

SILVERTOWN TUNNEL

Volume 8

Development Consent Order Application

Response to ExA's Second Written Questions:

8.92 Principal Issue: Terrestrial Ecology

The Infrastructure Planning (Examination Procedure)

Rules 2010

March 2017

Silvertown Tunnel

Response to ExA's Second Written Questions:

Principal Issue: Terrestrial Ecology


THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

Silvertown Tunnel

Development Consent Order Application Response to ExA's Second Written Questions: Terrestrial Ecology

Document Reference: 8.92

Author: Transport for London

Rev.	Date	Approved By	Signature	Description
0	06/03/2017	David Rowe (TfL Lead Sponsor)		For Deadline 4

Silvertown Tunnel

Response to ExA's Second Written Questions:

Principal Issue: Terrestrial Ecology

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

Contents

TE2	TERRESTRIAL ECOLOGY.....	6
TE2.1	Question	7
	Response.....	7
TE2.2	Question not for the Applicant	9
TE2.3	Question	10
	Response.....	10
TE2.4	Question	11
	Response.....	11

Silvertown Tunnel

Response to ExA's Second Written Questions:

Principal Issue: Terrestrial Ecology

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

TE2 TERRESTRIAL ECOLOGY

TE2.1 Question

Please can the Applicant and RBG provide an update on progress regarding the proposed S106 agreement that would secure the funds required for providing the off-site ecological mitigation, including its maintenance and management?

Response

- TE2.1.1 Discussions remain on-going between the parties in respect of the legal agreement to be entered into between the Applicant and the Royal Borough of Greenwich (RBG) which would secure the payment of a financial contribution to RBG for the purpose of biodiversity offsetting outside of the Order Limits.
- TE2.1.2 The terms of the agreement provide that the biodiversity offsetting must be in accordance with the Natural Capital Valuation and other principles set out in the Biodiversity Action Plan and Mitigation Strategy (BAP MS).
- TE2.1.3 Whilst the financial contribution for the biodiversity offsetting itself is agreed, through the draft agreement, the Applicant and RBG are working closely together to agree an additional sum to be paid to RBG for the purposes of administrating the offsetting project selection and the demonstration of its compliance with the BAP MS.
- TE2.1.4 A draft of the legal agreement is submitted as an appendix to the Applicant's response to DC2.10.
- TE2.1.5 The Applicant wishes to clarify that its approach to biodiversity offsetting has been through the use of the tool of Natural Capital Valuation. This tool has been used to monetise the value of habitat to be lost within the Order Limits (Section XX in the BAP MS) and to aid decisions on how this value can be mitigated on-site and off-set elsewhere.
- TE2.1.6 Natural capital is the stock of goods and services provided by nature (also termed ecosystem services), which support economic activity and improve the well-being of people, such as air quality improvement, carbon sequestration, climate regulation, erosion protection, water quality and quality management, provision of recreational services and an overall sense of wellbeing. Biodiversity is a fundamental component of natural

capital as it is biodiversity that underpins the functioning of the ecosystem services.

- TE2.1.7 By using this natural capital approach, combined with a set of habitat design parameters targeted towards key habitats and species as specified in the BAP MS, a holistic approach to the development of appropriate compensation has been undertaken.
- TE2.1.8 Assessing the natural capital value of the habitat that is lost within the Order Limits as a result of the Scheme therefore involves a consideration of how the existing habitat contributes to all of the above mentioned services in addition to local wellbeing, quality of life and the overall local economy.
- TE2.1.9 Through the monetisation of the "worst case scenario" natural capital value of the lost habitat within the Order Limits, a sum of money has been calculated to offset the potential biodiversity deficit and corresponding natural capital value loss. It is proposed that RBG, under the terms of the legal agreement to be entered into between it and the Applicant, would use this sum (passed to them under the legal agreement) on suitable projects to ensure a net gain in biodiversity (and thus natural capital value) in accordance with the principles of the BAP MS.
- TE2.1.10 The BAP MS (as updated at Deadline 4) provides guidance on project selection, to ensure that such projects do fulfil the biodiversity deficit needs required but with the flexibility for RBG to choose the most appropriate projects and opportunities to maximise the value of the sum.
- TE2.1.11 The legacy of suitable projects would be managed by the successful project applicant (such as nature groups) who would implement their own maintenance and management strategies, and the project criteria in the BAPMS makes provision for this.

TE2.2 Question not for the Applicant

TE2.3 Question

The Biodiversity Action Plan Mitigation Strategy (BAPMS) [APP-065] provides details of suggested grass/wildflower seed mixes that would be used, but does not provide for the use of different seed mixes that may be better suited, or their approval. For the avoidance of doubt, please ensure that “including details of grass seed and wild flower seed mixes and” is added to Requirement (R)6(2), after “(1) must include details of hard and soft landscaping works, including” in the next edition of the draft DCO.

Response

- TE2.3.1 The Applicant acknowledges the need for flexibility in determining the species and seed mix of the final landscaping and ecological mitigation. It has therefore developed the BAPMS to provide for this flexibility and to create the parameters by which the choices as to which seed and species mix to be used can be made.
- TE2.3.2 As well as providing the details of suggested seed and species mixes, the BAPMS also sets out how the detailed design process for the habitat that will form the landscaping scheme, including these mixes, will involve consultation with the Design Review Panel and key stakeholders (including the relevant planning authority).
- TE2.3.3 As such, the mixes will be able to change prior to the submission of the final landscaping scheme to the relevant planning authority under Requirement 6, but will do so within the wider context of the BAP MS.
- TE2.3.4 This is because the landscaping scheme under Requirement 6 would be required to be developed in accordance with the BAP MS as Requirement 14 states that the authorised development as a whole must be carried out in accordance with the BAP MS.
- TE2.3.5 The Applicant therefore does not propose to add the suggested wording to Requirement 6 as that is not considered to be appropriate given the role of the BAP MS.

TE2.4 Question

Further to the Applicant's response to the Issue Specific Hearing of the 18 Jan 2017, agenda item 2.7, the ExA does not agree with the Applicant regarding its inability to prepare an outline Ecological Management Plan now. Other applicants for other dDCOs, which have bigger land areas and more complex ecological issues submit outline EMPs at application stage. The Panel considers that the Applicant must submit an outline EMP at D4 and update this at D6, if necessary, so that the final version can be "substantially in accordance with" the final draft version submitted to the Examination, which is to be a certified document.

Response

- TE2.4.1 An Outline Ecology Management Plan (OEMP) has been prepared and appended to the updated Code of Construction Practice (Appendix G) submitted at Deadline 4. As set out in paragraph 7.1.2 of the updated CoCP submitted at Deadline 4, the final version of the EMP will be developed by the Contractor to be in substantial accordance with the OEMP, but taking into account the detailed design and local issues at each worksite