



EXAMINATION PROGRESS TRACKER: 9.10

DECARBONISATION

Cory Decarbonisation Project

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QUALITY CONTROL

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1. INTRODUCTION

1.1. INTRODUCTION AND PURPOSE

- 1.1.1. This Examination Progress Tracker relates to an application (the 'Application') made by Cory Environmental Holdings Limited (the 'Applicant'), to the Secretary of State for Energy and Net Zero for a Development Consent Order ('DCO') under section 37 of the Planning Act 2008 (the 'PA 2008') for the proposed Cory Decarbonisation Project in Bexley, London (the 'Proposed Scheme').
- 1.1.2. The Application has been accepted for examination. The Examination commenced on 5 November 2024.
- 1.1.3. This Examination Progress Tracker has been prepared by the Applicant further to the Examining Authority's ('ExA's') **Rule 6 Letter (PD-005)** and **Rule 8 Letter (PD-006)** and meets the ExA's expectations in those letters for it to be "*a live document that tracks principle and other notable issues in the Examination, most helpfully set out in tabular form, including a simple visual referencing system indicating matters resolved, capable of resolution or not*".
- 1.1.4. This ~~fourth~~fifth draft of the Examination Progress Tracker, submitted at Deadline ~~57~~, is in the form of a table, as requested by the ExA, and is set out at **Section 2**, focussing on principle/notable matters.
- 1.1.5. Notably, however, this Tracker does not deal with the matter of Optioneering. Whilst the Applicant recognises that this is likely to be the 'predominant' issue for this Examination, it is not a matter that it is considered to have any 'progress' per se that can be tracked – it is clear that Interested Parties are all of the view that the Applicant's proposals should variously avoid Metropolitan Open Land (MOL), Accessible Open Land, local nature designations, and/or Landsul/Munster Joinery land, and the Applicant considers that its optioneering process, as discussed in the **Terrestrial Sites Alternative Report ('TSAR') (APP-125)**, the **TSAR Addendum (AS-043)**, the **TSAR Appendix H: Terrestrial Site Alternatives Report – Addendum (AS-062)**, its **Response to Relevant Representations (AS-044)**, summaries of case from **CAH1 (REP1-021)** and **ISH1 (REP1-028)**, **Response to Deadline 2 Submissions (REP3-034)** and the **Applicant's Response to Interested Parties Deadline 3 Submissions (submitted as part of Deadline 4)**, demonstrate that the Site it has chosen is the most suitable location for the Proposed Scheme. This will continue to be discussed in Examination submissions, and each respective party will set out their case.

- 1.1.6. The status of the issues within the Examination Tracker is based on a Red, Amber, Green ('RAG') rating as follows:

	Currently subject to disagreement
	Subject to further/ on-going discussion
	Agreed

2. EXAMINATION PROGRESS TRACKER

2.1. SUMMARY OF THE PRINCIPAL ISSUES RAISED

2.1.1. Table 2-1 provides a summary of the principal/ notable issues raised by Interested Parties and the status of those issues.

Table 2-1: Examination Progress Tracker

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
Terrestrial Biodiversity	Interaction with existing consents/planning obligations	Friends of Crossness LNR Save Crossness LNR London Borough of Bexley (LBB) Thames Water Utilities Ltd (TWUL)	Concerns raised about the efficacy of the Applicant's proposed mitigation measures and whether they can be considered as 'double counting' when considered alongside TWUL's existing Crossness LNR obligations and previous s.106 obligations relating to providing mitigation for Veridion Business Park at Norman Road Field.	Applicant has worked with Interested Parties to find planning information and its Deadline 1 submissions have set out its position on double counting for Interested Parties to consider (Written Summary of Oral Submissions at ISH1 and its Appendix F). The Applicant's position is clear that the Veridion Business Park planning obligations have now fallen away and this is agreed with LBB (SOCG, REP2-010) who confirmed this position in its Deadline 4 submission (REP4-036). SCNR disagrees, TWUL has not made further comment. The wording in the Draft DCO (as updated alongside this submission) ensures that the Outline LaBARDS (as updated alongside this submissionAS-094) proposals will wipe the slate clean legally and create one regime of ecological management moving forward.	
	Delivery of the Outline Landscape Biodiversity Access and Recreation Delivery Strategy (LaBARDS)	Peabody/Tilfen Land Limited LBB TWUL	Status of TWUL's retained part of the Crossness LNR in the Outline LaBARDS (as updated alongside this submission) dependent on TWUL position on this. Usage of Thamesmead Golf Course requires Deed of Obligation to be entered into. Suitability of Deeds of Obligation	Draft deed of obligations were sent to Interested Parties prior to Deadline 1 and submitted at Deadline 4. Following discussions at CAH2, ISH2, high level comments received from Peabody, and comments received from TWUL, updated Deeds have been submitted at Deadline 4. Please see also the Written Summary of Oral Submissions at CAH2 submitted at Deadline 4. The draft DOO continue to be discussed with the relevant parties — the response to question 2.16.6, submitted at Deadline 5, sets out the latest position. Please see other Deadline 7 submissions which confirm the position in respect of the Deeds of Obligation.	

Topic	Sub-Topic	Interested Party(ies)	Description of Issue	Progress Made (if Any)	RAG Rating
	Water Vole Mitigation	Natural England	Letter of No Impediment being sought in respect of Water Vole mitigation.	<p>Natural England issued a Letter of No Impediment (Natural England Reference: DAS 457982) to the Applicant in relation to licensing for water voles on 25th February 2025. This is reflected in the Natural England Statement of Common Ground (Revision E, as updated alongside this submission REP6-035).</p> <p>The Draft DCO (as updated alongside this submission) and Outline LaBARDS (as updated alongside this submission AS-094) reflect the commitments to the programme and activities included within the Water Vole Method Statement.</p>	
	AQ impacts to Inner Thames Marshes SSSI	Natural England	Natural England have queried the Applicant's air quality assessment in respect of impacts to this SSSI.	<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) REP6-035). 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 At 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: request of Natural England has requested that, the Applicant undertook a cumulative impact assessment is undertaken for the Inner Thames Marshes SSSI. Natural England confirmed agreement with the findings of the cumulative impact assessment for the Inner Thames Marshes SSSI. Whilst both the Applicant and Natural England agree that the results of the cumulative impact assessment are unlikely to show significant impact, presented as the species present 	

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				<p>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. It is agreed that no significant effects on the 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. are likely to occur as a result of the Proposed Scheme, when considered alongside other committed developments.</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. <p>The Natural England Statement of Common Ground (as updated alongside this submission REP6-035) reflects the above position.</p>	
Marine Ecology	n/a	Environment Agency Marine Management Organisation	The Environment Agency and Marine Management Organisation partially agree with the Applicant's assessment of contaminants, the Applicant agreed that once additional sampling has been carried out, the Applicant will submit a technical note into the examination to validate the conclusions reached in the Environmental Statement.	<p>The Applicant undertook additional sediment sampling, at depth, in December 2024 following consultation with the relevant stakeholders (MMO, PLA and Cefas). The Applicant received the additional sediment sampling data from the MMO approved laboratory on 6th February 2025.</p> <p>The Applicant prepared a Technical Note to present the findings of the December 2024 sediment sampling and present the evidence which validates that the conclusions and the mitigation measures presented within the WFD Assessment remain appropriate. The Technical Note was submitted to the Environment Agency and the MMO on the 5th March 2025, ahead of</p>	

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				<p>the date committed to in the Applicant's Response to the Examining Authority's Rule 17 Letter - Request for further information - Applicant and Environment Agency (AS-087).</p> <p>The Environment Agency confirmed on 20th March 2025 that they had reviewed the Sediment Sampling Technical Note (as submitted alongside this report REP5-031) 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 REP5-031) on the 20th March 2025. No updates are required to the Sediment Sampling Technical Note (as submitted alongside this report REP5-031) based on the comments. However, there are several points raised relating to dredging arising disposal matters (not WFD compliance matters), and the Applicant has proposedFollowing a meeting with the MMO to discuss these comments further on the 3rd April 2025 and email correspondence on the 16th April the MMO agrees with methodology text provided by the Applicant in relation to the dispose of capital dredged material.</p> <p><u>Both the Environment Agency Statement of Common Ground (Revision D) and the MMO Statement of Common Ground (Revision E) reflects the above position.</u></p>	
Flood Risk	n/a	Environment Agency	<p>The Applicant is currently discussing the following matters with the Environment Agency:</p> <ul style="list-style-type: none"> • The Environment Agency remain concerned over perceived excessive flexibility created by the wording of the Design Principles and Design Code (as updated alongside this submission) in terms of how close the ground raising and the works can extend towards the watercourses. • The Environment Agency's Risk and Evidence Team are carrying out a further review of the breach model (flood risk); and • The Environment Agency are considering the draft Protective Provisions within the Draft DCO (AS-056) to ensure its protected (including its land interests), as well as the wording of the DCO Requirements. Given this, it is as yet unable to 	<p>The Applicant re-emphasises its commitment to the Design Principles and Design Code (as updated alongside this submission REP5-009). The Applicant has now agreed the design principle in respect of the development platform with the Environment Agency.</p> <p>The Environment Agency, on the 20th March, confirmed that their Environment Agency's Evidence and Risk Team have reviewed the raw outputs of the breach modelling data and are 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>Protective Provisions update is provided below.</p>	

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			issue its section 150 consent or agree to the disapplications currently in the Draft DCO (AS-056) .	The Environment Agency Statement of Common Ground (as updated alongside this submissionRevision D) reflects the above position.	
Compulsory Acquisition ¹	Extent/Size of Land Requirements	Landsul/Munster Joinery PLA	Landsul/Munster Joinery consider that the terrestrial land take is excessive. PLA has queried the extent of temporary possession land in the River Thames (particularly in the navigation channel).	<p>The Applicant has set out its position in its application documentation and Examination submissions <u>throughout the Examination</u> as to why it considers its land take is required to meet operational requirements.</p> <p>The Applicant has:</p> <ul style="list-style-type: none"> shared information requested on 14th November to inform Landsul/Munster Joinery's Deadline 1 submissions; facilitated an expert to expert meeting on 13th December; shared information following that and its Deadline 2 submissions on 20th December and 2nd January; and following sending a draft SoCG on 18th December 2024, held a SoCG meeting on 8th January 2025 and exchanged emails since then to inform the SoCG to be submitted by 24th January 2025, which shows agreement on some matters between the parties. <p>This matter was further discussed at CAH2—see the Applicant's summary of oral submissions from this hearing submitted at Deadline 4. TheIn respect of the <u>PLA</u>, the Applicant made a change at Deadline 3 to remove the navigation channel from the Order Limits, save where this is required for Work No. 4C. This is an agreed issue with the PLA.</p>	Landsul matter will not be able to be agreed. PLA matter is agreed.

¹ Note updates on negotiations with Affected Persons is recorded in the Land Rights Tracker and therefore not provided for additionally here. With the updates to the OLaBARDS and its Summary of Case from CAH1, the Applicant considers that there are no remaining 'issues' under discussions with regards to equalities matters.

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	Need for Single Site	Landsul/Munster Joinery SCNR	Landsul/Munster Joinery consider (through their oral submissions and Written Representation) that if the South Zone is to be utilised, the Proposed Scheme could be designed to avoid its land, through a split site. SCNR agrees with this position.	<p>Applicant has made submissions on this in its Written Summary of Oral Submissions at ISH1 (REP1-025 and appendices) submitted at Deadline 1 and its response to Landsul/Munster Joinery's Written Representation (REP2-021) and considers that it has demonstrated that a single site would not ensure a safe, suitable and secure operation.</p> <p>Please also see the Applicant's Follow up to Rule 17 Response (AS-083) and its summary of oral submissions from CAH2 submitted at Deadline 4.</p> <p>The Applicant has agreed with LBB that effective masterplanning across a single contiguous site, guided by clear, agreed design principles would deliver clarity and legibility across a consistent design approach.</p>	
	Interaction with TWUL/Western Riverside Waste Authority (WRWA)	TWUL WRWA	Both parties concerned whether the Applicant has taken the right approach to the powers sought over their respective land interests.	<p>In respect of TWUL, building on Statement of Reasons, see Applicant's Written Summary of Oral Submissions at CAH1 (REP1-028), Response to Interested Parties Deadline 1 submissions (REP2-019), and its response to FWQ 1.5.0.8 submitted at D3 and its summary of oral submissions at CAH2 submitted at Deadline 4.</p> <p>Discussions on voluntary agreement with TWUL continues — revised HoTs were sent to TWUL prior to Deadline 1. Comments were received on 8th January, and a meeting was held on 14th January 2025 to discuss them. A further meeting was held on 7th February, informed by the Applicant's response to those comments. The Applicant returned a further iteration of the Heads of Terms for Thames Water's consideration ahead of the meeting held on 7th February 2025, at which the Applicant explained the principles and structure of the drafting. Comments on the commercial position have now been received from TWUL and the Applicant will be reverting shortly to TWUL on these. In respect of the position within the DCO documentation, please see the Applicant's response to question 2.5.3.</p> <p>Discussions continue with WRWA following submission of its Written Representation and the Applicant's response to it. The Applicant considers that WRWA's commercial, practical, and property concerns will be able to be dealt with through an Agreement between the parties as well as any amendments that may be agreed between the parties to the Draft DCO.</p>	

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				Amendments were made at Deadline 4, and further suggestions have been received from WRWA, which the Applicant is considering. The parties have submitted a Joint Position Statement at Deadline 7.	
DCO Drafting	DCO Drafting	Port of London Authority (PLA) (article 8, Requirements and PP EA TWUL LBB National Highways ('NH') MMO	PLA: Article 8, Requirements and Protective Provisions Environment Agency: Protective Provisions TWUL: Articles 50, 53-54, Requirement 12, Protective Provisions LBB: Disapplication of Drainage consents NH: Requirements MMO: Deemed Marine Licence drafting, transfer of benefit wording and dispute resolution wording.	<p>PLA: All DCO matters now are agreed (including accounting for the small amendments made at Deadline 5).</p> <p>EA: The Applicant has reviewed the preferred form of protective provisions submitted by the EA and reverted to them (with what is accepted reflected in the updated DCO submitted at Deadline 4). Further comments from the EA are awaited. All DCO matters are agreed.</p> <p>TWUL: It is understood that the 'front-end' DCO drafting is now agreed with TWUL, save that TWUL considers that further drafting could be added to article 50 to avoid compulsory acquisition being replaced required. The Applicant does not consider this is appropriate for the reasons given in its summary of oral submissions at CAH2 submitted at Deadline 4.</p> <p>It is understood that TWUL wish to be an approver of the LaBARDS under Requirement 12. The Applicant does not agree with this as this is appropriate or necessary. The DCO provides for TWUL to be consulted both prior to (pursuant to the PPs) submission of the LaBARDS, and by LBB once it is submitted (pursuant to Requirement 12). The LaBARDS is ultimately a planning sphere document so the Applicant does not consider it is appropriate for TWUL to approve it – this is the responsibility of the local planning authority.</p> <p>On PPs, the Applicant has reviewed TWUL's preferred drafting and updated the draft DCO at Deadline 5 to include this drafting save in respect of two issues (where the parties have 'agreed to disagree'), which are discussed in the Schedule of Changes to the DCO document submitted at Deadline 5.</p> <p>LBB: Following ISH2, LBB DCO drafting points are substantially agreed.</p>	<u>Save for TWUL</u>

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				<p>NH: It<u>The above</u> is understood that NH are now content with the DCO Requirements.</p> <p>MMO: Latest position is as per<u>subject to</u> the Applicant's response to the MMO's Deadline 3 submissions <u>in respect of 'without prejudice' drafting</u> submitted at Deadline 4. Further comments<u>5.</u></p> <p><u>LBB: All DCO matters are awaited from the agreed.</u></p> <p><u>NH: All DCO matters are agreed.</u></p> <p><u>MMO: The parties' respective positions are set out in their Deadline submissions.</u></p>	
Traffic and Transport	Landside Transport	National Highways Kent County Council (KCC) Dartford Borough Council (DBC)	National Highways and KCC requested information in respect of the Riverside 2 Construction Traffic Management Plan (CTMP) and recorded Riverside 2 construction HGV movements and staff survey data. All matters were agreed with DBC at Deadline 2.	<p>The Applicant, National Highways, KCC and DBC have reached an agreed position in respect of landside transport matters, as reflected in updated Framework CTMP submitted at Deadline 5.<u>(RE5-015).</u></p> <p>The agreed position is depicted in:</p> <ul style="list-style-type: none"> • The signed and agreed National Highways SoCG (as updated alongside this submission);<u>REP5-022);</u> • The signed and agreed KCC SoCG (as updated alongside this submission<u>REP5-020)</u>; and • The signed and agreed Dartford Borough Council SoCG (REP2-013). 	
	River Transport	PLA, Kent County Council, NH	These Interested Parties seek more commitments in respect of river transport from the Applicant.	The Applicant and the PLA have reached an agreed position in respect of river transport matters, reflected in updated wording in paragraph 1.2.3 of the Outline CoCP (REP4-008), and in Requirement 7 of the Draft DCO (REP4-004).	



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