

# Written Representation - Ridgeway Users

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## **Glossary**

BAT - Best Available Technique

BNG - Biodiversity Net Gain

CCS - Carbon Capture And Storage

CCF - Carbon Capture Facility

CEFAS - Centre for Environment, Fisheries & Aquaculture Science

Cory - The Applicant

DPSIR - Driver-Pressure-State-Impact-Response

EA - Environment Agency

EfW - Energy From Waste

EN-1 - Overarching National Policy Statement for Energy

EQS - Environmental Quality Standard

ExA - Examining Authority

ExQ1 - Examining Authority Question 1

LaBARDS - Landscape, Biodiversity, Access and Recreation Delivery Strategy

MoU - Memorandum of Understanding

PFAS - Per- and poly-fluoroalkyl substances

PFOAs - Per- and poly-fluoroalkyl substances (PFAS) which are included under Persistent Organic Pollutant (POP) regulation.

PFOS - Per- and poly-fluoroalkyl substances (PFAS) which are included under Persistent Organic Pollutant (POP) regulation.

POPs - Persistent Organic Pollutants

SVOCs - Semi-Volatile Organic Compounds

VOCs - Volatile Organic Compounds

WFD - Water Framework Directive

WLC - Whole Life Carbon

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## Executive Summary

### 1. Process Timelines and Handling of Representations

We raise concerns about the handling of the process and deadline restrictions, especially in light of the results in section 2.

### 2. New PFAS Results & Management Issues

Ridgeway Users collected an additional sample of loose sediment directly from a pipe used by Cory for their rainfall outflow. We conducted a leachate test to understand how rainfall discharge would impact the nature reserve. We found PFOS at concentrations around 20x the EQS.

With this in mind, we further call into question the WFD, the suitability of a simple technical note and other water provisions for the scheme.

### 3. Romani Graziers & Equalities Act Obligations

In response to Cory publishing their most recent Statement of Commonality, it corroborates our Deadline 4 assertion (that remains unanswered) - that they have never recorded Romani grazier objections adequately, least of all their nature and strength. This once again demonstrates the abject failure of the Applicant to achieve their equalities obligations.

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# Written Representation

## 1. Process Timelines and Handling of Representations

### 1.1 Lack Of Reply To Article 2.3 Rule 17 & Process Timing

**1.1.1** We welcome the ExA's question to the Applicant and The Environment Agency in their Rule 17 letter regarding our Hydrologist letter, outlining concerns over the suitability of the WFD. However, we are concerned that whilst the applicant has responded to most of the other points in their response to the Rule 17 letter, this did not appear to include Article 2.3. The WFD is not mentioned. This is our last deadline where we are permitted to submit new information (bar some exceptions).

We assume that Cory will respond at deadline 6, but note that this delay means we will now have no opportunity to reply to any representations they make adequately before the process closes.

We have attained new pollution data, which casts serious doubts as to the suitability of the WFD. Similarly, far larger diameter pipes also discharge into the Thames. We ask whether we will be given extra time to piece together evidence for any questioning of the WFD.

**1.1.2** In 9.27 Applicant's Response to Interested Parties' Deadline 4 Submissions Article 2.5.1, the Applicant states that:

*'The Applicant has spent some time with representatives of the Ridgeway Users on this matter, responding to their questions and ensuring they remain a part of the DCO examination process.'*

We are baffled by this response. We have only spent direct time conversing with them about our objections at the hearings and examiners' meetings themselves. They have refused all requests to arrange a meeting or speak with them directly in person. We have been omitted as an Interested Party in the Applicant's Statement of Commonality.

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## 2. New PFAS Results & Management Issues

### 2.1 PFAS Found Within Cory Discharge Pipes

**2.1.1** Previous testing identified the presence of PFOS at 10x the EQS in the Western Norman Road ditch, into which the Applicant discharges rainfall from the Southern roof section closest to the flue and other surfaces.

We identified the exact location of the DP4 outfall pipe from documentation found within drawings attached to planning application 99/02388/CIRC11 (Figure 1 - see appendices). It is from this location that excess water is discharged after filling the buried storage tanks and passing through the oil separators. We initially sought to collect water discharge, but due to the prolonged dry weather in March and early April, there was no outflow we could attain.

Upon preliminary visits to the site location, after shining a torch inside the pipe (Figure 2), we noticed that a quantity of reachable loose sediment had accumulated along the bottom of the pipe, mirroring fluvial discharge patterns.

**2.1.2** On the 16th April 7:30pm, Ridgeway Users gathered an additional sample of approximately 150g of loose sediment directly from the pipe used by Cory for their rainfall outflow (Figure 3).

We followed an identical method to our previous sample collections regarding protective wear. As we were collecting sediment, we used a stainless steel trowel attached to an extended handle with no plastic parts or PFAS-containing coatings, as recommended for such collections to avoid cross-contamination. We made sure to be extremely careful and gentle in our collection.

**2.1.3** We sent the sample to Marchwood UK for them to perform a leachate test in a controlled environment to understand how rainfall would impact discharge from contact with these sediments, as would happen in a discharge event. Marchwood have said the following about their methodology:

*The Leachate Prep method was undertaken in accordance with BS12457 10:1, with the exception of the final filtration step as PFAS have the potential to sorb to the filters. The Eluate was allowed to settle and a sub sample taken. The sub-sample is centrifuged and water fraction subsequently extracted using Solid Phase Extraction. The SPE helps clean up and concentrate the sample. The extract is further concentrated by evaporation and analysed by LCMSMS.*

*We are accredited for the analysis (see underlined section above) of various water matrices but not for the analysis of leachates. We followed our standard accredited method and all quality control checks (analytical blanks and AQC) passed indicating the method was performed properly. We also analysed a method blank which involved a sample of deionised water following the whole extraction process including leachate prep. All substances in the blank were below the LOD which indicates the potential for false positives introduced as a result of the prep method are highly unlikely.*

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*The leachate test is designed to extract only the water soluble and loosely bound fraction of substances and not the total concentration of substances present. If the substance is highly water soluble and loosely bound to the solid particles, 100% of the substance present may be extracted. If the substance has low water solubility and is strongly bound to the solid particles, 0% of the substance present may be extracted. It is the leachate (water) and not the solid that is analysed (i.e. what has dissolved from the solid) and the result is expressed as the concentration of the substance in the leachate. It is however possible that very small suspended particles in the water (that do not settle or centrifuge) may also be included in the extraction process.*

**2.1.4** The results were significant (Figure 5). PFOS concentrations were found at the highest level yet - around 20x the EQS at 12.3ng/l (EQS is 0.65ng/l) - around twice our previous results. PFOA, also considered a Persistent Organic Pollutant, was found at 8.46ng/l.

Alongside this, many of the profiles between the leachates and the ditch water sample mirrored one another in concentrations (See Figures 5 and 6) - with elevated levels of PFOS, PFOA, PFHxA, PFHpA & PFDA.

**2.1.5** Whilst total concentrations of PFAS were lower in the leachate sample (40ng/l vs 240ng/l), we note that evaporation of water (as would occur naturally in a water course) would concentrate these persistent chemicals over time. Additionally, the testing process depends on the solubility of the compound and thus the process does not necessarily extract 100% of the leachate. Many PFAS exhibit moderate to low solubility and so the true result may be substantially higher.

Similarly, chemicals found in our ditch water sample such as PFPeA (which formed the largest single PFAS in the ditch water sample), 6:2 FTS and PFBA, but which were not present in the leachate sample at detectable concentrations, are often found in food packaging and firefighting foams. This could be attributed to other sources such as food packaging litter in the water course, or the 2005 fire incident.

**2.1.6** As a result of these findings, we ask Cory to explain why they believe these PFAS, especially PFOS and PFOA, are present in their discharge pipes if they believe (as they have stated in previous representations) that they are not the source of these chemicals or do they accept that remediation might be necessary?

**2.1.7** Ridgeway Users assert that this adds to a growing compendium of evidence that indicates that, contrary to Cory's previous assertions, it is increasingly likely that they are one of the sources of the contaminants.

**2.1.8** This risk is one that Cory has been warned of repeatedly by Ridgeway Users. We consistently called on the Applicant to investigate for themselves using independent testing, but they have repeatedly failed to do so.

We reiterate that we believe the Applicant cannot claim to have met all the requirements of the planning guidance without having an adequate handle on existing and ongoing pollutants. It is clear from these tests that this is not currently the case. These issues remain unresolved.

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## 2.2 Impacts Of Our Findings

**2.2.1** Given the current outstanding issues we put forward regarding the WFD in deadline 5, this test adds further weight to the inadequacy of the WFD and the accompanying technical note. It should be noted that Cory has three other pipes, some of which discharge into the Thames and are much larger in diameter. We assume results could be similar but currently have no understanding of their environmental effects and no measurements to guide this.

It is incumbent on the Applicant to measure and assess this risk via tests to flue gas and discharges.

**2.2.2** The Applicant states that:

*'These facilities are already consented under the relevant planning and permitting regimes; they are not available for reconsideration as a part of the current DCO application.'*

We believe that this is just one example of the Applicant consistently misrepresenting our points regarding the presence of PFAS, indicating we are debating whether their existing facilities should be shut down. This is not and has never been the argument we are making. We once again outline some of the core tenets of our stance below to demonstrate this:

1. Existing pollutants, their management and future risks/disturbances must be explored across several parts of the planning process, including the Water Framework Directive, Code of Construction and LaBARDS - this has not been done for PFAS despite the Applicant accepting their presence. Their application cannot be considered adequately completed without this.
2. The Applicant's carbon capture facility once complete will form one large contiguous facility - they will be fully integrated and the CCF will fail to work as intended if either of the two incinerators are disrupted - thus any risk to EfW longevity or operations should be considered shared under longevity considerations. The pollution we have found is a potential risk to longevity and thus must be considered as such. Remediation scenarios and their disruption to function must be considered adequately. This has not been done.
3. The Applicant has consistently stated that permitting regimes alone suffice in preventing pollution - this contradicts guidance. Our most recent testing acts as an apt demonstration of the limits of permitting regimes. This overreliance on permitting has created substantial gaps in the Applicant's consideration of risks - it thus cannot be considered adequate.
4. Cumulative effects - when considering existing pollution paired with a facility which uses PFAS which could plausibly introduce more PFAS - guidance states that it is up to the ExA/Secretary of State to evaluate this risk. The Applicant has not made representations that adequately assess this risk of cumulative effects.
5. The consideration of alternatives must take into account the pollution we have found - this has not been done. The Western Riverside Waste Authority has previously stated that it would have preferred a waste sorting alternative so that fewer plastics are burned - this would have a positive effect on any potential PFAS emissions too. Failure to adequately assess alternatives is a reason for refusal.



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6. The potential for ongoing, unquantified PFAS pollution indicates the Applicant to be an unsuitable caretaker of the nature reserve and thus that any planning application on it should be refused.
  7. Their promises of future testing are not adequate to relieve them of their obligations during the planning process to test and put this information up for examination by relevant parties.

### **2.2.3 The Applicant states repeatedly and without justification:**

*'Due to the nature of the Proposed Scheme, PFAS will not be introduced by the carbon capture process.'*

Given our recent findings, we ask whether the Applicant can be considered a reliable source when it comes to any assertion regarding PFAS. It appears they have no handle on the issue whatsoever, whether through risk assessments or testing and thus cannot be considered credible in these regards.

**2.2.4** We are glad that the Applicant acknowledges that Ridgeway Users are correct in stating that site-specific controls can be implemented. Potential for flue gas and run-off PFAS pollution can impact both air quality and the water table - both affect human health. Thus we call on the Environment Agency to develop PFAS obligations for the site for flue and discharge - there is recent PFAS permitting precedent.<sup>1</sup> This is clearly an ongoing issue. It needs to be captured by permitting.

## **2.3 Questioning The WFD & LaBARDS**

**2.3.1** With these new results in mind, the Applicant states in Outline Landscape Biodiversity, Access and Recreation Delivery Strategy Application Document Number: 7.9 that they plan to use existing water to partially flood Norman Road Fields stating that:

*'Water supplies are of good water quality, with low turbidity and no obvious signs of pollution; this requirement is expected to be met by existing supplies of water at the site.'*

This directly contradicts the Applicant's previous response to our Deadline 4 submission, where they acknowledged the presence of extremely high levels of PFAS as a pollutant in the existing supplies of water. The water is clearly not of good quality by their own admission.

**2.3.2** Under hydrologist guidance outlined at deadline 5, if there are pollutants present in the water course, the Applicant needs to explore how redirecting this water across the nature reserve might further spread PFAS and impact biodiversity. They have not done so.

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<sup>1</sup> ENDS Report (2025) Environment Agency orders 24 airports to test effluent for PFAS



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### 3. Romani Graziers, Engagement & Equalities Act Obligations/Guidance

#### 3.1 Failure By The Applicant To Provide Statement of Common Ground

**3.1.1** In our Deadline 4 submission, we called into question the Applicant's statement at the compulsory acquisition hearing, where they stated that:

*'We have not made any secret of the fact in the statement of Common Ground that Miss Anderson is not in favour of the scheme. We have recorded that, so we would be willing to meet Miss Anderson on short notice. And I don't think there is anything that we would do differently.'*

We raised in deadline 4 that contrary to what the Applicant stated, we could find no statement of Common Ground with Miss Anderson, nor any record of disapproval or their grounds for it. There was a statement of Common Ground with Mr Percy Anderson, but their beliefs as to whether they opposed the scheme or not (and why) were in no way mentioned within it - only minor technical points.

**3.1.2** Whilst the Applicant did not reply to us directly, our concern is corroborated in the March 27th Statement of Commonality 9.5, Article 8.1.25, where Ms Anderson is shown not to have given a statement of Common Ground. Her column has been left blank.

**3.1.3** We note that it appears that the Applicant has thus cited a non-existent document as evidence that they have adequately recorded the disapproval of the scheme by graziers from the Romani community.

**3.1.4** This constitutes a misrepresentation as to the extent to which they have engaged with the graziers at the hearing.

**3.1.5** This is unacceptable. We reiterate that the Applicant has not provided any meaningful evidence or detail surrounding the disapproval of the graziers - we would like any information/transcripts they have to be published.

**3.1.6** In section 149 of The Equalities Act, 3c it states that:

*'Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-*

*encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.'*

Romani people have consistently had disproportionately low engagement with both this process and planning processes nationally. Ridgeway Users ask for clarity as to how the misrepresentation of Romani engagement satisfies the requirements set out by this clause.

**3.1.7** From misplaced replies to our representations to the citation of non-existent documents as evidence, their handling of Romani grazier equalities' issues has been nothing short of farcical.

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When this is the way these issues are handled, it is easy to understand why the Romani graziers have been so unwilling to engage with Cory.

**3.1.8** Furthermore, with this in mind, the Applicant's claims that this is not part of a traditional way of life for Romani people thus appear to be un-evidenced - there is no evidence to the contrary that has been presented to the examiner by the Applicant other than their own statements.

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## Appendices



Figure 1 - Outfall DP4 marked with a Red Circle.



**Figure 2** - Discovering fluvial sediment deposits within the pipe using a torch during a preliminary visit (highlighted in red)





**Figure 3 - Sample Collection From DP4**



**Figure 4 - The pipe is significantly above the water level, even after significant rain in Mid-April.**

## 522426 PFAS ANALYSIS

Results Key:  
 Conc Concentration  
 LOQ Limit of Quantitation

Sample Identifier : Leachate ditch  
 Sample No: 522426  
 Sample Type: Water - Leachate

Test Method : WI 009  
 Instrument : LC/MS

Compound	Conc ng/L	LOD ng/L	Accreditation
10:2 FTS	< 5	5.00	N
11Cl-PF3OUdS	< 1	1.00	N
4:2 FTS	< 1	1.00	N
6:2 FTS	< 1	1.00	N
8:2 FTS	< 1	1.00	N
8:2-diPAP	< 1	1.00	N
9Cl-PF3ONS	< 1	1.00	N
ADONA	< 1	1.00	N
Capstone A	< 1	1.00	N
Capstone B	< 5	5.00	N
EtFOSA	< 1	1.00	N
EtFOSAA	< 1	1.00	N
EtFOSE	< 1	1.00	N
FBSA	< 1	1.00	N
FHpPA	< 5	5.00	N
FHxSA	< 1	1.00	N
FOSA	< 1	1.00	N
FPePA	< 1	1.00	N
FPrPA	< 1	1.00	N
HFPO-DA	< 1	1.00	N
HFPO-TA	< 1	1.00	N
MeFOSA	< 1	1.00	N
MeFOSAA	< 1	1.00	N
MeFOSE	< 1	1.00	N
NFDHA	< 1	1.00	N
PFBA	< 5	5.00	N
PFBS	< 1	1.00	N
PFDA	2.89	1.00	N
PFDoA	< 1	1.00	N
PFDoS	< 1	1.00	N
PFDS	< 1	1.00	N
PFECHS	< 1	1.00	N
PFEESA	< 1	1.00	N
PFHpA	4.23	1.00	N
PFHpS	< 1	1.00	N
PFHxA	9.24	1.00	N
PFHxDA	< 1	1.00	N
PFHxS	< 1	1.00	N
PFMOBA	< 1	1.00	N
PFMOPrA	< 1	1.00	N
PFNA	3.12	1.00	N
PFNS	< 1	1.00	N
PFOA	8.46	0.65	N
PFODA	< 1	1.00	N
PFOS	12.30	0.65	N
PFPeA	< 1	1.00	N
PFPeS	< 1	1.00	N
PFTeDA	< 1	1.00	N
PFTrDA	< 1	1.00	N
PFTrDS	< 1	1.00	N
PFUDa	< 1	1.00	N
PFUDS	< 1	1.00	N

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**Figure 5 - Marchwood testing Leachate results for PFAS**



## 488778 PFAS ANALYSIS

Results Key:  
**Conc**      Concentration  
**LOQ**      Limit of Quantitation

**Sample Identifier :** Norman Road, West Ditch Water      **Test Method :** WI 009  
**Sample No:** 488778      **Instrument :** LC/MS  
**Sample Type:** Water

Compound	Conc ng/L	LOD ng/L	Accreditation
10:2 FTS	< 1	1.00	Y
11Cl-PF3OUdS	< 1	1.00	Y
4:2 FTS	< 1	1.00	Y
6:2 FTS	7.36	1.00	Y
8:2 FTS	< 1	1.00	Y
8:2-diPAP	< 1	1.00	Y
9Cl-PF3ONS	< 1	1.00	Y
ADONA	< 1	1.00	Y
EtFOSA	< 5	5.00	N
EtFOSAA	< 1	1.00	Y
EtFOSE	< 1	1.00	N
FBSA	2.18	1.00	Y
FHpPA	< 5	5.00	Y
FHxSA	< 1	1.00	Y
FOSA	< 1	1.00	Y
FPePA	< 5	5.00	Y
FPrPA	< 1	1.00	Y
HFPO-DA	< 1	1.00	Y
HFPO-TA	< 1	1.00	Y
MeFOSA	< 1	1.00	N
MeFOSAA	< 1	1.00	Y
MeFOSE	< 1	1.00	N
NFDHA	< 1	1.00	Y
PFBA	>20 (26.1)	5.00	N
PFBS	12.8	1.00	Y
PFDA	8.06	1.00	Y
PFDoA	2.11	1.00	Y
PFDoS	< 1	1.00	Y
PFDS	< 1	1.00	Y
PFECHS	1.05	1.00	Y
PFEESA	< 1	1.00	Y
PFHpA	>20 (22.2)	1.00	Y
PFHpS	< 1	1.00	Y
PFHxA	>20 (32.5)	1.00	Y
PFHxDA	< 1	1.00	Y
PFHxS	1.83	1.00	Y
PFMOBA	< 1	1.00	Y
PFMOPrA	< 1	1.00	Y
PFNA	4.33	1.00	Y
PFNS	< 1	1.00	Y
PFOA	>20 (39.0)	0.65	Y
PFODA	< 1	1.00	N
PFOS	6.80	0.65	Y
PFPeA	>20 (74.2)	1.00	Y
PFPeS	< 1	1.00	Y
PFTeDA	< 1	1.00	Y
PFTTrDA	< 1	1.00	Y
PFUdA	< 1	1.00	Y
PFUdS	< 1	1.00	Y

**Figure 6** - Previous test of West Norm Road ditch for PFAS