

Riverside Energy Park

Applicant's response to Chris Rose Deadline 4 Submission

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1 Applicant's Response to Chris Rose's Submission at Deadline 4

1.1 Introduction

1.1.1 Chris Rose has raised a number of concerns within his submission. These broadly relate to:

- Concerns in relation to the baseline survey work of the Cory/Borax fields with respect to invertebrate communities;
- Certainty regarding the adequacy of mitigation for effects on the Data Centre site delivered by the Outline Biodiversity Landscape Mitigation Strategy (OBLMS);
- Concerns regarding certainty of delivery of biodiversity off-setting and monitoring. In particular, concern that biodiversity offsetting will be delivered outside the London Borough Bexley (LBB); and
- Lack of adequate mitigation secured for the proposed Data Centre by LBB.

1.1.2 This response covers each of these issues in turn below.

1.2 The Applicant's Response

Concerns in relation to the baseline survey work of the Cory/Borax fields with respect to invertebrate communities

1.2.1 The Phase 2 report referenced and quoted by Chris Rose relates to a 2017 report, based on 2016 data relating to the Data Centre site only. The document was written on behalf of the applicant for the proposed Data Centre development, and was submitted to LBB for consideration (Local Planning Authority reference: 15/02926/OUTM). As the Data Centre development is separate to REP, this document does not form part of the baseline for the Applicant's EIA and DCO Application.

1.2.2 It is of note, however, that the study area for terrestrial biodiversity, as set out in **Paragraph 11.5.1, Chapter 11 Terrestrial Biodiversity** of the submitted **Environmental Statement (ES) (6.1, REP2-023)**, includes the Data Centre site. In addition, the scope of survey work undertaken on the Data Centre site included terrestrial invertebrate survey over the period April-September 2018 inclusive (see **ES Technical Appendix G.3 Terrestrial Invertebrate Survey Report 2018 (6.3, APP-082)**). This survey work was undertaken to provide the current baseline for assessment of REP and addresses Mr Rose's concern regarding the lack of field work completed in late summer. The April-September 2018 survey work also confirmed the presence of Shril Carder Bee within the Application Site (not just within the Data Centre site).

- 1.2.3 The ES acknowledges the valuation of Regional Value of the Cory/Borax fields within the summary of consultation responses (see **Table 11.2, Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**), which is also acknowledged within the **Environmental Statement Supplementary Report (6.6, REP2-043)**. The ES goes on to consider the current value of the Site, including the Data Centre Site, based on the 2018 full survey results, and makes assessment of impacts accordingly.

Certainty regarding the adequacy of mitigation for effects on the Data Centre site delivered by the OBLMS

- 1.2.4 The study area for terrestrial biodiversity, as set out in **Paragraph 11.5.1, Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**, includes the Data Centre site. In addition, the scope of survey work included terrestrial invertebrate survey work undertaken over the period April-September 2018 inclusive (see **ES Technical Appendix G.3 Terrestrial Invertebrate Survey Report 2018 (6.3, APP-082)**). This provides a full season's survey effort for invertebrates and is considered appropriate and adequate as a basis for assessment and determination of adequacy of mitigation.
- 1.2.5 The Applicant is confident in the adequacy of the mitigation and that the reasonable worst-case scenario for assessment takes account of the maximum REP design parameters and a conservative construction programme, such that the assessments are worst case (see **Paragraph 11.4.1 of Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**).
- 1.2.6 As stated in the updated **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS)** submitted at Deadline 3 (see **Paragraph 1.2.5 (7.6, REP3-014)**), in line with the NPS EN-1, the NPPF, and regional and local planning policy, the design has sought to incorporate the mitigation hierarchy to avoid, mitigate and, as a last resort, compensate for impacts to biodiversity receptors. This has included seeking alternative options where impacts to biodiversity cannot be avoided.
- 1.2.7 The OBLMS included consideration of the impacts of the change of the siting of the Main Temporary Construction Compounds. **Paragraph 1.2.8** of the updated **OBLMS (7.6 REP3-014)** submitted at Deadline 3 states: Despite the Main Temporary Construction Compound resulting in only a temporary impact, the Applicant has committed to treating any habitat loss on the area of the Main Temporary Construction Compound as a permanent loss, and to provide off-site compensation accordingly. This compensation is offered despite the fact that the area on which the Main Temporary Construction Compound is located has planning permission for Data Centres and post use as a temporary construction compound, will be governed by a separate planning permission. This is an additional commitment over and above the 10% biodiversity net gain, which is described as a commitment in **Paragraph 1.3.3** of the updated **OBLMS (7.6, REP3-014)** and is secured in **Requirement 5** of the **draft Development Consent Order (dDCO) (3.1, Rev 3)** submitted at Deadline 5. Details on the biodiversity offsetting process are set out in the

Biodiversity Accounting Report (8.02.09, REP2-060) and the Biodiversity Offset Delivery Framework (8.02.25, REP3-031).

- 1.2.8 In addition, to further support the statement in the **OBLMS (7.6, REP3-014)** submitted at Deadline 3 described above, the Applicant confirms that green roofs and bio-solar roofs will be explored at the detailed design phase for REP. Consideration of this matter at that phase of the Proposed Development is appropriate to ensure that green roofs or bio-solar roofs can be delivered in harmony with the final design of the building, including successful integration of the structural and maintenance requirements of such systems within and under solar panels.
- 1.2.9 Notwithstanding the above, the Applicant proposes further mitigation measures as set out below, which are over and above those that are required to mitigate the effects of the Proposed Development. These additional measures would further reduce any potential disturbance and any potential impacts during the construction period to Crossness Local Nature Reserve. As such, the following measures have been included in the updated **Outline Code of Construction Practice (CoCP) (7.5, Rev 3)** submitted at Deadline 5:
- The use of printed hoarding depicting vegetation and/or trees to be erected around the perimeter of the Data Centre site. This will provide further visual screening by giving the impression of continued vegetative landscape. The solid hoarding will bring the dual benefit of providing further noise reduction and dust control at the boundary to Crossness Local Nature Reserve; and Specified noise attenuating barriers would be erected around the perimeter of the Data Centre site closest to Crossness Local Nature Reserve where any noisy works are to be undertaken as part of the Main Temporary Construction Compound, this will result in further noise reduction at the boundary to Crossness Local Nature Reserve.

Concerns regarding certainty of delivery of biodiversity off-setting and monitoring. In particular, concern that biodiversity offsetting will be delivered outside London Borough Bexley (LBB)

- 1.2.10 Mr Rose references policy SP12 from the LBB's 'Preferred approaches to planning policies and land-use designations' document, which is the same as policy CS18 in LBB's adopted Core Strategy 2012. **Section 5 of the Planning Statement (7.1, APP-102)** clearly demonstrates how the Proposed Development is compliant with regional planning policy and guidance (including the adopted London Plan, the draft New London Plan and the London Environment Strategy), in addition to other local development plans covering LBB, KCC and DBC. The policies and guidance documents identified in the Planning Statement have been taken into consideration throughout the design and assessment work and in the preparation of the DCO Application and related documents. The Applicant is focussed on exploring and securing local opportunities first through its ongoing discussions with LBB. If improvement or enhancement measures are available and deliverable through local sites, then these would contribute directly to local biodiversity net gain, as described in the **Biodiversity Accounting Report (8.02.09, REP2-060)**.

The Applicant has submitted an **Update on Environment Bank Site Selection Progress** at Deadline 5 (8.02.53).

- 1.2.11 The site selection process for the offsetting sites is outlined in **Section 3** of the **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)** and initially involves a site search within a selected target area, exploring existing registered sites that may potentially be available for offsetting. The Applicant has selected LBB as the initial target area to ensure the offsetting requirement is delivered as close to the Proposed Development as possible. If there are limited sites identified within LBB, the target area will be extended to also include neighbouring boroughs and areas.
- 1.2.12 The preliminary phase of the site search involves the identification of suitable landowners in the LBB who would be interested in receiving funding to carry out nature conservation projects which deliver net gain for biodiversity. Once the Environment Bank (EB) is aware of sites available, an ecological assessment will be undertaken to determine the sites most suitable for offsetting. The site selection will prioritise sites that can provide a 'like for like' replacement of habitat, with specific regard to opportunities for Open Mosaic Habitat (OMH).
- 1.2.13 The Applicant intends to provide an overview of the initial sites identified in the Environment Bank Site Selection for Biodiversity Offsetting Report, which will be submitted to the ExA during the Examination at Deadline 7.
- 1.2.14 Mr Rose quotes the Off-set Principles set out in the OBLMS as a cause for concern due to lack of detail. Further information has been provided regarding the off-set delivery approach in the **Biodiversity Offset Delivery Framework** Deadline 3 submission (8.02.25, REP3-031) and an **Update on Environment Bank Site Selection Progress** is also provided at Deadline 5. The **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)** provides further information on the proposed monitoring and includes a list of principles to be employed in seeking delivery of the off-set which includes: "The design and implementation of the biodiversity offset should be based on an adaptive management approach, incorporating monitoring and evaluation, with the objective of securing outcomes that last as long as the project's impacts".
- 1.2.15 The **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)** provides further certainty of delivery of off-set and monitoring as it says that: A 25-year, adaptive, conservation management and monitoring plan is produced and costed, and all delivery legal agreements prepared. The final costs will be confirmed and the scheme will be submitted to LBB for approval. The 25-year habitat management plan will be written by Environment Bank working in conjunction with the offset provider(s). The plan will include details on the activities required to establish the habitats on site and then prescriptions for ongoing management with an outline of timings of when specific works are to be undertaken. The off-set calculation will include costs required to deliver the management, monitoring and delivery of the offset. Receipt of successful monitoring outcomes will be required to proceed with annual payment to the landowner from the Environment Bank.

- 1.2.16 The off-set therefore requires agreement with LBB and reporting of the monitoring results, and any amendments to the management approach to secure outcomes, such that this information can be published or shared further by LBB, should third parties request a copy.
- 1.2.17 These matters are appropriately secured for inclusion in the final Biodiversity and Landscape Mitigation Strategy by **Requirement 5** of the **dDCO (3.1, Rev 3)** submitted at Deadline 5, which is subject to approval by LBB. As such, the Applicant does not agree with the proposed wording suggested by Mr Rose for inclusion in **Requirement 5**.

Lack of adequate mitigation secured for the proposed Data Centres by London Borough of Bexley

- 1.2.18 The comments pertaining to lack of adequate mitigation for impacts associated with the building of the Data Centres on the Data Centre Site (Local Planning Authority planning application reference: 15/02926/OUTM) are not relevant to the REP DCO Application. The permanent loss of any habitat available to breeding birds as a result of the Data Centre construction should be addressed through the Reserved Matters for that development proposal.
- 1.2.19 However, the Applicant reiterates that despite the Main Temporary Construction Compound resulting in only a temporary impact as a result of REP DCO Application, the Applicant has committed to treating any habitat loss on the area of the Main Temporary Construction Compound as a permanent loss, and to provide off-site compensation accordingly. This is despite the fact that the area on which the Main Temporary Construction Compound is located has planning permission for Data Centres (Local Planning Authority planning application reference: 15/02926/OUTM) and, post-use as a temporary construction compound, will be governed by a separate planning permission, as described in paragraph above.
- 1.2.20 The commitment to compensate for permanent loss of habitats within the Main Temporary Construction Compound through the REP DCO off-set process is an additional commitment over and above the 10% biodiversity net gain. The additional commitment is described in **Paragraph 1.3.3** of the updated **OBLMS (7.6, REP3-014)** and is secured in **Requirement 5** of the **dDCO (3.1, Rev 3)** submitted at Deadline 5. Details on the biodiversity offsetting process are set out in the **Biodiversity Accounting Report (8.02.09, REP2-060)** and the **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)**.