



# Planning Inspectorate

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The Applicant  
Natural England  
Environment Agency  
Marine Management Organisation  
London Borough of Bexley Council

CEHL Ref: CDP/PREEX/10  
NE Ref: 497689  
EA Ref: SL/2023/122661/07-L01  
MMO Ref: DCO/2023/00007  
Our Ref: EN010128

Date: 8 April 2025

Dear Sir or Madam

## The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

### Application by Cory Environmental Holdings Limited (CEHL) for an Order Granting Development Consent for the Cory Decarbonisation Project

#### Request for further information following deadline 5 submissions

I am writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to seek further information on the following matters in light of submissions made at Examination Deadline (D) 5.

No	Party	Information request
<b>Design Parameters and maximum development platform height</b>		
R17Q2.1	The applicant	Bearing in mind that the applicant's response to ExQ2.9.2 <a href="#">[REP5-033]</a> , Design Principles and Design Code, Revision E (DPDC) <a href="#">[REP5-009]</a> specifies at DC_CCF 1.24 that "The CCF will have a maximum platform level 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." As the DPDC would be a certified document, should the Design Parameters (Schedule 16, column 5) in the draft Development Consent Order (dDCO) <a href="#">[REP5-005]</a> be revised so that the maximum height parameter for each component, building or area takes the 1.3m or 1.5m maximum development platform height rather than the 3m currently specified?

Air Quality effects on Inner Thames Marshes Site of Special Scientific Interest (SSSI)		
R17Q2.2	The applicant and Natural England (NE)	<p>The ExA notes the positions of the parties in their D5 submissions with regard to cumulative impact on the Inner Thames Marshes SSSI. NE have made comments <a href="#">[REP5-045]</a> in particular about the in-combination effects on that SSSI and the applicant's approach to the baseline scenario and how projected emissions from the Riverside 2 facility have been considered. The Applicant <a href="#">[REP5-023]</a>, <a href="#">[REP5-033]</a> notes the matters still under discussion or not in agreement with NE and advise that they will prepare a Technical Note.</p> <p>However, the next deadline any update on discussion between the parties, the Technical Note and NE's confirmation or otherwise as to whether it would be satisfactory, would be expected to be received at D6 (with a final Statement of Common Ground between the two parties at D7). Given how close to the conclusion of the examination period these are, if disagreements that are capable of resolution between the parties have not been resolved by D6 there would be very limited time in which to do so.</p> <p>Consequently, both parties are requested to endeavour to ensure that matters are resolved so that this can be confirmed no later than at D6, although should information be available earlier the ExA would find it of assistance if it were submitted for consideration in advance.</p>
Water Framework Directive (WFD) Assessment		
R17Q2.3	The applicant and the Environment Agency (EA)	<p>The Ridgeway Users' submission at D5 <a href="#">[REP5-054]</a> included comments about the applicant's WFD Assessment, although it is noted that some of their concerns relate to ongoing potential for pollution from existing facilities. However, the ExA notes that the EA confirmed in their D5 responses to ExA's questions <a href="#">[REP5-043]</a> that "Compliance with WFD from a marine water quality perspective is now not in doubt and we have no objection to the grant of a DCO in this regard". In light of Ridgeway Users' comments please could the applicant and the EA either confirm that the scope and conclusions of the WFD assessment remain acceptable or explain whether the consideration and conclusions may have changed in light of Ridgeway Users' comments, and in either case provide an explanation for their response.</p>
R17Q2.4	The applicant, the EA and the Marine Management	<p>The ExA is mindful of avoiding creating a possibly unfair and additional burden on the applicant, in respect of the potential implications of an as-yet unpublished River Basin Management Plan (RBMP) for the 2028-34 cycle. The ExA</p>

	<p>Organisation (MMO)</p>	<p>further notes that the EA states <a href="#">[REP5-043]</a> that “The applicant has satisfied us as far as they reasonably can that the risks of maintenance dredging being non-compliant in the future are small...”</p> <p>The EA pointed out <a href="#">[REP5-043]</a> that proposed maintenance dredging would be likely to take place under a different RBMP than the one under which the EA advise the proposed development would be WFD compliant.</p> <p>Consequently the EA advised that “The logical approach here would be to re-assess for any additional WFD risk the proposed maintenance dredge at least once in every subsequent RBMP cycle to ensure that the activity has not fallen out of step with the prevailing regulation.”</p> <p>i) In light of the above the applicant is asked if it considers it appropriate for any provisions to be added to the draft Deemed Marine Licence (dDML) (schedule 11 of the dDCO) <a href="#">[REP5-005]</a>, or indeed any certified documents, to address this.</p> <p>ii) In light of its position, can the EA confirm that there are no implications in terms of the drafting of the dDML or the dDCO in this regard or alternatively the EA (and as appropriate the MMO) are requested to advise of any particular wording in the dDML in this respect that would be appropriate.</p> <p>iii) The EA noted <a href="#">[REP5-043]</a> that “The matter of long term (eg 10 year MMO) dredge licences vs WFD assessments valid only for the current RBMP cycle (6 years maximum) is the subject of discussion between EA and MMO and is an internal DEFRA matter which should not be taken to be prejudicial to the compliance arguments provided by the applicant.” For the avoidance of doubt, can the EA (and as appropriate the MMO) confirm that this refers to wider ongoing discussions having a wider bearing and implications than the DCO application under consideration.</p>
<b>Flood risk</b>		
R17Q2.5	<p>The applicant and the EA</p>	<p>The EA’s comments <a href="#">[REP5-043]</a> in response to ExQ2.4.3 recommend “.. that, if at the detailed design stage the area of buildings excluded from flooding and the areas where equipment will make the development platform hydraulically rougher increase above that which has been modelled, that the development’s impact on flooding is reassessed”. What provision has been, or should be, made within the dDCO and/or certified documents to cater for such a re-assessment following detailed design?</p>

## Outline Landscape Biodiversity, Access and Recreation Delivery Strategy (LaBARDS) - monitoring provisions

R17Q2.6	The applicant and London Borough of Bexley Council (LBBC)	The Statement of Common Ground – London Borough of Bexley [REP5-019] confirms agreement between the parties and that “The Outline LaBARDS, including the provision for management, maintenance and monitoring as set out in Rev C, is agreed”, and this is reflected in and applicant’s response to ExQ2.3.1 [REP5-033]. However in LBBC’s responses to ExQ2.3.1 and ExQ2.3.2 in its D5 submission [REP5-042] there is an apparent difference in expectations for monitoring provisions in the dDCO and LaBARDS including the terminology, frequency, report content, stakeholder review and agreement provisions, and mechanism for securing the monitoring. Please can the parties confirm whether there is agreement on the detailed wording of the dDCO and outline LaBARDS and if not clarify where the differences lie.
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Please provide a response by Deadline 6, that is 29 April 2025, at the latest, noting the points made above about timescales.

Yours faithfully,

[Redacted Signature]

**Examining Authority**

This communication does not constitute legal advice.

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