

Riverside Energy Park

Applicant's response to Friends of Crossness Nature Reserve Submission (18 September 2019)

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1 Applicant's response to Friends of Crossness Nature Reserve Additional Submission (18th September 2019)

1.1 Introduction

- 1.1.1 The Applicant notes that the Friends of Crossness Nature Reserve (FoCNR) made an Additional Submission, accepted into the Examination at the Examining Authority's (ExA) discretion, dated 18th September 2019 which provides comments on the **draft Development Consent Order (dDCO) (3.1, Rev 3)**.
- 1.1.2 This document provides the Applicant's response to the comments made in FoCNR's additional submission, in relation to the dDCO. The Applicant notes that the response also includes information directed to the ExA regarding attendance at Issue Specific Hearings which the Applicant noted but has not responded to.

Response

- 1.1.3 FoCNR refer to biodiversity mitigation for pre-commencement works and state that they *"take [that] to include the possible use of the Cory/Borax fields [(the Data Centre site)]"*. To clarify, the area to be used for pre-commencement works is restricted to an area within the main REP site itself, as shown on the **Pre-commencement Plan (REP5-026)** submitted at Deadline 5 – the "pre-commencement works" are defined in the **dDCO** as operations on the "pre-commencement land", which is defined by reference to the "pre-commencement plan." **Requirement 4** of the **dDCO (3.1, Rev 3)** secures a biodiversity mitigation strategy which must contain details of mitigation measures required to protect protected habitats and species during pre-commencement works to be submitted and approved by the relevant planning authority prior to the commencement of those works. This will ensure appropriate mitigation of potential biodiversity effects, including indirect effects to surrounding land areas are adequately implemented.
- 1.1.4 The Data Centre site (referred to by FoCNR as the Cory/Borax fields) will not be directly affected during the pre-commencement works as it is not included in the "pre-commencement land", but will be temporarily directly affected when used during construction (the next phase after pre-commencement works) as a Temporary Construction Compound.
- 1.1.5 As noted by the FoCNR, although the effects on the Temporary Construction Compound area will only be temporary in nature for the purpose of REP, the Applicant has agreed to further mitigation for the Temporary Construction Compound area (the Data Centre site) through providing offsite compensation

for the permanent loss of habitat from the Data centre site rather than temporary loss.

- 1.1.6 The additional mitigation has been included in an updated **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS) (7.6, Rev 4)** which has been submitted at Deadline 8, and includes a commitment to take account of the Data Centre area of the Temporary Construction Compound area within the Biodiversity Offsetting metric, as though a permanent loss. The final BLMS is secured through **Requirement 5** of the **dDCO (3.1, Rev 4)** (to be submitted at Deadline 8a)).
- 1.1.7 The Applicant welcomes FoCNR's confirmation that this would deliver a more satisfactory solution to ensuring any potential effects on the Data Centre site are accommodated in comparison to the mitigation provided in the Data Centre consent.
- 1.1.8 FoCNR also note the Greater London Authority's proposed amendment to **Requirement 5(1)(c)** of the dDCO requiring demonstration of net gain from the Biodiversity Off-setting metric work. The Applicant confirms that additional wording has been added to **Requirement 5(1)(c)** to explicitly ensure a minimum of 10% biodiversity net-gain is achieved, these changes will be reflected in the updated **dDCO (3.1, Rev 4)** to be submitted at Deadline 8a.
- 1.1.9 The Applicant notes and welcomes that FoCNR confirm that providing this amendment is accepted, the dDCO as a whole is satisfactory.