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Ref: EN010128

Cory Environmental Holdings Limited
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5 November 2025

Dear Sir or Madam,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE CORY DECARBONISATION PROJECT

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Examining Authority's ("ExA") report dated 5 August 2025. The ExA consisted of one examining inspector, Geoff Underwood. The ExA conducted an Examination into the application submitted on 20 March 2024 ("the Application") by Cory Environmental Holdings Limited ("the Applicant") for a Development Consent Order ("DCO") ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Cory Decarbonisation Project and associated development ("the Proposed Development"). The Application was accepted for Examination on 18 April 2025 under section 55 of the 2008 Act. The Examination began on 5 November 2024 and closed on 5 May 2025. The Secretary of State received the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report") on 5 August 2025.
- 1.2. On 2 September, the Secretary of State issued an information request seeking information on several matters ("the first information request"). On 23 September, an additional information request was issued by the Secretary of State ("the second information request") inviting all Interested Parties ("IPs") to comment on the information received.
- 1.3. The Order, as applied for, would grant development consent for a post-combustion carbon capture facility ("CCF") comprising of up to two carbon capture plants which are expected to capture a minimum of 95% of CO₂ emissions from the existing Riverside 1 and Riverside 2 (expected to be operational in 2026) Energy from Waste ("EfW") generation stations ("the Riverside Campus"), equating to approximately 1.6 million tonnes ("mt") of carbon dioxide ("CO₂") per year. The site lies within the London Borough of Bexley

administrative area. The proposed development would also provide a new jetty in the River Thames to provide a berth for vessels to export captured CO₂ in the vicinity of the existing former Belvedere Power Station Jetty (“FBPSJ”). A Mitigation and Enhancement Area (“MEA”) made up of parts of the Crossness Local Nature Reserve (“CLNR”) and other open land within the Order Limits is intended to provide improved access to open land, habitat mitigation, compensation and enhancement.

1.4. The Proposed Development works would comprise the following:

- Work No 1 – one or two carbon capture plants, absorber column(s) and stack(s), CO₂ processing plant(s), liquid carbon dioxide (“LCO₂”) buffer storage and supporting plant and facilities.
- Work No 2 – modification to, and interconnection with, the existing and under construction generation stations, including process steam and condensate, and heat offtake infrastructure, flue gas supply ductwork and electrical connections.
- Work No 3 – utilities connections and site access works.
- Work No 4 – maritime works including building a new jetty with associated dredging and the demolition or modification of the existing FBPSJ.
- Work No 5 – LCO₂ piping and utilities connections to the proposed Jetty.
- Work No 6 – temporary construction compounds and laydown areas including contractor facilities.
- Work No 7 – MEA and improvements to the existing CLNR (this would include replacing stables used by graziers).
- Work No 8 – rerouting of Crossness Water Treatment Works (“CWTW”) access road.
- Work No 9 – protective works to land if required.
- Ancillary works [ER 1.3.8].

1.5. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers, set out in the draft Order submitted with the Application.

1.6. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website¹ is a copy of the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”). The ExA’s findings and conclusions are set out in Chapters 3 – 7 of the ExA Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

2. Summary of the ExA’s Report and Recommendation

2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings:

- The Principle of the Development
- Alternatives

¹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010128>

- Air Quality
- Biodiversity
- Climate Change
- Cultural Heritage and Historic Environment
- Water Environment and Flood Risk
- Good Design
- Metropolitan Open Land
- Socio-Economic Effects
- Townscape and Visual
- Other Matters

2.2. The ExA recommended that the Secretary of State should **grant consent** for the application [ER 8.3.1].

2.3. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of their conclusions and recommendations.

3. Summary of the Secretary of State's Decision

3.1. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS") which has effect in relation to development of the description to which the application relates, along with local impact reports ("LIR") and other important and relevant matters. Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State has determined this application in accordance with the relevant NPS (EN-1) and has concluded that subsections (4) to (8) are not applicable in this case.

3.2. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.

3.3. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

3.4. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's

Examination and responses to the information request(s). 205 Relevant Representations (“RRs”) were made in respect of the Application². Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the LIR submitted by London Borough of Bexley Council (“LBBC”), environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State’s decision as required by section 104 of the 2008 Act, including relevant policy set out in NPS EN-1. As there is no technology specific NPS for carbon capture, other NPSs are not pertinent to the consideration of the principle of this project [ER 3.2.3]. The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of EN-1, the 2024 NPSs had effect for the ExA’s consideration of this Application. As such, the Secretary of State has had regard to the 2024 NPSs in making this decision.

- 4.2. The Secretary of State has also had regard to the updated National Planning Policy Framework. The Clean Power 2030 Action Plan was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.
- 4.3. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - a. Alternatives – no weight
 - b. Cultural Heritage and Historic Environment: Designated Heritage Asset – little negative weight
 - c. Water Environment and Flood Risk – neutral weight
 - d. Metropolitan Open Land – great negative weight
 - e. Townscape and Visual – moderate negative weight
 - f. Socio-Economic Effects – little positive weight
 - g. Other Matters: Geology, Hydrogeology, Soils, Minerals and Waste; Landslide Transport; Major Accidents and Disasters; Navigation on the River Thames and Marine Transport; and Noise and Vibration – neutral weight
- 4.4. The paragraphs below address the matters where the Secretary of State has set out further commentary and analysis beyond that in the ExA’s Report. This includes matters where the Secretary of State considers it is necessary to provide further detail on his rationale for agreeing or disagreeing with the conclusions of the ExA.

Principle of the Development and Climate Change

- 4.5. NPS EN-1 3.5 states that there is an urgent need for new capture and storage (“CCS”) infrastructure to support the transition to a net zero economy and refers to the view of the Climate Change Committee that CCS is a necessity, not an option. It further provides that the Secretary of State should give substantial weight to the need established in the NPS when considering applications.
- 4.6. Government policy papers such as the UK’s Net Zero Strategy, Industrial Decarbonisation Strategy, and Clean Power 2030 Action Plan all reaffirm the need for CCS technology as

² <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010128/representations>

part of the UK's decarbonisation pathway. The Proposed Development's aim to capture 1.6Mt CO₂ per year from the Riverside Campus aligns with the Net Zero Strategy's objective of using Carbon, Capture, Utilisation and Storage ("CCUS") technology to capture and store 20-30Mt CO₂ per year by 2030 [ER 3.2.5].

- 4.7. In line with paragraph 4.1.3 of NPS EN-1, the ExA considered the urgent need for CCS infrastructure and the presumption in favour of granting consent for energy Nationally Significant Infrastructure Projects ("NSIPs") [ER 3.2.16]. The ExA acknowledged the criticisms of CCS technology in principle and concerns more specifically with the project's proposed location and specifications but ultimately held that the urgent need for new CCS infrastructure to be delivered by the Proposed Development carries very great positive weight in the planning balance.

The Secretary of State's Conclusion

- 4.8. The Secretary of State notes the contribution the Proposed Development would make to the established need for new CCS infrastructure and to achieving targets to reduce greenhouse gas ("GHG") emission to net zero by 2050. The Proposed Development would also be likely to assist the government in meeting its target of delivering Clean Power by 2030.
- 4.9. The Secretary of State notes that without the proposed development the Riverside Campus will not have the means to capture the CO₂ it is expected to emit, which further underscores the need for the Proposed Development, building on the strong need established in NPS EN-1 and extensive support in national policy for technologies that contribute to decarbonising the energy landscape.
- 4.10. The Secretary of State notes that the ExA has separately given need and climate change very great positive weight in the planning balance. While the Secretary of State agrees with the ExA's analysis in relation to both topics, he considers it appropriate to give both topics a single weighting. This is because the need for CCS is inextricably linked to reducing GHG emissions. The Secretary of State, for these reasons, ascribes this matter substantial weight for making the Order.

Air Quality

- 4.11. The ExA considered the potential impacts of the construction, operation and decommissioning phases of the Proposed Development on air quality, including emissions from construction, marine vessels, backup generators and the carbon capture process [ER 3.4.1].
- 4.12. In accordance with Section 5.2.5 of NPS EN-1, the ExA noted that operational emissions from combustion plants are regulated through the Environmental Permitting regime (administered by the Environment Agency ("EA")) [ER 3.4.4]. The ExA also acknowledged relevant local planning policies requiring air quality neutrality and improvements to public health [ER 3.4.7].
- 4.13. While the Environmental Permit ("EP") had not been applied for before the end of the Examination period, the Applicant cited the absence of a selected technology provider as the reason for this. The ExA was satisfied that this did not undermine the planning merits and found no reason to believe the EP would not be granted [ER 3.4.27].

- 4.14. The ExA notes Table 5-49 in Environmental Statement (“ES”) Chapter 5 which assessed emissions from the Riverside 1 and 2 EfW plants, marine vessels, and backup generators. The ES concluded that, with mitigation, residual effects during construction would be Negligible (Not Significant), and operational effects would be Slight Adverse (Not Significant) overall [ER 3.4.6 and 3.4.10].
- 4.15. Natural England (“NE”) did not agree with the Applicant’s approach to defining the baseline scenario for air quality assessment. NE maintained that the baseline should reflect the current state with only Riverside 1 operational, rather than assuming Riverside 2 would also be operational. NE considered the latter to be an alternative scenario for cumulative impact assessment [ER 3.3.14].
- 4.16. Despite the difference in opinion between NE and the Applicant regarding baseline definition, NE acknowledged that the Applicant had undertaken the assessment as requested and agreed with the outcomes and findings of ES Chapter 5 [ER 3.4.15].
- 4.17. The ExA concluded that the air quality impacts had been properly assessed and that the relevant pollution control and environmental regulatory regimes will be properly applied and enforced to minimise adverse effects [ER 3.4.34] and therefore has assigned air quality matters little negative weight against making the Order.

The Secretary of State’s Conclusion

- 4.18. The Secretary of State notes the ExA’s findings that the air quality impacts of the Proposed Development have been adequately assessed and that the appropriate mitigation measures are secured through the DCO.
- 4.19. The Secretary of State notes that the EP had not been applied for before the end of the Examination period. On 23 October 2025, in response to the second information request, the Applicant noted that the EA had confirmed receipt of the final stage of the EP application. The Secretary of State encourages the Applicant to obtain the EP accordingly and considers this matter to have been adequately addressed for the purposes of this application.
- 4.20. The Secretary of State notes the disagreement between NE and the Applicant regarding the definition of the baseline scenario. In this instance, the Secretary of State is content with the Applicant’s approach to the air quality assessment, as the future baseline scenario (including the emissions from the Riverside 2 development) is a more accurate reflection of the future air quality impacts, because Riverside 2 is currently under construction and is likely to be operational in 2026. Further, the purpose of the Proposed Development is to provide the CCS of the Riverside Campus, therefore an assessment scenario excluding the Riverside 2 development, and only considering Riverside 1 in the assessment, is highly unlikely to occur. Nevertheless, the Secretary of State recognises that NE ultimately agreed with the outcome of the air quality assessment and did not raise objections to the findings of ES Chapter 5.
- 4.21. The Secretary of State is therefore satisfied that air quality impacts will be appropriately mitigated and that the requirements of NPS EN-1 are met. This matter carries limited weight against the making of the Order.

Biodiversity

- 4.22. The Applicant considered a range of impacts to ecological receptors including habitats and species of principal importance, nationally designated sites, and sites of local importance. The ExA's consideration of these and other receptors is at ER 3.5. The effects on internationally important sites in the context of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations") are separately considered in paragraph 5 of this decision letter.
- 4.23. ES chapters 7 [REP6-011] and 8 [REP6-012] set out the Applicant's consideration of the effects of the proposed development on terrestrial and marine biodiversity respectively. These were supported by a series of surveys and other appendices (references in Appendix A).
- 4.24. The outline Landscape, Access, Biodiversity and Recreation Strategy ("oLABARDS", REP5-017) details as a single point of reference all biodiversity proposals, including Biodiversity Net Gain ("BNG"). Requirement ("R") 12 of the DCO would require the approval and implementation of a full or final Land, Access, Biodiversity and Recreation Strategy ("LABARDS").
- 4.25. Throughout the Examination, various issues in relation to Biodiversity were raised by IPs; including impacts on habitats and species, the net loss of Metropolitan Sites of Importance for Nature Conservation ("MSINC"), the ecological baseline, the mitigation hierarchy, the offsite mitigation and enhancement and its delivery mechanism as well as the wording of R12.

Habitats, Species and Surveys

- 4.26. Save Crossness Nature Reserve ("SCNR") opposed the Proposed Development, mainly due to the impact on CLNR) that has a management regime in place, run by Thames Water Utilities Limited ("TWUL"). SCNR (various representations including [REP7-032]) and Friends of Crossness Nature Reserve ("FoCNR") [REP3-018] consider that the Applicant's surveys were inadequate and underestimated the ecological baseline of the site and subsequently, the mitigation provided is insufficient. SCNR produced a Botany Report [REP1-050] that identified a greater variety of species present on site than in the Applicant's Botanical Survey Report, including the presence of Habitats of Principal Importance. SCNR therefore consider that the mitigation provided does not address the unique properties of the site.
- 4.27. The ExA concluded that the data provided by SCNR does not alter the ES's conclusions [ER 3.5.68]. The Applicant also did not dispute the results of the Botany Report [REP2-019]. As the oLABARDS sets out the requirement for further botanical surveys to take place to inform the detailed compensation, mitigation and enhancement proposals for the full LABARDS, the Secretary of State is content that impacts upon habitats will be suitably addressed. The Secretary of State also acknowledges the representation³ from FoCNR to his first information request.

³ https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-000979-C1-002%20national-infrastructure-consenting_planninginspectorate_gov_uk_projects_EN010128.pdf

- 4.28. NE was concerned about the Proposed Development's implications for water voles due to its impacts to water courses and ditches [REP1-038]. A Letter of No Impediment in relation to the licensing for water voles [REP6-035] has been received from NE, and as such the Secretary of State considers that impacts on water voles will be mitigated against through a protected species mitigation licence.
- 4.29. NE and the Applicant disagree regarding the approach to the air quality assessment and impacts upon the Thames Marshes Site of Special Scientific Interest ("SSSI"). The Applicant provided further information about its approach to the assessment [REP4-033], to which NE still had outstanding areas of disagreement surrounding the baseline (see paragraph 4.15 above). This disagreement was not resolved by the end of the examination and remains within NE's Statement of Common Ground ("SoCG") [REP6-035]. However, the SoCG confirmed that NE agreed with the cumulative impact assessment for the Inner Thames Marshes SSSI, undertaken at the request of NE, which concluded no significant effects when considered alongside other committed developments. As such, the Secretary of State considers this matter has been resolved.

Mitigation Hierarchy

- 4.30. As the Proposed Development is to result in the net loss of part of the Erith Marshes MSINC, discussions on whether the mitigation hierarchy – particularly the first step, avoidance - has been properly applied were had during the examination and were discussed by the ExA at [ER 3.5.76]. The Secretary of State agrees with the ExA [ER 3.5.93] that despite there being net loss of the Erith Marshes MSINC, this does not mean that the mitigation hierarchy has not been followed, as the Applicant has explained why the harm could not be avoided and adhered to the subsequent steps in the hierarchy (avoid, mitigate, compensate, enhance).
- 4.31. The Applicant addressed confusion caused by using the BNG metric to quantify the mitigation and enhancement required, which had given rise to concerns that BNG had been conflated with mitigation and enhancement. The Secretary of State has considered the information presented throughout the Examination, including the Applicant's Closing Statement [REP7-021] and REP5-033 where a breakdown of habitats to be lost, created and enhanced were provided which clarified the role of mitigation, compensation and enhancement within the Proposed Development. The Open Mosaic Habitat ("OMH") compensation within the oLABARDS, distinguished from the BNG proposals, aids this understanding. In response to the first information request, the Applicant explained that after further detailed design of the landscape elements, it is confident that the OMH compensation can be provided on site. For added reassurance, the response includes consideration of where offsite provision of OMH could be secured should their aim to provide compensation on site fail.
- 4.32. Buglife (letter dated 14 October 2025⁴) expressed concern that the OMH could not be delivered in the proposed form of linear narrow strips if delivered on site, as the functionality to invertebrates is improved in larger, open areas of OMH, and also expressed concern that the management of OMH to a moderate condition had not been secured within the oLABARDS. Buglife explained that offsite provision of OMH would be preferable but highlighted that the suggestion of the Thameside Nature Discovery Park

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-001001-C2-007%20Buglife%20Written%20representation%2014%20October%202025.pdf>

would not be appropriate as it was already earmarked for biodiversity enhancement purposes by other schemes. The Secretary of State is satisfied that the oLABARDS suitably captures the requirement for the provision and management of OMH, and that a final version will require approval from LBBC as secured through R12 of the DCO.

Mitigation, Compensation and Enhancement Delivery Mechanism

- 4.33. By the close of the examination, planning obligations to secure the LABARDS were outstanding. A more in-depth consideration of the CA issues is set out from paragraph 6.12 of this letter, and the impacts of the outstanding CA issues on Biodiversity are considered below.
- 4.34. As discussed within paragraph 6.12, planning obligations with the Thamesmead Golf Course for offsite BNG and ecological enhancement were not secured by the end of the Examination. The Applicant provided a route to achieving 10% BNG in the event that no agreement is reached, outlined in the oLABARDS. This contains options such as finding alternative sites to provide BNG, purchasing credits through the Environment Bank, or paying statutory credits if necessary. These were outlined in the Applicant's response to the first information request (Offsite Ecological Requirement Delivery Note), secured through further suggested revisions to R12 and the oLABARDS. These options provide confidence to the Secretary of State that if the preferred option of obtaining a 10% BNG offsite at the Thamesmead Golf Course does not come to fruition, the 10% BNG commitment will be achieved, as set out in the Order. The Applicant confirmed in a letter dated 23 October 2025 that LBBC were content with this approach. The Secretary of State is content that the mechanism in the DCO (R12) would ensure that development could not commence until a LABARDS is approved by LBBC. The changes to R12 and the oLABARDS detail the requirement to provide legal agreements to the Local Planning Authority ("LPA") of any offsite location sufficient to evidence the management of habitats for 30 years. As such, the Secretary of State is content that the BNG commitments will be secured.
- 4.35. By the end of the Examination, agreement was not reached on the planning obligation for the management of the mitigation and enhancement area by TWUL. This area is immediately east of the existing CLNR and includes land currently managed by TWUL. On 26 September 2025, the Applicant confirmed that LBBC had signed the Deed, and that it was expected that TWUL would be content to sign after a few remaining drafting points were settled. As described in paragraph 6.18 of the Land Rights chapter below, the management of the mitigation and enhancement area will either be secured through an agreed planning obligation with TWUL, or alternatively, through the payment of an endowment sum to LBBC to secure a Section 106 ("S106") agreement post consent.
- 4.36. As such, the Secretary of State is confident that the management of the mitigation and enhancement area is secured, and the routes outlined within the Applicant's closing remarks [REP7-0210] in relation to using compulsory powers within the DCO to ensure the LABARDS is delivered may not need to be pursued.

Loss of MSINC Land

- 4.37. Multiple IPs raised concern over the loss of land within the Erith Marshes MSINC [ER 3.5.85]. The LIR sets out qualitative beneficial elements of the Proposed Development associated with the extension of the LNR over land not currently under a management regime [REP1-034], but the quantitative net loss of SINC land is significant for the London Borough of Bexley and the greater London area.

- 4.38. Although impacts to sites of local importance are not in themselves reason to refuse consent (NPS EN-1 paragraph 5.4.52), paragraph 5.4.52 of NPS EN-1 states that due consideration to local and regional sites must be given during decision making. EN1 also highlights the need to apply the mitigation hierarchy, including measures to compensate for adverse impacts. In the first information request the Applicant was asked to provide further routes to reduce the net loss of SINC land, such as reinstatement after decommissioning or through the extension of a nearby SINC. The Applicant provided updates to R22(3)(iv), which deals with the decommissioning environmental management plan within the DCO, and secures the reinstatement of the Erith Marshes MSINC to a suitable condition upon decommissioning. The Secretary of State is content this reduces the effect of the loss of SINC land from permanent to long-term in EIA terms.
- 4.39. If legal agreement is reached between the Applicant and the Peabody Trust, it is understood that areas of the Thamesmead Golf Course not currently managed to SINC status could be incorporated into the SINC designation, as part of the Applicant's BNG Opportunity Area management plan. The Secretary of State has therefore amended R12 to require the Applicant to submit information on the location of the SINC extension within the BNG Opportunity Area, or to provide full details of any proposed alternative location for this compensation should the planning obligation with the Peabody Trust fail to be secured.
- 4.40. The Secretary of States accepts the reasoning within the Applicant's response that extensions to the Erith Marshes MSINC are not feasible within or outside of the Order Limits due to existing land uses surrounding the site. The extension of the Thamesmead Golf Course SINC, or any alternative location within the Borough of Bexley, would seek to compensate in quantitative terms the loss of footprint of SINC land within the Borough so far as possible. Alongside the commitment to reinstatement during decommissioning, the Secretary of State is content that the requirements of paragraph 5.4.52 of NPS EN-1 have been fulfilled.

LABARDS - Requirement 12

- 4.41. The ExA removed reference in R12 for the LABARDS to be submitted for each phase of the Proposed Development, aiming to avoid multiple versions of the document being produced for each phase of the development [ER 3.5.83]. The ExA considered a single strategy could set out phased approaches and it would be easier for the planning authority to ensure the necessary requirements in the LABARDS are delivered at the right time.
- 4.42. The Applicant and the local authority were invited to comment on the ExA's amended wording in the first information request. As the detailed design and phasing of works has not yet been finalised, the Applicant, in collaboration with the local authority, drafted alternative wording for R12 which still allows for phasing of the works, and a LABARDS for that part to be submitted for approval. An overarching LABARDS will be submitted to the planning authority, and any subsequent version will make clear its relationship to the overarching document.
- 4.43. In its response to the first information request, LBBC confirmed that it was content with the Applicant's suggested revised wording in having an overarching document and framework to submit the LABARDS, but it would prefer the wording altered for the selection of any required offsite locations to be within the Borough of Bexley, with reasoning provided if this is not achieved. The Secretary of State has amended the wording of R12 to satisfy both the Applicant and LBBC's views and is content that the LABARDS is sufficiently secured within the Order.

The Secretary of State's Conclusion

- 4.44. The ExA concluded that the harm to biodiversity caused by the Proposed Development carries moderate weight against making the Order [ER 3.5.97]. The Secretary of State agrees and considers it unfortunate that a net loss in spatial terms of locally important sites for wildlife will occur due to this development. The ExA was content that the Applicant has satisfied the provisions of NPS EN-1 in terms of the description, investigation of alternative locations and reasoning for the siting of the Proposed Development, as well as the constraints of the surrounding area in relation to compensating for lost SINC land [ER 3.3.35]. In addition, the Secretary of State agrees with the ExA's conclusion [ER 3.5.71] in relation to the stables and access, as well as the conclusion on existing planning obligations [ER 3.5.75] in light of LBBC's representation on the matter [AS-096]. The Secretary of State is content that the mitigation, compensation and enhancement provided, including the BNG proposals and the additional compensatory measures for the loss of SINC land secured through LABARDS and R12, satisfies his duty under the NERC Act 2006 to further the conservation of those species and habitats and relevant policies within NPS EN-1.

Cultural Heritage and Historic Environment: Non-Designated Heritage Assets

- 4.45. The ExA considered that making recording of the FBPSJ an explicit requirement, rather than relying on a component of the Code of Construction Practice ("CoCP"), would be most appropriate and proportionate with the significance of the asset, and recommended amending R22 accordingly in the DCO [ER 3.7.40].
- 4.46. The ExA noted the Secretary of State's need to attach considerable importance and weight to the desirability of preserving all heritage assets. It found that this remained the case even if the proposed mitigation rendered the adverse effects as not significant in EIA terms. Given the non-designated status of the asset and the value that it holds for present and future generations, the ExA considered that it held moderate weight against making the Order [ER 3.7.38].
- 4.47. In the first information request, the Applicant was requested to confirm that it was content with the following addition to R22 of the DCO proposed by the ExA, incorporating the Applicant's suggested revisions in Ex2.8.4:

"22. — Heritage Mitigation

(3) No demolition or modification of the Belvedere Power Station Jetty shall take place until: a) a descriptive record specified and carried out to Level 2 as specified in Historic England guidance: Understanding Historic Buildings: A Guide to Good Recording Practice has been undertaken in accordance with that guidance and written confirmation provided to the relevant planning authority that it has been completed, and b) within six months of the date of commencement of the demolition or alteration that completed record must have been deposited with the Greater London Historic Environment Record and the Archaeology Data Service, and confirmation of the deposit provided in writing to the relevant planning authority".

- 4.48. On 12 September 2025, the Applicant confirmed that it had considered the Secretary of State's suggestion but concluded that such a requirement was not needed as commitments to Level 2 Historic Building Recording were already secured through the Outline CoCP and R7 of the DCO.

- 4.49. The Secretary of State notes the Applicant's position but considers that it is necessary and appropriate for the recording of the Belvedere Power Station Jetty to be secured explicitly through R22 of the DCO, rather than relying solely on the Outline CoCP and R7 due to the significance of the asset. The Secretary of State is satisfied that the revised drafting of R22, as proposed by the ExA, provides the necessary clarity and enforceability, and therefore confirms that this requirement should be included in the Order.

The Secretary of State's Conclusion

- 4.50. The Secretary of State notes NPS EN-1 5.9.17 requires an applicant to record and advance understanding of the significance of the heritage asset before it is lost, and the need for a balanced judgment having regard to the scale of any harm or loss and the significance of the non-designated heritage asset, as per paragraph 5.9.34.
- 4.51. The Secretary of State considers that the worst-case scenario of demolition, which would result in the total loss of the non-designated heritage asset, is outweighed in this instance by the benefits that the Proposed Development would offer. However, the Secretary of State agrees with the ExA that the desirability of preserving it attracts considerable importance and weight and therefore accords it moderate weight against the Order being made. The Secretary of State has included R22(3) in the DCO to ensure that recording is expressly captured as a mitigation measure.
- 4.52. The Secretary of State has considered the matters of unknown buried assets and cultural heritage associations and in agreement with the ExA, considers that these both carry neutral weight in the planning balance [ER 3.7.41 and 3.7.44].

Good Design

- 4.53. NPS EN-1 4.7.1 emphasises the importance for infrastructure to be functional, fit for purpose and sustainable, beyond aesthetic considerations such as its visual appearance [ER 3.9.2]. It encourages appointing a board level design champion and considering independent design advice, in particular taking advantage of the Design Council design review service [ER 3.9.3].
- 4.54. The application was accompanied by a Design Approach Document ("DAD") which presented the evolution of the scheme design and the Design Principles and Design Code ("DPDC") which would be a certified document under the DCO [ER 3.9.10].
- 4.55. The ExA noted that the DAD did not indicate that independent design review formed any part of the design development process, nor a role going forward, and it did not indicate that a design champion would be appointed in the submitted DPDC [ER 3.9.13].
- 4.56. Following questions from the ExA, the Applicant confirmed that a design champion would be appointed on the project board and revised the DPDC to include this. The Applicant advised in response to ExQ1.0.1.2 that they did not consider independent design review was necessary [ER 3.9.16].
- 4.57. The ExA welcomed the steps to appoint a third-party master planning design consultancy but maintained that independent peer review by professionals with no project involvement would provide greater assurance of design quality. It noted that the proposed consultancy role may not fully address detailed architectural considerations and highlighted that there was very little detail on the design of the proposed jetty [ER 3.9.17 to ER 3.9.26].

- 4.58. Although the ExA acknowledged that neither the Applicant nor LBBC considered such a review necessary, it considered that given the relatively immature stage of design and the generous parameters, independent design review should be included as part of the package of design measures in order to ensure good quality design of the implemented scheme [ER 3.9.27].
- 4.59. The ExA therefore added a requirement to demonstrate that such a review or reviews has been carried out in respect of the scheme, the landscape and biodiversity design in the LABARDS and the proposed jetty, and a demonstration of how any advice or feedback has been taken into account provided [ER 3.9.28]. The ExA subsequently recommended amendments to R4(3), R12(3)(I) and R16(2), advising that the wording was not prescriptive of which design review panel or service designs should be reviewed by, at which stages review(s) takes place, nor how this would interact with the LPA. However, good practice dictates that the LPA should be involved in a design review throughout the process given its ultimate role in discharging the recommendations [ER 3.9.33].
- 4.60. Ultimately, the ExA considered that matters of good design based on the DCO have a little negative effect in terms of the planning balance. However, with the additions to the requirements noted above, the ExA viewed that it would have the potential to improve design of the Proposed Development in accordance with NPS EN-1, such that on matters of good design there would be a little positive effect in the planning balance [ER 3.9.36].
- 4.61. In the first information request, the Applicant was requested to comment on any concerns relating revisions to the following requirements in the DCO (underlined) below:
- 4.— (3) “The authorised development must be designed and constructed in accordance with the design principles and design code and the details submitted under sub-paragraph (1) must include a statement to confirm both how the design principles and design code have been complied with, and how the advice and recommendations of an independent design review process have been taken into account, in the details that have been submitted.”*
- 12. — (3)(I) “a statement to confirm both how the design principles and design code, have been complied with, and how the advice and recommendations of an independent design review process have been taken into account, in the details that have been submitted;”*
- 16.— (2) “The jetty works environmental design scheme to be submitted under sub-paragraph (1) shall include a statement to confirm how the advice and recommendations of an independent design review process have been taken into account in the details that have been submitted.”*
- 4.62. The Applicant considered that the DPDC would be sufficient to secure this but also considered that if the Secretary of State wished the process to be expressly reflected in the DCO, that its suggested revisions to the requirements in the DCO in its response to the first information request should be accepted. Those revisions sought to conflate the ExA’s independent peer review process with the Applicant’s third-party master planning design consultancy.

The Secretary of State’s Conclusion

- 4.63. The Secretary of State notes that NPS EN-1 3.9.4 requires him to be satisfied that developments are sustainable and are as attractive, durable, and adaptable as they can

be. Additionally, he should be satisfied the Applicant has considered both functionality and aesthetics, taking into account the development's ultimate purpose and bearing in mind operational, safety and security requirements⁵.

- 4.64. The Secretary of State considers that some form of independent peer review of the design process as a compulsory function in the design measures is preferable for this project and agrees with the ExA that this would be best reflected in the DCO. The Secretary of State notes the Applicant's position but considers it necessary and appropriate to include the drafting proposed by the ExA. The Secretary of State is satisfied that the revised drafting reflected in R4, R12 and R16 proposed by the ExA provides the necessary clarity and therefore confirms that this should be reflected in the Order, and in agreement with the ExA, accords this matter little positive weight in the planning balance.

First Information Request – Response Not Addressed Above

- 4.65. The Secretary of State noted that the Environment Agency had published new data following an update to the National Flood Risk Assessment, and that the Flood Map for Planning and flood zones were also updated on 25 March 2025. In the first information request, the Applicant was asked to explain whether these updates would have any implications for the conclusions of the ES Chapter 11 [REP6-014] and the Flood Risk Technical Note Breach Assessment Scenario, and to provide any updates as necessary. On 12 September 2025, the Applicant confirmed that it had considered this matter but maintained that revised documents were not needed as the flood risk assessment for the scheme had already used detailed site-specific data, including hydraulic models, to test the risk of flooding from the sea, rivers, and surface water, with climate change allowances built in. As a result, the updated national datasets do not affect the site-specific data or the results of the assessment, so the assessment does not need to be revised. On 17 October 2025, the EA confirmed that the updated National Flood Risk Assessment published by the Environment Agency will not have any implications to the conclusions made in the ES Chapter 11 [REP6-014] and the Flood Risk Technical Note Breach Assessment Scenario⁶. The Secretary of State is satisfied with the Applicant's and EA's updates and therefore considers that this matter is resolved.

Second Information Request - Responses Not Addressed Above

- 4.66. In the second information request, the Secretary of State invited all IPs to comment on the responses received in response to the first information request.
- 4.67. Three submissions were received from the Environment Agency, London Borough of Barking and Dagenham and NATS (formally National Air Traffic Services) confirming no further comment.

⁵ <https://assets.publishing.service.gov.uk/media/65bbfbd9c709fe1000f637052/overarching-nps-for-energy-en1.pdf>

⁶ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-000997-C2-005%20SL%20122661-09%20EA%20response%20ALL%20INTERESTED%20PARTIES%20CONSULTATION.pdf>

- 4.68. The Secretary of State has considered the concern of the Ridgeway Users⁷ regarding the impact of the Proposed Development on the Romani community's use of the nature reserve and is satisfied that the remaining parts of the Crossness Nature Reserve will offer sufficient mitigation measures for the continuation of community activities for the local Romani community.
- 4.69. The Secretary also acknowledges the submissions received from Mrs Margaret White⁸ and Alex Ilsley⁹ in his decision-making process.

5. Habitats Regulation Assessment

- 5.1. The Secretary of State's Habitats Regulations Assessment ("HRA") is published alongside this letter. The paragraphs below should be read alongside the HRA which sets out in full the Secretary of State's consideration of these matters.
- 5.2. The Secretary of State has carefully considered the information presented during the Examination, including the HRA Report [APP-090] as submitted by the Applicant, the Report on the Implications for European Sites ("RIES") [PD-015] as produced by the ExA, the ES, representations made by IPs, and the ExA's Report.
- 5.3. The Proposed Development has the potential to have a Likely Significant Effect ("LSE") from operational Air Quality impacts on the Epping Forest Special Area of Conservation. The Secretary of State has undertaken an Appropriate Assessment ("AA") in respect of the Conservation Objectives of the protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on Integrity ("AEol") of the identified protected sites. Based on the information available to him, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the qualifying features of any protected sites. The full reasoning for the conclusions is set out in the HRA which has been published alongside this decision letter.

6. Land Rights and Related Matters

- 6.1. The Secretary of State notes that to support the delivery of the Proposed Development, the Applicant is seeking powers of CA and TP of land and rights.
- 6.2. The Applicant advises that this is to enable the construction, operation, maintenance and decommissioning of the proposed scheme, and that without the powers to acquire the rights and interests in land proposed there would be insufficient certainty about the Applicant's ability to deliver the proposed scheme within the necessary timescales [ER 6.3.1].
- 6.3. The Applicant is seeking powers to compulsorily acquire rights and impose restrictive covenants. In summary these would be:

⁷ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-001008-C2-004%20Secretary%20of%20State%20letter.pdf>

⁸ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-001009-C2-008%20Submission%20to%20Enquiry.pdf>

⁹ https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-001011-C2-003%20sos_cory_carbon_objection-compressed.pdf

- access rights to facilitate access to the CCF from Norman Road, and the protection of those accesses;
 - utilities rights to undertake works to utilities (both existing and creating new) within Norman Road and to protect them;
 - connection rights to facilitate the various connections between the CCF and Riverside 1 and Riverside 2, which the applicant advises are critical to the operation of the proposed scheme and the protection of those connections;
 - LCO₂ pipeline rights to facilitate the construction, maintenance and protection of those pipelines;
 - maintenance access rights, to enable the applicant to utilise the private access road adjacent to Norman Road to access the land adjacent to the proposed Jetty and to maintain it in the future; and
 - maintenance rights, over the land adjacent to the proposed Jetty, to enable those maintenance activities to take place.
- 6.4. TP powers are sought to provide working spaces in the River Thames to construct the proposed Jetty and enhancements to the King Charles III England Coast Path (Thames Path), a temporary construction compound for the Jetty and protective works to land if required as a result of the Proposed Development. The Applicant advises that this land is required to ensure that there is sufficient space to build the proposed scheme and mitigate its impacts during the construction phase only, without necessitating CA of land [ER 6.3.4].
- 6.5. The Book of Reference (“BoR”) identifies all the plots of land affected and these are also shown on the Land Plans. The Land Plans submitted by the Applicant were revised and later amended as the examination proceeded to accommodate further changes [ER 6.3.5].
- 6.6. No Crown Land or Crown interests were identified within the Order limits. Six plots of special category land were identified, all being open space. In those cases, no land which would be subject to Special Parliamentary Procedure (subject to satisfying the provisions section 131 of the 2008 Act) or Replacement Land was identified [ER 6.2.2].
- 6.7. At ER 6.5.1 to ER 6.5.94 the ExA sets out details of the Affected Persons (“APs”) with outstanding unresolved objections, including general opposition to the Proposed Development and objections or concerns about CA and TP proposals.
- 6.8. At ER 6.7.1 onwards, the ExA addresses the position in respect of Statutory Undertakers, and at ER 6.8.1 onwards addresses the position in respect of Special Category Land.
- 6.9. The Secretary of State’s first and second information requests sought updates as to the status of objections which were unresolved at the end of the Examination.

The ExA’s Conclusions on Land Rights and Related Matters

- 6.10. Overall, the ExA concluded the following [ER 6.12.1]:
- Site selection is appropriate and all reasonable alternatives to CA have been explored;
 - Only the land necessary for the project will be taken, and the amount is proportionate;

- The Applicant has access to funds and the DCO provides a mechanism whereby funding can be guaranteed;
- Securing the land and rights is needed for timely delivery of the proposed development, which provides substantial public benefit;
- CA and TP are justified in response to individual objections to enable implementation of the proposed development;
- The powers sought meet relevant legal requirements under the 2008 Act and associated CA guidance;
- While the Order land is open space, it does not meet any of the other descriptions set out in section 131(1) of the 2008 Act, no alternative exchange land is available, and exemptions from special parliamentary procedure are merited under the 2008 Act, as set out in the preamble to the Applicant's final DCO;
- No other special category land has been identified by the Applicant;
- CA and TP can be delivered in full accordance with all relevant human rights and Public Sector Equality Duty ("PSED") considerations.

The Secretary of State's Conclusions on Land Rights and Related Matters

6.11. At the close of the examination a number of parties had unsigned agreements, and the Secretary of State sought updates from the parties below in the first information request.

Conclusion on Affected Persons ("APs")

- *Planning Obligation with Peabody Trust and LBBC; Deed of Obligation A*
- 6.12. The Applicant, Peabody Trust and LBBC were requested to provide updates on the progress of the S106 agreement in relation to the provision of offsite Biodiversity Net Gain at the Former Thamesmead Golf Course. On 12 September 2025, the Secretary of State received responses from all three parties.
- 6.13. LBBC confirmed that negotiations in between the Applicant and Peabody Trust remained on-going and therefore completed agreements had not been signed and sealed yet. Notwithstanding this, that once an agreement is reached, the Council would be ready to review any legal document drafted to sign and seal once content.
- 6.14. Peabody Trust confirmed that it was keen to reach agreement with the Applicant, which would enable it to facilitate the delivery of the BNG requirements for the Proposed Development through offsite biodiversity delivery at the Former Thamesmead Golf Course and its local benefits, and by way of a voluntary agreement regarding the Applicant's proposed acquisition of Norman Road Field, which would enable the Applicant to deliver onsite BNG. It stated that they had been working very closely with the Applicant to seek to conclude the commercial terms following the close of the Examination.
- 6.15. Peabody Trust noted that the Applicant proposed an amendment to R12 of the DCO to essentially extend the time allowed for submission of any legal agreements associated with the delivery of offsite BNG. Whilst it did not object, it suggested the following complementary wording for R12(5) with amendments in bold (and the Applicant's proposed additional wording underlined):

“12. – (5) Any landscape, biodiversity, access and recreation delivery strategy submitted for approval under sub-paragraph (1) must be accompanied by—

(a) a report setting out —

- (i) the engagement activities that the undertaker has undertaken to inform the development of the landscape, biodiversity, access and recreation delivery strategy which must be in accordance with the engagement commitments set out in the outline landscape, biodiversity, access and recreation delivery strategy unless otherwise agreed by the relevant planning authority; and*
- (ii) how the undertaker has had regard to the feedback received during that engagement in the landscape, biodiversity, access and recreation delivery strategy that is submitted for approval; and*

(b) copies of any legal agreements with any offsite provider which demonstrate that the delivery of the offsite works which form part of the landscape, biodiversity, access and recreation delivery strategy submitted for approval, and the maintenance of the offsite works for a period of thirty years from the date of the final commissioning of the authorised development, is secured; and

(c) relevant information setting out that the undertaker has taken steps (being reasonable steps) that the undertaker has undertaken to secure delivery of the BNG Opportunity Area as the preferred location for the offsite works and either—

- (i) provide confirmation that the BNG Opportunity Area has been secured as the location for offsite works; or*
- (ii) where the BNG Opportunity Area has not been able to be secured as the location for the offsite works, provide full details of a proposed alternative location for the off-site works.*

“8. – In this paragraph

(a) “offsite works” means any works that are required to deliver the outcomes set out in sub-paragraphs (3)(e) and 3(h) as part of the landscape, biodiversity, access and recreation delivery strategy submitted for approval under sub-paragraph (1) that are to take place outside of the Order limits.

(b) “BNG Opportunity Area” means the area shown on figure 7-7 of the environmental statement.

6.16. The Applicant confirmed that it had been in extensive commercial discussions with Peabody Trust and the parties were aligned on the commercial principles for both the delivery of BNG at the Former Thamesmead Golf Course and the acquisition of Norman Road Field. This alignment followed detailed discussions on key commercial and practical matters. Whilst the overall discussions were understood to be close to resolution, they were not yet complete, and it did not anticipate that completion would be achieved in time to inform the Secretary of State’s decision. However, the Applicant emphasised that it remained committed to working with Peabody Trust to seek to secure delivery of the Proposed Development’s BNG and compensation for OMH impacts at the Former

Thamesmead Golf Course. The Applicant suggested several amendments to R12¹⁰ and confirmed that it was no longer proceeding with Deed of Obligation A, as the outcome it sought to achieve (i.e. binding Peabody Trust to the Proposed Scheme's BNG commitments) would be delivered post consent, as part of discharging the amended R12.

- 6.17. The Secretary of State concludes that, while the S106 agreement has not been finalised, the evidence provided demonstrates that the Applicant and Peabody Trust are closely aligned on the commercial principles required to secure delivery of both onsite and offsite BNG. On this basis and noting the Applicant's proposed amendments to R12, together with the Peabody Trust's subsequent amendments, to ensure that the necessary legal agreements are secured post-consent, the Secretary of State is satisfied that appropriate mechanisms are in place to secure the delivery of the Proposed Development's BNG.

- *Planning Obligation* with Thames Water Utilities Limited; Deed of Obligation B

- 6.18. In the first information request, the Applicant and TWUL were requested to provide an update on the status of the planning obligation relating to the management of land within the MEA. If no agreement was likely to be reached, the Applicant was requested to provide further information on how it would secure the management of the MEA.

- 6.19. On 12 September 2025, the Applicant confirmed that negotiations with LBB had continued since the end of Examination on Deed of Obligation B. The Applicant confirmed that the Deed was close to agreement on both matters of principle and drafting, with completion hoped to follow soon. It stated that a further update would be made to the Secretary of State on 26 September 2025 in respect of the Deed. The Applicant noted that as part of the negotiations TWUL had confirmed that it did not want the 'Member's Area Land', being the land to the west of the sewage treatment works fence line, to be part of the management regime that is created by the LABARDS. As set out throughout Examination, the Applicant had always recognised that TWUL's choice on this point was a voluntary one. In light of this, the Applicant updated the oLABARDS to reflect this position¹¹. Furthermore, the Applicant advised that article 50(2)(c) of the DCO would need to be amended so it reads as follows:

"clause 4 of the 1994 agreement shall be abrogated in its entirety no longer apply to land within the Order limits".

- 6.20. On 26 September 2025, the Applicant confirmed that negotiations were continuing with TWUL on the Deed of Obligation B, and that the Deed had been agreed with LBB. The Applicant also confirmed that it was awaiting confirmation of TWUL's position on a small number of minor drafting points. The Applicant confirmed that it will inform the Secretary of State as soon as possible once the agreement has been settled and the process of execution of the document is underway¹².

¹⁰ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-000978-C1-006c%20DCO%20Requirement%2012%20Amendments.pdf>

¹¹ Paragraph 10.1.19 <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-000975-C1-006a%207.9 Outline LaBARDs Rev%20G CLEAN %20September%20Amendments.pdf>

¹² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-000995-C1-007%20Cory%20Decarbonisation%20Project%20-%20Information%20Request%20-%20Update%20on%20Deed%20of%20Obligation%20B%20 PM-AC FID5236074 .pdf>

- 6.21. The Applicant provided further confirmation¹³ (23 October 2025) that TWUL had agreed in principle to the Deed (now “the Deed of Development Consent Obligations”), subject to completing internal review processes.
- 6.22. The Applicant also supplied amended wording to R12, in the case that agreement could not be reached before the statutory decision deadline of 5 November 2025. The wording requires that alongside the LABARDS, the Applicant must provide a planning obligation (which, if necessary, could be a Unilateral Undertaking) to secure the management and maintenance of ecological measures on land owned by TWUL.
- 6.23. With the amended wording proposed by the Applicant incorporated into R12, the Secretary of State is confident that the compensation covered by the draft Obligation will be delivered. However, in the absence of a final signed Deed, the Secretary of State agrees with the Applicant and the ExA that the Applicant should retain the ability to utilise the CA powers to ensure that the LABARDS can be implemented.
- *Planning Obligation with Western Riverside Waste Authority*
- 6.24. The Applicant and Western Riverside Waste Authority (“WRWA”) were requested to provide an update on the status of their outstanding agreement in relation to the CA of the relevant plots of land.
- 6.25. On 11 September 2025, WRWA confirmed that there had not been any substantive progress in negotiations between the parties and no agreement had been reached. It confirmed that it maintained its objection to the DCO for the reasons set out in its Closing Submission.
- 6.26. On 12 September 2025, the Applicant confirmed that despite efforts to address WRWA’s concerns, and the progress made during Examination, which included amendments to requirements and Protective Provisions (“PP”), no agreement had been reached. The Applicant emphasised that the operations of Riverside 1 are safeguarded through the DCO and PP and considered the outstanding issues to be purely commercial in nature. Accordingly, the Applicant maintained that the drafting of article 32 in the DCO, as submitted at Deadline 7 be maintained with the exception of the removal of article 32(3) to ensure delivery of the Proposed Development as a national significant infrastructure project. On 23 October 2025, the Applicant confirmed that no updates had been made.
- 6.27. The Secretary of State concludes that, having considered the position of both the Applicant and WRWA, the outstanding issues remain unresolved. The Secretary of State notes that WRWA continues to maintain its objection, however he is satisfied that the DCO, together with the PP and the drafting of article 32, provides adequate safeguards for the operations of Riverside 1 and ensures the delivery of the Proposed Development.

Conclusion on Statutory Undertakers (“SUs”)

- 6.28. The ExA is satisfied that the powers sought by the Applicant in respect of land and interests held by affected SUs including: Southern Gas Networks plc, National Grid

¹³ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010128-001004-C2-009c%20Deed%20of%20Development%20Consent%20Obligations.pdf>

Electricity Transmissions plc, Openreach Limited, UK Power Networks Limited, South Eastern Power Networks plc and TWUL are necessary for the carrying out of the proposed development and is satisfied that the generic and specific PP within the DCO would safeguard those SUs' undertakings and interests.

- 6.29. The Secretary of State is satisfied with the conclusions of the ExA and concludes that, overall, the issues relating to SUs have been satisfactorily addressed.

Conclusion on Special Category Land

- 6.30. The ExA noted the Statement of Reasons ("SOR") states that the Applicant intends to use plots 1-018, 1-021, 1-029, 1-036, 1-093 and 1-099 as part of the proposed MEA, part of Work No 7 in the DCO, for mitigation and enhancement of habitat, biodiversity and access and associated works, and that they would remain part of the CLNR or be added to it [ER 6.8.1].
- 6.31. The Applicant considered that special parliamentary procedure could be avoided on the basis of section 131(4A) of the 2008 Act, as there would be no suitable exchange land available, and contended that it would be strongly in the public interest for the Proposed Development to be capable of being commenced sooner than is likely were the Order to be subject to special parliamentary procedure [ER 6.8.3].
- 6.32. Section 131(12) of the 2008 Act defines the use of "open space" as having the same meaning as in section 19 of the Acquisition of Land Act 1981¹⁴ [ER 6.8.7]. The ExA noted that the definitions and allocations in different documents allow for a wide interpretation of what might constitute or be designated as open space. It noted that a key qualification of whether land would be open space for the purposes of considering it as special category land under the 2008 Act is its use for the purposes of public recreation [ER 6.8.11] and agreed with the Applicant that such public recreation is distinct from the public enjoyment that people may benefit from by way of views over land or enjoying watching wildlife, as suggested by SCNR. The ExA was therefore not convinced that the ability to view wildlife over a particular area of land would necessarily render it as being used for public recreation [ER 6.8.12].
- 6.33. The ExA considered that, irrespective of the terms it had used to differentiate different areas, the Applicant had made a reasonable assessment of what areas of the CLNR and Norman Road Field could be consider as being used for public recreation purposes and therefore open space for the purposes of the 2008 Act. The ExA did not consider there to be convincing evidence that there are additional plots within the Order land which should be considered as special category land that have not been identified in the application documentation [ER 6.8.13].
- 6.34. The ExA was content that the land included within the Special Category Land Plan was open space for the purposes of section 131(1) of the 2008 Act. As the Applicant was seeking the CA of land to which section 131 of the 2008 Act applies, the Secretary of State must be satisfied that one of the subsections (3) to (5) applies [ER 6.8.14].

¹⁴ Section 19(4) "... "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground."

- 6.35. The ExA noted that subsection (4A) applies if the land is open space and none of the Order land is part of a common, or fuel or field garden allotment, both of which requirements the land would satisfy [ER 6.8.15].
- 6.36. The ExA agreed with the Applicant that no suitable exchange land exists within the 1.2km catchment area, and that the urgent national need for carbon capture and storage infrastructure makes it strongly in the public interest for the development to proceed if the Order were to be subject to special parliamentary procedure [ER 6.8,16]. Accordingly, the ExA found that an exemption from special parliamentary procedure is justified under section 131(3) of the 2008 Act [ER 6.8.17].
- 6.37. The Secretary of State agrees with the ExA's assessment and is satisfied that the Order should not be subject to Special Parliamentary Procedure, noting the responses received and objections raised by Affected Persons ("AP").

The Secretary of State's Conclusion on Land Rights

- 6.38. The Secretary of State agrees with the ExA's conclusion that there is a compelling case in the public interest for CA and TP and that the Proposed Development would comply with the 2008 Act.
- 6.39. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.
- 6.40. The Secretary of State is satisfied with the application for CA and TP powers because the rights sought are for identified legitimate purposes and are compatible with human rights tests and he considers that the DCO secures land rights powers appropriately in relation to the relevant legislation and policy.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

- 7.1. The Secretary of State has ascribed the following weightings in the overall planning balance in respect of the following issues:
- Principle of Development and Climate Change – substantial positive weight
 - Air Quality – little negative weight
 - Biodiversity – moderate negative weight
 - Cultural Heritage and Historic Environment:
 - Designated Heritage Assets – little negative weight
 - Non-Designated Heritage Assets – moderate negative weight
 - Good Design – little positive weight
 - Metropolitan Open Land – great negative weight
 - Socioeconomic Effects – little positive weight
 - Townscape and Visual – moderate negative weight
 - Other Matters: Cumulative Effects – little negative weight
- 7.2. The Secretary of State has considered the following planning chapters and is satisfied that these do not weigh for or against the Proposed Development – Alternatives; Water Environment and Flood Risk; Other Matters, including – Geology, Hydrogeology, Soils,

Minerals and Waste; Landslide Transport; Major Accidents and Disasters; Navigation on the River Thames and Marine Transport; and Noise and Vibration.

- 7.3. The Secretary of State also notes that, whilst he agreed with the ExA's planning judgements on both Need and Climate Change (very great positive weight), these matters should be considered together and given one collective weight within the overall planning balance given the intrinsic link between CCS and GHG gas emissions, and that treating them separately could risk duplication or disproportionate weighting in the planning balance.

The Secretary of State's Planning Balance

- 7.4. All NSIPs will have some potential adverse impacts which need to be carefully considered and weighed against the benefits of the development in question. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached 2024 NPS EN-1, EN-3 and EN-5, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that all relevant mitigation measures have been appropriately secured.
- 7.5. In his planning balance, the Secretary of State accords substantial positive weight to the Proposed Development's contribution towards our energy objectives and meeting the urgent national need for CCS infrastructure, as set out in NPS EN-1. The Secretary of State attaches limited positive weight to socio-economic benefits, including employment and skills development opportunities, public accessibility enhancements to natural spaces, and good design measures. Against this, the Secretary of State acknowledges that the Proposed Development will cause harm by virtue of loss to an area of Metropolitan Open Land ("MOL") and agrees with the ExA that this should be afforded great negative weight in the planning balance. The Secretary of State recognises the biodiversity effects of the Proposed Development, the worst-case scenario of the total loss of the FBPSJ, and the harm to townscape and visual amenity despite mitigation measures, each of which the Secretary of State considers attract moderate negative weight. In relation to pollutants emitted and their adverse effects on air quality, cumulative effects of the Proposed Development, and less than substantial harm to the significance that listed buildings, and a conservation area derive from their settings, the Secretary of State accepts that these hold little negative weight in the planning balance.
- 7.6. The Secretary of State's conclusions are as follows. He accepts that the Proposed Development is inappropriate development which is harmful to the MOL. However this harm is offset by the overall benefits of the Proposed Development, which he considers amount to very special circumstances. The Secretary of State is also satisfied that the less than substantial harm to the significance of designated heritage assets and the total loss of the non-designated FBPSJ that has been identified in respect of the heritage asset balance is outweighed by the public benefits of the Proposed Development, satisfying the balanced judgment required by NPS EN-1 5.9.33. The Secretary of State acknowledges that harms identified in terms of biodiversity but considers that the benefits including the delivery of off-site compensation and improving the quality of the rest of the site sufficiently minimise the impacts. The Secretary of State agrees with the ExA and the EA's position that the Applicant's final Water Framework Directive ("WFD") Assessment is compliant with the WFD and that the works will not lead to deterioration of any relevant water body.

- 7.7. The Secretary of State is satisfied that mitigation measures necessary to minimise or avoid environmental and other impacts, as required by the relevant NPS policies, have been appropriately secured through the draft Order and associated certified documents. The Secretary of State considers that the need for the Proposed Development has been clearly demonstrated and sufficiently assessed by the Applicant in accordance with the policy tests set out in the 2024 NPS EN-1.
- 7.8. Taking into account all of the matters set out above, the Secretary of State is satisfied that the identified adverse impacts, taken together, are significantly outweighed by the overall benefits of the Proposed Development. In particular, the Secretary of State considers that the harms identified in this case do not outweigh the substantial positive weight attributed to the Proposed Development's contribution towards our energy objectives and meeting the urgent national need for CCS infrastructure. The Secretary of State is therefore satisfied that the planning balance is in favour of granting development consent.
- 7.9. For these reasons, the Secretary of State concludes that development consent should be granted for the Cory Decarbonisation project. The Secretary of State further considers that there is a compelling case in the public interest for the CA and TP powers sought, in accordance with section 122 of the 2008 Act.
- 7.10. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.
- 7.11. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIR submitted by LBBC, NPS EN-1, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnership¹⁵; pregnancy and maternity; religion or belief; race; sex; and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts

¹⁵ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

highlighted during the Examination. There can be detriment to APs but, if there is, it must be acknowledged and the impacts on equality must be considered.

- 8.3. The Secretary of State has had due regard to this duty and notes the comments from the Ridgeway Users and others on the impact of the Proposed Development on the Romani (who have a history of using the land at the Crossness Nature Reserve for horse grazing). The Secretary of State is satisfied that due regard has been given to the impact of the Proposed Development on Romani grazing and that such grazing can and will continue throughout and following the Proposed Development. The Secretary of State has not identified any other parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent for the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

9. Modifications to the draft Order

- 9.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:
- Amended Article 10 to remove the exemption from consent to transfer the benefit of the order to a holding company, associated company or subsidiary of the undertaker, because the Secretary of State is not satisfied that such a transferee will be suitable where it does not also hold a licence under the Electricity Act 1989;
 - Amended Article 11 to remove the exemption from the guarantee covering compensation in relation to compulsory purchase in, on or under any street, because the Secretary of State requires the guarantee to be adequate to cover all such compensation;
 - Amended Article 21 to remove the deemed consent to discharge of water, because the Secretary of State is not satisfied that the owner of any watercourse, public sewer or drain

that may be affected has been made aware of, and had a chance to object, to the deemed consent provision;

- Amended Article 24 to make clear that the Article does not allow the felling or lopping of a tree subject to a tree preservation order;
- Removed Article 28(2) which includes provisions contained elsewhere in the Order and may conflict with those provisions;
- Removed Article 32(1)(c) which the Secretary of State considers to be unnecessary and uncertain;
- Amended Article 37 to ensure that the usual 28-day notice is given before entering on and taking temporary possession of any land;
- Amended Article 50 to be clear that the existing designation for the old Crossness Nature Reserve no longer applies, and a new designation is put in place for the Crossness Nature Reserve as extended;
- Amended Article 51 to removed subparagraphs (1), (3) (4) and (7) from the draft Article, which the Secretary of State considers are not necessary and create potential confusion;
- Amended Requirement 3 to remove the ability of the Applicant to amend documents certified under Article 46 of the Order, which the Secretary of State considers inappropriate;
- Amended Requirements 4(3), 12(3)(l), and 16(2) to secure the process of an independent design peer review, as set out in paragraphs 4.64, above;
- Amended Requirement 12 to require the LaBARDS to be accompanied by details of the reasonable steps taken to secure delivery of offsite BNG and compensation for the quantitative loss of SINC land, as set out in paragraphs 4.34 and 4.43, above;
- Amended Requirement 12 to secure the Deed of Obligation between the Applicant and TWUL as set out in the Applicant's response of 23 October 2025;
- Amended Requirement 22 to ensure that the Belvedere Power Station jetty is properly recorded before it is demolished or modified, as set out at paragraph 4.49, above; and
- Amended requirement 23 to ensure that the Local Nature Reserve and SINC (or equivalent) designations are reinstated on the land after any decommissioning, as set out in paragraph 4.43, above.

9.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above, is being published with this letter.

10. Challenge to decision

- 10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

11. Publicity for decision

- 11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,

Vicky Dawe

Director of Energy Development

[This decision was made by Parliamentary Under Secretary of State, Martin McCluskey MP, on behalf of the Secretary of State for Energy Security and Net Zero]

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/cory-decarbonisation-project/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
AP	Affected Persons
BOR	Book of Reference
CA	Compulsory Acquisition
CCF	Carbon Capture Facility
CCS	Carbon Capture and Storage
CCUS	Carbon Capture, Utilisation and Storage
CLNR	Crossness Local Nature Reserve
CoCP	Code of Construction Practice
CO ₂	Carbon Dioxide
CWTW	Crossness Water Treatment Works
DAD	Design Approach Document
DCO	Development Consent Order
DPDC	Design Principles and Design Code
EA	Environment Agency
EEM	Embedded Environmental Measures
EfW	Energy from Waste
EIA	Environmental Impact Assessment
EP	Environmental Permit
ES	Environmental Statement
ExA	The Examining Authority
FBPSJ	Former Belvedere Power Station Jetty
FoCNR	Friends of Crossness Nature Reserve
GHG	Greenhouse Gas
HRA	Habitats Regulations Assessment
IP	Interested Party
LABARDS	Landscape, Access, Biodiversity and Recreation Strategy
LBBC	London Borough of Bexley Council
LCO ₂	Liquid Carbon Dioxide
LIR	Local Impact Report
LSE	Likely Significant Effect
MEA	Mitigation and Enhancement Area
MSINC	Metropolitan Sites of Importance for Nature Conservation
MOL	Metropolitan Open Land
Mt	Million tonnes
NE	Natural England
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NSIP	Nationally Significant Infrastructure Project

oLABARDS	Outline Landscape, Access, Biodiversity and Recreation Strategy
OMH	Open Mosaic Habitat
the 2008 Act	The Planning Act 2008
PP	Protective Provisions
PSED	Public Sector Equality Duty
R	Requirement
RIES	Report on the Implications for European Sites
RR	Relevant Representation
SCNR	Save Crossness Nature Reserve
S106	Section 106
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SSSI	Site of special scientific interest
SU	Statutory undertaker
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
The Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
TP	Temporary Possession
TWUL	Thames Water Utilities Limited
WFD	Water Framework Directive
WRWA	Western Riverside Waste Authority