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# Thames Water Utilities Limited

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Riverside Energy Park Examination – EN010093

Summary of the oral case put forward at the Issue  
Specific Hearing on Environmental Matters on 5 June  
2019

On behalf of  
Thames Water Utilities Limited

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Submitted at Deadline 3  
18 June 2019

1. This submission comprises a summary of the oral submissions made by Thames Water Utilities Limited (TWUL) at the Issue Specific Hearing on Environmental Matters held on the 5 June 2019. It is submitted at Deadline 3 in accordance with the timetable at Annex A of the Examining Authority's Rule 8 letter dated 17 April 2019.
2. TWUL made oral submissions in response to the Hearing's Agenda Item 5, and provided an update on its position with regards to impacts of the development on the Crossness Nature Reserve.

#### Submission in response to Agenda Item 5

3. At Agenda Item 5, the Examining Authority invited Interested Parties to comment on their concerns regarding issues relating to biodiversity and specifically, impacts of development on the Crossness Nature Reserve.
4. TWUL was represented at the hearing by its Crossness Nature Reserve Manager, Karen Sutton.
5. TWUL was encouraged to see the removal of the electrical connection route through the Crossness Nature Reserve, thereby removing direct impacts, but remained concerned about indirect impacts. TWUL is disappointed that the proposal now seeks to use the Borax Fields as Main Temporary Construction Compounds. Whilst owned by the Applicant, these areas sit within the gated area of the Crossness Nature Reserve and, due to their proximity, will have significant impacts upon the Nature Reserve.
6. With regard to the visual impacts and visitor experience, concern was expressed about the close proximity of the Applicant's proposal. There are currently 396 members of the Friends of Crossness Nature Reserve scheme and they visit the site to view wildlife, to enhance their health and well-being, and to enjoy the relative peace and tranquillity that the Crossness Nature Reserve offers. In the context of its Written Representation submitted at Deadline 2, TWUL has a statutory duty under section 3 of the Water Industry Act 1991 ("the 1991 Act") in carrying out its functions, to further the conservation and enhancement of natural beauty and the conservation of flora and fauna, and to have regard to the desirability of the public to have freedom of access to places of natural beauty. Related to this duty, the Secretary of State has issued guidance under section 5 of the 1991 Act in the form of a Code of Practice on Conservation and Recreation (February 2000). TWUL owns and operates the Crossness Nature Reserve consistent with and for the purposes of complying with these statutory duties.
7. It is TWUL's position that whilst visitors know that they are visiting an urban nature reserve, the encroachment on the Crossness Nature Reserve and Erith Marches SMINC by the Project, and other, development will give the perception that visitors are in an industrial estate. The visual impacts and effects on visitor experience are likely to interfere with TWUL's ability to comply with its statutory duties mentioned above and deter visitors, volunteers and wildlife data recorders from the Nature Reserve.
8. TWUL submitted that impacts arising from noise, dust, and plant movement during construction, as well as increased vehicle movement, and adverse air quality during operation, will also deter visitors to Crossness Nature Reserve and Erith Marshes SMINC. With approximately 5 years of construction (the Riverside Energy Park Project ("the Project") followed by Data Centres), the effect will be significant.
9. The Project should not be viewed in isolation and cumulative impacts should be taken into account. Consent has been granted for two, four-storey Data Centres on the Cory/Borax Fields to the east of the Crossness Nature Reserve, and the two schemes together will create a major adverse effect on the openness of the Crossness Nature Reserve which is designated as Metropolitan Open Land.
10. With regard to shading impacts, it is TWUL's position that the increased shading on narrow drainage ditches, such as those in Sea Wall Field and the West Paddock, immediately adjacent to the Project, will reduce species diversity of plant and invertebrate communities

within the ditches. This will, in turn, have a negative impact on Water Voles – for which the Crossness Nature Reserve is a known refuge – and on insectivorous bird species. TWUL consider that the rare plant, Dittander, will be lost due to shading impacts.

11. The West Paddock – the wildlife-sensitive area closest to the Project – supports breeding Lapwing: a nationally-declining ground-nesting wader. TWUL has created and managed this area specifically for breeding waders by creating shallow pools and scrapes, by installing a windpump to control water levels, and by a low-intensity rotational grazing regime. The elevated noise levels and visual disturbance during construction could cause displacement of this and other species. Most Lapwing breeding fails due to corvid and raptor predation. The Project's buildings will create further perching opportunities for these predators of ground-nesting eggs and chicks.
12. The Applicant has made reference to other breeding birds of conservation concern – Cetti's Warbler, Linnet and Reed Bunting – being recorded within or in close proximity to the Project. They state that operational activities associated with the RRRL facility are ongoing, and that this indicates that the birds are resilient to disturbance from the operational facility and that the assemblage of breeding birds will continue to exist at the current level. However, TWUL's objective is to increase biodiversity and species abundance. With increasing habitat fragmentation and the island-effect that is being created as a result of further encroachment, we fail to see how this will be possible. If development consent is granted, TWUL believe the Applicant should be required to undertake monitoring of breeding and wintering birds as part of its mitigation measures.
13. Regarding lighting impacts, TWUL stated that whilst there is intent in the Applicant's Outline Lighting Strategy to minimise lighting impacts, there will still be a net increase in the amount of additional light impacting the nature reserve, particularly when the in-combination effects with the Data Centres are taken into consideration.
14. There are four artificial Barn Owl nest boxes in the Crossness Nature Reserve, three of which have been used by breeding Barn Owls and/or Kestrels (a Schedule 1 and amber-list species respectively). The pole-mounted box on Norman Road Field is currently occupied by a pair of breeding Barn Owls (both species bred here in 2018). As a result of lighting, as well as disturbance during construction on the Main Temporary Construction Compounds, it is highly likely that this box will be abandoned. As Barn Owls are incredibly site faithful, staying in their home range their whole lives, it is vital that desertion of this nest site is avoided.
15. TWUL submitted that artificial light spill will affect bat commuting and foraging routes. All bats are protected by virtue of being a European Protected Species, and Crossness Nature Reserve supports some rare bat species such as Nathusius's Pipistrelle.
16. TWUL would like to see how the in-combination lighting effects are to be addressed in the final lighting strategy, as it is not only the Project that is of concern, but the lighting of the Data Centres which will also contribute to increased light pollution on the Nature Reserve.
17. TWUL made submissions about the assessment of noise impacts. The Applicant states that the predicted construction noise levels at Location 3 on the nature reserve is only marginally higher than conversation levels (62dB and 60dB respectively), and that this will be in the same range as existing background levels of noise disturbance that the birds are currently subjected to, therefore no measurable effects above those caused by the existing background. However, TWUL is not convinced that the noise levels associated with the construction of a Nationally Significant Infrastructure Project would be of a similar magnitude to existing background levels as stated in paragraph 3.3.12 of the Applicant's Responses to Examiner's Questions.
18. TWUL also made comments on the location of the noise sampling and modelling. Fig. 11.10 Noise Assessment Locations (Document 6.2 Environmental Statement Figures part 6 of 6) shows Location 3 to be by the entrance to the Protected Area on the footpath originally identified for the cable route. Peter Brett Associates state that the location is in fact in the south-west corner of the West Paddock, but this is not what the plan shows. For a more accurate assessment of noise impacts, the noise modelling assessment should be north of

the West Paddock, the area closest to the Project and the area in which breeding Lapwing occur.

19. It is TWUL's position that the operation of the Anaerobic Digestion Plant would have an ecological impact. It is located to the south-west of the Project and thereby on the boundary with the Crossness Nature Reserve. This could result in potentially significant localised NOx concentrations that could affect terrestrial biodiversity receptors in the Crossness Nature Reserve in the immediate vicinity of the Project. Changes to habitats are described as including an increase in dominant grass species with a subsequent reduction in broadleaved species, but whilst the current flora of these areas are described as being less diverse, further enrichment of soils by emissions prevents them from realising a greater floristic and invertebrate diversity in the future.
20. TWUL consider that the Project has not adequately taken into account the cumulative biodiversity impacts of its proposals with the permitted Data Centres. The Data Centre site is on open-mosaic habitat - a Habitat of Principal Importance for the Conservation of Biodiversity in England - and supports a number of rare and scarce breeding birds (red list and Schedule 1 species), as well as a regionally important invertebrate community. The removal of the invertebrate-rich open mosaic habitat for the Data Centres development, and subsequent loss of forage to other fauna, will likely result in an impact on bird life on the immediately adjacent Crossness Nature Reserve and Erith Marshes SMINC.
21. TWUL stated that the loss of open mosaic habitat should be compensated, and that habitat recreation would need to be as close to the River Thames as possible, and preferably on land that currently has no biodiversity value (such as existing areas of hard-standing). TWUL explained that you cannot simply exchange one ecologically-valuable habitat on Crossness Nature Reserve (grazing marsh) to another (open mosaic) in order to offset the applicant's biodiversity impacts.
22. There was a discussion with Peter Brett Associates/Environment Bank regarding the provision of one large versus several small sites, in relation to habitat compensation. TWUL set out that recreating the equivalent area of Open Mosaic loss across several small plots will not have the same ecological value as creating one large area.