

Riverside Energy Park

Applicant's response to Bexley Natural Environment Forum's Deadline 8 Submission

VOLUME NUMBER:

08

PLANNING INSPECTORATE REFERENCE NUMBER:

EN010093

DOCUMENT REFERENCE:

8.02.94

October 2019

| Revision 0 (Deadline 8B) |

APFP Regulation 5(2)(q)

Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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1 Applicant's Response to Bexley Natural Environment Forum's Deadline 8 Submission

1.1 Introduction

1.1.1 Bexley Natural Environment Forum (BNEF) submitted '*Comments on Doc 8.02.71 Environment Bank Site Selection for Biodiversity Offsetting Report*' at Deadline 8 (**REP8-037**) which can be summarised as follows:

- Opposition to Second Incinerator and Data Centre Proposal;
- Offsets – Inadequacy of Baseline Data;
- Offsetting to Take Place Within Bexley;
- Like for Like – Suitability of Bexley's Proposed Sites;
- Environment Banking; and
- Consultation.

1.1.2 This document provides the Applicant's response to the BNEF Deadline 8 submission (**REP8-037**) and is structured to respond to each of the points raised above, as set out in BNEF's submission.

1.2 Response

Background

1.2.1 The Applicant notes BNEF's comments regarding the Issue Specific Hearing (ISH) hearing and its non-attendance. The agenda of any hearings during the Examination, and the issues discussed at those hearings, are a matter for the Examining Authority (ExA).

1.2.2 The Applicant has provided a **Written summary of oral submissions from Issue Specific Hearing 3 (ISH3) on the draft Development Consent Order (DCO)** at Deadline 8 (**8.02.77, REP8-018**). The ISH3 is also available as an audio recording on the Planning Inspectorate website.

1.2.3 The Applicant notes BNEF's support for the submissions made by the Friends of Crossness Nature Reserve (FoCNR). The Applicant has responded to the FoCNR's Deadline 8 submission (**REP8-036**) in a separate response submitted for Deadline 8b (see the **Applicant's response to Friends of Crossness Nature Reserve's Deadline 8 Submission (8.02.96)**).

Opposition to Second Incinerator and Data Centre Proposals

1.2.4 The Applicant notes the comments made by BNEF and its opposition to REP and the Data Centre proposals. It is noted that the consented Data Centre

project is a separate project, which has already been granted planning consent by the London Borough of Bexley (LBB). The Data Centre development, as a consented scheme, does not form a part of the DCO Application for REP and therefore is not a matter for the REP Examination (save for the proposed use of the same land holding as a temporary construction compound in advance of the consented Data Centre being constructed which has been assessed in full in **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**).

1.2.5 **Section 1.2** of the **Applicant's response to Thames Water Utilities Limited Deadline 5 Submission (8.02.65, REP7-013)** sets out the planning and policy context of the Data Centre site in relation to REP, and the rationale for using the site for temporary construction purposes. This response explains how the Data Centre site is already subject to the Data Centre Permission and so the principle of development of this site has been established and accepted in accordance with relevant planning policies and guidance. Utilising the Data Centre site as a temporary construction compound for REP ahead of its permanent use as a Data Centre has the benefit of rationalising the amount of overall land needed for development.

1.2.6 As noted by BNEF, the Applicant has also committed to including the Data Centre site in the biodiversity offsetting metric such that the temporary effects of using that site on a temporary basis will be compensated for in terms of the biodiversity offsetting metric as though it were being used permanently for the purpose of REP together with the addition of a 10% net gain in biodiversity.

1.2.7 BNEF comments on the Applicant's proposal to 'burn waste' and asserts that this will undermine recycling. No evidence is provided to support this assertion by BNEF. The Applicant has set out its case on the need for the Proposed Development throughout the pre-application and Examination process, not least as reported in the **Project and its Benefits Report (PBR) (7.2, APP-103)** and the **Supplementary Report to the Project and its Benefits Report (7.2.1, REP2-045)**. These reports demonstrate that national policy is wholly supportive of low carbon renewable energy generating facilities such as the Proposed Development. The Applicant provided a detailed response regarding REP's alignment with increased recycling and the circular economy in **Paragraphs 4.4.28 – 4.4.31** in the **Applicant's Response to Relevant Representations (8.02.03, REP2-054)**, which concludes that:

*"The Applicant wholly recognises, and welcomes, the achievement of higher rates of recycling, and has explicitly considered this outcome. As demonstrated in **The London Waste Strategy Assessment ('LWSA') (Annex A of the PBR, 7.2, APP-103)**, there is substantial potential for London to achieve a significant increase in recycling and there would still remain residual wastes that should be diverted from landfill"*

1.2.8 BNEF makes further assertions and comments relating to the Data Centre development which, as set out above, is a development that has already been granted planning consent by LBB and is not a matter for consideration by the ExA in the REP Examination. BNEF also state that 'incineration' is not

renewable energy. The Applicant has set out throughout its submissions that REP consists of complementary technologies which are low carbon and renewable including energy recovery from waste; anaerobic digestion; solar photovoltaics; and battery storage. Energy from Waste plants fall within the renewable heading of NPS EN-1 with no specific threshold for renewable energy content and as previously evidenced in the **Carbon Assessment (8.02.08, REP2-059)** and **Paragraphs 2.1.43 – 2.1.71** of the **Applicant's Responses to Written Representations (8.02.14, REP3-022)**, the ERF at REP will likely have a bioenergy content of over 50%, meaning that over 50% of the electricity generated will be classed as renewable.

Offsets – Inadequacy of Baseline Data

Baseline Data and Surveys

- 1.2.9 BNEF queries the baseline information presented in the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**.
- 1.2.10 BNEF refers to suggested deficiencies of past biodiversity surveys undertaken by LBB for the Site of Importance for Nature Conservation (SINC) review undertaken in 2013, in particular in relation to invertebrate fauna, specifically shrill carder bee, and breeding birds, specifically skylark. Whilst the Applicant had regard to the SINC information held by Bexley, the survey data which supports it has not been relied upon solely for either the assessment presented in the ES, or the identification of options within the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**.
- 1.2.11 The Applicant draws BNEF's attention to **Appendix A** of the **Biodiversity Accounting Report (8.02.09, REP2-060)** which confirms the information used by the Environment Bank to inform the value and area of habitats within the Site to determine the offsetting requirements presented in the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**. The habitat type, area and value used within the Metric calculations were informed by the baseline habitats information presented in **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)** which was determined following baseline survey work undertaken by the Applicant's team in June and July 2018.
- 1.2.12 **Section 3** of the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** sets out the methodology used to identify potentially suitable biodiversity offsetting sites in accordance with the principles for biodiversity offsetting described in **Paragraphs 5.2.1-5.2.3** of the **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS)** submitted at Deadline 8 (**7.6, REP8-012**). This included a desk top study search and discussions with a range of local landowners, stakeholders and conservation bodies which operate or are present in the area. It was estimated that a biodiversity offset scheme of 8.2 – 11.3 ha would be required in the realistic best case scenario and 12.5 ha in the realistic worst case scenario. The potential offset receptor sites identified in the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** could cumulatively provide up to an estimated area of

114.62 ha which far exceeds the required area. Whilst further refinement of these opportunities is ongoing, including site surveys of the potential proposed offset area(s) there is a high degree of confidence and flexibility to ensure that the biodiversity offsetting requirement of the Proposed Development can be delivered, as secured through **Requirement 5** to the **dDCO (3.1, Rev 5)** submitted at Deadline 8b.

1.2.13 BNEF repeats the statement "*Biodiversity is complex and so it is impossible to measure in its entirety*" which it says is in **Paragraph 1.2.1** of the Site Selection for Biodiversity Offsetting Report; as a point of clarification this is actually at **Paragraph 1.2.1** of the **Biodiversity Accounting Report (8.02.09, REP2-060)**. BNEF assert this is used to "*side-step survey deficiencies and the issue of known species of conservation concern*". The statement is used in BNEF's response out of context, as this sentence comes from a section of the Biodiversity Accounting Report which explains the context of the use of biodiversity metrics to measure offset provision. **Paragraph 1.2.3** of the **Biodiversity Accounting Report (8.02.09, REP2-060)** goes on to explain the following: "*Where possible effects from REP have been avoided or mitigated...However, due to the limited area of the REP site, it is not possible to avoid or mitigate all impacts through temporary and permanent loss of habitats. Compensation, or biodiversity offsetting, will be provided to offset residual effects resulting from the loss of habitats within the REP site, and to ensure biodiversity net gain is achieved. This will be delivered through a financial contribution from the Applicant to the Environment Bank, with a legal agreement for the financial contribution to provide habitat creation or enhancement outside the Application Site, in order to achieve net biodiversity gain.*"

1.2.14 The **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** also explains (see **Section 2.1**) that the biodiversity accounting metrics used to calculate the REP offset provides a consistent, quantifiable method to assess biodiversity impacts from development, and to determine the extent of compensation required. In contrast to traditional forms of biodiversity compensation, delivered through committed sums to the Local Authority, biodiversity offsetting through the Environment Bank provides a more robust framework for compensation delivery to ensure that measurable net gain is achieved. In addition to providing a mechanism for quantifiable compensation and net gain, biodiversity offsets provide reliable biodiversity outcomes as they are long-term, monitored and enforceable with adaptable management plans for optimised success. The metric approach therefore relies upon sufficient survey data and takes quantifiable account of known habitats of conservation concern, which is critical to ensuring the final offset package provides at least 10% net gain.

1.2.15 BNEF also queries the timing of baseline survey, subsequent evaluation of ecological features, and resultant impact assessment relating to the invertebrates, specifically shrill carder bee, and breeding birds, specifically skylark, within the Data Centre site.

- 1.2.16 As identified in **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP-023)** and its supporting Technical Appendices, the survey work for both invertebrates and breeding birds was carried out at appropriate times and in the appropriate season by experienced surveyors. The invertebrate surveys included surveys undertaken between April and September 2018 inclusive. The breeding bird surveys included 5 survey visits between April and June 2018 inclusive.
- 1.2.17 The rationale for the approach to the invertebrate survey work was provided by the Applicant at Deadline 7 in the **Applicant's Response to Thames Water Utilities' Deadline 5 Submission (8.02.65, REP7-013)**. The 2018 survey focussed on the terrestrial habitats that would potentially be temporarily or permanently affected by the Proposed Development, as the existing drainage ditches around the margins of the Data Centre site will be retained as part of the Proposed Development (and protected in accordance with the **Outline Code of Construction Practice (CoCP) (7.5, REP8a-015)** (secured via **Requirement 11** of the **dDCO (3.1, Rev 5)**)).
- 1.2.18 The assessment within the ES takes full account of the ecological features within the Data Centre site, noting the presence of breeding birds, including skylark, and invertebrates, including shrill carder bee, which were recorded during survey work undertaken in 2018. Potential effects on the Data Centre site, arising from the development of REP on these ecological features will be temporary, and measures to mitigate potential effects to these ecological features during construction of REP are set out in **Table 1** of the **OBLMS (7.6, REP8-012)** and **Outline CoCP (7.5, REP8a-015)** as secured through **Requirement 5** and **11**, respectively, of the **dDCO (3.1, Rev 5)**.
- 1.2.19 It should be noted that the 2018 invertebrate survey recorded shrill carder bee, referred to by BNEF, in Survey Areas 1-4 shown in **Figure 1** provided in the **Technical Appendix G.3 Terrestrial Invertebrate Survey Report 2018 (6.3, APP-082)**. The 2018 survey confirmed that the shrill carder bee is present on the Data Centre fields and other areas within the REP site. Mitigation for any potential impact on invertebrates is set out in **Table 1** of the **OBLMS (7.6, REP8-012)** and identifies that in addition to the off-site biodiversity enhancements delivered through the offset (meaning delivery of OMH suitable for use by invertebrates), the Applicant is committed to the recycling of existing upright sleepers and wooden seating units from the main REP site which will be moved to alternative locations within the REP site. These would be enhanced to provide nesting sites for cavity nesting bees and wasps by drilling assorted diameter (2-10 mm) holes in them. In addition, as an enhancement measure, two-three simple sandbanks created out of compressed fine grade sand or soil (not hardcore) would be installed at suitable locations within the REP site to create suitable nesting sites for bees and wasps. The Applicant also confirms that green roofs and bio-solar roofs will be considered at the detailed design phase.
- 1.2.20 BNEF refer to further survey work that they had understood was being undertaken in September. The Applicant can confirm that no survey work was undertaken in September in relation to REP, or in relation to the Reserved

Matters Application for the Data Centre development, which in any event is not a matter for this Examination.

Open Mosaic Habitat

- 1.2.21 BNEF raises a particular concern in relation to the loss of Open Mosaic Habitat (OMH) on the Data Centre site. As described in **Paragraph 5.2.5** of the **OBLMS (7.6, REP8-012)** the guidance provided by Defra on biodiversity offsetting is that at no time should an offset result in 'trading down' of habitat value, whereby residual impact to priority habitats should not be compensated for by creation or restoration of non-priority habitats, and it is encouraged that compensation of priority habitats be like-for-like where possible.
- 1.2.22 **Tables 1.3 and 1.4** of the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** identify the impact to each habitat type by the Proposed Development in biodiversity units. Of those listed, Open Mosaic Habitat (OMH), broad-leaved woodland, swamp and watercourses are considered to be Habitats of Principal Importance in England. All other habitats are considered to be either low to medium distinctiveness and are not priority habitats. It should be noted that the preliminary offset site search presented in the **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** has principally focussed on identifying sites with opportunities for priority habitat creation, with specific regard to opportunities for Open Mosaic Habitat. In spite of the potential temporary effects associated with REP on the Data Centre site, the Applicant has committed to treating any habitat loss on the area of the Main Temporary Construction Compounds on the Data Centre site as a permanent loss and to provide off-site compensation accordingly with a 10% net gain in biodiversity, as described in the **OBLMS (7.6, REP8-012)** and secured through **Requirement 5** of the **dDCO (3.1, Rev 5)**.

Data Centres – Reserved Matters Application

- 1.2.23 Other comments from BNEF appear to relate to the Reserved Matters Application associated with the approved Data Centre site (e.g. in relation to landscaping plans, detailed biodiversity plans and any further surveys of the Data Centre fields). It is considered that such comments should be addressed to LBB to take into consideration as part of that process as they are not relevant to the Proposed Development or the REP Examination.

Offsetting to Take Place Within Bexley

- 1.2.24 BNEF refers to statements made by LBB in relation to the provision of offsetting within the borough and concern that *“important details of the proposed biodiversity mitigation are not going to be available in advance of key decisions”*. The **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** submitted at Deadline 7, identifies 9 sites with potential for offsetting within LBB, cumulatively comprising 78.22 ha. This is far in excess of the estimated area required for offsetting (12.5 ha in the realistic worst case scenario). Since Deadline 7, the Applicant has made several

amendments to the **OBLMS (7.6, REP8-012)** and **Requirement 5** of the **dDCO (3.1, Rev 5)** to address LBB's concerns. The Applicant can confirm that LBB is content with the amendments made and have no outstanding concerns in relation to biodiversity offsetting as confirmed in **Paragraphs 2.7.20 – 2.7.29** of the **Statement of Common Ground between the Applicant and London Borough of Bexley (8.01.14)**.

1.2.25 BNEF states that offsetting should be provided “*on near-biodiversity-free or very poor areas of land*”. The **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** sets out the process for site identification, which includes consideration of all sites recommended. Sites with significant potential for ‘biodiversity uplift’ have been prioritised for further investigation. **Sections 2.3** and **2.4** of the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** set out the standards for biodiversity offsetting committed to by the Applicant, which includes additionality of biodiversity and long-term management.

1.2.26 The detailed assessment of potential offset sites is underway to confirm the habitat enhancement opportunities which are available and which are additional to any existing management practices or commitments that are already in place at the offset site.

Like for Like – Suitability of Bexley's Proposed Sites

1.2.27 BNEF refer to the submissions made by FoCNR, the Applicant has responded to the FoCNR's Deadline 8 submission (**REP8-036**) in a separate response submitted for Deadline 8b (see the **Applicant's response to Friends of Crossness Nature Reserve's Deadline 8 Submission (8.02.96)**).

1.2.28 The Applicant notes BNEF's comments in relation to the suitability of proposed offset sites, particularly in relation to mitigation for important species.

1.2.29 In relation to potential impacts on skylark and shrill carder bee, similar queries are addressed in the **Applicant's Response to the Thames Water Utilities' Limited Deadline 5 Submission (8.02.65, REP7-013)**, as described below. It is important to note the distinction between temporary effects on *species* (including breeding birds and invertebrates) which can be mitigated through timing and refinements of construction methodologies¹; and the temporary effects on *habitats*, which (in absence of enough suitable land being available within the development site itself) can be mitigated through biodiversity offsetting. Offsetting is used as mitigation for impacts on habitats which in turn will mitigate for effects on species by providing alternative habitat to breed, nest, forage etc.

1.2.30 **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)** demonstrates that potential construction disturbance will not affect the long-term distribution and abundance of the assemblage of breeding birds within the study area or

¹ See Table 1 of the OBLMS (7.6, REP8-012) and the Outline COCP (7.5, REP8a-015)

its nature conservation importance. Measures to mitigate potential effects on breeding birds during construction of REP are set out in the **OBLMS (7.6, REP8-012)** which is secured in **Requirement 5** of the **dDCO (3.1, Rev 5)**. These measures will provide mitigation for birds, such as skylark, which may breed on the Data Centre site during the period when it is used as part of the Main Temporary Construction Compounds. The Applicant considers the mitigation is proportionate to the temporary effects which are predicted to be associated with REP, such that effects on breeding birds are considered to be *Not Significant*, as stated at **Section 11.13, Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**.

- 1.2.31 Similarly, the ES takes full account of the temporary effects of the Proposed Development, as it relates to the Data Centre site, on invertebrates which are considered to be *Not Significant*. Potential effects on the Data Centre site, arising from the development of REP will be temporary, and measures to mitigate potential effects to ecological features during construction of the Proposed Development are set out in the **OBLMS (7.6, REP8-012)** and **Outline CoCP (7.5, REP8a-015)** as secured through **Requirements 5** and **11**, respectively, of the **dDCO (3.1, Rev 5)**.
- 1.2.32 BNEF's assertion that the sites under consideration are not suitable is therefore misconceived, as the offsetting sites are not being provided to mitigate the temporary Not Significant impacts on Skylark and Shril Carder Bee associated with REP. However, as stated above, the offsetting mitigation for impacts on *habitats* will in turn provide additional mitigation for effects on species by providing alternative habitat to breed, nest, forage etc.
- 1.2.33 In addition, should the Applicant construct the Data Centre, the planning controls relating to the permanent effects of the Data Centre permission will apply in addition to the compensation provided under the **dDCO (3.1, Rev 5)**.
- 1.2.34 Several BNEF comments relate to LBB's approval of other development in the general area, or concerns regarding delivery of mitigation or habitat management on other sites (e.g. in relation to the approval by LBB of development of 10% of Crayford Rough; and criticism of LBB ability to manage mitigation and monitoring relating to a reptile (Common Lizard) translocation). These are not matters for the Applicant to respond to as they do not relate to the Proposed Development and relate to actions undertaken by another party, LBB, not the Applicant.
- 1.2.35 It should be noted that, with regard to the offset provision, prior to the detailed design stage, further assessment of the preferred sites by the Environment Bank will be undertaken and these results will be submitted to LBB to inform the selection of the final offset package.
- 1.2.36 As described in **Section 5.2** of the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**, following the detailed design stage, the impact and compensation requirement of the Proposed Development will be reassessed and confirmed. Final surveys of the offset package will be undertaken and the management plans and delivery agreements finalised.

The Environment Bank, in partnership with landowners and land managers, will prepare a long-term management and monitoring plan for the proposed offset receptor sites and delivery costs will be agreed, including a payment schedule against the 25 year management plan, subject to positive results of monitoring, as described below. This is secured through the **OBLMS (7.6, REP8-012)** and **Requirement 5** of the **dDCO (3.1, Rev 5)**.

Environment Banking

1.2.37 The Applicant has put in place robust mechanisms needed to ensure the long-term delivery of the agreed offsets. The **Biodiversity Offsetting Delivery Framework Report (8.02.25, REP3-031)** provides an interim overview of these processes until site specific information and agreements can be submitted.

1.2.38 **Section 4.1** of the **Biodiversity Offsetting Delivery Framework Report (8.02.25, REP3-031)** provides an overview of the legal agreements that will be signed to secure the offset management. The Conservation Bank Agreement (CBA) is a management agreement signed by Environment Bank and the offset provider. Clauses within the CBA cover:

- A requirement to complete management on site, as per the approved management plan in return for annual payment;
- A title restriction to ensure any subsequent landowners take on management of the site and receive the appropriate payments to do so;
- The process if the contract is breached and management is not taking place, including as a last resort, reclaiming payments to fund a replacement offset; and
- A monitoring plan to regularly review management works undertaken on site and periodic site assessment to review ecological condition.

1.2.39 Certified copies of these legal agreements will be included with the final BLMS submitted for approval by LBB in accordance with **Requirement 5(1)(e)** of the **dDCO (3.1, Rev 5)**.

1.2.40 **Section 4.2** of the **Biodiversity Offsetting Delivery Framework Report (8.02.25, REP3-031)** sets out information on the payment process to offset providers. A payment plan, based on the prepared management plan, will be agreed with the offset provider prior to commencement of the offset or development. Funds held by Environment Bank to cover all management costs, monitoring and contingency, will be ring-fenced for the specific offsetting scheme. This money will be held in a designated client account and will not be used for any other purpose, so it is secured for the long-term. At any stage the landowner can request to see the account balance. If Environment Bank were ever to cease to exist as an organisation before the end of the 25-year management period, then the remaining money and payment schedules would be transferred to a third party organisation, agreed by the Local Planning

Authority and offset provider, to take Environment Bank's place within the CBA.

- 1.2.41 **Section 4.3** of the **Biodiversity Offsetting Delivery Framework Report (8.02.25, REP3-031)** sets out the monitoring requirements, which will include both desk-based monitoring of work prescriptions, site-based assessments of works and biodiversity value, and reviews of the management plan. Receipt of successful monitoring outcomes will be required to proceed with annual payment over the 25 year monitoring period. The 25 year monitoring and management period is considered proportionate to the impacts associated with the REP scheme.

Consultation

- 1.2.42 The Applicant notes the comments made by BNEF regarding consultation. These comments are largely related to LBB's engagement and consultation with BNEF, upon which the Applicant is unable to comment. The Applicant would however like to highlight that it has undertaken its pre-application consultation in accordance with the relevant legislation and guidance as detailed in the **Consultation Report (5.1, APP-019)**. BNEF is not a statutory consultee under the Planning Act 2008 and associated Regulations, however the Applicant consulted BNEF during the pre-application phase and a response to the statutory consultation for the Proposed Development was received. The Applicant has had regard to this response as set out in **Table 4** of **Appendix J.2** of the **Consultation Report (5.1, APP-030)**.
- 1.2.43 BNEF has since been a registered Interested Party for the purpose of the REP Examination and has actively engaged in the examination process; the Applicant has provided responses to each of BNEF's submissions (see **APP-019** and **REP2-054**). The Applicant therefore disagrees with the BNEF's statement that *"...at no stage in any of the proceedings around REP...has...the applicant spoken to BNEF"*.

1.3 Conclusion

- 1.3.1 The Applicant has set out that adequate survey work has been carried out to accompany the application, the baseline data for which has been used to inform mitigation measures which are appropriate to the likely significant effects on biodiversity from the Proposed Development. The Applicant has made a commitment to biodiversity offsetting, secured through the **OBLMS (7.6, REP8-012)** and **Requirement 5** of the **dDCO (3.1, Rev 5)**, which will ensure that a minimum of 10% biodiversity net gain will be achieved.
- 1.3.2 The Applicant, through discussions with LBB, has further agreed to prioritise the use of sites within the Borough of Bexley (provided suitable, sufficient land is available) to meet the requirements of the biodiversity offsetting. Further, the Applicant has agreed to mitigate the temporary use of the Data Centre site as though they were affected permanently by the Proposed Development.

- 1.3.3 These commitments have been secured in an updated version of the **OBLMS (7.6, REP8-012)** submitted at Deadline 8, which includes a specific commitment to prioritising sites within LBB (provided suitable and sufficient land is available). This is secured in **Requirement 5** of the **dDCO (3.1, Rev 5)**.
- 1.3.4 The Applicant therefore considers that the matters raised by BNEF have been adequately dealt with and that BNEF's concerns regarding the final delivery and maintenance of the offset sites have been addressed. Where there is further information required, this is to be submitted to LBB following the completion of site investigation and survey currently underway on LBB's preferred offset sites and prior to LBB's selection of the final offset package. LBB will have final approval of the final offset package, habitat targets and delivery processes.