

[REDACTED]
Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Our Ref: CDP/EX/11

16 April 2025

Dear [REDACTED],

**EN010128: APPLICATION BY CORY ENVIRONMENTAL HOLDINGS LIMITED
FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE CORY
DECARBONISATION PROJECT**

In advance of Deadline 6 on 29 April, the Applicant wishes to provide an update to the ExA on the matters that it had indicated in its Cover Letter for Deadline 5 were still outstanding, to demonstrate that progress is being made in advance of Deadline 6. This update is set on a per party/issue basis below.

PLA

The Applicant can confirm that all matters with the PLA are now agreed. This is reflected in the signed and final SoCG submitted with this Cover Letter, alongside the updated final clean and track changed pNRA.

LBB (Non-Deeds of Obligation Matters)

The Applicant has now agreed its SoCG with LBB. This has been structured to allow discussions on the Deed of Obligation to continue but the SoCG to be submitted as final. The final SoCG with LBB has therefore been submitted alongside this letter.

I can also confirm that the Applicant is submitting an update to the Outline LaBARDS (Revision F) alongside this letter to deal with the matters set out in the ExA's Rule 17 request. This Outline LaBARDS Revision F has been agreed with LBB.

MMO – DML and Dredging Arisings Disposal

Having reviewed the MMO's Deadline 5 submissions, the Applicant will be making some amendments to the DML at Deadline 6, but not all of those requested by the MMO. This will be set out in the Applicant's Deadline 6 submissions, meaning that it will be a 'Not Agreed' item in the SoCG.



The Applicant has had a meeting with the MMO on the 3rd April 2025 to discuss its concerns in respect of dredging arisings disposal and is confident that an agreed position will be able to be expressed in the SoCG. This wording is in the process of being confirmed with the MMO, with the aim that this is reflected in a final SoCG submitted at Deadline 6.

Environment Agency – Disapplications and Protective Provisions

The Applicant and the EA had a productive discussion on 7th April 2025 where the principle of amendments to the PPs and dealing with the Applicant's proposed disapplications was discussed and agreed and a further draft of the PPs have been shared with EA to inform a further meeting on 17th April 2025, at which it is anticipated that final agreement should be able to be reached. The Applicant therefore anticipates that a final agreed SoCG should be able to be submitted at Deadline 6 alongside a DCO with an agreed set of Protective Provisions.

The Applicant will provide a full response to the ExA's Rule 17 request at Deadline 6, but it can confirm that it considers that no changes to the DCO/DML are required in respect of the matters raised in Rule 17 request questions 2.4 (as the EA will be a consultee on any matters submitted to the MMO under the DML) and 2.5, but it will be putting forward without prejudice drafting in respect of the latter, in case the ExA/Secretary of State disagrees with its case.

Natural England – Thames Inner Marshes SSSI

The Applicant has noted the ExA's concerns in respect of the position with regards to cumulative impacts at the Thames Inner Marshes SSSI and is working hard to seek to get to a position where this matter is resolved at Deadline 6. The Applicant is aiming to issue the Technical Note, which presents the results of the cumulative air quality impacts assessment at the Inner Thames Marshes SSSI, to Natural England in advance of Deadline 6.

It should be noted that both the Applicant and Natural England agree that the results of the cumulative impact assessment are unlikely to show significant impacts, as reflected in the SoCG submitted at Deadline 5. An update will be provided in response to the ExA's Rule 17 request at Deadline 6.

WRWA

The Applicant has exchanged correspondence and held meetings with WRWA over many weeks. The Applicant has agreed to the majority of the changes requested to the DCO drafting requested by WRWA and will include these in the Deadline 6 DCO.

It is noted, however, that WRWA still requires a separate agreement to be entered into between the parties before it is willing to remove its objection, and that the



Applicant can only agree to certain further DCO drafting if such separate agreement is concluded to its satisfaction. Notwithstanding this, the Applicant's position is that, with the DCO protections in place, and in the context of the overall contractual relationship between the parties as expressed by the Applicant in its Deadline 2 submissions, WRWA will be adequately protected under the DCO. However, the separate agreement between the Applicant and the WRWA continues to be negotiated in good faith with the intention of reaching agreement as soon as possible.

Deeds of Obligation

The Applicant is in close discussions with Peabody/Tilfen, TWUL and LBB to seek to finalise both Deeds of Obligation prior to the end of Examination, sharing regular correspondence to seek to close remaining matters out.

By way of example, following discussion with Peabody and accounting for LBB's position, the Applicant has agreed that Deed of Obligation (A) shall be a section 106 agreement (but with appropriate drafting to cater for if the Secretary of State considers the obligations not to be section 106 obligations).

The Applicant will provide a further update at Deadline 6, but it is anticipated that, accounting for execution requirements, it may be the case that submission of copies of executed Deeds is unable to occur until some point between Deadline 6 and the end of Examination at 23.59pm on 5 May.

As such, the Applicant would request that the Examination is not closed 'early' before that time, to give sufficient time for such completed Deeds to be submitted.

The Applicant hopes that this update is helpful to the ExA. I would be grateful if you could confirm receipt of this letter and the accompanying documents.

Yours sincerely,

[Redacted signature block]

[Redacted name block]

Project Director

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Phone: [Redacted phone number]