

## **Submission on behalf of Bexley Natural Environment Forum**

### **Riverside Energy Park Submission Deadline 8 – 23<sup>rd</sup> September 2019 – Environment Bank Site Selection for Biodiversity Offsetting Report Volume Number 8 – En010093 Ref 8.02.71**

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23/9/2019

## **BACKGROUND**

As the person who volunteered to deputise for Friends of Crossness Nature Reserve on September 19<sup>th</sup>. I now realise that my non-attendance was based on an incomplete and mistaken understanding, under time pressure, of what would be discussed within the agenda for that meeting. I had wrongly thought that the wording of the DCO would require the applicant to provide further statements setting out how it would meet certain fundamental biodiversity 'mitigation' requirements, and that the GLA amendment would be adequate to cover that, but not that the discussion would get into the finer detail of the practicalities. It is some of those, as well as the principles being advocated, that we wish to address here.

I have read the submission by Ralph Todd, on behalf of FoCNR, and we strongly agree with that, indeed some of the details in it were furnished by ourselves, and will not be repeated in full here. Some matters of principle are, however, (re-)stated, to emphasise our shared position on matters where we disagree with the position of Cory and/or Bexley Council, and additional points are made.

## **OPPOSITION TO SECOND INCINERATOR AND DATA CENTRE PROPOSALS**

BNEF remains opposed to both developments. They are even more inextricably linked now than when we first raised objections, in that not only is it proposed to provide the energy for the data centres from the Incinerators, but the applicant now intends to use the proposed data centre site for incinerator construction equipment and works. In short, at a time of climate and biodiversity crises the applicant thinks it essential to burn 'waste' (adding to emissions but falsely claiming this equates to recycling), undermine actual recycling and, build data centres the energy usage of which would require (by their own figures) 4,744 Bexley residents having to reduce their emissions to / have a carbon ration of zero to offset, whilst claiming in mitigation that they will be supplying it with 'renewable energy', which incineration is not. And of course data centres are in addition to the energy usage of the on-site home and business computing devices, not a complete substitute. Then there are the direct biodiversity impacts which we deal with here.

## **OFFSETS – INADEQUACY OF BASELINE DATA**

In our view, even if you accept the principle of the sort of biodiversity 'offsetting' proposed, you need quality baseline and ongoing monitoring data for all the relevant sites, both those to be damaged or destroyed and those acting as so-called receptors. The most recent biodiversity surveys of existing and potential SINC sites in Bexley was the 2013 SINC

review, which the Council inexplicably took 3 years to approve, without agreeing to all of the proposed boundaries. The survey work for the review was necessarily of a rather general nature, and did not address invertebrate faunas in any detail, yet the issue of the invertebrate fauna on the Norman Road (lay-down/data centre) fields is a significant factor in the 'mitigation' debate.

We also understood that the applicant was going to do more biodiversity surveying on the fields this September, but we have yet to see the results of that. We have already seen serious problems with previous applicant-commissioned survey work on the fields, which failed to record something as basic even as the breeding Skylark, due to flawed timing.

It appears that we are now being told to accept the statement in the Environment Bank Site Selection for Biodiversity Offsetting, Report EN010093 DOCUMENT REFERENCE: 8.02.71, that '1.2.1 Biodiversity is complex and so it is impossible to measure in its entirety. Therefore metrics, which incorporate measures of different biodiversity attributes, are used to provide surrogate measures of overall biodiversity'. This conveniently side-steps survey deficiencies and the issue of known species of conservation concern. We note that the report does not provide any empirical data on the invertebrate faunas for proposed off-set sites, or the detail of the biodiversity impacts upon them as a result of any habitat modifications, and simply lifts text from the Council's SINC sites documentation. Perhaps this information is in a document we have missed?

The applicant is now seeking to argue that the Norman Road fields are only of local, not regional importance, by seeking to divorce them from the surrounding ditches. Given that the nationally rare Shrill Carder Bee has been recorded over the last couple of years on the remnants of Erith Marshes both north and south of the A2016, we think it very likely that it utilises these fields also. Moreover, as the applicant acknowledged at the Bexley Council planning meeting on the data centres, the fields had been proposed by London Wildlife Trust in the 2013 SINC review for inclusion in the Erith Marshes SMINC, both of which considerations suggest that they are of regional importance, even if Bexley Council conveniently ditched its policy of seeking opportunities to rebuild the extent of the marshes area and to stick to an industrial land use designation.

The statements by the applicant that OMH species are relatively mobile and that unless managed, OMH habitat is ephemeral, is not an excuse for concreting any particular OMH site, especially if rare species are found on them or adjacent to them. This simply invites everybody to pass the buck somewhere else, and carries with it the danger that sites may become too disparate for some species to survive in the general area, even if new OMH arises at a later date.

It is not clear how REP-associated works on the Norman Road fields might compromise any habitat/biodiversity management proposals relating to what is left of them after the data centres are built. In connection with the planning application for these, Bexley Council's conditions require congruence between such proposals and the landscaping plan, but whilst the latter had to be commented on some weeks ago, Cory has still not published the detailed biodiversity plan, despite saying in writing that it would do so by the end of July.

## **OFFSETTING TO TAKE PLACE WITHIN BEXLEY**

We are pleased to see the robust approach taken by our Council, Bexley, to the question of adherence to its biodiversity policies. We are delighted to see an unequivocal statement that its 'headline' position of 'protecting and enhancing biodiversity' means within the Borough boundary, and that this means that 'offsetting' responsibilities should be carried out within Bexley and not be 'off-shored' somewhere else. It is also appropriate because the majority of

the losses to 'development' of what was Erith Marshes have taken place since this Council was created in 1965. We share its concern that important details of the proposed biodiversity mitigation are not going to be available in advance of key decisions. Where we part company is that we do not support its de facto policy of infinite development (it clearly has no conception of environmental limits and no idea when enough development is enough) nor its corollary, that you can credibly claim to protect and enhance our Borough's biodiversity by cramming it into ever less space.

In our view the global and UK biodiversity crises (see this May's IBPES Global Assessment report on BIODIVERSITY and Ecosystem Services <https://www.ipbes.net>, and UK State of Nature reports 2013 and 2016) are too serious for the imprecise and morally dubious business of fiddling with rob Peter to pay Paul offsets, and we therefore agree with our affiliate FoCNR that we should be creating habitat on near-biodiversity-free or very poor areas of land, not changing habitat at existing Sites of Importance for Nature Conservation in Bexley (without very good reason for their own sakes) which, in the absence of any biological SSSIs in the Borough are, by definition already OUR most important wildlife sites.

### **LIKE FOR LIKE – SUITABILITY OF BEXLEY'S PROPOSED SITES**

We further agree with FoCNR that sites proposed as 'receptors' for offsetting by Bexley Council are not suitable for replacing breeding Skylark habitat, a species now explicitly listed as an important species in Bexley in the Council's 'Preferred policies' document (in effect the draft revised Local Plan). Most appear too far inland to be helpful to Shrike. Slade Green Recreation Ground's proximity to Crayford Marshes might make it the best bet for that but Cory can't have it both ways, having already stated that the existing Norman Road fields are too small to be of much value for OMH wildlife .... If Bexley's proposal to use the SGRG site means it no longer proposes to build over a chunk of the best wildlife part of it, as it did in its 'Growth Strategy', and possibly to increase the amount of decent wildlife habitat there (presumably by conversion of mown grass), then at least some progress is being made.

At Crayford Rough it approved 'development' of 10% of it, the 10% being the most open-mosaic-like part of the site and by far the best part of it floristically (with lots of Orchids, plus regionally rare plants) and a strong number of Lizards, a BAP priority species. Why should money have to now be spent to offset a bad Bexley decision?

FoCNR has also drawn attention to our shared concerns about actual delivery of habitat improvement on the proposed sites. Reference is made in inquiry documentation to East Wickham Open Space as an additional possibility, with the Lizards there being mentioned. The reality here is that Bexley expediently carried out a Common Lizard translocation to a site where the species was already present, contrary to best-practice guidelines, and onto part of the site where the vegetation structure was not suitable. The follow-up monitoring was inadequate, and very few animals were found even shortly afterwards. A 'basking site' was created that looked like a child's sandpit, with orange sand and a couple of rocks chucked into it. This would have been laughable were it not so depressing. It calls into question Bexley's ability to manage so-called 'mitigation' properly.

### **ENVIRONMENT BANKING.**

We share the concerns highlighted by FoCNR about this approach to avoiding biodiversity loss and supposedly delivering net gains. It makes it very easy for corporations with deep pockets to buy inconveniently situated wildlife out of our area, and notionally shunt it somewhere miles away and out of the realms of our experience, whilst at the same time

being able to play a smoke and mirrors green-washing game of claiming in public that they've miraculously created some wonderful new habitat, as if out of thin air.

Even if you agree with the principle, there are risks which have not been mentioned in the inquiry documentation I have read. I have spoken to the Environment Bank about what happens if it goes broke. It says the monies then go to the local authority. As mentioned above, Bexley does not have a uniformly good track record on doing this sort of work, raising questions about what would happen in practice if delivery operations were to fall back into its own lap. Worse, it clearly could not be expected to manage sites outside of its boundary. In an era of shrinking budgets, where the priority is adult social care, young people and education, there is no guarantee that another 'provider' could deliver the same claimed quality of offsetting service for the same price.

It is not clear to us that the offset action in itself offers any significant extra legal protection to 'receptor' sites. Indeed Bexley has no biological SSSIs, the lowest level of designation with any statutory protection. Unless a SINC in Bexley is also within Greenbelt/MOL, it has been toast to the planning committee, which has voted to build on substantial parts of a succession of SINCs, and land adjacent to them proposed for addition to the SINC in the last review. Despite having Core Strategy (Local Plan) policies saying it will particularly seek to protect SINCs and priority species, it has twice recently sold SINC land it owned itself, and then approved housing on it, and has proposed building on another SINC it owns in the document underpinning the new Local Plan. In 2011 it said 4,600 new houses were appropriate. In 2014 it announced that 22,000 and the biggest building boom since the 1930s was going to be the best thing since sliced bread, then it was suddenly 31,000 more by around 2030. Bexley is wedded to the doctrine of patently unsustainable 'economic growth' and the idea that concrete is the main indicator of 'progress'. Therefore in our opinion the 25 year period of management and monitoring is not enough of a commitment, because we think that on the basis of its own 'logic' it will be back with even larger building figures and more 'infrastructure' at the next plan revision, and in biological/habitat terms it is hardly any time at all.

## **CONSULTATION**

As mentioned by FoCNR, at no stage in any of the proceedings around the REP or the data centres, has Bexley Council or the applicant spoken to BNEF, despite it being set up under Local Agenda 21 with Council support, partly for the purpose of advising on environment /biodiversity matters in the Borough. This is not surprising as of late the Council has shown a strong disinclination to listen to any dissenting voices (egregiously ignoring the large majorities that have rejected its proposals in two publicly-funded consultations in the last couple of years – one on the sell-off of half of Old Farm Park, the other on its 'Growth Strategy' -) and, of course, we do and will continue to dissent over any planning or other proposals that we believe will undermine Bexley's biodiversity.

**ENDS**