



APPLICANT'S RESPONSE TO INTERESTED PARTIES' DEADLINE 6 SUBMISSIONS: 9.36

DECARBONISATION

Cory Decarbonisation Project

PINS Reference: EN010128

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Revision A

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EXECUTIVE SUMMARY

11 Interested Parties have made written submissions at Deadline 6 of the Examination for the Cory Decarbonisation Project (the Proposed Scheme).

Cory Environmental Holdings Limited (the Applicant) has reviewed each of these submissions and responds to those that it considers require a substantive response in this document. The submissions received from the Interested Parties are focussed on various topics, and the Applicant has responded on a per party basis accordingly to the following parties:

- Save Crossness Nature Reserve;
- Ridgeway Users; and
- Thames Water Utilities Limited.

1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This Report provides a response to the issues raised in the submissions of Interested Parties at Deadline 6 (29 April 2025).

1.2. STRUCTURE OF THE APPLICANT'S RESPONSE

- 1.2.1. Section 2 of this document presents the Applicant's response to relevant parts of the submissions received from Interested Parties at Deadline 6. The responses are focussed on points from those Interested Parties where the Applicant considers it would be helpful to expand on its previous submissions in Examination. Where the Applicant has not responded to points, that is because either the points do not need a response, or the Applicant relies on its previous submissions. The Interested Parties responded to in Section 2 are Save Crossness Nature Reserve, Ridgeway Users Group and TWUL (in part).
- 1.2.2. In respect of Thames Water Utilities Limited (TWUL), the Applicant notes the following:
- In respect of matters relating to management of the Crossness Local Nature Reserve, Grazier Obligations and paragraph 6.1 of its submissions, the Applicant has dealt with this in its Closing Statement.
 - In respect of TWUL's submissions in respect of the Protective Provisions, the Applicant accepts that TWUL's consent should be required for use of compulsory acquisition powers over the access road. The concern of TWUL arises due to a typographical error in the Applicant's response to question 2.5.3 (REP5-033), where the suggested 'without prejudice' amendment to the protective provisions missed off the plot number for the eastern half of the access road (1-041), which should have been included. The final paragraph of that answer (and the Applicant's without prejudice position expressed in that response) should read as:
"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, 1-041, 1-042 and 1-044 on the land plans otherwise than by agreement".
 This amendment means that in any scenario (i.e. in the DCO as submitted, or if the without prejudice position comes to pass through the signing of the Deed of Obligation), TWUL's consent will be required for the acquisition of the access road.
 - In respect of TWUL's submissions with regard to the Applicant seeking notice before TWUL access/inspect land, the Applicant stands by its position that this is a perfectly reasonable requirement which asks for nothing more than notice to be given.
 - A response to TWUL's concerns in section 6 of its submission is set out in Section 2.
- 1.2.3. Within Section 2, the Applicant has responded to the submissions made using a separate table for each Party.

2. RESPONSES TO MATTERS RAISED IN DEADLINE 6 SUBMISSIONS

2.1. SAVE CROSSNESS NATURE RESERVE

Table 2-1 Applicant's Response to Save Crossness Nature Reserve Deadline 6 Submissions (and TWUL section 6)

Table ref	Summary of issue raised	Applicant's response
2.1.1	<p>New access route</p> <p>1. In the revised Outline LaBARDS, the Applicant proposes a new alternative access route for TWUL, EA, graziers and volunteers (including SCNR). The location of this route raises very serious concerns:</p> <p>a. This will result in a large further loss of habitat across Lagoon Field and Norman Road Field – noting the route requires a particularly long detour around the southern stretch of the Proposed Scheme;</p> <p>b. The area affected includes the area where SPI plants were identified by Dr Mark Spencer. Therefore, it is highly likely that this will result in a further direct loss of SPI;</p> <p>c. The route will need to be a wide road to accommodate two-way traffic, large vehicles for maintenance / emergency access, and a large turning circle. The amount of habitat loss will be significant – greater than Outline LaBARDS Figure 9 suggests;</p> <p>d. Beyond direct loss of habitat, the route will cause further fragmentation which will have a significant impact on animal species and SPIs;</p> <p>e. The raised ground levels and built structures required will increase the likelihood of flooding on Norman Road Field, which is already prone to significant flooding (particularly in winter); and</p> <p>f. The route will require significant maintenance, requiring significant cost and site manager time.</p> <p>2. None of these significant impacts has been assessed. No additional mitigation is proposed for this loss of habitat and broader ecological harm; therefore, this is a further failure to follow the mitigation hierarchy.</p> <p>3. This serves as an example of how the full extent of harm cannot be known without the detail being confirmed. This demonstrates how the lack of detail throughout the Outline LaBARDS does not allow the ExA to adequately assess the Proposed Scheme.</p>	<p>The proposed access route shown in the updated Outline LaBARDS (AS-094) (Figure 9) is shown as illustrative of a potential route only. Proposals for new footpaths, grazier access routes and permissive paths or links will be developed with terrestrial biodiversity in mind and through engagement with LBB, the graziers, TWUL and relevant user groups to ensure that potential negative impacts are understood, mitigated and managed throughout the construction and operation phases.</p> <p>The Applicant also notes the following relevant factors:</p> <ul style="list-style-type: none"> The Outline LaBARDS (AS-094) explains how the make-up of this route will sensitively blend into the grazing marsh setting, recommending reinforced grass as the surface treatment. The proposed route would be slightly longer in total than the existing Thames Water access route, providing a safer access and more attractive setting. Effects on SPI plants forming the botanical community have been assessed within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). The new alternative access route would not lead to further effects on SPI plants that are not covered by this assessment, with residual effects mitigated by the application of measures as detailed in that chapter. As is noted in paragraph 10.2.13 of the Outline LaBARDS, all Access and Recreation Proposals would be agreed with LBB alongside the approval of the full LaBARDS to ensure that potential negative impacts to biodiversity are understood, mitigated and managed. Appropriate access for Thames Water and the Environment Agency (for pumping station access) will be separately provided pursuant to Work No. 8 of the DCO. This route is intended to be very lightly trafficked and limited to use by graziers, volunteers and the EA for ditch maintenance. It will therefore not require two-way traffic or large turning circles. It is further noted that Norman Road Field already has traffic crossing it, not least by Peabody and their grazier for maintenance of the land or ditches and horses, so this proposal does not change the baseline position, and instead allows for a formalisation of this arrangement in a more managed fashion in the context of an expanded nature reserve. The potential realignment of the existing Thames Water access track is not predicted to increase flood risk: levels of the new track would be similar to existing levels and not introduce a new barrier to overland flow (with the exception of changes within the footprint of the Development Platform of the Carbon Capture Facility that have been assessed in Appendix C- Flood Risk Technical Note- Breach Assessment Scenarios (REP3-035) and concluded to be acceptable in flood risk terms). The area being considered for the new track alignment is not at significant risk of fluvial or pluvial flooding; no new watercourse crossings would be required; the illustrative alignment of the new track would not be located within 8m of the top of bank of the adjacent watercourse; surface water runoff would drain as per the current situation; and the alignment of the existing track would be removed and reinstated with

Table ref	Summary of issue raised	Applicant's response
		<p>permeable soil/vegetation to levels similar to existing and adjacent ground levels, as well as compensatory habitat creation.</p> <ul style="list-style-type: none"> Maintenance requirements for all routes within the new expanded CLNR would be covered by management plans secured through submission and approval of the full LaBARDS(s). It is not expected that the types of routes and surfacing described would be any more onerous to maintain than the existing roads and tracks within the CLNR. Commitment is made within the Design Principles and Design Code document (AS-078) (DP_PL 1.10) to fully mitigate or compensate for impacts caused by temporary and permanent access routes. However, as stated above the proposed access route adopts construction techniques that would minimise any impact to the grazing marsh habitats and function. <p>In conclusion, therefore, there is no harm arising from this proposed access track, and it would be developed in a mutually compatible way with the rest of the LaBARDS proposals.</p>
2.1.2	<p>Extent of loss</p> <p>4. The distinction between our figure for lost habitat (6.87 ha) and the Applicant's (6.79 ha) is due to our inclusion of the 0.09 ha of ditches that will be lost. We see no reason why the ditches should not be included.</p> <p>5. The Applicant accepts that the TGC car park can no longer be used for the proposed creation of 0.88 ha of OMH, and it now seems this will be delivered elsewhere on TGC. Given the rest of TGC is existing habitat, this constitutes a further loss of habitat, taking the total loss to 7.75 ha (and the further loss from the proposed access route will take this total even higher). Of course, the same amount would need to be added to total habitat creation, leaving the net loss at 2.83 ha. However, this increase in gross habitat loss constitutes a further failure to meet the mitigation hierarchy requirement to first and foremost avoid ecological harm (and in any event the proposed access route will result in an increase in net loss of habitat).</p> <p>6. The Applicant's tables do not appear to have been updated to reflect this changed position, and we state again that it is inappropriate for the Applicant to maintain that this does not change its conclusions on both ecological harm and BNG, especially without carrying out any further assessment or analysis.</p>	<p>4. Within the Statutory Metric used to assess Biodiversity Net Gain ditches are classed as linear watercourse features and losses/gains are measured in kilometres of length. This is distinct and separate from area-based habitats that are measured in hectares. The Statutory Biodiversity Metric User Guide¹ states this on Page 25 "<i>You should record watercourses in kilometres. You should use the centre line measurement along the length of the feature, using OS maps where possible. The area of a watercourse may be recorded in the area module as the category 'watercourse footprint'. There are no biodiversity units associated with this category and all biodiversity units generated by watercourses are reported on within the watercourse module.</i>" It should be noted that OS mapping data was used to determine the footprint of ditches as directed by the user guide.</p> <p>5. Although the former Thamesmead Golf Course car park cannot now be used to deliver compensatory Open Mosaic Habitat (Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-032), Table 2-6) it can be delivered elsewhere within the site whilst maintaining a 10% net gain for the Proposed Development. Open Mosaic Habitat would be created on neutral grassland that forms part of the derelict golf course that is in Poor condition. Thus, there would be a loss of this neutral grassland, but it would be replaced by the higher value Open Mosaic Habitat. Moreover, conversion of grassland habitat to Open Mosaic Habitat does not represent a loss in area of habitats across Thamesmead Golf Course as a whole as no new hardstanding or development will be created; interventions at Thamesmead Golf Course will be entirely habitat creation and enhancement in existing green space that will not reduce in area. It should be noted that compensatory habitat creation and habitat enhancement associated with the Proposed Scheme does not cover the whole of Thamesmead Golf Course, with further habitat area left and intended, by Peabody/Tilfen Land Limited, to provide further ecological value and public open space. Thus, despite the fact the car park is now not available Thamesmead Golf Course can comfortably accommodate the proposed Open Mosaic Habitat alongside other compensatory habitat creation (i.e. reedbed) and enhancement of remaining habitat and still achieve a 10% net gain and compliance with Statutory Metric trading rules, without using all the land available at that location. These facts demonstrate that the mitigation</p>

¹ https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide__23.07.24_.pdf

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		<p>hierarchy has been applied by the Proposed Scheme in relation to ecological features including habitats.</p> <p>6. Through the two above responses, the Applicant confirms that the position within Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) remains the same with regards its conclusions with respect to Biodiversity Net Gain and a 10% net gain for biodiversity will be achieved. There is no change to the assessment of ecological impacts and effects within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and further assessment and analysis is not required.</p>
	<p>Tree Planting</p> <p>7. We maintain that tree planting would be harmful. While the Applicant intends to pick species that can tolerate wet conditions, their introduction will still have negative impacts on the grazing marsh habitat, for example through competition (from roots and foliage) and shading. From a visual perspective, notwithstanding trees being present in some other coastal grazing marsh habitat, this habitat is defined by its open character and active management; the goal should be reduction in tree cover, rather than addition. None of this has been adequately assessed.</p> <p>8. The Applicant asserts various reasons for tree planting: “biodiversity enhancement, habitat creation, townscape integration, visual amenity, and visual screening”. These first two aims are nonsensical and fundamentally against the mitigation hierarchy, as the proposals involve the destruction of the more appropriate existing habitat (grazing marsh HPI) and a resulting impact on the species that live on it. The other reasons relate to visual impact and are in no way sufficiently important in planning terms to warrant ecological damage and loss of HPI. Again, this approach of prioritising low level policy aims over direct ecological harm completely contradicts the mitigation hierarchy. Whether or not the Applicant considers the tree planting to be part of the compensation for loss of grazing marsh habitat is beside the point. The tree planting proposals constitute clear ecological harm that is in no way necessary and must be avoided.</p> <p>9. The Applicant still intends to compulsorily acquire land for this purpose. We have demonstrated (above and in previous submissions) that the tree planting is not necessary. Therefore, this proposed acquisition fails to meet the s122 test and must be refused.</p>	<p>7. to 9.</p> <p>Tree planting shown indicatively within Figure 14 in the Outline LaBARDS (AS-094) along the eastern edge of the grazing marsh within Norman Road Field, has been significantly reduced in response to concerns over impacts to the balance of vegetation within the grazing marsh habitat. Illustrative tree planting is now sparsely located along boundaries, reflecting existing character and vegetation patterns that can be seen locally within the nature reserve and Norman Road field.</p> <p>Tree planting has always been intended to be introduced at a density that would have little effect on the grazing marsh habitats and would bring benefits for many species as well as the graziers horses providing occasional opportunities for shade. However, as noted above and in previous responses this has been significantly reduced in response to concerns raised. The Applicant does not intend for any ecological damage to arise from the implementation of such planting – it would be planted to be mutually compatible with biodiversity aims, which LBB would be able to confirm has taken place through its approval of the detailed LaBARDS.</p> <p>Compulsory acquisition of land is not proposed solely for tree planting in any area. The tree planting is part of the wider LaBARDS proposals for which land powers are sought.</p>
	<p>Mitigation of losses and conflation with BNG</p> <p>10. The Applicant continues to conflate ecological harm (and its mitigation) with the BNG regime. In demonstrating adequate mitigation of ecological harm, the Applicant relies on the following:</p> <p>a. “losses are fully compensated for following the Statutory Metric Trading Rules” – these rules are specific to the BNG regime and are not appropriate for assessing mitigation of ecological harm;</p> <p>b. the “qualitative assessment of net gain” in Section 5 of the Biodiversity Net Gain report – but this is an assessment against the BNG Good Practice Principles, which are of course</p>	<p>10. Through its responses to SCNR, the Applicant has demonstrated that compensatory habitat creation and enhancement has not been conflated with habitat creation and enhancement required to achieve Biodiversity Net Gain (i.e. a 10% net gain for biodiversity as measured through the Statutory Metric). This issue is specifically addressed by the Applicant in the Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-033), Table 2-6, Table Reference 2.6.10. To address each specific sub-point raised by SCNR, the Applicant provides following responses:</p> <p>a. The Statutory Metric quantifies habitat losses and gains such that compensation requirements are objective. Although Biodiversity Net Gain is a distinct process mandated by the Environment Act 2021, it is the UK statutory process whereby biodiversity is measured to ensure habitat losses are compensated appropriately and that additionality is achieved over and above habitat compensation. The trading rules are essential to this process to ensure</p>

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	<p>limited to the BNG regime and do not form a basis for assessing mitigation of ecological harm;</p> <p>c. reference to “condition, a key element of value” and “Strategic Significance evaluation of each habitat”⁴ – these are both notions specific to the BNG regime, and as stated in previous submissions, assessment of condition under the BNG regime is not determinative of broader ecological value.</p> <p>11. The Applicant itself seems to make this final point when it says (regarding ditches) “poor condition as defined by the Statutory Metric... does not indicate a lack of ecological value”. Crucially, this reaffirms the illegitimacy of the Applicant’s whole approach to assessing existing habitats: it has continually sought to undermine these habitats’ ecological value by reference to their Statutory Metric condition as ‘poor’. By the Applicant’s admission, this does not indicate a lack of ecological value.</p> <p>12. In any event we dispute compliance with the BNG Good Practice Principles:</p> <p>a. Principle 1 – “Apply the mitigation hierarchy... Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided”. We have provided extensive evidence to demonstrate how the Applicant’s approach involves many examples of avoidable ecological harm and a failure to apply the mitigation hierarchy.</p> <p>b. Principle 3 – “Be inclusive and equitable... Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluation the approach to Net Gain”. There has been no meaningful engagement with SCNR, and we feel our views have been largely ignored.</p> <p>c. Principle 6 – “Achieve the best outcomes for biodiversity... by using robust, credible evidence and local knowledge to make clearly-justified choices”. The destruction of established HPI and SPI and net loss of habitat are not the best outcomes for biodiversity. The inadequate assessment of harms, lack of detail in the Outline LaBARDS, and lack of SPI-specific measures mean that the evidence is not robust or credible. The local knowledge of SCNR has been largely ignored. Accordingly, the choices are not justified.</p> <p>d. Principle 7 – “Be additional... do not deliver something that would occur anyway”. As demonstrated in our Deadline 2 submission, Peabody made the plans to improve TGC before the Applicant’s involvement; the Applicant is only delivering funding, and the Applicant accepts that other sources of funding are available.</p> <p>e. Principle 8 – “Create a Net Gain legacy... Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity... Designing Net Gain for biodiversity to be resilient to external factors, especially climate change”. SCNR is a crucial stakeholder but has not been adequately engaged. The proposals do not secure net gain in perpetuity. The proposals result in less resilient biodiversity due to fragmentation, and the replacement of well established habitats and ecosystems with new and untested ones, which lack detail around their delivery. There is still insufficient detail and enforcement measures around long-term monitoring and management.</p>	<p>compensatory habitat creation is appropriately planned and applied. It is therefore the appropriate tool to ensure habitat losses and gains from the Proposed Scheme are appropriately quantified and accounted for and supports the assessment of impacts provided in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). It should also be noted that Principle 1 of the Biodiversity Net Gain Good Practice Principles (as detailed in Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088)) requires that the mitigation hierarchy is followed.</p> <p>b. The Applicant agrees that the assessment of Good Practice Principles provided in Section 5 of Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) applies to Biodiversity Net Gain. However, as stated above in response to part a. the analysis provided in this report and the quantification of habitat losses and gain through the Statutory Metric supports the assessment provided in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). The application of the Statutory Metric allows quantification of compensatory habitat requirements and their separation from those to achieve net gain.</p> <p>c. Value of habitats for Biodiversity Net Gain purposes has been determined through the Statutory Metric, and evaluation of ecological features more broadly (including their importance as habitat for protected and notable species) has also been undertaken within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056).</p> <p>11. Habitats on Site have received evaluation for impact assessment purposes without deferring to their condition as determined by the Statutory Metric; floodplain grazing marsh for example has been assigned importance at the ‘County’ scale despite it being in Poor condition. The Applicant disagrees that the assessment of habitat condition undertaken as part of Biodiversity Net Gain work has been used to undermine the ecological value of habitats, with the example above demonstrating this is not the case.</p> <p>12. The following responses are made to each point made by SCNR by the Applicant:</p> <p>a. The Applicant has demonstrated that the mitigation hierarchy has been applied by the Proposed Scheme throughout the Examination. The submissions made by SCNR have been rebutted by the Applicant on this topic in each of its responses to SCNR, specifically:</p> <ul style="list-style-type: none"> – Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019) Table 2-3-4, Page 37 and 38. – Applicant's Response to Interested Parties' Deadline 3 Submissions (REP4-033) Table 2-7, Table References 2.7.1, 2.7.7, 2.7.9, 2.7.10, 2.7.14, 2.7.16, 2.7.22, 2.7.28 and, 2.7.39. – Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-032) Table 2-6, Table References 2.6.1.0, 2.6.1.3, 2.6.5, 2.6.9, 2.6.10, 2.6.12, <p>b. The Applicant has engaged with the Friends of Crossness Nature Reserve (FoCNR) since April 2022. Many of the members of FoCNR went on to join SCNR, which has substantially represented the interests of both groups throughout the Examination. A Statement of Common Ground has been separately agreed with each group. The</p>

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	<p>f. Principle 10 – “Be transparent... Communicate all Net Gain activities in a transparent and timely manner”. A lot of detail around the mitigation is still missing from the Outline LaBARDS, despite there being no reason that this information could not be provided now.</p> <p>13. Ignoring these references to the BNG regime, the Applicant has still not set out a detailed explanation as to how the proposals mitigate the ecological impact. The Applicant refers to ES Chapter 7, but while this attempts to assess ecological harm distinct from BNG, for the reasons set out in previous submissions, it repeatedly understates the harm. Furthermore, it relies on generic references to mitigation and compensation proposals – when pressed to explain why those proposals are sufficient, the Applicant falls back on the above explanations that relate to BNG, making the Applicant's argument circular.</p> <p>14. The Applicant claims that the Outline LaBARDS demonstrates “quantitatively and qualitatively that they will achieve a net gain in biodiversity”. This is yet another example of conflating the two regimes. Beyond that, it is a misleading statement: the assessment of biodiversity net gain is a single metric, combining quantity and quality. It does not make sense to refer to a purely quantitative or purely qualitative assessment of net gain in biodiversity. In terms of ecological impact, it is clearly not true that the proposals result in a quantitative improvement/gain, as it results in a significant net loss of valuable habitat.</p> <p>15. The Applicant is also highly misleading in its response to the ExA's request for the total area of habitat creation on-site (Q2.3.5): the Applicant provided figures for “habitat compensation” i.e. creation and enhancement, the vast majority of which is the latter. There is in fact only 1.37 ha of habitat creation on-site. Enhancement of existing habitat is inherently of lower value than creation of new habitat, and for the reasons set out in previous submissions, the Applicant has underestimated existing value and overstated the value of its enhancement proposals.</p> <p>16. We maintain the point from our Deadline 4 submission that there is no certainty that the TGC mitigation will be delivered. The Applicant's response relies on Requirement 12, but this doesn't ensure the mitigation is delivered on TGC – this is clear from the Outline LaBARDS paragraph 11.1.11: “this Outline LaBARDS does not require that off site habitat delivery for BNG has to be delivered at the BNG Opportunity Area”. We repeat: financial compensation in lieu is insufficient for the ecological mitigation and is the absolute last resort on the mitigation hierarchy. Without any such certainty, the Proposed Scheme must be assessed on the basis of a worst-case scenario, i.e. financial compensation in lieu. The failure to secure delivery of the TGC mitigation measures demonstrates a further failure to comply with the mitigation hierarchy.</p> <p>17. The Applicant's response to our critique of the proposed mitigation and enhancement fails to adequately respond to our concerns. We note the following in particular:</p> <p>a. We disagree that the level of detail in the Outline LaBARDS is appropriate for this stage in design. It fails to give enough detail to fully understand and assess the proposals (in terms of both harm and mitigation). It fails to set a clear standard that can be measured and enforced. It fails to set out a workable mechanism through which monitoring and review can be carried out. Assurances that detail will come in the final full LaBARDS are insufficient; by then it will be too late for ExA scrutiny. On multiple specific points (sward height management, scrub cover, minimising damage, prevention of invasive species etc)</p>	<p>Statement of Common Ground - Save Crossness Nature Reserve Campaign Group (REP3-021) includes a schedule of the meetings and correspondence between the parties in Table 1. Although Table 4 includes many matters not agreed, Table 2 demonstrates common ground has been reached with SCNR on a number of issues. The Applicant has further engaged with SCNR throughout the Examination through its responses at each Deadline, which have been comprehensive. The Applicant is consequently disappointed that SCNR feels its views have been ignored.</p> <p>c. The requirement for habitat loss (including Habitats of Principal Importance) and impacts to species (including Species of Principal Importance) is acknowledged by Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). Optioneering undertaken in Chapter 3: Consideration of Alternatives of the Environmental Statement (Volume 1) (APP-052) has demonstrated that the identified habitat loss and impacts of the Proposed Scheme are unavoidable. The Applicant does not accept these assessments have been inadequate or that the Proposed Scheme is unjustified. Point b above addresses SCNR's views and consultation.</p> <p>d. As presented at Issue Specific Hearing 1 (see Transcript of Issue Specific Hearing 1 (ISH1) - Part 3 - 6 November 2024 (EV5-007)) ecological enhancements at Thamesmead Golf Course are without a funding mechanism and thus are unlikely to advance without the Proposed Scheme's contribution.</p> <p>e. Engagement has been undertaken throughout the Examination as demonstrated in b. above. Habitat creation and enhancement will be secured for 30 years as per requirements of the Environment Act 2021 with regards Biodiversity Net Gain, as is secured in the DCO. There is nothing which would prevent those areas being managed as nature reserves/habitat areas for longer than that period (and indeed Deed of Obligation (B) provides the mechanisms for the financial impetus to allow for that to happen in the Mitigation and Enhancement Area). In addition, fragmentation of habitats is not expected to result from the Proposed Development as found by the assessment in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056).</p> <p>f. By its nature the Outline LaBARDS (AS-094) is an outline document and all available information on terrestrial biodiversity, landscape design and biodiversity net gain has been submitted into the Examination. Detailed designs will be prepared in preparation for implementing the Proposed Scheme.</p> <p>13. The Applicant disagrees that Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) understates the impacts of the Proposed Scheme and effects on ecological features (i.e. harms). The level of detail provided with regards mitigation is sufficient to confirm it will achieve its aims of mitigating effects on ecological features. Furthermore, the Applicant does not agree proposals for habitat compensation and enhancement are circular. Both feature in both Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) towards the goal of demonstrating there will be no significant residual effects of the Proposed Scheme with regards to habitat loss (i.e. as demonstrated by the impact assessment), and that losses and gains</p>

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	<p>the Applicant defers the detail to the full LaBARDS. There is no reason that this detail cannot be provided now. This approach prevents due scrutiny and fails to guarantee a sufficient minimum level of quality.</p> <p>b. The Applicant accepts that the measures proposed are “basic”, justifying this on the grounds that “they are standard, widespread and fundamental principles”. This only supports the view that these measures are not of sufficiently exceptional quality to justify a net loss in habitat. It also demonstrates that these measures are already being delivered on Crossness Nature Reserve and should have been (and should still be) delivered on Norman Road Field pursuant to the Veridion Park regime. Therefore, there is no additional benefit to existing regimes.</p> <p>c. The Applicant expressly accepts that many measures are already carried out on Crossness Nature Reserve, stating the mitigation is for Norman Road Field only. Firstly, this greatly reduces the potential benefit of these proposals. Secondly, as above, these are the sorts of measures that would have been expected under the Management Plans, which we maintain are still extant and enforceable. There is still no evidence that ongoing management in compliance with planning obligations was ever carried out on Norman Road Field – indeed there is no evidence of any ongoing management at all (apart from low density grazing).</p> <p>d. Yet again, the Applicant repeatedly relies on the BNG regime, with references to achieving net gain, the Statutory Metric and the corresponding notion of ‘condition’. None of them assesses quality of ecological mitigation. The Applicant only separates the two regimes when it suits, by noting that ‘poor’ condition under BNG “does not indicate a lack of ecological value”.</p> <p>e. As set out in detail across our previous submissions, the claims that “there will be no significant effects on these species” and “no significant adverse residual effects of fragmentation” are false – the Applicant has routinely understated the effects on species (in part by illegitimately undervaluing their Importance) and has illegitimately denied the extent fragmentation is occurring (let alone its effect). No species-specific mitigation is proposed.</p> <p>f. As set out above, we maintain that creation of woodland / tree planting would be harmful.</p> <p>g. Regarding the proposals to use surface water run off from the Carbon Capture Facility, the evidence submitted by Ridgeway Users demonstrates a high risk of contamination, making the water unsuitable.</p> <p>h. No adequate response is given regarding potential impact to bees and their nesting sites – the Applicant simply points to other threats and hopes the species are “resilient”. While the Applicant does not “intend” to raise water levels to such an extent that it will harm these species, this potential harm has not been tested.</p>	<p>(including a 10% net gain for biodiversity) are quantified (i.e. through the Statutory Metric). The processes run concurrently and complement one another; together the Applicant has demonstrated a robust outcome and approach to biodiversity assessment.</p> <p>14. The Applicant has responded to the assertion that mitigation and biodiversity net gain are conflated in point 10, above, which references other responses the Applicant has provided on this subject throughout the Examination. It is unclear in the third sentence if SCNR is critiquing the UK Government’s approach to Biodiversity Net Gain or the Applicant’s, and it is unclear how this statement fits with the arguments made. Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) has made reference to quantitative data within Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088) where is helpful for informing a robust assessment of effects. Overall, the Applicant does not understand how SCNR has concluded, in the light of the available data including quantitative analysis presented that <i>“it is clearly not true that the proposals result in a quantitative improvement/gain”</i>.</p> <p>15. The Applicant disagrees that its answer to ExA Q2.3.5 is misleading. The Applicant has not sought through any of its submissions to detract from the fact that habitat enhancement, primarily the improvement of the condition of Floodplain Grazing Marsh from Poor to Moderate condition, forms a large part of habitat compensation proposals. This information is clearly presented in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088). It is not true that habitat creation is more valuable than habitat enhancement. The Applicant notes that SCNR does not provide evidence to support its statement to this effect and the Applicant cannot find relevant reasoning in prior submissions of the SCNR to the Examination. The Applicant confirms that the Statutory Metric recognises, correctly, that habitat enhancement can be as valuable as habitat creation. As demonstrated by its application within Appendix 7-1 - Biodiversity Net Gain Report of the Environmental Statement (Volume 3) (APP-088), which is a quantitative and objective process, existing value has not been understated, and the value of enhancement proposals has not been overstated.</p> <p>16. Requirement 12(3)(e) requires the LaBARDS to include details of how a minimum 10% BNG in area habitat units and minimum 10% watercourse units will be achieved for all of the authorised development for thirty years from the date of commissioning. The Applicant continues to work with Peabody to deliver off site BNG at the former Thamesmead Golf Course; this is the Applicant’s preferred solution. However, it is the draft DCO (as updated alongside this submission) that secures provision of at least 10% BNG as a result of the Proposed Scheme and that provision must be set out in a full LaBARDS(s) to be approved by LBB.</p> <p>17. With regards to mitigation and enhancement, the following responses are made to each point made by SCNR by the Applicant:</p> <p>a. As detailed in the Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-032), Appendix A, Table 2, the level of detail submitted in the Outline LaBARDS (AS-094) is appropriate and will be subject to detailed design following grant of any DCO. Measurement and enforcement queries have been addressed in Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-032)</p>

Table ref	Summary of issue raised	Applicant's response
		<p>Table 2.6, Table Reference 2.6.2, 2.6.4 and 2.6.7 and are confirmed to be satisfactory to LBB.</p> <p>b. No additional detail is provided by SCNR in this point and the ExA is referred to responses in Appendix A, Table 2 of the Applicant's Response to Interested Parties' Deadline 4 Submissions (REP5-032). It is unclear what is meant by SCNR in its statement that <i>"measures are not of sufficiently exceptional quality to justify a net loss in habitat"</i>; the measures do not justify habitat loss but are proposals for how habitats will be managed within the Mitigation and Enhancement Area. Habitat loss cannot be avoided for the Proposed Scheme as demonstrated through submissions on site alternatives (principally the TSAR (APP-125), TSAR Addendum (AS-044), Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019) and Applicant's Response to Interested Parties' Deadline 2 Submissions (REP3-034)). With regards mitigation delivery by the Veridion Park development (which is historic and outside the Applicant's control), there is no existing regime in place. Responses to SCNR on this topic are provided in Applicant's Response to Interested Parties' Deadline 1 Submissions (REP2-019) Table 2-2-7, Page 68 and 69.</p> <p>c. Extending conservation management to Norman Road Field, that currently has no such regime and that will be subject to ecological enhancement, will clearly support the rest of Crossness Local Nature Reserve. No formal management is currently in place for Norman Road Field, and none are due as a result of the Veridion Park development as stated above under Point 17b.</p> <p>d. Ecological mitigation has been incorporated in response to impacts and likely effects of the Proposed Scheme as set out within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). It has been informed by site-specific survey data. Water vole mitigation is now secured through a Letter of no Impediment with Natural England (provided in Appendix A of the Applicant's Response to Examining Authority's Second Written Questions (REP5-033)). Both the impact assessment process and Biodiversity Net Gain Statutory Metric have been applied appropriately and consistently. As stated above under Point 10c for Floodplain Grazing Marsh (which is in Poor condition), habitat condition has not led the evaluation of ecological features.</p> <p>e. Effects on important species have been assessed robustly within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) and have been defended throughout the Examination. The Applicant disagrees that it has <i>"routinely understated the effects on species (in part by illegitimately undervaluing their Importance)"</i> and no evidence to support this claim has been provided. Fragmentation impacts were assessed and found not to lead to residual effects, as stated in Table 7-11 of Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056).</p> <p>f. The Applicant has provided a response regarding tree planting in Points 7, 8 and 9 above.</p> <p>g. The Applicant confirms that only surface water runoff from roofs (not process water) is proposed to be discharged from the drain in question, which will be subject to a new drainage system via attenuation tanks, filter drains and ponds utilised to control the discharge quality and rate to the ditches and will be managed in accordance with the Outline Drainage Strategy (AS-027). The Applicant has committed to undertaking a</p>

Table ref	Summary of issue raised	Applicant's response
		<p>ground investigation as a requirement of the Draft DCO (as updated alongside this submission) which will include testing soil, groundwater and surface water (where relevant) for a range of contaminants including PFOA and PFAS which have been the focus of Ridgeway User's testing. As part of the Phase II Ground investigation, a Generic Quantitative Risk Assessment will be undertaken that will assess the risk to all identified receptors including human health receptors such as on and off-site users and Controlled Water receptors. As stated in the Environment Agency's Deadline 6 response "<i>There is only an Environmental Quality Standard (EQS) for PFOS, not PFAS or PFOA. These standards apply to the main water body, not discharges</i>". This EQS is biota-based set to protect both human health and the environment. Should these substances and an unacceptable risk to identified receptors be identified then a Remediation Strategy will be produced and provided to the Environment Agency and other relevant stakeholders. This is secured via Requirement 21 of the Draft DCO (as updated alongside this submission).</p> <p>h. Raising the water table will benefit Floodplain Grazing Marsh habitat that is in Poor condition, and all species that it support. This includes bees and their nesting sites. Impacts of the Proposed Scheme and the effects on terrestrial invertebrates are assessed in Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056).</p>
	<p>Monitoring Regime</p> <p>18. The new Outline LaBARDS references an Ecological Monitoring Strategy and Ecological Monitoring Reports, but the provisions are still insufficient. Again, there is no detail as to what's required and no measurable standard that could be meaningfully enforced, noting that the word "effective" at paragraph 12.1.6 is entirely undefined (seemingly left for the Applicant to determine). There is vague reference to LBB approval but there is no detail on what would happen should LBB reject the documents, or on what basis they could do so. In any event there needs to be greater detail supplied in the Outline LaBARDS now, so that it can be scrutinised by the ExA.</p>	<p>18. Revision F of the Outline LaBARDS (AS-094) has been updated to incorporate LBB's preferred approach and terminology for ongoing management, monitoring and maintenance. Revision F of the Outline LaBARDS (AS-094) was discussed with LBB prior to its submission and the contents of it are agreed with the Council as confirmed in Revision F of the SoCG (AS-096) and its Deadline 6 submission (REP6-042).</p> <p>The Applicant confirms that a robust process is in place and is understood by both Cory, as the Developer, and LBB as the regulator.</p>
	<p>Impact on SPIs</p> <p>19. The Applicant accepts that the Outline LaBARDS does not refer to SPIs, but claims their "protection and conservation... is implicit in the proposals". This is insufficient – given the importance of SPIs, and given the extensive loss and fragmentation of their habitats, there must be detailed and species-specific mitigation. The Applicant points to Sections 7.7 and 7.9 of ES Chapter 7. However, this mitigation relates exclusively to minimising construction impacts, rather than mitigation for loss of habitat. There are no positive measures proposed to improve conditions specifically for these species.</p> <p>20. The Applicant makes the sweeping claims that "habitat enhancement and creation will lead to benefits to animal Priority Species" and "will lead to an overall benefit to the botanical community". There is simply no evidence to suggest general habitat improvements will counteract the various adverse impacts (both direct and indirect) to these highly important and sensitive species, let alone actively benefit them.</p>	<p>19. Impacts on Species of Principal Importance are assessed within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) which details the mitigation measures (following the mitigation hierarchy) that will be employed such that there will be no residual effects on ecological features. Despite loss of certain habitats including floodplain grazing marsh this is not extensive and will be fully balanced by compensatory habitat enhancement and creation such that there will be no overall residual effect of this loss (as demonstrated quantitatively through the Statutory Metric and detailed in Appendix 7-1 - Biodiversity Net Gain Report to the Environmental Statement (Volume 3) (APP-088)), and also no residual effects on Species of Principal Importance. Specifically, there will be no residual effect of habitat fragmentation as no barriers across Norman Road Field or Crossness Nature Reserve as a whole will be created. The Outline LaBARDS (REP5-017) demonstrates how mitigation will be achieved within the Mitigation and Enhancement Area and Biodiversity Opportunity Area. It is incorrect of SCNR to state that measures in both documents simply minimise loss of habitat when these documents, together with the quantification provided in Appendix 7-1 - Biodiversity Net Gain Report to the Environmental Statement (Volume 3) (APP-088), show that the Proposed Development will not lead to residual effects on ecological features.</p>

Table ref	Summary of issue raised	Applicant's response
	<p>21. The minor amendments to Requirement 12(3)(g) make no material difference: our concerns remain that the regime is not detailed, measurable or enforceable.</p>	<p>20. There is no change in the Applicants position that habitat enhancement and creation will lead to benefits to animal Priority species, and that the botanical community will benefit. Evidence is provided in the assessment of impacts within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056) that improving habitats also improves the conditions for the species that use them. It is incorrect to suggest that species specific mitigation for individual species does not have trade-offs that would harm others; thus, habitat improvements are targeted to give maximum biodiversity benefit and benefit to the most species.</p> <p>21. The concerns by SCNR are noted but ignore the detail within Requirement 12(3)(g) whose detail is of an appropriate level for the draft DCO (as updated alongside this submission) and is both measurable and enforceable. This drafting requires specific surveys to be taken forward, and the mitigation measures to be both informed by, and be monitored against, the results of those surveys. Through that regime, and the monitoring regime wording agreed with LBB set out in the Outline LaBARDS (AS-094), a detailed regime will be developed which reflects the reality of what is 'on the ground' at the time it comes to be discharged. LBB will then be able to enforce that regime, as it is required to be followed pursuant to the DCO.</p>
	<p>Compulsory Acquisition</p> <p>22. While the Applicant now accepts that it would be possible to avoid acquisition of the remaining Crossness Nature Reserve area through a s106 agreement, it continues to claim that a separate agreement dealing with "practical arrangements of delivery and management" and a restrictive covenant would still be required</p> <p>As we have shown repeatedly and extensively in previous submissions, this is not true – all obligations could be covered by the s106 agreement, and this would automatically run with the land and bind successors in title. The Applicant has failed to give a single example of a required contractual provision that cannot be dealt with under the s106 agreement (if it was deemed not to meet the test of a s106 obligation, it could still be secured in the s106 agreement as a simple contractual obligation). The claim that a buyer could "unpick LaBARDS arrangements" is simply untrue.</p> <p>23. The Applicant continues to make the "akin to compulsory acquisition" claim but offers no new argument in response to the points raised by TWUL and SCNR that reveal this point to be without merit. In any event this argument seems irrelevant now that the Applicant accepts the principle of a s106 agreement.</p>	<p>22. & 23.</p> <p>The Applicant has <u>not</u> agreed that property rights are not required to deliver the LaBARDS and that sole reliance can be placed on a section 106 agreement. Its position is clearly set out in its responses to TWUL's Deadline 5 submissions (REP5-032).</p> <p>The Applicant has set out clearly the arguments in respect of what it meant by de facto compulsory acquisition, at both CAH1 and CAH2 and in its responses to TWUL and SCNR. Just because the Applicant has not made 'new' arguments, does not mean that its existing points are not valid, and the Applicant would not agree that its approach is without merit.</p>

Table ref	Summary of issue raised	Applicant's response
	<p>Photomontages</p> <p>24. We maintain the need for photomontages that depict the greatest visual impact on Crossness Nature Reserve (i.e. the full north-south length of the Proposed Scheme). We disagree that the views will be “largely similar”, for the reasons explain in our Deadline 4 submission.</p> <p>25. Importantly, we note that we’re not asking for views from within the Member’s Area, but from the outside the entrance gate, which is part of the fully publicly accessible area.</p> <p>26. We don’t dispute that the additional photomontages would not change the Applicant’s assessment of effect / harm: the Applicant has shown a complete refusal to re-assess effects even in light of material changes to the proposals. However, and much more importantly, we believe the additional photomontages would reveal a much greater visual impact for the purpose of the ExA’s (and other parties’) assessment.</p>	<p>24. to 26.</p> <p>The Applicant does not consider it necessary or proportionate to provide additional photomontages. The viewpoints used in the assessment presented in Chapter 10: Townscape and Visual of the Environmental Statement (Volume 1) (APP-059) were selected in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), following consultation with the relevant planning authority (see Table 10-2 of the chapter). The selected photomontage viewpoints (as presented in the chapter) were chosen to represent a range of receptor sensitivities, distances, and orientations, including those within the Accessible Open Land (AOL).</p> <p>The assessment of significance of effect for users of the AOL is primarily grounded in detailed on-site analysis, where professional judgment is informed by direct observation of the existing townscape character and visual receptors throughout the AOL. Whilst the photomontages are useful supporting tools that help illustrate potential changes, they do not underpin or determine its conclusions. The core of the assessment is the professional interpretation of site observations, ensuring that the assessment of effects reflects the real-world experience of the Site. Photomontages from the proposed location at the entrance to the members area would offer minimal additional understanding of visual impacts and would be unlikely to materially influence the assessment findings within Chapter 10: Townscape and Visual of the Environmental Statement (Volume 1) (APP-059).</p>
	<p>MOL</p> <p>27. We fear the Applicant has (perhaps wilfully) misunderstood the point in our Deadline 4 submission. The Applicant claims not to rely on the CNP presumption, but maintains very special circumstances exist – the main one being the delivery of carbon capture infrastructure. We maintain our stance: the CNP presumption exists because of that infrastructure’s potential to address climate change. In making the CNP presumption subject to the mitigation hierarchy, the government has given a clear message that this climate benefit does not trump ecological harm. Logically, this must hold where the same climate benefits are alleged as very special circumstances (outside of the CNP presumption) to justify inappropriate development on MOL.</p> <p>28. The Applicant has failed to comply with the mitigation hierarchy and therefore cannot rely on the purported climate benefits as a very special circumstance.</p> <p>29. The Applicant alleges other very special circumstances, which we respond to as follows:</p> <p>a. Future proofing of waste management – this is another way of saying that the proposals would capture some of the carbon from the waste burning facility, which is the same thing as the climate benefits already cited.</p> <p>b. Delivery of sustainable infrastructure – given the goal of the infrastructure is carbon capture, this again is tantamount to the purported climate benefits.</p> <p>c. Extensive proposals for biodiversity – the scheme results in a net loss of HPI and SPI, and further ecological harms that we have extensively set out in</p>	<p>27 to 29</p> <p>The Applicant has sought to respond clearly and fairly to all representations made.</p> <p>It has been consistent in its application of the CNP infrastructure presumption in favour of the Proposed Scheme.</p> <p>It has also set out that irrespective of that presumption, very special circumstances exist. The Applicant can rely on its climate benefits as a very special circumstance – they are substantial benefits of the Proposed Scheme and exist whether or not the CNP infrastructure presumption applies.</p> <p>The question of whether that presumption applies is a different question to what the very special circumstances of the project are. The Applicant stands by the very special circumstances it has set out, for the reasons set out above (in respect of biodiversity) and in its previous Examination submissions.</p> <p>The Applicant’s position remains as set out at Table reference 2.6.12 of its Response to Interested Parties’ Deadline 4 Submissions (REP5-032) and confirms that its submissions have demonstrated that South Zone 1 is the only site that can meet the objectives of the Proposed Scheme and is an appropriate site for the Carbon Capture Facility. This conclusion is agreed with the relevant planning authority.</p>

Table ref	Summary of issue raised	Applicant's response
	<p>previous submissions. The mitigation hierarchy has not been complied with. It is completely unacceptable to consider this as a very special circumstance.</p> <p>d. Amenity – we have demonstrated that the amenity benefits are overstated and revealed extensive harm that the Applicant has failed to adequately consider. The amenity benefits come at the expense of further ecological harm, through loss of habitat and fragmentation. Amenity is given a much weaker weighting under planning policy than loss of MOL or ecological harm and therefore cannot be considered to be a very special circumstance.</p>	

2.2. RIDGEWAY USERS

Table 2-2 Applicant's Response to Ridgeway Users Deadline 6 Submissions

Table ref	Summary of issue raised	Applicant's response
2.2.1	<p>1. Process Timelines and Handling of Representations</p> <p>1.1 Lack Of Reply To Article 2.3 Rule 17 & Process Timing</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>1.1.2 In 9.27 Applicant's Response to Interested Parties' Deadline 4 Submissions Article 2.5.1, the Applicant states that: <i>'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.'</i></p> <p>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.</p>	<p>1. 1 The Applicant notes that all parties have the same amount of time to respond to the ExA's questions and that it responded fully at Deadline 6, Applicant's Response to the ExA's Rule 17 Letter (REP6-039).</p> <p>The Environment Agency also responded at Deadline 6 (REP6-045) in which it made the following statement:</p> <p><i>'We confirm that scope and conclusions of the WFD assessment remain acceptable. As stated in our previous response to the to the Examining Authority's First Written Questions dated 17 January 2025 (SL/2023/122661/05-) The chemicals found have no implications for WFD which relate to the main water body. There is only an Environmental Quality Standard (EQS) for PFOS, not PFAS or PFOA. These standards apply to the main water body, not discharges. The RSC standard quoted is a drinking water standard and not relevant. Should these discharges reach the main water body, dilution would reduce these values to below the limits of detection. The water discharge activities from the site to ground and to water will be regulated by a permit to prevent deterioration of the environment.'</i></p> <p>The Environment Agency's response confirmed that it is satisfied with the Applicant's approach including the provisions set out in the Outline Code of Construction Practice (REP5-013) and appropriately secured by the draft DCO (as updated alongside this submission).</p> <p>The Applicant and Ridgeway Users spent some time discussing this matter at the Accompanied Site Inspection (explained at Table reference 2.4.1 of the Applicant's Response to Interested Parties' Deadline 5 Submissions (REP6-037) and have engaged in lengthy emails on this matter and waste management at the Riverside Campus more generally. The Applicant has consistently advised the Ridgeway Users to ensure their comments are made to the Examination. The Ridgeway Users are appropriately not recorded in the Statement of Commonality (REP6-041) because there is no Statement of Common Ground between the parties.</p>

Table ref	Summary of issue raised	Applicant's response
2.2.2	<p>2.New PFAS Results & Management Issues</p> <p>2.1 PFAS Found Within Cory Discharge Pipes</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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:</p> <p><i>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. <u>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.</u></i></p> <p><i>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 bank were below the LOD which</i></p>	<p>2.1.1-2.1.5 - The Applicant acknowledges that Ridgeway Users has submitted a sample of sediment to Marchwood UK; however, the sample size of a single sample of sediment and single water sample is insufficient to draw conclusions from. It should be noted that the testing of PFAS from sediment derived leachate has not been standardised. The leachate prep methodology used by Marchwood UK (<i>BS12457 10:1</i>) dates from 2002 (prior to PFAS being regulated) and was designed for the characterisation of waste, and in particular for the extraction of non-organic contaminants for which it has been validated. Currently there is no standardised and validated method specifically tailored to PFAS compounds to ensure accurate and reliable measurement of leachability.</p>

Table ref	Summary of issue raised	Applicant's response
	<p><i>indicates the potential for false positives introduced as a result of the prep method are highly unlikely.</i></p> <p><i>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.</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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.</p>	<p>2.1.6 - 2.1.8 – As has been stated within each deadline response, within Section 7 of Chapter 17: Ground Conditions and Soils of the Environmental Statement (Volume 1) (APP-066), a ground investigation will be undertaken as a requirement of the Draft DCO (as updated alongside this submission) as is shown on Figure 17-3 of the chapter. The Phase II Ground Investigation will include testing soil, groundwater and surface water (where relevant) for a range of contaminants including PFOA and PFAS. As part of the Phase II Ground investigation, a Generic Quantitative Risk Assessment will be undertaken that will assess the risk to all identified receptors including human health receptors such as on and off-site users and Controlled Water receptors. Should these substances and an unacceptable risk to identified receptors be identified then a Remediation Strategy will be produced and provided to the Environment Agency and other relevant stakeholders. This is secured via Requirement 21 of the Draft DCO (as updated alongside this submission).</p>

Table ref	Summary of issue raised	Applicant's response
	<p>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.</p> <p>2.2 Impacts Of Our Findings</p> <p>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.</p> <p>It is incumbent on the Applicant to measure and assess this risk via tests to flue gas and discharges.</p> <p>2.2.2 The Applicant states that:</p> <p><i>'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.'</i></p> <p>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:</p> <ol style="list-style-type: none"> 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. 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. 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. 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. 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 	<p>Undertaking ground investigation as a post determination requirement of a DCO is common practice, there is no requirement to undertake this risk assessment prior to determination of a DCO. It is also noted that Environment Agency does not disagree with this approach within its Deadline 6 Response (REP6-045).</p> <p>2.2.1 – The Applicant is content that the WFD Assessment is appropriate; this is confirmed by the Environment Agency's response at Deadline 6 (REP6-045): <i>'We confirm that scope and conclusions of the WFD assessment remain acceptable. As stated in our previous response to the to the Examining Authority's First Written Questions dated 17 January 2025 (SL/2023/122661/05-) The chemicals found have no implications for WFD which relate to the main water body. There is only an Environmental Quality Standard (EQS) for PFOS, not PFAS or PFOA. These standards apply to the main water body, not discharges. The RSC standard quoted is a drinking water standard and not relevant. Should these discharges reach the main water body, dilution would reduce these values to below the limits of detection. The water discharge activities from the site to ground and to water will be regulated by a permit to prevent deterioration of the environment.'</i></p> <p>The Environment Agency's response also confirmed that it is satisfied with the Applicant's approach including the provisions set out in the Outline Code of Construction Practice (REP5-013) and appropriately secured by the draft DCO (as updated alongside this submission).</p> <p>2.2.2 – The Applicant has and continues to comply with all legislative and policy requirements placed upon it in terms of ongoing operation of existing facilities and under the DCO process for the Proposed Scheme. This is in the context that the NPS is clear that the Secretary of State should assume that permitting can be assumed to deal with pollution impacts. In relation to point 7, as stated in previous responses and again above (in response to 2.1.6-2.1.8) the Applicant has committed to undertaking a ground investigation secured via Requirement 21 of the Draft DCO (as updated alongside this submission). This is a legally binding obligation for which detailed approval needs to be obtained (in this instance from the Environment Agency).</p>

Table ref	Summary of issue raised	Applicant's response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>2.2.3 The Applicant states repeatedly and without justification:</p> <p><i>'Due to the nature of the Proposed Scheme, PFAS will not be introduced by the carbon capture process.'</i></p> <p>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.</p> <p>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. This is clearly an ongoing issue. It 1 needs to be captured by permitting.</p> <p>2.3 Questioning The WFD & LaBARDS</p> <p>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:</p> <p><i>'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.'</i></p> <p>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.</p> <p>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.</p>	<p>2.2.3 - The statement quoted by Ridgeway Users is preceded by an explanation that the Carbon Capture Facility receives flue gases from Riverside 1 and Riverside 2. It is not a generator of the flue gases; consequently, PFAS will not be introduced by the Carbon Capture Facility. The Applicant is a credible operator and has gained Environmental Permits for both Riverside 1 and Riverside 2. The Applicant complies with the environmental permitting regime, working with the relevant regulator and has not been subject to any enforcement action from the Environment Agency. The Carbon Capture Facility will, just as Riverside 1 and Riverside 2, be operated under an Environment Permit, the application for which is being progressed with the Environment Agency. The Environment Agency is the appropriate regulator for this matter.</p> <p>2.2.4 – The Applicant's response at Table reference 2.5.2 of its Response to Interested Parties' Deadline 4 Submissions (REP5-032) is explaining how the environmental permitting regime works. The Environment Agency updates the requirements of Environmental Permits on the basis of good science and the Applicant acknowledges the potential for PFAS to be brought into that regime in the future.</p> <p>2.3.1 and 2.3.2 - The statement within the Outline LaBARDS (REP5-017) is not contradictory as the statement indicates it was based upon visual assessment. It is also not accurate to say that the Applicant 'acknowledged the presence of extremely high levels of PFAS as a pollutant in the existing supplies of water'. The response given at 2.8.1.1 of the Applicant's Response to Interested Parties' Deadline 3 Submissions (REP4-033) states <i>'Whilst the Applicant does not dispute that PFAS may be present within the water sample for which RU have provided chemical testing results, PFAS is a ubiquitous and diffuse pollutant with many potential sources.'</i></p> <p>The Applicant has not yet undertaken sampling of soil, groundwater or surface water within the Site for the Proposed Scheme (except within the River Thames) which will determine whether contaminant impacted groundwater is migrating outside the Order Limits. However, water being discharged from the outfall pipe will be subject to a new drainage system via attenuation tanks, filter drains and ponds utilised to control the discharge quality and rate to the ditches and will be managed in accordance with the Outline Drainage Strategy (AS-027).</p>

Table ref	Summary of issue raised	Applicant's response
2.2.3	<p>3. Romani Graziers, Engagement & Equalities Act Obligations/Guidance</p> <p>3.1 Failure By The Applicant To Provide Statement of Common Ground</p> <p>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:</p> <p><i>'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.'</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>3.1.4 This constitutes a misrepresentation as to the extent to which they have engaged with the graziers at the hearing.</p> <p>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.</p> <p>3.1.6 In section 149 of The Equalities Act, 3c it states that:</p> <p><i>'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 –</i></p> <p><i>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.'</i></p> <p>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.</p>	<p>3.1 The Applicant confirms that: there is no Statement of Common Ground with Ms Anderson; there is a Statement of Common Ground with Mr Anderson, which sets out the matters agreed between the parties.</p> <p>Mr Cooper correctly made reference to a Statement of Common Ground in regard to Ms Anderson during the CAH2. As is established practice, the Applicant had drafted a Statement of Common Ground and was (at that time) seeking to agree it with Ms Anderson. For those at CAH2, or having read the transcript, this would be readily understood, as Mr Cooper's other submissions to the Hearing explained that, despite using a range of engagement methods, agreement on the Statement of Common Ground had not been reached. Mr Cooper also stated that Ms Anderson <i>'is not in favour of the scheme.'</i></p> <p>This matter is also set out in the Written Summary of the Applicant's Oral Submissions at CAH2 (REP4-048) (at page 3). The full text is set out below:</p> <p><i>'Mr Stuart Cooper, on behalf of the Applicant, confirmed that the Applicant has been in regular communication with Ms Anderson (who is an occupier on the basis of a grazing tenancy) and has sought, and offered, further meetings on site to discuss Ms Anderson's concerns; the Applicant has previously met Ms Anderson on site in May 2024.</i></p> <p><i>The Applicant has sought to engage Ms Anderson in a careful and considered way, using phone calls, letters with clear and concise language, and text messages to communicate and has provided information on and dates relevant to the Examination process. Following CAH2 the Applicant has also provided an undertaking (on a direct to advisor basis – in other words, if Ms Anderson wished to receive professional advice then she could pass the undertaking letter directly to her chosen advisor) so that Ms Anderson can obtain independent advice on the implications of the DCO application and the SoCG being sought by the Applicant.</i></p> <p><i>The Applicant recognises that Ms Anderson is not in favour of the Proposed Scheme and has sought to recognise this in no uncertain terms in the draft SoCG. The draft SoCG also seeks to record the concerns Ms Anderson raised in meeting the Applicant on site in May 2024, and which require further discussion:</i></p> <ul style="list-style-type: none"> • <i>The relocation of stabling and the amount of grazing available for Ms Anderson's horses;</i> • <i>Resilience of stabling to potential flood waters and waterlogging of the surrounding paddocks;</i> • <i>Provision of water and electricity to stables; and</i> • <i>Maintaining access to remaining grazing areas.</i> <p><i>Since CAH2, Ms Anderson has explained that she does not wish to agree the SoCG at this stage, which the Applicant acknowledges and in doing so has reiterated in simple terms it is ready to meet on site again, when Ms Anderson is ready to do so.'</i></p> <p>The Applicant does not consider that either the presence or absence of a Statement of Common Ground with Ms Anderson has any bearing on its wider consultation and engagement initiatives. At Table references 2.8.2.1 to 2.8.2.9, of its Response to Interested Parties' Deadline 3 Submissions (REP4-033) the Applicant provided a full response to Ridgeway Users' concerns regarding engagement with the Romani community.</p>

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	<p>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.</p> <p>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.</p> <p>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.</p>	<p>In short, the Applicant considers it has undertaken consultation and engagement regarding the Proposed Scheme appropriately and that there is no prejudice to the Romani community because of the Proposed Scheme.</p>

2.3. THAMES WATER UTILITIES LIMITED

Table 2-3 Applicant's Response to Thames Water Utilities Limited Deadline 6 Submissions

Table ref	Summary of issue raised	Applicant's response
2.3.1	<p>6.2 Paragraphs 10.2.8 to 10.2.11 set out some additional proposals for the CLNR, in particular that Cory will provide a new route for "maintenance and grazier access" to replace the TWUL emergency access, which is shown on the amended Figure 9. Clarity is required from Cory as to whether this means access to TWUL along the existing access for the purposes of maintaining the CLNR at present is to be revoked (and when) and, if so, whether the new route provides for vehicular access. Clarification is also required that the proposal does not affect TWUL's access to/egress from the Crossness STW, with or without vehicles.</p>	<p>This proposed route does not replace Thames Water's route from Norman Road to the Crossness Sewage Treatment Works.</p> <p>The indicative route proposed through Norman Road Field is intended to be limited to use by graziers, volunteers and the EA for ditch maintenance, including by vehicles.</p> <p>Appropriate access for emergencies, for Thames Water and the Environment Agency to its pumping station will continue to be separately provided on the existing route or a diverted route within Work No. 8 agreed by TWUL pursuant to its Protective Provisions.</p>
2.3.2	<p>6.3 Again, Cory has not consulted TWUL to any extent in relation to these changes, and is another example of Cory's lack of engagement with TWUL both before and during the examination (and a further reason why negotiations have not progressed).</p>	<p>The Applicant refutes strongly the suggestion that it has not been negotiating with TWUL. There has been consistent communication with TWUL on both the Deed of Obligation and Heads of Terms in relation to the voluntary agreement throughout the Examination. In respect of these access proposals, they were brought forward in response to comments from others and illustrative only.</p> <p>The track has been put forward in response to the Examination and does not affect TWUL land.</p>
2.3.3	<p>6.4 From TWUL's perspective, the proposed changes to the route do not address any of the concerns already raised by TWUL and the CLNR groups to date, particularly with regards to:</p> <p>6.4.1 the inappropriate location of proposed relocated stables;</p> <p>6.4.2 the further loss of habitat on TWUL land (including grazing land) with the Triangle and Lagoon Field lost/impacted, leaving only Island Field not directly impacted by this development;</p> <p>6.4.3 further loss of existing habitat on Norman Road Field and in fact, including that which has significant ecological value (Frog Rush, Borrer's Saltmarsh Grass and other important</p>	<p>The relocation of the stable block has been addressed both within the Outline LaBARDS (AS-094) paragraph 10.2.7 and in the Applicant's Response to Interested Parties' D3 Submissions (REP4-033) (see item 2.9.4). Proposals for the relocated grazier facilities and access routes will be developed with relevant stakeholders including graziers and CLNR.</p> <p>Effects on SPI plants forming the botanical community have been assessed within Chapter 7: Terrestrial Biodiversity of the Environmental Statement (Volume 1) (APP-056). The new alternative access route would not lead to further effects on SPI plants that are not covered by this assessment, with residual effects mitigated by the application of measures as detailed in that chapter. As is noted in paragraph 10.2.13 of the Outline LaBARDS, all Access and</p>

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	<p>plant species along the eastern boundary, as identified by Dr. Mark Spencer on behalf of the Save Crossness Nature Reserve campaign group in its written submissions, and those made during February's site visit);</p> <p>6.4.4 TWUL's need for a road sufficient to accommodate maintenance vehicles (excavators, dump trucks etc associated with ditch management for example) and for the grazier's requirements: horse lorries or towing of horse-boxes, large vehicles bringing in winter hay etc.; and</p> <p>6.4.5 the significant flooding potential of Norman Road Field, such that it is unusable in winter. This will only get worse when ground levels are raised and built structures placed in the vicinity as part of the CCF: a 'slightly-raised' path is considered will be unusable.</p>	<p>Recreation Proposals would be agreed with LBB alongside the approval of the full LaBARDS to ensure that potential negative impacts to biodiversity are understood, mitigated and managed.</p> <p>This route is intended to be very lightly trafficked and limited to use by graziers, volunteers and the EA for ditch maintenance. It will therefore not require two-way traffic or large turning circles, or need to provide for TWUL's STW maintenance vehicles.</p> <p>Through the proposals as set out in the Outline LaBARDS (AS-094) and Design Principles and Design Code (AS-078) year-round pedestrian and vehicular access will be improved through better control of water levels within Norman Road Field and formalisation of routes, including through raised reinforced grass tracks and introduction of boardwalks and bridges across the wettest areas. An associated benefit of improved access routes can be in the reduction of visitor movements outside of formal routes.</p> <p>Please see the response to SCNR above which discusses flood risk concerns.</p>
2.3.4	<p>6.5 It is also considered that the management requirements of the proposed route will be significant due to: (a) its length; (b) being situated in a flood-risk wetland; and (c) being situated alongside the trees proposed for 'mitigation/screening'. This will result in considerable time requirements and expense which, although not a direct concern for TWUL (as TWUL will not agree to maintain the Norman Road Field), TWUL is concerned it will have an indirect impact on TWUL land.</p>	<p>The Applicant fails to see how the use of this track could have an indirect impact on TWUL land. The management of the track will be the responsibility of the Applicant as part of the overall management of the LaABRDS, which is committed to, and required to achieve, pursuant to the DCO.</p>
2.3.5	<p>6.6 Finally, the gateway proposed is also considered to be dangerous, as it is opposite the Asda distribution vehicle entrance and close to the dangerous corner of Norman Rd/Eastern Way. When TWUL has public events, cars are lined up along the Norman Rd for access. TWUL wishes to be clear that it will take no responsibility for the management of the proposed car park or any issues arising from it.</p>	<p>The indicative access point given is also an access point for the operational laydown area for the Proposed Scheme, and LBB as highways authority has not raised any concern about that location for that use.</p> <p>It is also noted that this is an access point that already exists from Norman Road that is being utilised to access the construction car park for Riverside 2 and so has clearly been considered acceptable in the past by LBB also.</p> <p>The Applicant does not expect that TWUL would have responsibility for any car park put in place in the Mitigation and Enhancement Area.</p>



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