaken in relation to Biodiversity Net Gain within Table 5-1 of Appendix 7-1 to the Environmental Statement, the Biodiversity Net Gain Report (Volume 3) (APP-088). This demonstrates compliance with the Biodiversity Net Gain Good Practice Principles¹ which are a standard for industry best practice. Qualitative evidence presented in the table demonstrates compliance with the following principles are achieved by the Proposed Scheme:</p> <ol style="list-style-type: none"> 1. Apply the mitigation hierarchy 2. Avoid losing biodiversity that cannot be offset by gains elsewhere 3. Be inclusive and equitable 4. Address risks 5. Make a measurable Net Gain contribution 6. Achieve the best outcomes for biodiversity 7. Be additional 8. Create a Net Gain legacy 9. Optimise sustainability 10. Be transparent <p>The assessment of impacts of the Proposed Scheme within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) is also material to the qualitative assessment presented by the Applicant. Habitat losses are compensated for through habitat creation and enhancement, and mitigation will ensure there are no significant residual effects of the Proposed Scheme on important ecological features. Together, embedded and additional mitigation measures within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and habitat creation and enhancement proposals detailed in Appendix 7-1: Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088), demonstrate adequate mitigation and compensation will be provided for natural areas lost to the development, as well as demonstrating as net gain for biodiversity will be achieved. This is summarised for each important ecological feature in the following way:</p> <ul style="list-style-type: none"> • Designated Sites (Crossness LNR/Erith Marshes MSINC/Belvedere Dykes SINC/River Thames and Tidal Tributaries MSINC) – avoidance and reduction of habitat loss through optioneering carried out as demonstrated in Chapter 3: Consideration of Alternatives of the Environmental Statement (Volume 1) (APP-052). Compensation for loss of habitat within these sites has been provided through habitat creation and enhancement, as proposed in the Outline LaBARDS (as updated alongside this submission). • Habitats of Principal Importance (coastal and floodplain grazing marsh, reedbed, open mosaic habitat) – avoidance and reduction of habitat loss through optioneering carried out as demonstrated in Chapter 3: Consideration of Alternatives of the Environmental Statement (Volume 1) (APP-052). Compensation for loss of habitat within these sites has been provided through habitat creation and enhancement, as proposed in the Outline LaBARDS (as updated alongside this submission). Compensation for loss of floodplain grazing marsh will be achieved through enhancement of that remaining within Crossness LNR through raising of the soil water table to restore its wet character, this through the Outline Drainage Strategy (AS-027). Reedbed creation will compensate for the loss of this habitat type and will be undertaken both within Crossness LNR and the Biodiversity Opportunity Area. Open

¹ CIEEM, CIRIA & IEMA. (2019). 'Biodiversity Net Gain: Good practice principles for development. A practical guide'.

ExQ2	Question to	Question	Applicant's Response
			<p>mosaic habitat creation will compensate for the loss of this habitat type and will occur at the Biodiversity Opportunity Area.</p> <ul style="list-style-type: none"> • Ditch Habitat – avoidance and reduction of habitat loss through optioneering carried out as demonstrated in Chapter 3: Consideration of Alternatives of the Environmental Statement (Volume 1) (APP-052). Compensation for loss of ditch habitat will be achieved through ditch creation and enhancement within Crossness LNR. • Bats – disturbance to foraging and commuting bats will be mitigated through implementation of the Outline CoCP (as updated alongside this submission) and Outline Lighting Strategy (as updated alongside this submission) such that the Proposed Scheme would not harm these animals. • Breeding Birds/Wintering Birds – embedded mitigation measures within the Outline CoCP (as updated alongside this submission) would prevent harm to breeding and wintering birds. In addition, habitat creation and enhancement measures as proposed in the Outline LaBARDS (as updated alongside this submission) would ensure continued availability of important habitats within Crossness LNR for both breeding and wintering birds. • Water vole – mitigation for potential harm to water voles will be achieved through their capture from the works area of the Proposed Scheme (i.e. where habitat loss will occur) and release into prepared receptor areas within Crossness LNR. • Reptiles – embedded mitigation measures within the Outline CoCP (as updated alongside this submission) would prevent harm to reptiles. In addition, habitat creation and enhancement measures as proposed in the Outline LaBARDS (as updated alongside this submission) would ensure continued availability of important habitats within Crossness LNR for reptiles. • Notable Plants (i.e. the botanical community, including plant Species of Principal Importance) – harm to the botanical community within areas of habitat loss will be mitigated through habitat creation and enhancement as proposed in the Outline LaBARDS (as updated alongside this submission). • Terrestrial Invertebrates (including insect Species of Principal Importance) – harm to the Terrestrial Invertebrates community within areas of habitat loss will be mitigated through habitat creation and enhancement as proposed in the Outline LaBARDS (as updated alongside this submission).
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? 	No response required from the Applicant.

ExQ2	Question to	Question	Applicant's Response
		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?	

6. CLIMATE CHANGE

Table 3-4 Response to Climate Change questions

ExQ2	Question to	Question	Applicant's Response
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 463tCO₂e (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>	<p>The Land Use, Land Use Change and Forestry (A5) emissions figure of 463 tCO₂e given in Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062) was determined using the following early information on the expected loss in habitat type and area for the Proposed Scheme:</p> <ul style="list-style-type: none"> Dense Scrub: 0.442ha Modified Grassland: 0.838ha Other Neutral Grassland: 1.027ha Coastal and Floodplain Grazing Marsh (CFGM): 1.952ha Reedbeds: 0.264ha <p>The area and type of each habitat was entered into WSP's Habitat Carbon Calculator tool, which applied relevant habitat carbon factors (tonnes per hectare) based on soil carbon, vegetative carbon and total carbon storage values derived from the Natural England Carbon Storage and Sequestration by Habitat report² and the Woodland Carbon Code Calculator³. The output from the WSP Habitat Carbon Calculator tool identified the following emissions attributable to the loss of each habitat type, totalling 462.8 tCO₂e (this total is as reported in Table 13-8 of Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062)):</p> <ul style="list-style-type: none"> Dense Scrub: 63.9 tCO₂e Modified Grassland: 108.9 tCO₂e Other Neutral Grassland: 61.6 tCO₂e Coastal and Floodplain Grazing Marsh (CFGM): 213.5 tCO₂e Reedbeds: 14.9 tCO₂e <p>However, as noted elsewhere in this document, the final habitat loss figures were different meaning that on the basis of the same process the figures are as follows:</p> <ul style="list-style-type: none"> Dense Scrub: 0.905ha which equals 130.8 tCO₂e Modified Grassland: 1.117ha which equals 145.2 tCO₂e Other Neutral Grassland: 0.702ha which equals 42.1 tCO₂e Coastal and Floodplain Grazing Marsh (CFGM): 2.042ha which equals 223.4 tCO₂e Reedbeds: 0.373ha which equals 21.1 tCO₂e <p>Based on these values there would be an increase in the emissions reported for Land Use, Land Use Change and Forestry (A5) to 563 tCO₂e, which represents a change of 0.1% to the emissions reported for the construction phase. This is not considered to affect the findings of Chapter 13: Greenhouse Gases of the Environmental Statement (Volume 1) (APP-062).</p>
Q2.4.2	EA and the Applicant	<p>Carbon cost of development platform vs disruption to CCF plant during flooding</p>	<p>As noted in Appendix C: Flood Risk Technical Note – Breach Assessment Scenarios (REP3-035), the original proposed minimum platform level of 2.8m AOD for Proposed Scheme represented the worst-case 'glass wall' approach for inclusion of the Development</p>

² Natural England. (2021). 'Carbon Storage and Sequestration by Habitat (2nd Edition)'

³ Woodland Carbon Code, (2021). 'Woodland Carbon Code Calculator (Version 4)'

ExQ2	Question to	Question	Applicant's Response
		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>Platform, which has undergone further review of options to minimise the extent of ground level raising for the Development Platform.</p> <p>Based on the glass wall approach, ExQ1.4.0.2, within the Applicant's Response to Examining Authority's First Written Questions (REP3-029), indicates that the carbon cost of the Development Platform would equate to approximately one day of CO₂ emissions entering the atmosphere if the Carbon Capture Facility was not able to operate i.e. 4,440 tCO₂e</p> <p>Appendix C: Flood Risk Technical Note – Breach Assessment Scenarios (REP3-035) has identified alternative Development Platform scenarios, which considers specific Carbon Capture Facility equipment requiring protection from flood water inundation and revised levels for the remainder of the Development Platform of up to 1.5m AOD (Scenario 2). The alternative scenarios will require significantly less material for ground raising and flood protection for operation of the Carbon Capture Facility, which would reduce the associated embodied carbon identified for the worst-case approach, i.e. less than a day of CO₂ emissions entering the atmosphere.</p> <p>For comparison, it is assumed that the minimum period the Carbon Capture Facility would be out of action due to a single flood event would be 6 months, which would be equivalent to approximately 810,000 tCO₂e entering the atmosphere. This has therefore been taken into account as part of the overall on-going discussions with the EA about appropriate design for the Development Platform. In response to question 2.9.2 the Applicant has provided an update on the overall discussions on this matter.</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>	No response required from the Applicant.
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>	<p>The Seventh Carbon Budget maintains the Climate Change Committee's support for carbon capture at EfW facilities (published February 2025). Engineered removals of carbon are included in the proposed budgets, increasing out to 2050, such removals, including CCS are an essential part of delivering the CCC's Budget. In addition to increased recycling and a reduction in food waste, a key element of the Balanced Pathway for waste is that 'CCS is installed to capture 90-95% of emissions from EfW.' (Seventh Carbon Budget, page 247)</p> <p>The Seventh Carbon Budget makes clear that even with future step changes in waste management - including the near elimination of <i>biodegradable</i> waste sent to landfill by 2028 and the near elimination of <i>all</i> waste sent to landfill by 2045 – there remains an integral role for CCS with EfW, not least 'to balance out the residual emissions remaining in the waste sector. These residual emissions mostly come from hard-to-abate process emissions in wastewater, mechanical biological treatment, legacy methane emissions from landfill, and uncaptured CO₂ from EfW with CCS.' (Seventh Carbon Budget, pages 248 and 249). It is</p>

ExQ2	Question to	Question	Applicant's Response
			also noted that page 4 of the report notes that ' <i>we cannot see a route to Net Zero that does not include CCS.</i> '

7. COMPULSORY ACQUISITION (CA), TEMPORARY POSSESSION AND OTHER LAND OR RIGHTS CONSIDERATIONS

Table 3-5 Response to Compulsory Acquisition (CA), Temporary Possession and other land or rights considerations questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>There has not been any change in position to the Status of Objection as recorded in REP3-030, and no other changes required to that document. As such no updated version of that document is provided. The Land Rights Tracker (as updated alongside this submission) provides the latest position on negotiations with those parties, but in summary:</p> <ul style="list-style-type: none"> • In respect of Creek Side Developments and Seamus Gannon, the Applicant has continued to seek engagement from these parties on Heads of Terms. However, it appears clear from their oral and written submission that the primary driver for their position is the compensation to be received. There are no issues in terms of accommodation works or other matters that may otherwise be of relevance to the Examination – it would be a straightforward freehold commercial transaction. The commercial negotiations on that matter are likely to run past the end of Examination. • Landsul and Munster Joinery are clear that their fundamental position is to object to the Proposed Scheme and will not countenance voluntary negotiations until the DCO process has played out. • The EA's land matters will be dealt with via its Protective Provisions. These provisions need to be agreed with the EA not just in respect of land matters, and the Applicant is working with the EA to agree these as soon as possible. • London Power Networks (and the other UKPN) interests are protected by its Protective Provisions within the DCO. UKPN has now engaged with the Applicant on bringing forward a Side Agreement in addition but has not sought any amendments to the Protective Provisions themselves. • Whilst LBB is noted as having an outstanding objection, this does not relate to land matters, where the provisions of the DCO will apply. • Jay Anderson holds a grazing tenancy that will likely subsist until the point in time that the Applicant seeks to use its powers. At that point in time, the measures in the Outline LaBARDS (as updated alongside this submission) would kick in, and the Applicant would be able to issue a new grazing tenancy – it will not be able to be issued until that point and so this will not be resolved in Examination. • In respect of SGN, the parties are discussing a Side Agreement to accompany the Protective Provisions in the DCO, which is anticipated to be agreed prior to the end of Examination. The Applicant has also made a small, agreed change to the PPs at Deadline 5. • Whilst the PLA is noted as having an outstanding objection, this does not relate to land matters, as the DCO land powers cannot be utilised without its agreement pursuant to its Protective Provisions. • In respect of WRWA, commercial discussions are on-going, which need to be seen in the wider context of the respective parties' submissions in the Examination to date. Shortly before the Deadline, the Applicant received advance sight of WRWA's Deadline 5 submission requesting further amends to the DCO, which the Applicant is considering and will update as soon as possible post Deadline 5. <p>The remaining parties of particular interest to the Examination are therefore TWUL and Peabody/Tilfen Land. The Applicant is in active negotiations with these parties (which, in respect of TWUL, will be affected by the Applicant's response to question 2.5.3 below) to</p>

ExQ2	Question to	Question	Applicant's Response
			seek to reach voluntary agreements as soon as possible and will continue to update the Examination on progress made.
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>	<p>The Applicant confirms that the Proposed Scheme could not effectively be implemented in a split configuration. The indicative equipment layout for the Proposed Scheme is contiguous and the TWUL access road shown does not sever the site. Further, while preserving access for TWUL and the EA access; it will have a look and feel quite different to how it presently appears today. The new access road will be an integral element of the operational Carbon Capture Facility (and thereby likely to be covered by its health and safety directions and the EA's Environmental Permit) being part of a circulatory vehicular road system for the Applicant's personnel and vehicular access within the Carbon Capture Facility as well as any emergency service vehicles. The Proposed Scheme site should, properly, be considered to be contiguous.</p> <p>It would only be for the short periods of time when TWUL (infrequently) or the EA require operational access to their assets through the Carbon Capture Facility. Access for these two specific, and known, third party organisations would likely be controlled and managed through an automated system or manned gate house. Thus, while it would have a dual function, and TWUL and EA access rights would be preserved and continue, on a practical level the primary user on a day to day operational basis would be the Applicant.</p> <p>It is also important to note that notwithstanding TWUL's submission, this arrangement does not constitute a change from the current position. Cory entities own plots 1-039 and 1-040 on the Land Plans which are the access point to the Access Road from Norman Road. As such, TWUL and the EA already do not have unfettered access to the road – access to it is at Cory's discretion and through the existing arrangements between the parties. This will continue with the Proposed Scheme in place – the post Scheme difference is that the road past that point will now be part of an operational carbon capture facility.</p> <p>The Applicant considers that making special provision for occasional TWUL and EA access through the CCF site in a controlled and managed way is not analogous to a physically split and separate site configuration. In a split site configuration, there would be no provision for direct personnel or vehicular access between the two split sites. Any movement between the two physically separate sites would require exiting the main site onto the public highway (Norman Road), then entering the second site via a separate gated access point. The two scenarios are completely different.</p> <p>The Applicant's preference at this stage of the design process is to retain the Thames Water Access Road in its current alignment at detailed design. However, an absolute and fixed requirement to this end would have the potential to prejudice an efficient use of land and/or lead to a sub optimal design solution for CNP infrastructure. Appropriate access for TWUL and EA would be retained, and any changes would be agreed with TWUL pursuant to their Protective Provisions (including the use of land powers over the existing road). Flexibility is necessary during the construction phase and optimise design layout of the Carbon Capture Facility for operations, whilst ensuring that suitable access/egress is available for those specific third parties (TWUL and EA) including emergency vehicles and large HGVs. Therefore, the Applicant considers that the provision of TWUL and EA access via the roadway does not infer the acceptability of a split site configuration. The Applicant has set out why a contiguous site is essential for safe, reliable and efficient operation of the CCF in its Written Summary of Oral Submission at CAH2 (REP4-048) particularly at section 3.1.18 viii, and in its Appendix A (REP4-034).</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</p>	<p>The Applicant has responded to TWUL's submission in the separate Applicant's Response to Interested Parties' Deadline 4 Submissions (Document Reference: 9.27) also submitted at Deadline 5.</p>

ExQ2	Question to	Question	Applicant's Response
		<p>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>	<p>As can be seen from those responses, and has been, consistently, set out in the Examination submissions, simply amending the existing section 106 over TWUL's land is not sufficient – as Requirement 12 is binding on the Applicant, the Applicant needs to be able to control that the capital works and on-going management of that land is carried out and continued on an on-going basis.</p> <p>Furthermore, it is not considered to be legally appropriate to take this approach. <u>Imposing</u> new positive obligations onto TWUL via a section 106 is using the planning system to circumvent the restriction in compulsory acquisition law; that positive covenants cannot be compulsorily acquired.</p> <p>In this context, the Applicant has set out that some form of property arrangement is necessary to ensure that the Applicant can carry out the LaBARDS works and manage them, whilst ensuring that TWUL cannot cause a breach of the LaBARDS obligations.</p> <p>The Applicant has confirmed that this would be possible through being able to impose a combination of rights for the benefit of the Applicant and restrictive covenants on TWUL, but that it considered that such an approach would essentially be 'de-facto' compulsory acquisition for a landowner. From TWUL's responses and engagement, it now appears clear that TWUL is willing to commit to its land continuing to be used for LNR purposes in the long term, including with LaBARDS related obligations, but that it wishes to retain ownership of the land, notwithstanding how its 'enjoyment' of the land as landowner would be affected.</p> <p>With TWUL's view in mind, the Applicant has now determined that it would be appropriate to change the Land Plans (and associated documents) to change the TWUL LNR plots to blue rights/restrictive covenant plots. However, it cannot, at this stage, formally make the change to the application documentation to do this, without Deed of Obligation (B) being first entered into, for the reasons set out below.</p> <p>Firstly, it is considered that from a LBB perspective, it would be clearer if there is a public planning 'hook' for TWUL as landowner to be required to manage the land in accordance with the LaBARDS, not just on a property basis.</p> <p>Secondly, and crucially, because, in bringing forward the LaBARDS, it is not only the Applicant's interests that need to be borne in mind, but also the fact that the Applicant will be making re-provision for graziers on TWUL's land.</p> <p>This includes the ability for the graziers to graze that land, but also to access over it (including the construction of access tracks). Such access may also need to be offered to other parties to enable a more efficient access being taken in this location (such as the Friends group, or the Environment Agency). This provision for the graziers falls out of Requirement 12 of the DCO, and so the Applicant needs to ensure that they are able to be provided for via the appropriate documentation.</p> <p>It is not possible for project promoters to utilise DCO compulsory acquisition of rights powers for the benefit of third parties, so the DCO cannot deal with these issues. This issue does not arise if the plots remain 'pink' as in that scenario the Applicant would own the land and could grant the subsidiary rights. As such, the only way that these matters can be dealt with, absent full compulsory acquisition powers, is for the Deed of Obligation to require</p>

ExQ2	Question to	Question	Applicant's Response
			<p>TWUL to provide for them. The change in powers can therefore only happen with that Deed of Obligation entered into.</p> <p>However, given that the Deed of Obligation still needs to be agreed, the Applicant appreciates that the ExA needs to understand what the above 'looks like' in order to inform its Recommendations.</p> <p>To that end, and on the assumption that the Deed of Obligation will be agreed before the end of Examination, or if not, soon after, so that the ExA could report on the basis of what can happen if it is entered into in the Recommendation Period, the Applicant:</p> <ul style="list-style-type: none"> • has therefore submitted at Deadline 5, 'without prejudice' versions of the Land Plans and Book of Reference, with different version numbers, so that if the Deed of Obligation (B) is entered into, these versions could become the certified document (note that these plans have involved splitting plot 1-090 to account for the limits of deviation of Work No. 7 and adjoining Works Numbers); • has submitted at Deadline 5 an updated Deed of Obligation covering the grazing/access matters discussed above, which needs to be agreed by TWUL; and • suggests the following text would be able to be added to the front end of Schedule 8, if the Deed of Obligation (B) is entered into. These rights would be able to be added as a final row to the table in Schedule 8, applied to plots 1-020, 1-021, 1-047, 1-050, 1-090, 1-093 and 1-099 (as shown on the without prejudice Land Plans). <p><i>"mitigation and enhancement area rights" means:</i></p> <p><i>(a) rights over land to install, use, support, protect, inspect, alter, remove, replace, retain, renew, improve, manage, monitor and maintain Work No. 7, ancillary works associated with Work No. 7, any works required by any landscape, biodiversity, access and recreation delivery strategy approved pursuant to paragraph 12 of Schedule 2, any permissive paths, public rights of way or access tracks, and any vegetation, landscaping or ecological measures; and to remain, pass and repass on foot, with or without vehicles, plant and machinery over the land;</i></p> <p><i>(b) the imposition of restrictive covenants to restrict or prevent the removal of Work No. 7, any works required by any landscape, biodiversity, access and recreation delivery strategy approved pursuant to paragraph 12 of Schedule 2, any permissive paths,</i></p>

ExQ2	Question to	Question	Applicant's Response
			<p><i>public rights of way or access tracks and any vegetation, landscaping or ecological measures; and</i></p> <p><i>(c) the imposition of restrictive covenants to restrict or prevent the sale of the land unless with the consent of the undertaker.</i></p> <p>In respect of the Thames Water Access Road, the Applicant has, in the response to question 2.5.2, set out why compulsory acquisition powers are required and need to be maintained over the eastern half. In respect of the western half of the Access Road (outside of the Carbon Capture Facility) and any land that may be required for its diversion (which if not used for these purposes would be used for the MEA) similar access issues arise as noted for the LNR land. However, there is further difficulty with this road in that, pursuant to the EA's Protective Provisions, the Applicant <u>must</u> ensure that access is maintained to the Great Breach Pumping Station for the Environment Agency. Given that firm commitment, the Applicant needs the certainty that it can maintain that access. As such, the Applicant has not changed these plots to blue in the 'without prejudice' Land Plans.</p> <p>From a DCO drafting perspective, the consequences of all of the above are that, where Deed of Obligation (B) is entered into, the Applicant would be agreeable to sub-paragraph (3) of paragraph 36 of the TWUL Protective Provisions submitted at Deadline 5 being amended as follows:</p> <p><i>"Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any interest in the access road plots 1-033, 1-036, 1-038, 1-042 and 1-044 on the land plans otherwise than by agreement".</i></p>

8. CULTURAL HERITAGE

Table 3-6 Response to Cultural Heritage questions

ExQ2	Question to	Question	Applicant's Response
		Former Belvedere Power Station Jetty – Historic Building Recording See ExQ2.8.4 below.	Please see response to question ExQ2.8.4 below.

9. CUMULATIVE EFFECTS

Table 3-7 Response to Cumulative Effects questions

ExQ2	Question to	Question	Applicant's Response
		No question for the Applicant	

10. DRAFT DEVELOPMENT CONSENT ORDER (DDCO)

Table 3-8 Response to Draft Development Consent Order (dDCO) questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>The Applicant's reference to Requirement 3 in its response to ExQ1.8.2.1 (REP3-029) was an error and should have been a reference to Requirement 4. This is because Requirement 3 provides a mechanism for seeking amendments to approved details, while Requirement 4 provides the mechanism for obtaining approval for detailed design.</p> <p>In response to the Examining Authority's question, the Applicant's position is that there is no need to add explicit wording to the draft DCO (as updated alongside this submission) about ancillary development to Requirement 4 and that there is no ambiguity about how the Ancillary Works fit into the detailed design process.</p> <p>This is because the Ancillary Works section of Schedule 1 is clear that these works are 'for the purposes of or in connection with the construction of any of the works and other development mentioned above', with the 'development mentioned above' being a reference to Work Nos. 1 to 9. As such, these are works that facilitate and relate to the main works set out in Work Nos in Schedule 1, but they are not standalone works in their own right and it would not be appropriate to separate them out as such in a Requirement. They are ancillary to the main works which are set out under specific Work Nos in Schedule 1.</p> <p>In that context, when the detailed design of layout, scale and external appearance for the Work Nos set out in Requirement 4 is submitted to the relevant planning authority for approval, this will by its nature include details of relevant ancillary works because these are necessary to facilitate the design and construction of that Work No. and are entwined in that detailed design.</p> <p>This is also a standard approach which has been taken in respect of DCO drafting over the years and so the Applicant does not consider that further changes are required. However, although the Applicant has not made this change in the DCO, without prejudice to that position, if the ExA considers that it wishes to recommend additional drafting, the Applicant considers that the following drafting could be added as a new sub-paragraph (7) of Requirement 4:</p> <p><i>"In this paragraph, references to Work Nos. includes any development within the limits of deviation for those Works Nos. which constitutes the types of development that are described under the heading 'Ancillary Works' in Schedule 1, but which do not constitute the permitted preliminary works"</i></p> <p>As indicated above, this is not a precedented approach, and the Applicant considers it is not appropriate for DCO drafting, which does not normally provide for 'for the avoidance of doubt' drafting such as this.</p> <p>This approach is agreed between the Applicant and LBB.</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</p>	<p>The Applicant agrees to amend the draft DCO (as updated alongside this submission) such that the submitted statement demonstrates how the submission complies with the Design Principles and Design Code (as updated alongside this submission).</p> <p>This approach is agreed between the Applicant and LBB.</p>

ExQ2	Question to	Question	Applicant's Response
		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.	
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 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>	<p>The Applicant in its response to ExQ1.3.1.5 (REP3-029) provided an explanation about how the Lighting Strategy would operate to mitigate effects of lighting on water voles. The Applicant also noted that Paragraph 2.2.5 of the Outline Lighting Strategy (as updated alongside this submission) gives examples of light sensitive fauna as 'Bats and Barn Owls'. However, the Applicant acknowledged that this also includes water voles (as the list of examples was not intended to be exhaustive) and that the mitigation in that paragraph would be equally effective for water voles as for bats and barn owls. This is because the embedded mitigation would comprise the design of lighting such that it avoids light spillage beyond the Carbon Capture Facility (during the operational phase) and onto water vole habitat.</p> <p>As such, the Applicant's position is that water voles are already covered implicitly by the Outline Lighting Strategy and the succeeding Lighting Strategy and do not necessarily need to be named specifically either in the strategy or in Requirement 11 of the draft DCO (as updated alongside this submission). The Applicant notes that both Natural England (REP3-040) and Environment Agency (REP3-037) have said that Requirement 11 as currently drafted would satisfy them in respect of water voles because it provides for a Lighting Strategy to be submitted and approved in accordance with Outline Lighting Strategy.</p> <p>However, in acknowledgement of the Examining Authority's question and Natural England's observation that water voles are not mentioned explicitly in the Outline Lighting Strategy the Applicant has added a reference to water voles in the list of examples of 'light sensitive fauna' in Paragraph 2.2.5 of the Outline Lighting Strategy which has been submitted alongside this report at Deadline 5. This approach is agreed between the Applicant and LBB.</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</p>	<p>The Applicant does not agree that the obligation to produce a descriptive record should the former Belvedere Power Station Jetty be demolished or altered should be incorporated into either Requirement 16 or Requirement 22 of the Draft DCO (as updated alongside this submission) for the following reasons:</p> <ul style="list-style-type: none"> Requirement 16 is concerned with the submission and approval of the Jetty Works Environmental Design Scheme which is about the permanent design of the scheme, rather than mitigation during the construction phase. As drafted, Requirement 22 is concerned with the submission and approval of Archaeological Mitigation Strategy or strategies for <u>buried</u> heritage assets, not built heritage. <ul style="list-style-type: none"> There is already an obligation to produce an Historic England Level 2 Historic Building Recording is already set out in Paragraph 7.2.1 in the Outline CoCP (REP4-008) and compliance with this is already secured via Requirement 7 of the Draft DCO (as updated alongside this submission). The Outline CoCP (as updated alongside this submission) deals with all matters relating to construction (apart from traffic), and it is considered most appropriate to keep these construction elements together, rather than dealing with them separately. The obligation to provide the descriptive record (in the event the Applicant decides it needs to affect the jetty) is already secured by requirement via the Outline CoCP (as updated alongside this submission).

ExQ2	Question to	Question	Applicant's Response
		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.	However, having reflected on the Examining Authority's proposed drafting, the Applicant has updated the Outline CoCP (as submitted alongside this submission) at Paragraph 7.2.1 to incorporate the suggested timescales, and to refer to both alteration and demolition. Without prejudice to the above, if the ExA considers that it wishes to recommend DCO drafting on this point, it is considered that the drafting suggested by it in this question is appropriate save that the reference to 'the former Belvedere Power Station Jetty' can just refer to 'the belvedere power station jetty', as that term is defined in article 2 of the DCO and the reference to 'alteration' should change to 'modification' to match the terminology used in Work No. 4A.. This would need to be placed as Requirement 22(3), with the heading of that Requirement changing to 'Heritage mitigation'. This approach is agreed between the Applicant and LBB.
Q2.8.5	The Applicant and LBBC	S2, R20 - Control of noise during operation 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.	The Applicant has assumed the Examining Authority is proposing to amend Requirement 20(1) as follows (new text in bold and deleted shown in strikethrough): <i>'Prior to commissioning of any part of Work No. 1 the authorised development, a written noise mitigation plan must be submitted to and approved by the relevant planning authority in writing which demonstrates how the maximum permitted limit set out in columns (2) and (3) of the below table will be achieved at the locations set out in column (1) of the below table, during operation of Work No. 1 the authorised development.'</i> The Applicant does not consider the Examining Authority's proposed amendments to Requirement 20 to be appropriate. This is because the need for a written noise mitigation plan as specified in Requirement 20 is only relevant to Work No. 1, and not to any other Work No. in the authorised development. Also, the practical effect of amending the first reference to "Work No. 1" to "authorised development" is that the undertaker would not be able to commission any part of the authorised development until the written noise mitigation plan had been submitted and approved, potentially leaving the undertaker in a situation where it is looking to commission Work No. 3 but it is unable to do so until it has submitted a written noise mitigation plan which is not relevant to Work No. 3 but only relevant to Work No. 1. As explained in the Applicant's response to ExQ1.8.3.21 (REP3-029) the noise mitigation plan is responding to the moderate adverse impacts that are predicted at Clydesdale Way and the Travelodge London Belvedere Hotel during the substructure and superstructure landside Carbon Capture Facility construction works as part of Work No. 1. Work Nos. 3, 4, 6, 8 and 9 will not lead to noise in the operation phase, Work Nos. 2 and 5 are located furthest away from Noise Sensitive Receptors, and Work No. 7, although closer to noise sensitive receptors, will be the expanded LNR, with limited scope for noise, and certainly not to an extent that would cause likely significant effects. The Applicant would also highlight that it is agreed with the London Borough of Bexley (see SoCG, Rev D (REP4-016)) that the 'controls set out within the draft DCO, both articles and requirements, in relation to noise and vibration, are agreed'.
Q2.8.6	The Applicant	Schedule 16 – Design Parameters: Absorber column(s) and stack(s) 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	The Applicant confirms that the values for the internal stack diameter, as set out in Appendix 5-2: Operational Phase Assessment of the Environmental Statement (Volume 3) (APP-078) , are, for the 2 carbon capture units option, 3.1m for the stack associated with Riverside 1 and 2.5m for the stack associated with Riverside 2. Modelling demonstrates that this is equivalent to a 4.0m diameter stack for a single unit option. These values represent the maximum stack diameter at which the impacts modelled within the

ExQ2	Question to	Question	Applicant's Response
		<p>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 Regulations⁴ (or Habitats Regulations⁵).</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>	<p>Environmental Statement remain valid. The conclusions of the Environmental Statement represent a conservative appraisal of ground level concentrations.</p> <p>For air quality, maximum ground level impacts are determined, <i>inter alia</i>, by the plume rise following release. This rise is determined by the initial momentum of the plume (greater plume rise leads to greater dispersion between the plume and the ground, and hence lower maximum ground level concentrations) and the subsequent buoyancy of the warm flue gases post-release (the warmer the gas, the more buoyant the plume, the lower the ground level concentrations).</p> <p>The internal stack diameter affects the initial momentum of the plume through the velocity of the release such that the diameter and the velocity are inversely correlated (i.e. the smaller the internal diameter, the higher the velocity). There is also a relationship between the internal diameter and the rate of cooling of the plume post-release, although this is of secondary importance in comparison to the initial momentum effect. Therefore, overall, by treating the modelled internal stack diameters as an upper limit for the design, we ensure that the ground level concentrations presented within the Environmental Statement are a realistic worst-case appraisal.</p> <p>The maximum internal stack diameter parameters have been added to Schedule 16 of the Draft DCO (as updated alongside this submission).</p>

⁴ Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

⁵ The Conservation of Habitats and Species Regulations 2017 (as amended).

11. FLOOD RISK AND HYDROLOGY

Table 3-9 Response to Flood risk and hydrology questions

ExQ2	Question to	Question	Applicant's Response
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. 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>	<p>The new flood and coastal erosion risk data published in January 2025 includes an update of the Environment Agency's indicative Long Term Flood Risk Maps including risk of flooding from surface water, rivers and sea, and reservoirs. The further updates expected in March 2025 include an update of the Environment Agency's Flood Map for Planning which is the risk of flooding from fluvial and tidal sources.</p> <p>The assessment of flood risk to the Proposed Scheme as presented in Annex 11-2: Flood Risk Assessment (FRA) of the Environmental Statement (Volume 3) (AS-023) and Appendix C: Flood Risk Technical Note of the Applicant's Response to Examining Authority's First Written Questions (REP3-035) were informed by Site specific data including hydraulic models to assess the risk of flooding from tidal, fluvial and surface water sources which also include the relevant climate change allowances for the design life of the Proposed Scheme. The assessment will therefore not need to be updated to reflect the updated datasets; as the updated datasets are also not included within nor will they influence the site-specific data and assessment.</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>	<p>The assessment of flood risk to the Proposed Scheme is presented in Annex 11-2: Flood Risk Assessment (FRA) of the Environmental Statement (Volume 3) (AS-023) and Appendix C: Flood Risk Technical Note of the Applicant's Response to Examining Authority's First Written Questions (REP3-035). Both were informed by Site specific data including hydraulic models. Appendix C: Flood Risk Technical Note of the Applicant's Response to Examining Authority's First Written Questions (REP3-035) confirms an acceptable level of flood risk; with the reduction in development platform and allowing flood waters to flow across the platform in the event of a breach, enabling a significant reduction in residual flood depths.</p> <p>As detailed in the Environment Agency Statement of Common Ground (as updated alongside this submission), the Environment Agency confirmed on the 20th March that it has reviewed the breach modelling data (submitted on the 29th January 2025) and is satisfied that the model is fit for purpose as a comparison of the change based on the development platform scenarios presented in Appendix C: Flood Risk Technical Note of the Applicant's Response to Examining Authority's First Written Questions (REP3-035).</p> <p>Further to this the Applicant has set a maximum platform level within the Design Principles and Design Code (as updated alongside this submission) of 1.3m AOD to the north of the Thames Water Access Road, and a level of 1.5m AOD to the south of the Thames Water Access Road. These development platform levels are considered to provide a reasonable and proportionate level of flexibility for this element of the Proposed Scheme, whilst addressing the Environment Agency's concerns. The Environment Agency has accepted this design principle.</p> <p>With the exception of protective provisions all matters have been agreed with the Environment Agency, as depicted in the Environment Agency Statement of Common Ground (as updated alongside this submission).</p>

12. GEOLOGY, HYDROGEOLOGY, SOILS, MATERIALS AND WASTE

Table 3-10 Response to Geology, hydrogeology, soils, materials and waste questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>As noted in the Applicant's response to ExQ1.10.0.1 REP3-029), the import and use of material to construct the development platform will be managed in accordance with the Materials Management Plan, which will be prepared prior to construction commencing, which is secured via Requirement 7 of the Draft DCO (as updated alongside this submission). The material used will be appropriate, inert, engineering fill, placed and compacted to an engineering specification to control settlement and bearing capacity. The Applicant has updated the Outline CoCP (as submitted alongside this submission) at Paragraph 14.2.3 to provide that the MMP must include details of the materials to be used for the development platform for the Carbon Capture Facility.</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>	<p>The Applicant has responded to the MMO's Deadline 4 Submission (REP4-037) within the Applicant's Response to Interested Parties' Deadline 4 Submission (as submitted alongside this report). For ease, the Applicant's responses are also included below.</p> <p>3.2.5 and 3.2.6: The Applicant has now received the results of the sediment sampling to dredge depth and has presented these to the MMO in a meeting on 19th February 2025 and subsequently reported in the Sediment Sampling Technical Note (as submitted alongside this report). The Applicant provided a draft of the Sediment Sampling Technical Note (as submitted alongside this report) to the MMO for comment on 5th March 2025. The Applicant received comments from the MMO on the Sediment Sampling Technical Note (as submitted alongside this report) on the 20th March 2025. No updates are required to the Sediment Sampling Technical Note (as submitted alongside this report) based on the comments, however there are several points raised relating to dredging arising disposal matters (not WFD compliance matters), the Applicant has proposed a meeting with the MMO to discuss these comments further.</p> <p>The results of the sediment sampling at depth, were similar to those recorded from the surface sediment analysis, which was used to inform the assessment within Section 8.8 of Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057). This included the presence of several contaminants recorded above CEFAS Action Level 1 (AL1), however only one substance, Mercury was recorded above Action Level 2 (AL2). Full details of the sediment analysis are included in Sediment Sampling Technical Note (as submitted alongside this report).</p> <p>The Applicant considers that these sediment results justify and validate the magnitude of impact levels used within the assessment presented in Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057).</p> <p>3.2.7: The impacts of the release of contaminants from maintenance dredging on ecological receptors within the Thames Middle Transitional Water Body are detailed in Paragraph 8.8.139 to Paragraph 8.8.150 of Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057). The negligible to low magnitude of impact for the release of contaminants from maintenance dredging is based upon the reduced volumes of dredging required, the result from the surface sediment contaminant analysis and the mitigation measures in place as described in Section 8.7 of the chapter (including the use of backhoe dredging). The mitigation measures are secured in the Mitigation Schedule (REP1-010) within the requirements in the Draft DCO (as updated alongside this submission).</p> <p>The Applicant believes that using the impacts from the capital dredging to impact the maintenance dredging is appropriate as the capital dredging provides a worst case scenario due to the higher volume of material required to be dredged and historic contamination.</p>

ExQ2	Question to	Question	Applicant's Response
			<p>The results obtained from the sediment testing at the dredge depth, as described within Paragraph 4.2.1 of the Sediment Sampling Technical Note (as submitted alongside this report), are consistent with the results returned from the analysis of sediment surface grabs (May, June and September 2023) which were used to inform the impact assessment within Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057) (Paragraph 8.8.44). Therefore, the Applicant believes that use of a negligible magnitude of impacts from capital and maintenance dredging within the existing assessment within Chapter 8: Marine Biodiversity of the Environmental Statement (Volume 1) (APP-057) is justified, and re-assessment of these impacts is not required.</p> <p>3.2.8: For assessment purposes, the worse-case volume for capital dredging is 150,000m³, to be undertaken via backhoe dredging, as described in Change Request Report (AS-048).</p> <p>The increase in volume of 1,000m³ of dredged material is for the maintenance dredging, from 9,000m³ to 10,000m³. There is a typographical error in the Change Request and Consultation Report (AS-048), whereby the text should say "(or 11% of the original volume)". The increase in maintenance dredging is a direct result of the increased downward limits of deviation for dredging (from - 10.5m Chart Datum to -11m Chart Datum as set out in Article 2 of the Draft DCO (as updated alongside this submission), as described in Change Request Report (AS-048).</p>

13. LAND TRANSPORT AND PUBLIC RIGHTS OF WAY

Table 3-11 Response to Land transport and public rights of way questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>The Applicant assumed that there would be no overall loss of habitat within the area of Work No. 8 on the basis that (a) any actual realignment would only take up a minimal proportion of the space provided for in Work No. 8; and (b) that any minimal loss would be replaced like for like as an embedded mitigation measure (although it is acknowledged that this mitigation measure was not explicitly stated in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (APP-056) itself).</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>	<p>No response required from the Applicant.</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, been considered? 	<p>The Proposed Scheme includes provision of an alternative access for both graziers to ensure their safety. The Applicant does not consider it is appropriate for Thames Water's grazer to access the stables within the CLNR, or to ride out on horses, through (what would be) an operational, industrial facility with each access/egress involving two security gates. Peabody, and its grazer, currently access Norman Road Field via a five-bar gate entrance at the southern end of Norman Road. Meetings with the grazer make clear that this access is not safe, particularly when bringing trailer/horsebox into the field. The grazer has experienced near miss incidents with HGVs entering Norman Road at speed. In addition, the Environment Agency will need to access the ditches within the Mitigation and Enhancement Area for maintenance and the ongoing management of the extended Crossness LNR will require maintenance vehicles to be able gain access. Consequently, whilst provision is made for alternative grazer access, it would be a multi-functional asset cognisant with use as a nature reserve.</p> <ul style="list-style-type: none"> i – The route and detailed design of the access would be developed as part of any full LaBARDS(s), but it is currently intended to start from the southern end of the Carbon Capture Facility (which includes provision for a car park if space allows) then following the eastern boundary of Norman Road Field, on the west side of the ditches. ii – An indicative route and design are shown in Figure 9 of the Outline LaBARDS (as updated alongside this submission). iii – Grazing is acknowledged by the Applicant as an essential part of management of the Mitigation and Enhancement Area and thus the assessment of effects on ecological features (Chapter 7: Terrestrial Biodiversity of the Environmental Statement (APP-056)) has assumed suitable grazing access across the site would be provided. Similarly,

ExQ2	Question to	Question	Applicant's Response
		<p>iv) How would its use by vehicles be controlled in practice?</p> <p>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?</p> <p>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?</p> <p>vii) How has this been considered in the ES in terms of worst case assumptions?</p>	<p>access for vehicles used for habitat management, in particular those for ditch management to maintain open water, has also been assumed. The implications of these types of use of the Mitigation and Enhancement area have therefore informed decision making with regards biodiversity. However, it is acknowledged that grazing and vehicle access could affect habitats through bare ground creation, and the Outline LaBARDS (as updated alongside this submission) provides a commitment to avoid this through control of grazing (i.e. protecting areas from bare ground creation by rotating grazing pressure). Both access for grazing animals and vehicle access for conservation is expected to be infrequent enough such that the access route would not be subject to erosion and bare ground creation (or to cause sufficient disturbance to require mitigation), this when compared to the more consistent pressure of animals when grazing. However, this will be kept under review through management and installation of a permeable trackway (e.g. reinforced grass) may be required in high-pressure areas such as around access gates.</p> <p>iv – The route would be ancillary to the nature reserve and used for grazier access and habitat management. It would not be available to the general public. Gated access would generally be locked with the graziers allocated a key.</p> <p>v – The Outline LaBARDS and Draft DCO (as updated alongside this submission) have been amended to include explicit provision, with full details to be approved by LBB through submission of a full LaBARDS(s). The detailed design of the route, including surface treatment, means of access and security, would be prepared in compliance with the relevant Design Principles and Design Code (principally: DP_PL 1.10; DP_VA 1.5; DC_LNR 1.8; DC_LNR 1.15; and DC_NOR 1.2).</p> <p>vi – TWUL requires a reasonably straight access route for large vehicles (including emergency vehicles) to access its COMAH registered site. Splitting the functions means that a substantially less formal access route can be provided for habitat management and grazier purposes, the largest vehicles for which would be to a 4-wheel drive vehicle with trailer or horse box. Similar vehicle access is currently gained across Norman Road Field.</p> <p>vii – The assessment of effects on ecological features (Chapter 7: Terrestrial Biodiversity of the Environmental Statement (APP-056)) has taken a precautionary approach which has included the assumption an alternative access route for graziers and vehicles to manage the nature reserve would be provided across the existing habitats. This represents a 'worst-case' scenario for habitats as the animals and vehicles using this track would have an effect on the habitat. However, these forms of access are consistent with the needs of the nature reserve to maintain grazing and management which are essential parts of maintenance of the importance of habitats. Thus, the assessment of effects on habitats within the nature reserve as presented in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (APP-056) is robust with respect to impacts of the Proposed Scheme, including the need to provide an alternative access for graziers and vehicles.</p>

14. MAJOR ACCIDENTS AND DISASTERS

Table 3-12 Response to Major accidents and disasters questions

ExQ2	Question to	Question	Applicant's Response
		No question at this stage	

15. METROPOLITAN OPEN LAND

Table 3-13 Response to Metropolitan open land questions

ExQ2	Question to	Question	Applicant's Response
		No question at this stage	

16. NAVIGATION ON THE RIVER THAMES AND MARINE TRANSPORT

Table 3-14 Response to Navigation on the River Thames and marine transport questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>The PLA and the Applicant have agreed the following joint statement in response to this question:</p> <p>The Applicant and the PLA have held two meetings and shared information and technical notes to seek to resolve the outstanding queries raised by the PLA on these matters. Following the meeting on 17 March 2025, the Applicant is revising their technical note based on the discussions at that meeting and the sharing of further information by the PLA to further clarify the expected impacts on the river, following which it is hoped an agreement can be achieved. This has not been possible to achieve for Deadline 5, but the parties are working closely to do so as soon as possible. Once agreed, the parties will submit an updated SoCG and the Applicant will submit an updated pNRA. This will be submitted by Deadline 6 at the latest, but the parties are seeking to do this before that to enable the ExA to have early sight of resolution, given the gap in time between the two Deadlines.</p>

17. NOISE AND VIBRATION

Table 3-15 Response to Noise and vibration questions

ExQ2	Question to	Question	Applicant's Response
		No question at this stage	

18. PLANNING OBLIGATIONS

Table 3-16 Response to Planning Obligation questions

ExQ2	Question to	Question	Applicant's Response
Q2.16.1	The Applicant	<p>Deed of Obligations (A) - drafting</p> <p>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?</p> <p>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...". I</p> <p>iii) ii) 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?</p>	<p>In response to i): The Applicant does not consider it necessary to refer to 'party(s)' rather than 'party' in clause 8.3 of the Deed of Obligations (A). This is because clause 1.1.1 is clear that 'words incorporating the singular include the plural and vice versa' so when referring to third party in clause 8.3, clause 1.1.1 means it can also be construed as third parties depending on the circumstances of any potential assignment.</p> <p>In response to ii): The Applicant understands that the Examining Authority is referring to the fourth line of clause 8.3. The omission of 'the' between 'that' and 'third party' is a typo and has been inserted in an updated Deed of Obligations (A) submitted alongside this report at Deadline 5.</p> <p>In response to iii): The Applicant agrees that the reference to 'the Applicant' in paragraph 2.1 of Schedule 1 should be 'the Developer' and has amended the Deed of Obligations (A) to reflect this.</p>
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>	<p>Although the Applicant considers that the obligations are planning obligations under section 106 (and now that it has been drafted for TWUL land and Norman Road Field to be bound so that it can be a section 106), it has added drafting to the draft Agreement at Deadline 5 to cater for this issue.</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</p>	<p>The Applicant apologises for this oversight and has now removed the reference to 'currently employed by TWUL' from the definition of Crossness LNR Manager in the updated Deed of Obligations (B) submitted alongside this report at Deadline 5. This achieves the agreed desired result.</p>

ExQ2	Question to	Question	Applicant's Response
		Revision B of the Deed of Obligation. Please can this be updated accordingly.	
Q2.16.4	The Applicant and TWUL	Deed of Obligation (B) – Members' Area Land 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?	Although the Applicant considers that this is ultimately a matter that will be determined in the approval of the full LaBARDS(s), and it does not rely on the Member's Area being a part of the overall management regime for planning purposes, the Outline LaBARDS has been updated at Deadline 5 to provide an explanation of the interactions that there may be with the Member's Area Land if TWUL agree to its inclusion in the overall management of the expanded Crossness LNR.
Q2.16.5	LBBC, TWUL and Tilfen Land Ltd	Deed of Obligation (B) 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?	No response required from the Applicant.
Q2.16.6	LBBC	Deed of Obligations (A) and (B) 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>The position in respect of the Deeds of Obligation is as follows:</p> <p>In respect of Deed of Obligation (A), comments on the document (following the Applicant's response to initial high-level queries) are awaited from Peabody. The Applicant has received no comments on the content from LBB on this Deed, but the Applicant understands that it continues to desire that the Agreement is a section 106 Agreement. The Applicant has set out why it considers this is not necessary in its Examination submissions, and ultimately that it is a matter for Peabody to consider if it could agree to this. The Applicant will continue to discuss this with both parties. At Deadline 5, an updated version of this Deed is submitted to reflect the Applicant's responses to the ExA's questions above.</p> <p>In respect of Deed of Obligation (B), the position is as follows:</p> <ul style="list-style-type: none"> the track changes that are not highlighted in the track changed version of this document submitted at Deadline 5 have been seen by all parties and reflect the responses to the ExA's questions above, and changes made in response to initial comments from TWUL on the Deadline 4 version. No comments have yet been received from Tilfen in respect of the Deed to date, and further comments from TWUL on these changes (and any others that may be sought by TWUL) have not yet been received; the track changes/comments highlighted green reflect amendments made in response to comments made by LBB received close to the deadline but that have not been seen by TWUL or Tilfen at the time of submission (although are not considered to substantively affect their position in any event, save for the below point). These changes have been made in response to all principle matters requested by LBB, save that LBB has requested that all Endowment Sums are paid to it, rather than (where relevant) TWUL, for LBB to then pass on those payments to TWUL. The Applicant has not made these changes as it has not had a chance to discuss them with TWUL as of yet, but will seek to do so as soon as possible; and

ExQ2	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> the track changes highlighted yellow reflect the position set out in the Applicant's response to question 2.5.3, which TWUL has not yet seen, although has been informed that the changes will be being made (alongside the wider position set out in response to question 2.5.3).

19. SOCIAL AND ECONOMIC EFFECTS

Table 3-17 Response to Townscape and Visual Impact questions

ExQ2	Question to	Question	Applicant's Response
Q2.17.1	LLMJL	Munster Joinery (UK) Ltd employment 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.	No response required from the Applicant.

20. TOWNSCAPE AND VISUAL IMPACT

Table 3-18 Response to Townscape and Visual Impact questions

ExQ2	Question to	Question	Applicant's Response
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>	<p>The photomontages in Appendix 10-4: Photomontages of the Environmental Statement (Volume 3) (AS-075) serve as supporting images to help illustrate potential changes in views but do not form the basis of the assessment within Chapter 10: Townscape and Visual of the Environmental Statement (Volume 1) (APP-059) itself. The photomontages provide a visual representation of how the Proposed Scheme might appear within selected viewpoints, aiding stakeholders in understanding potential impacts. However, the assessment is primarily based on a structured methodology including a comprehensive site survey to understand baseline views across the townscape, including those within the AOL. Views from the members area of Crossness LNR will be largely similar to those within the accessible portions of the Crossness LNR and potentially lesser in more enclosed areas due to intervening vegetation between the members area and PRow FP2. The Applicant advises that an additional photomontage would not change the existing assessment of significance of effect for users of the AOL, which includes those at the entrance to the members area of the Crossness LNR. The choice of the viewpoints used within the assessment within Chapter 10: Townscape and Visual of the Environmental Statement (Volume 1) (APP-059) were not determined by the Applicant in isolation, the viewpoints were agreed with LBB on 3rd February 2023, as described in Table 10-2 of the chapter.</p>

21. OTHER MATTERS

Table 3-19 Response to Other Matters questions

ExQ2	Question to	Question	Applicant's Response
Q2.19.1	The Applicant	Typographical and other Errors – revised documents with corrections 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. 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).	The Applicant notes this request and will complete this exercise by Deadline 7 at the latest.
Q2.19.2	The Applicant	Minor Typographical and formatting errors There is a formatting issue with the insertion of paragraph 6.4.15 in the LaBARDS [REP4-012]	This has been resolved in updating the Outline LaBARDS (as updated alongside this submission) in response to other ExA questions and submitted alongside this response.

22. WATER FRAMEWORK DIRECTIVE (WFD) ASSESSMENT

Table 3-20 Response Water Framework Directive (WFD) Assessment questions

ExQ2	Question to	Question	Applicant's Response
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 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 Regulations⁶) 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 "WFD compliance cannot logically be demonstrated". 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: "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". 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,</p>	<p>As detailed in the Environment Agency Statement of Common Ground (as updated alongside this submission), the Environment Agency confirmed (following a meeting on 19th February 2025) that a Technical Note to present the Applicant's findings of the December 2024 sediment sampling and the information requested by the Environment Agency would be acceptable. The purpose of the Sediment Sampling Technical Note (as submitted alongside this report) is to describe the results of the additional sediment sampling and explain how it validates the conclusions of the WFD Assessment. The Applicant submitted the Sediment Sampling Technical Note to the Environment Agency and the MMO on 5th March 2025. The Environment Agency confirmed on 20th March 2025 that they had reviewed the Sediment Sampling Technical Note (as submitted alongside this report) and are content that the Proposed Scheme is WFD compliant.</p> <p>The Applicant received comments from the MMO on the Sediment Sampling Technical Note (as submitted alongside this report) on the 20th March 2025. No updates are required to the Sediment Sampling Technical Note (as submitted alongside this report) based on the comments. However, there are several points raised relating to dredging arising disposal matters (not WFD compliance matters), and the Applicant has proposed a meeting with the MMO to discuss these comments further.</p> <p>In response to:</p> <p>i): The Sediment Sampling Technical Note (as submitted alongside this report) confirms the findings of the WFD Assessment which demonstrates that the Proposed Scheme (with the implementation of mitigation measures) is not likely to cause deterioration in the status /potential of the water body with respect to water quality during the construction and operational phases. Given the conclusion presented within the Sediment Sampling Technical Note (as submitted alongside this report) and the confirmation from the Environment Agency that the Proposed Scheme is WFD compliant for water quality, the Applicant does not believe a derogation case will be necessary.</p> <p>ii): The Applicant submitted the Sediment Sampling Technical Note (as submitted alongside this report) to the Environment Agency and the MMO on 5th March 2025 (2 days earlier than the programme included in its response to the ExA's Rule 17 letter on this issue). The Environment Agency confirmed on 20th March 2025 that it is content that the Proposed Scheme is WFD compliant.</p> <p>iii): Should any further comments be received from the Environment Agency and the MMO, the Applicant is willing to proactively resolve these.</p>

⁶ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

ExQ2	Question to	Question	Applicant's Response
		<p>irrespective of any other merits or demerits of the case.</p> <p>Consequently:</p> <ul 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. <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>	

Appendices



APPENDIX A: LETTER OF NO IMPEDIMENT

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

March 2025

Revision A

Date: 25 February 2025
Our ref: DAS 457982
(NATIONALLY SIGNIFICANT INFRASTRUCTURE
PROJECT)



Sent by e-mail only

Wildlife licensing
Natural England
Horizon House
Deanery Road
Bristol
BS1 5AH
Email:
wildlife@naturalengland.org.uk
Tel: 020 8026 1089

Dear [REDACTED],

DRAFT MITIGATION LICENCE APPLICATION STATUS: SUBSEQUENT DRAFT APPLICATION
LEGISLATION: THE WILDLIFE AND COUNTRYSIDE ACT 1981 (as amended)
NSIP: Cory Decarbonisation Project
SPECIES: Water Vole *Arvicola terrestris*

Thank you for your subsequent draft water vole mitigation licence application in association with the above NSIP site, received in this office on the Friday 17th January 2025. As stated in our published guidance, once Natural England is content that the draft licence application is of the required standard, we will issue a 'letter of no impediment'. This is designed to provide the Planning Inspectorate and the Secretary of State with confidence that the competent licensing authority sees no impediment to issuing a licence in future, based on information assessed to date in respect of these proposals.

Assessment

Following our assessment of the resubmitted draft application documents, I can now confirm that, on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted.

However, please note the following issues have been identified within the current draft of the reasoned statement and method statement that will need to be addressed before the licence application is formally submitted. Please do ensure that the Method Statement is revised to include these changes prior to formal submission. For clarity these include:

Applicant/Ecologist Experience

As agreed with Natural England during the meeting held 21st November 2024 – a named person will be supplied as 'applicant', and a suitably experienced 'named ecologist' will be appointed at time of formal licence submission.

The ecologist should be experienced in the licensable methods proposed and / or have held a similar licence within 3 years of the formal licence submission.

Site information and Survey

The surveys conducted to date are considered satisfactory to inform impacts.

NSIP LONI (11/2020)

Natural England will expect additional surveys to be conducted prior to formal licence submission. Please ensure surveys are conducted following current best practice guidance as per '[The Water Vole Mitigation Handbook](#)' (Dean, Strachan, Gow, & Andrews, 2016)

Impact Assessment (Before mitigation or compensation)

The impact assessment in the absence of mitigation is considered satisfactory. In the formal licence submission, it would be helpful if the 'Loss of water vole habitat (long-term impact)' is broken down into permanent and temporary impacts.

X Metres / m² Permanently destroyed

X Metres / m² Temporarily lost

Mitigation Strategy

NE appreciates that you have taken our comments on board from the previous submission. NE find the new proposed mitigation strategy satisfactory.

Trapping

Please include reference to biosecurity within the formal licence submission e.g. reference to cleaning cages and other equipment.

Release sites

OW11- If OW11 is to be used as alternate release site then NE would expect that water vole exclusion fencing to be installed around receptor site ditch prior to and during its enhancement / creation to prevent colonisation by the existing water vole population on Site. If the receptor site is colonised ahead of the trapping exercise an alternative location will required.

As previously advised, there are several methods available to help speed up the growing of vegetation in preparation of releasing water voles.

Compensation

The level of compensation proposed is sufficient for the predicted impacts.

Monitoring & Management

The monitoring and management proposed is sufficient.

Timetable

The timetable is clear and satisfactory.

NB. Any delay in the creation of the receptor site or enhancement of OW11 could lead to delays in issuing the formal licence as the licence will only be issued once the new habitat is ready to receive the translocated voles.

IROPI and NSA Test:

Having considered the statements and evidence provided in the draft Reasoned Statement at this time, it is reasonable to conclude that the IROPI /NSA test could be met.

This satisfied decision is in principle and will only be considered 'met' subject to the Development Consent Order being granted and provided as evidence when a formal licence application is submitted and where there is no material change to the information assessed to date.

General advice

NE will expect the formal licence submission to be on the correct [method statement](#) template.

The following figures will become part of any water vole licence issued. You must attach these as separate maps or figures and include a date, relevant site name and scale. The figure titles for these are:

- Locations and habitats where all capture and exclusion activities will be undertaken
- Specifications for mitigation and compensation

Information about what you must include on these figures is provided in the method statement document.

Next Steps

Should the DCO be granted then the mitigation licence application must be formally submitted to Natural England. At this stage any modifications to the timings of the proposed works, e.g. due to ecological requirements of the species concerned, must be made and agreed with Natural England before a licence is granted.

If other minor changes to the application are subsequently necessary, e.g. amendments to the work schedule/s then these should be outlined in a covering letter and must be reflected in the formal submission of the licence application. These changes must be agreed by Natural England before a licence can be granted. If changes are made to proposals or timings which do not enable us to meet reach a 'satisfied' decision, we will issue correspondence outlining why the proposals are not acceptable and what further information is required. These issues will need to be addressed before any licence can be granted.

Full details of Natural England's licensing process with regards to NSIP's can be found at the following link:

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf

As stated in the above guidance note, I should also be grateful if an open dialogue can be maintained with yourselves regarding the progression of the DCO application so that, should the Order be granted, we will be in a position to assess the final submission of the application in a timely fashion and avoid any unnecessary delay in issuing the licence.

I hope the above has been helpful. However, should you have any queries then please do not hesitate to contact me.

Yours sincerely

[Redacted Signature]

Senior Wildlife Officer

Wildlife Licensing – Chargeable Advice and Strategic Casework

Mob: [Redacted]

Tel: [Redacted]

E-mail: [Redacted] [@naturalengland.org.uk](mailto:[Redacted]@naturalengland.org.uk)

Customer Feedback – Wildlife Licensing

To help us improve our service please complete the following questionnaire and return to:

Wildlife Licensing Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH.

or email to wildlife@naturalengland.org.uk

<http://www.gov.uk/guidance/wildlife-licences>

NATURAL
ENGLAND

Natural England Reference Number (optional):	Please tick to	Consultant	<input type="checkbox"/>
	indicate your role:	Developer (Applicant/Licensee)	<input type="checkbox"/>

1. How easy was it to get in contact with the Wildlife Management & Licensing team of Natural England?

Difficult (1)

☐

OK (2)

☐

Easy (3)

☐

Very Easy (4)

☐

If 1 please specify who you initially contacted in relation to your issue/enquiry?

2. Please tell us how aware you were (BEFORE you contacted us) of wildlife legislation and what it does/does not permit in relation to your enquiry?

Unaware (1)

☐

Very Limited Awareness (2)

☐

Partially Aware (3)

☐

Fully Aware (4)

☐

3. How would you rate the service provided by Natural England?

	Poor 1	Fair 2	Good 3	Excellent 4	Not applicable
Ease of completion of application	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice provided by telephone (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Our web site (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and usefulness of published guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helpfulness and politeness of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advice and clarity of explanations provided during Method Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Advice and clarity of explanations provided during Reasoned Statement assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speed of process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overall service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If 1 or 2 to any of the above please specify why:

4. Was your issue/enquiry resolved by the activity authorised under licence or advice provided by us?

Fully

☐

Partially

☐

Unresolved

☐

If not fully resolved please state what you think could have been done instead (note legislation affects which actions can be licensed):

5. Was there a public reaction to any action taken under the licence or as a result of our advice?

Positive support

☐

No reaction

☐

Negative reaction

☐

6. Would you use a fully online licensing service if it could be made available in the future?

Definitely

☐

Possibly

☐

Unlikely

☐

No

☐

7. Do you have any further comments to make or suggestions for improving our service, if yes please specify (continue comments on an additional sheet if necessary). If you are happy to be contacted at a later date to explore possible improvement options, please tick this box ☐ and ensure your Natural England reference number is at the top of this page.



DECARBONISATION

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