

Riverside Energy Park

Applicant's response to Friends of Crossness Nature Reserve's Deadline 8 Submission

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1 Applicant's Response to Friends of Crossness Nature Reserve's Deadline 8 Submission

1.1 Introduction

1.1.1 Friends of Crossness Nature Reserve (FoCNR) have submitted 'Comments on any additional information/submissions received by previous deadline' at Deadline 8 (REP8-036) which provides comments on:

- the **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**; and
- Socio economic matters.

1.1.2 This document provides the Applicant's response to the FoCNR Deadline 8 submission (REP8-036) and is structured to respond to each of the points raised as set out in the FoCNR submission.

1.2 Response

General comments on introduction of report

1.2.1 FoCNR contest the Applicant's statement that the Proposed Development will have no direct impact on Crossness Local Nature Reserve (LNR). This assertion by FoCNR is not supported by any evidence. The Applicant has clearly explained throughout the Examination that both direct and indirect effects have been considered, assessed and reported in the **Environmental Statement (ES)**, and in the development of the proposed mitigation measures.

1.2.2 The Applicant has confirmed that there will be no direct effects to the Thames Water-managed LNR; particularly with the amendment to the DCO boundary at Deadline 2 and the removal of the Electrical Connection route option that previously had traversed the LNR. However as acknowledged by the Applicant there is the potential for residual indirect effects to occur, for example dust during the construction period, potentially blowing from the construction site onto the LNR.

1.2.3 For this reason the Applicant has thoroughly assessed the likely significant indirect effects of the Proposed Development, as set out in **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)**, which concludes No Significant effects on Crossness LNR are anticipated provided the appropriate mitigation measures secured in the **draft Development Consent Order (dDCO) (3.1, Rev 5)**, submitted at Deadline 8b, the **Outline Code of Construction Practice (CoCP) (7.5, REP8a-014)**, and the **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS) (7.6, REP8-012)** are implemented.

1.2.4 The Applicant notes that FoCNR welcome the inclusion of the Data Centre site in the offsetting metric. Potential effects to the Data Centre site arising from REP will be temporary. Despite potential temporary effects, 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.

Open Mosaic Habitat (OMH) Provision

1.2.5 FoCNR assert that none of the proposed sites considered in the **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** offer suitable replacement habitat (Open Mosaic Habitat (OMH)) upon which special species, such as skylark and shrill carder bee, might rely.

1.2.6 Many of the sites brought forward within the **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** offer a range of habitat opportunities and these are being investigated at the next phase of work. The proposed next phase of work relates to the selection of offsetting sites and is currently underway with the aim of initial site surveys being completed by end of 2019. The process is set out as follows:

1. The Applicant and Environment Bank (EB) met with LBB on 09th September to discuss site selection criteria and to identify preferred sites for offsetting the biodiversity impacts of REP. The suitability of each of the potential sites was discussed along with what benefits each site offer with regards to the site selection criteria.

2. The preferred sites, being those identified by LBB and additional sites which appear to have the highest ecological compatibility, will undergo further analyses to confirm suitability:

- Ecological surveys will be completed to confirm the habitat baseline and potential conservation options;

- Further discussions will be had with the landowners and land managers on:

- i. Work required for finalisation of offset proposal and long-term delivery processes;

- ii. Site history and current usage;

- iii. Viable management practices;

- iv. Preferred conservation options; and,

- v. Capital works, management costs and contingency.;

- Identification of specific offset land parcels, habitat targets and outline management for each short-listed project. Each must be additional to existing biodiversity value and management practices currently at the site; and

- Biodiversity accounting calculation of the available biodiversity compensation will be completed.

3. Environment Bank will prepare a review of all short-listed sites with the results of the further study. These will be submitted to LBB. The Applicant, EB and LBB will meet and discuss the short-listed sites against the site selection criteria and identify a provisional 'offset package'. As stated at **Paragraph 2.7.27 of the Statement of Common Ground between the Applicant and the London Borough of Bexley (8.01.14)**: *"the London Borough of Bexley will seek the advice and support of other parties including the Friends of Crossness during this site selection process."*

4. Results of the site assessments and the provisional 'offset package' will be submitted to the Secretary of State (SoS) before she makes her decision as to whether to grant the DCO or not.

5. In 2020 it is anticipated that further site surveys at the optimum time of year may be required to corroborate the above assessment, targets and site selection. In addition, the offset package will not be completely finalised until the final, detailed biodiversity accounting assessment has been completed.

1.2.7 **Tables 1.3 and 1.4 of the Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** identify the potential impact to each habitat type, by the Proposed Development in biodiversity units. Of those listed, OMH, broad-leaved woodland, swamp and watercourses are considered to be Habitats of Principal Importance (or Priority Habitats for conservation) in England. All other habitats are considered to be either low to moderate distinctiveness and are not Priority Habitats¹. The preliminary offset site search has therefore focussed principally on identifying sites with opportunities for creation/enhancement of Habitats of Principal Importance, including OMH creation, so that, within the delivery of an offset which achieves minimum 10% biodiversity net gain overall, the offset achieves at least like for like replacement for Priority Habitats. 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.

1.2.8 **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 defined principles. 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. The offset search identified offsetting site opportunities far exceeding the estimated offset land requirement. Whilst further refinement of these opportunities is ongoing, including site surveys of the proposed offset

¹ Habitat categorisations follow those descriptions of priority habitats identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan, which was succeeded by the UK Post-2010 Biodiversity Framework. These lists were used to draw up lists of priority habitats in England, as required under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006.

area(s) - as described in the **Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** and as set out in the updated **Outline Biodiversity and Landscape Mitigation Strategy (OBLMS)** submitted at **Deadline 8 (7.6, REP8-012)** - 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. Further reassurance concerning the quantum and quality of the potential offsetting sites is provided in the **Applicant's response to the ExA's Rule 17 Letter on 30 August 2019 (8.02.74, REP7a-004)**.

- 1.2.9 FoCNR correctly note that the final offset cannot be confirmed until after the detailed design has been approved. The indicative metric results set out in **Table 5** of the **(7.6, REP8-012)** will be updated at the detailed design stage, the details of which will be included in the final BLMS. This however does not preclude the site selection process progressing with LBB, to provide early identification of suitable sites which may be able to contribute to the delivery of the offset required in accordance with the final metric, as demonstrated in **Site Selection for Biodiversity Offsetting Report (8.02.71, REP8-037)** submitted at Deadline 8.
- 1.2.10 The Applicant and LBB are agreed that the Environment Bank, will be continuing its site selection process during 2019 to identify the provisional site or sites to provide the biodiversity offsetting (see **Paragraph 1.2.6** above). Once the provisional site or sites have been identified, the Applicant will enter into the necessary legal agreements with the Environment Bank and the landowner (such agreements will be conditional on grant of the DCO). The Applicant has confirmed that it will work with LBB to secure one or more sites within the Borough hopefully before the end of 2019. As per the **Applicant's response to the ExA's Rule 17 Letter on 30 August 2019 (8.02.74, REP7a-004)**, the Applicant has committed to progressing the site surveys and a framework agreement with LBB by the end of the year (which is now agreed in **Section 2.7** of the **Statement of Common Ground between the Applicant and London Borough of Bexley (8.01.14)** submitted alongside this document at Deadline 8b. Therefore, this information should give the ExA a high level of confidence that the biodiversity off-setting will be provided.
- 1.2.11 The Applicant also notes that since LBB's submissions at Deadline 7 and Deadline 7a, and the consequential amendments to the **OBLMS (7.6, REP8-012)** at Deadline 8 and the **dDCO (3.1, Rev 5)**, the Applicant and LBB have reached agreement (**Section 2.7** of the **Statement of Common Ground between the Applicant and London Borough of Bexley (8.01.14)**) that with the provision of the biodiversity off-setting in the London Borough of Bexley including the 10% net gain there would not be a significant adverse effect in terms of biodiversity as a result of the Proposed Development.

Monitoring and Timescales

- 1.2.12 The Applicant notes that FoCNR welcome the response from LBB at Deadline 7, the Applicant assumes from the paragraph references provided that FoCNR

are referring to the LBB Deadline 7a submission (REP7a-006) which provided LBB's response to the ExA's Rule 17 letter dated 30 August 2019. The Applicant provided its response to the LBB submission at Deadline 8 in the **Applicant's response to London Borough of Bexley Deadline 7A Submission (8.02.84, REP8-025)**. FoCNR notes that it has concerns regarding the robustness of monitoring procedures and that it is not convinced that the Environment Bank and LBB are in agreement on matters.

- 1.2.13 The Applicant notes that the Environment Bank and LBB are continuing to work together through the site identification and selection process. The Applicant has submitted a **Statement of Common Ground between the Applicant and LBB (8.01.14)** at Deadline 8b which confirms in **Section 2.7** that LBB is content with the **OBLMS** and **Requirement 5** for delivering the biodiversity offset package.
- 1.2.14 The Applicant has instructed the Environment Bank to prepare the offset and initiate the scheme prior to commencement of development. Management and monitoring of the scheme will then continue for 25 years, as secured in **Requirement 5(1)(c)** of the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b, which states that *"the results of the Defra biodiversity off-setting metric together with the off-setting value required, the nature of such off-setting and evidence that the off-setting value provides for the required biodiversity compensation, risk factors including temporal lag, long term management and monitoring (25 years) and a minimum of 10% net gain"*.
- 1.2.15 Further information on monitoring has been provided within **Section 4.3** of the **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)** which sets out the intended monitoring process. In summary, monitoring will include both desk-based monitoring of work prescriptions, site-based assessments of works and biodiversity value, and reviews of the management plan by the Environment Bank. Receipt of successful monitoring outcomes will be required to proceed with annual payment to the offset provider by the Environment Bank, using the funds provided by the Applicant which will be held in a separate account by Environment Bank. This process will be enforced through the Conservation Bank Agreement. Further information on the Conservation Bank Agreement can be found in **Section 4.1** of the **Biodiversity Offset Delivery Framework (8.02.25, REP3-031)**.
- 1.2.16 Whilst the Applicant acknowledges that Miss Maitland made an incorrect statement at the ISH, it is important to note that she is a representative of the Environment Bank and therefore is focussed on the value of habitats within the site and the delivery of appropriate offset provision with regard to appropriate habitat value to achieve 10% Biodiversity Net Gain. However, she is not the only ecologist working with and for the Applicant. **Chapter 11 Terrestrial Biodiversity** of the **ES (6.1, REP2-023)** and its supporting Technical Appendices, clearly sets out the survey work for invertebrates carried out at appropriate times and in the appropriate season by experienced surveyors between April and September 2018 inclusive, including the Data Centre site. The assessment within the ES takes full account of the ecological features, noting the presence of invertebrates, including shrill carder bee,

which were recorded during survey work undertaken in 2018. 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-014)**, as secured through **Requirement 5** and **11**, respectively, of the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b, such that effects on invertebrates, including shrill carder bee will be not significant.

1.2.17 The offset delivery is targeting OMH which will provide the range of conditions required to support the species associated with this habitat type across LBB and the wider Thames Gateway Area, which includes species such as shrill carder bee. 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. 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. This is secured through the **OBLMS (7.6, REP8-012)** and **Requirement 5** of the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b.

Biodiversity Accounting and the DEFRA Metric

1.2.18 The Applicant has committed to the delivery of at least 10% biodiversity net gain for the Proposed Development, however due to the constrained nature of the REP site it is not possible to achieve this net gain onsite, therefore biodiversity offsetting is being utilised as a mechanism to meet this commitment.

1.2.19 The biodiversity accounting metric was developed by DEFRA and Natural England and is a widely accepted tool for the assessment of biodiversity impact across the country. It allows the transparent and consistent assessment of impacts. It is true that the metric and offsetting must be applied by experienced practitioners but when done so it supports standards of site specific and local compensation. Biodiversity offsetting, as a mechanism for compensation, provides a long-term, robust, transparent and enforceable method of offsite compensation delivery where there has previously been no consistent mechanism to do so and was rarely long-term or monitored to this extent.

1.2.20 Biodiversity offsetting offers an approach for compensation based upon biodiversity unit value and not hectares. Taking into account habitat additionality and delivery risk factors (such as temporal loss) this can require conservative compensation management of a greater number of hectares of

land than was lost. Notably though, the approach focusses on value of habitats, rather than simply area of loss.

1.2.21 The Applicant notes FoCNR's concerns regarding the use of biodiversity accounting and the DEFRA metric. The article referenced appeared in natural history magazine 'British Wildlife'; the Applicant does not hold a full copy of the article however it understands that it raises concerns relating to the potential for misuse of the metric approach. The Applicant has chosen to contract the Environment Bank to undertake the biodiversity offsetting work on its behalf. The Environment Bank is an independent organisation that has been at the forefront of development of the metric since its initial design in 2011. Environment Bank is a leading expert in the application of the biodiversity metric, it has and continues to provide support and training to Local Planning Authorities and ecological professionals on the use of the biodiversity metric and is part of the Natural England Steering Group on development of the metric. Local and national government continue to promote use of the metric, most recently Natural England proposes to mandate the use of the metric for all development as part of the forthcoming Environment Bill². The Government also updated the Planning Practice Guidance in July this year and encourages the use of the DEFRA metric to calculate Biodiversity Net Gain (Paragraph: 023 Reference ID: 8-023-20190721)³.

Potential Offset Sites Identified

1.2.22 FoCNR assert that there is a "fundamental flaw" in the sites owned by LBB that are identified within the **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** noting that these sites are already under local designation. Detailed assessment of sites is underway to confirm what habitat enhancement opportunities are available that will raise the existing value for biodiversity and wildlife and that are additional to any existing management practices or commitments already at each site.

1.2.23 The **Environment Bank 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 in submissions to the Examination, including those sites suggested by FoCNR. Further study of the most suitable of these sites is currently underway to prepare an array of outline offset options to inform selection of the final offset package, this site selection will be undertaken in collaboration with LBB, who is the relevant planning authority that will consider the final offsetting proposal in accordance with **Requirement 5** of the **dDCO (3.1, Rev 5)** submitted at Deadline 8b. As stated at **Paragraph 2.7.27** of the **Statement of Common Ground between the Applicant and the London Borough of Bexley (8.01.14)**: *"The London Borough of Bexley will continue to input into the site selection process with the Applicant and the Environment Bank during this time, the London Borough of Bexley will seek*

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf

³ <https://www.gov.uk/guidance/natural-environment>

the advice and support of other parties including the Friends of Crossness during this site selection process.”.

1.2.24 FoCNR state that LBB's 'Bexley Biodiversity Action Plan 2010 – 2015' (adopted June 2011) was not monitored or managed as required and that designated land under LBB control has no up-to-date management plans. The Applicant notes these comments but respectfully suggests it is a matter to be discussed between the FoCNR and LBB and not a material consideration to the Examination. All offset sites will be regularly monitored by Environment Bank as set out in **Paragraph 1.2.15** above and can be enforced through the associated delivery agreements if necessary.

1.2.25 FoCNR refer to the use of the mitigation hierarchy, which the Applicant welcomes. **Paragraph 1.3.2** of the **OBLMS (7.6, REP8-012)** confirms that the principles of the mitigation hierarchy⁴ have been adopted in developing measures to address potential effects from the Proposed Development on biodiversity receptors. FoCNR suggest that any offset sites ought to be managed to provide compensation for loss of habitats or species. As a point of clarification, the Applicant notes that sites which have existing management for conservation can also provide the opportunity for biodiversity compensation, as there are frequently opportunities to further enhance management of a site where funding is currently limited, or to introduce ancillary areas to conservation management. The sites currently under consideration by the Environment Bank and LBB all have the potential for further conservation management, either by introducing conservation management to areas where it is currently absent, or to provide additional conservation funding to areas where biodiversity potential value has not yet been reached. Site surveys are currently underway to determine the extent of these opportunities and it is accepted that only certain areas of each site will be viable as offset receptors.

1.2.26 The Applicant wishes to reiterate that underpinning the approach to biodiversity offsetting is the principle of additionality, where offsets will only be considered if additional biodiversity can be generated through additional management practices: current investigation work is underway at the potential offset sites to confirm where this is achievable. The aim of offset design is also to create cohesive sites for wildlife; 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 the offset management or habitat creation would never be undertaken in such a way that would result in damage to an existing priority habitat.

1.2.27 FoCNR request that the Environment Bank, the Applicant and LBB engage with Interested Parties from the local community with regards to the biodiversity offsetting work. As stated above, **Paragraph 2.7.27** of the

⁴ 1 CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, Section 6. Chartered Institute of Ecology and Environmental Management, Winchester.

Statement of Common Ground between the Applicant and the London Borough of Bexley (8.01.14), states: *"The London Borough of Bexley will continue to input into the site selection process with the Applicant and the Environment Bank during this time, the London Borough of Bexley will seek the advice and support of other parties including the Friends of Crossness during this site selection process."* The Applicant notes that LBB may wish to consult with other parties including the Friends of Crossness, when the site selection process is under consideration as part of discharging **Requirement 5** of the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b. This requires the Applicant to submit the final **OBLMS** for approval to the relevant planning authority (LBB) before the Proposed Development may commence.

1.2.28 The Applicant notes that FoCNR welcome the priority of sites as suggested by LBB in its response to the ExA's Rule 17 letter (REP7a-006) and confirms that an order of priority has been included in the updated version of the **OBLMS (7.6, REP8-012)** submitted at Deadline 8, as follows:

"...the Environment Bank on behalf of the Applicant is committed to prioritising sites for offset delivery, as follows:

- *sites within the London Borough of Bexley (LBB) will be prioritised, provided suitable and sufficient land is available;*
- *from the list of LBB sites identified, those owned by the LBB and which are able to provide the compensation will be reviewed;*
- *if there are no suitable LBB owned sites, sites within LBB that are not owned by LBB will be reviewed and those sites closest to the REP site and able to provide the offset will be prioritised; and*
- *if no sites within LBB are able to provide the offset, sites outside the LBB will be reviewed".*

1.2.29 FoCNR provide comment on Paragraphs 3.1 and 3.2 of LBB's Deadline 7a submission (REP7a-006) which provided its response to the ExA's Rule 17 letter dated 30 August 2019. The Applicant provided its response to the LBB submission at Deadline 8 in the **Applicant's response to London Borough of Bexley Deadline 7A Submission (8.02.84, REP8-025)**. The Applicant has since further agreed matters with LBB in relation to the biodiversity offsetting and how this is secured in the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b, as reflected in **Section 2.7** of the **Statement of Common Ground between the Applicant and LBB (8.01.14)** as submitted at Deadline 8a and in **Paragraph 2.7.29** of the above document, both parties agree that, *"the provision of the biodiversity off-setting in the London Borough of Bexley including for the 10% net gain there would not be a significant adverse effect in terms of biodiversity as a result of the Proposed Development"*

1.2.30 FoCNR suggest engagement with Thames Water, FoCNR and Bexley Natural Environment Forum (BNEF). The Applicant has provided responses to BNEF separately for Deadline 8b (**Applicant's response to Bexley Natural**

Environment Forum's Deadline 8 Submission (8.02.94)). As stated at **Paragraph 2.7.27 of the Statement of Common Ground between the Applicant and the London Borough of Bexley (8.01.14)**: *"The London Borough of Bexley will continue to input into the site selection process with the Applicant and the Environment Bank during this time, the London Borough of Bexley will seek the advice and support of other parties including the Friends of Crossness during this site selection process."*

1.2.31 Furthermore, as stated by FoCNR in their Deadline 8 submission, the Applicant has included Thamesmead Golf Centre within the site selection process and the Applicant is currently assessing the suitability of this site as one of the preferred options as stated within the **Applicant's Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**.

1.2.32 FoCNR note that they met with the Applicant earlier in 2019 but *"failed to agree a number of points within their [the Applicant's] first draft SoCG"*. The Applicant notes that the purpose of the SOCG was explained to the FoCNR, along with the process of the Examination. Since it was clear that there were no points of agreement in relation to a possible SOCG and FoCNR have maintained their objection to the Proposed Development, the process of Examination was explained to FoCNR and it was confirmed how they could register as Interested Parties to engage in the process and make their views known to the ExA. Furthermore, in the ExA's Rule 8 – notification of timetable for the examination (**PD-006**), the ExA did not request a SOCG with the Applicant and FoCNR. The Applicant has also engaged with each representation made by FoCNR provided throughout the Examination and provided full responses to every concern raised.

Comments on specific sites proposed within the Environment Bank Site Selection for Biodiversity Offsetting Report

1.2.33 FoCNR have provided commentary on specific sites considered in the **Applicant's Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)** in **Section 4** of its response.

Consideration of Crossness Local Nature Reserve (LNR)

1.2.34 During early meetings between the Applicant, FoCNR and representatives of Thames Water Utilities Ltd, it was brought to the Applicant's attention that the current s106 obligations on the Crossness LNR were likely to limit the scope for offsetting within the Crossness LNR; this is reflected in the Applicant's **Environment Bank Site Selection for Biodiversity Offsetting Report (8.02.71, REP7-019)**. The Applicant has been in contact with Thames Water regarding sites within Thames Water's ownership that have potential for biodiversity offsetting and have decided that the Ridgeway Site is more suitable to prioritise for further investigations.

Further Information Relating to Other Sites

- 1.2.35 The Applicant notes and welcomes the additional information provided in the FoCNR commentary and will review this as part of the next phase of site selection work with LBB.
- 1.2.36 The Applicant notes FoCNR concern that sites managed, but not owned, by LBB are not being considered. The Applicant and EB must respect the decision of LBB not to put these sites forward for consideration, as an offset site can only be taken forward with agreement of both the landowner and the land manager. However, the Applicant notes that the FoCNR have suggested some potential additional opportunities outside of the existing S106 obligations linked to the Thames Water Crossness Sludge Incinerator which could be considered as part of the process.

Socio-Economic Benefits

Community Benefits

- 1.2.37 FoCNR note that the Applicant has provided wider benefits to the community (in addition to biodiversity net gain) through its previous developments, e.g. the Riverside Resource Recovery Facility (RRRF), and suggests further benefits which could be provided as part of the Proposed Development. The Applicant directs FoCNR to **Requirement 18** (Community Benefits) of the **dDCO (3.1, Rev 5)**:

"18.—(1) No part of the authorised development may commence until an employment and skills plan has been submitted to and approved by the relevant planning authority.

(2) The employment and skills plan must be implemented as approved by the relevant planning authority".

- 1.2.38 The preparation of an Employment and Skills Plan has been committed to at the request of LBB to enhance the positive socio-economic benefits of the Proposed Development.
- 1.2.39 The Applicant is also active in the community, providing opportunities for local schools and businesses to visit RRRF and by attending the Belvedere Community Forum. The Applicant has stated in previous submissions that it fully intends to continue to engage with the local community and seek opportunities to provide support to the community in accordance with its existing policies.
- 1.2.40 In respect of potential enhancement measures such as CCTV and bird hides the Applicant has, as set out above, confirmed its intention to explore the requested enhancement measures at TWUL's reserve during the detailed design phase of the development.

Funding of FoCNR by the Applicant

- 1.2.41 FoCNR suggest that funding could be provided to the FoCNR rather than LBB as part of compensation. This would not be an appropriate mechanism for securing compensation for the Proposed Development. The Applicant has, through its commitments made in the **OBLMS (7.6,REP8-012)**, confirmed a minimum of 10% net gain through the biodiversity offsetting work and already committed to a substantial amount of funding for compensation which will benefit the wider borough. It should also be noted that the Applicant has agreed to include the Data Centre habitat area in the biodiversity offset calculations as if it were to be permanently used as part of the Proposed Development. This will inherently demand a higher financial contribution to deliver the final offset package.
- 1.2.42 These financial commitments are considered appropriate to ensure that compensation is delivered, via LBB.

1.3 Conclusion

- 1.3.1 FoCNR concludes its representation with a request for engagement, with the Interested Parties referenced, before a final consent decision is made. The Applicant highlights that the ExA is under duty to close the Examination by the 9th October 2019 but that the Interested Parties noted have had significant opportunity to engage with the examination process and indeed they have done so. The Applicant has had regard to the submissions made by each of these bodies throughout the pre-application, post submission and examination process.
- 1.3.2 The Applicant is pleased to note that agreement has been reached with Thames Water on suitable Protective Provisions as reported in their Deadline 8 submission (Submission of Comments on behalf of Interested Party Thames Water Utilities Limited, REP8-038). The Applicant has also responded to the submission made by BNEF at Deadline 8 (REP8-037) in the **Applicant's Response to the Bexley Natural Environment Forum's Deadline 8 Submission (8.02.94)**.
- 1.3.3 The Applicant has made a significant commitment, secured through the **OBLMS** and **Requirement 5** of the **dDCO (3.1, Rev 5)**, submitted at Deadline 8b, to biodiversity offsetting to ensure a minimum of 10% biodiversity net gain will be achieved and has confidence in the Environment Bank supporting the delivery of the offset package.
- 1.3.4 The Applicant considers the matters raised by FoCNR have been adequately addressed.