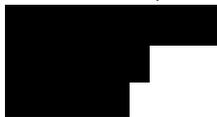


RULE 17 Riverside Energy Park Project – comments on proposed alteration to construction lay down arrangements.

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With reference to the changes in the REP application which now envisages use of the proposed data centre site (Cory/Borax fields) as a construction lay down area:

These fields were revealed to be of regional and possibly national importance for invertebrates only AFTER outline planning permission had been granted by Bexley Council.

The relevant Phase 2 report stated that: *'The invertebrate survey recorded a total of 414 taxa of invertebrates made up of aquatic and terrestrial species. Of these, 42 were Nationally Scarce, seven were Red Data Book, and 59 were considered to be of local[ised] occurrence.'*

Moreover the report admitted that *'The lack of field work completed in the late summer meant that a number of insect groups that would not ordinarily be expected to present until later in the survey season would have been under represented by the survey. In particular it is considered likely that some species of Aculeate Hymenoptera (ants, bees and wasps) and Hemiptera (true bugs) may be under-recorded.....'*

This means that the presence of the very rare and later-flying Shrill Carder in the immediately adjacent LNR is still not 'officially' acknowledged, and it could occur on the fields.

It was stated at 4.25 that *'the large scale permanent loss of the existing terrestrial semi-natural habitat resource associated with development related Site clearance and construction would inevitably result in a significant reduction in the overall invertebrate abundance and conservation value of the Site as the existing semi-natural habitats will be permanently replaced by buildings and hard standings.'*

and

4.26 Using the approach to ecological impact assessment outlined in the 2015 report, this would constitute an impact of high magnitude on a receptor of at least regional importance and possibly national importance and would constitute a negative impact of major significance.

And yet the OBLMS, much of which is just a fug of words stating what the purpose of statement says that:

1.3.1 At the time of submission of the REP DCO, detailed design information is still evolving and therefore detailed information on construction methodology and programme is currently unknown. This OBLMS sets out the proposed measures to address impacts to biodiversity receptors from the construction, operation, maintenance and decommissioning of REP identified within the REP Environmental Impact Assessment (EIA). These will be fully developed within the final BLMS once final details of construction methodology are known.

so that it would appear that in practice Cory is asking for a decision to be made now that will effectively state that despite an inadequate knowledge of the species present and their requirements and abundances, and despite the fact that details of the construction have yet to be finalised and thus their potential impacts are not fully known, that it has provided adequate 'mitigation'. This is surely cart before horse and wrong.

Cory is itself admitting that there is not enough available ground in the immediate area to adequately 'mitigate' away the loss of regionally important habitat. It is not clear to me what the value of grassland it is proposing to turn into open mosaic habitat in partial recompense is, or whether this has been determined through additional survey work whose results are buried somewhere in the mountain of the applicant's documentation, or simply discounted.

We will not improve the dire global and UK biodiversity situation by some smoke-and-mirrors bit of planning process expediency that seeks to replace one bit of quality habitat with another in order to supposedly meet biodiversity conservation conditions.

I am particularly concerned that Cory's proposal would allow for any 'mitigation' / 'compensation' to be delivered outside of the Borough boundary. Ordinarily one would not want political / administrative boundaries that nature does not recognise to get in the way of good conservation practice. However, breaking the country down into sub-units and giving local authorities a biodiversity duty does help ensure that somebody is clearly responsible for 'no loss' in each area and cannot so easily do nothing and pass the buck to folk in some other part of the country. In theory this should help ensure that everyone's contribution adds up to at least no loss overall. With that in mind, both myself and local colleagues want to see Bexley Councils Core Strategy policy of protecting and enhancing biodiversity in our own area effectively implemented.

The Core strategy is now being re-written, and in 'SP12 Biodiversity and geological assets' of the preferred policies document that is part of this process the Council has clarified that the 'protect and enhance' does refer to within Bexley and not just in a 'global' sense thus:

Preferred strategic policy approach to the protection and enhancement of biodiversity and geological assets 1. The Council will protect and enhance the Borough's biodiversity assets, (by list of policies)....

It is my view, therefore, that delivering mitigation outside of the Borough would contravene this policy and effectively off-shore our responsibilities.

In addition it would also mean that yet another area of high biodiversity value would no longer be on the doorstep of the Bexley public and therefore potentially fairly accessible to them to study and enjoy if access could be made available. It should also be recalled that the Cory Borax fields were recommended for inclusion within the Erith Marshes SMINC.

If this 'off-shoring' is allowed by the Secretary of State then it should be conditioned that any failure (or possible benefit) of the mitigation action both outside, as well as within, the Borough boundary should be objectively assessed on a long term basis (i.e. not by people paid by Cory) and count against and be included in the monitoring data that Bexley Council should be collecting and reporting to the public to assess whether or not it is attaining its biodiversity objectives. I submit that this is what should be required in practice from *OBLMS Biodiversity Off-setting paragraph 5*.

'Equity: A biodiversity offset should be designed and implemented in an equitable manner, which means the sharing among stakeholders of the rights and responsibilities, risks and rewards associated with a project and offset in a fair and balanced way, respecting legal and customary arrangements. Special consideration should be given to respecting both internationally and nationally recognised rights of indigenous peoples and local communities;'

Frankly, much of the rest of the off-setting section is just a typical fug of planning speak verbiage designed to obscure the lack of actual detail and understanding and lull the uninitiated into thinking that there's no need to worry because it's all being dealt with by a bunch of trustworthy professionals who know what they're doing and will necessarily deliver some kind of positive outcome without further ado.

I note that no specified 'mitigation' was conditioned for loss of habitat for invertebrates or existing breeding red-listed birds on the Cory Borax fields by Bexley Council, and we still have none for the latter here. The aforementioned Preferred Policies document now explicitly mentions Skylark as an important species for conservation within the Borough. Neither Bexley Council nor Cory (what happened to the 'environmental' tag????) have explained how building on one of the 3 or 4 nesting sites for this species in the Borough benefits its conservation IN BEXLEY, and covering the site with construction lay-down would have the same effect.

Yours, Chris Rose