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London Wildlife Trust

Ms Susan Clarke
Planning Department
Development, Housing & Community Safety
LB Bexley, Civic Offices
2 Watling Street
Bexleyheath DA6 7AT

29th January 2016

Dear Ms. Clarke,

HOWBURY PARK: Land adjacent to South Eastern Trains Depot (Slade Green, Moat Lane, Erith)
Application Number: 15/02673/OUTEA

Thank you for giving London Wildlife Trust the opportunity to comment on the above application. We have significant concerns over the scale, use and impact of the proposal not only on an existing Site of Importance for Nature Conservation but also on the wider landscape.

As is stands the Trust **objects** to this proposal and recommends that based on its breach of a number of local, regional and national planning policies in respect of ecology, open space and Green Belt, permission is refused. We set out our reasons for this below.

Applicant's information
We believe that the applicant's ecology report (in the Environment Statement) understates the importance of the site affected by the proposed development.[1] For example, some of the habitats are not accurately mapped; wetland swamp habitat is too small, and there is an omission of coastal salt marsh habitats (a UK Biodiversity Action Plan priority[2]).

We question that none of the habitats that were surveyed have actually been appropriately evaluated to a given level of importance (locally, regionally or nationally) but have merely been described. This makes the given impact values (indicated in H3.52 of the Environmental Statement (ES)) difficult to interpret. However, we recognise that the site as a whole has been classified as a Borough Grade II SINC and therefore the default value for each habitat could be considered of borough (district) wide importance. Nevertheless, all of the identified impacts on the habitats are considered at site level, giving the impression of the site having only local importance.

Furthermore, the ES states that the semi-improved grasslands, tall ruderal vegetation, and semi-improved grasslands with ruderal vegetation, are of minor (former two), and minor to moderate (latter) due to the proposed construction and operational impacts. Given that these habitats comprise of 71% (42.6ha) of the overall habitat within the development site and 42% within the designated SINC area, and that those habitats offer the most value to all the important species present within the SINC (rarer invertebrates, important breeding birds, and protected reptiles) the ES is significantly understating the value of these habitats.

Similar values have been ascribed to the protected species, namely birds (given a local level value, when the site is of a London (regional) importance for some bird species), water vole, reptiles and

[1] Howbury Park, Environmental Statement, Chapter H; *Ecology and Nature Conservation*, Ecology Solutions, November 2015.
[2] http://jncc.defra.gov.uk/PDF/UKBAP_PriorityHabitatDesc-Rev2011.pdf

invertebrates. All have been given a moderate significance impact from the development. We argue these adverse effects will not be medium term (as indicated by this value) but have much longer-lived impacts and in some cases are of significant magnitude. For example; three of the recorded nine skylark (a Red Listed bird species[3]) breeding sites found during the bird surveys nested are within the development site boundaries and a further two or three were within a close proximity to application site. This would lead to these sites to be destroyed or disturbed (and thus unusable) during construction and operation with the strong likelihood that no suitable habitat to breed within the application site in the future. This would therefore lead to irrecoverable loss at the local level; a minimal loss of at least a third of the local breeding population, and possibly as high as two-thirds.

The impacts on the non-statutory designation are also misleading as the ES has valued the impacts collectively (individual values have been applied to the statutory sites which are not impacted upon). This weakens the actual impact upon the non-statutory designation on the site in question as other nearby non-statutory sites are not impacted upon. The site impacts should be identified in separation from other non-impacted non-statutory sites (see below).

The applicant has given the impression that London Wildlife Trust proposed a boundary extension to the SINC during the 2013 SINC review. We proposed an upgrade (from Borough Grade II to Grade I), not any boundary changes to the SINC.[4]

The applicant considers that noise impacts from the development will be no more than those from current waste work and roads. Considering the size and operation of the development (59.81ha) in comparison to that which currently exists (a works area of some 4ha) and that this existing development has a boundary length of just 320m length to neighbouring valuable SINC habitat (the proposed development borders some 1.6km of neighbouring valuable SINC habitat) we believe this is misleading. We believe that the noise impacts on wildlife cannot be quantified without a detailed analysis of the proposed works. The ES (ES Non-Technical Summary 3.25 to 3.40) states that the overall noise impact during construction could be of adverse moderate impact but reduced by the bund to a minor adverse impact. However, the bund does not screen the development from the majority of the remaining valuable SINC habitat, and should it do so could have additional impacts to wildlife.

Loss of and damage to SINC habitat

Fundamentally, the proposed Interchange will result in a direct loss of almost two-thirds of a Site of Borough Importance for Nature Conservation (Site BeBII16; *Crayford Landfill & Howbury Grange)*. In the review of LB Bexley's SINCs in 2013, the Trust recommended that this be upgraded from Borough Grade II to Grade I status (although this has not, to date, been ratified by the Council).[5]

We estimate that application site takes 59.81 hectares of the Crayford Landfill & Howbury Grange SINC (currently 96.24 ha), although 17.34 hectares will be restored as part of the scheme. The net loss of the SINC - in spatial terms - is a highly significant 49% (over 42 hectares).

There will be additional indirect impacts with the construction and operation of the exchange facility, most notably reducing the area of habitat on the remainder of the SINC site which will reduce the viability of this to support populations of breeding and roosting birds (e.g. corn bunting, skylark), small mammals, and reptiles.

We believe this application clearly does not comply with Policy CS18 of Bexley's Core Strategy.[6]

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[3] http://www.bto.org/sites/default/files/shared_documents/publications/birds-conservation-concern/birds-of-conservation-concern-4-leaflet.pdf

[4] *Review of Sites of Importance for Nature Conservation (SINCs) in the London Borough of Bexley*, London Wildlife Trust, December 2013.

[5] Ibid.

[6] Bexley Council (2012), *Bexley Core Strategy*, Local Development Framework, Development Plan Document

The mitigation proposed for ecological loss and damage is inadequate
We question the mitigation impact levels expected for during construction. The applicant does not indicate how they are beneficial to the habitats and species of the SINC site.

The mitigation impact levels during operation do not indicate how they are beneficial to the habitats and species of the SINC site. The changes in habitats suggested will change the overall ecological character of the site, and will not be suitable for a number of the more important species currently present on the site, so there will be significant losses.

We recognise the proposed landscaping around the application site perimeter aims to meet a number of objectives including the conservation of biodiversity.[7] However

We question how the production of a management plan for the Crayford Marshes SMI will alone secure "*one of the largest remaining areas of Thames tidal marsh in perpetuity*" without resourcing its management, and addressing the complexities of the site's current condition and usage.

Delivering no net loss
Assessing the loss of habitat using Defra's Biodiversity Offsetting Metric (the only available tool for quantifying no-net-loss assessments)[8] which assigns a numerical value to habitat type and condition and along with area (in hectares) calculates a biodiversity unit value for an impact site. The metric makes it possible to provide a quantitative and transparent measurement of the original impact as well as any on-site mitigation measures that are implemented as part of the work. This allows for both identifiable positive and negative impacts of the development to be evaluated and gives a numerical representation of the net balance at the site. It does not, however, address impacts on species.

Undertaking a metric calculation of the habitat loss at the application site and the proposed beneficial landscaping works, the metric suggests a shortfall of 242.71 biodiversity units. From the applicant's material it is difficult to identify how additional conservation activities will achieve 'no net loss' given this scale. Even if the remainder of the SINC is managed to a high quality (not proposed by the applicant) then possibly up to a further c100 units of biodiversity uplift might be secured. This would still leave at least c140 units outstanding.

The commitment to commission a management plan for Crayford Marshes (see below), whilst welcome, will not in itself contribute to a tangible uplift for biodiversity. To achieve no net loss for biodiversity it would be necessary to identify an area that is not currently reaching its ecological potential and resource positive conservation interventions to uplift the site by the same number of biodiversity units that have been lost at the development site. The management plan would need to take into account all of the factors that may prevent the site from reaching the required condition and provide a monitoring plan to demonstrate that the predicted condition will be achieved within a given time period. A long-term funded management plan, for example for 25-years, could help to establish a meaningful and sustained benefit for biodiversity in this area.

Intensification and design
The Interchange infrastructure is a mixture of road, rail, hard-standing and large buildings, surrounded by a vegetated bund; little of that shown within the operational area is proposed to be fitted with green roofs, walls and sustainable drainage solutions using vegetation. The *Sustainability Statement* makes no reference to such greening features.[9]

Within the operational area the Design and Access Statement sets out the ambitions for some planting:

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[7] Michael Sparks Associates and Barry Chinn Associates (2015, *Strategic Rail Freight Interchange; Design & Access Statement*
[8] https://www.gov.uk/government/publications/technical-paper-the-metric-for-the-biodiversity-offsetting-pilot-in-england
[9] Couch Perry Wilkes (2015), *Strategic Rail Freight Interchange; Sustainability Statement*

"*Within the site, strong lines of trees will give the access roads and entrances stature and formality. Beneath these trees, planting will comprise both native and ornamental species planted as hedges and in informal groups to add colour and depth. Along the central spine road to the edge of the intermodal area, a line of trees will be planted with low groundcover beneath with a native hedgerow helping to screen the development from the road*."

The planting list *(Internal Site Infrastructure Planting*) consists of a broad palette of ornamental and native trees, shrubs and cover, some of which are invasive species. We suggest that the landscape approach for the whole site, notwithstanding some of the operational issues it will need to tolerate, should aim to help mitigate for the broader loss of habitat of the SINC; as we set out above that which is proposed is currently inadequate.

The Trust would have expected that for a development of this scale and impact that significant effort would to have embed greening elements in the building and operational site, that will have helped – in part - to contribute to mitigation for likely habitat loss.

Lighting

The Interchange, including the access road and viaduct, is planned to be lit at all times:

"*As the buildings will be operated over a 24 hour, 7 day period, the external operational areas will be illuminated during the dark hours*."[10]

Whilst we welcome the commitment to install low-energy LEDs in the external parking areas, it is not clear on the number and design of lighting for the whole Interchange infrastructure and how this might impact on biodiversity (off and on-site). Given the scale of the Interchange, it is likely to have an adverse impact on the ecology of the neighbouring SINC.

Inappropriate use Metropolitan Green Belt

The application represents an inappropriate use of Green Belt.

The London Borough of Bexley Core Strategy DPD, Inspector's Report (October 2011), places great importance on this area of Green Belt:

Assessment of Soundness Overview (para 8). Bexley is an outer London borough, mostly situated on a heathland plateau intersected by river valleys, and now largely developed as low density suburbs…. To the east, a narrow but critical finger of Green Belt separates Bexley's urban area from the town of Dartford in Kent.[11]

London Wildlife Trust does not accept that the proposal is appropriate in the Green Belt and thus is a contradiction to Bexley Core Strategy policy CS17, nor does it comply with a number of the criteria under Policy ENV4 of Bexley's Unitary Development Plan (see Appendix 1).

We are also concerned that the proposed development also has a detrimental impact on the visual amenity of the Green Belt.

Setting a precedent for future in-fill

The Trust is concerned that permission to build this development would effectively further isolate a large area of the Crayford Landfill & Howbury Grange SINC from habitats to the south, and make it vulnerable to development.

Enhancing the road infrastructure into the site would potentially provide worrying precedents to further develop the SINC site for light industrial or transport infrastructure as its value will have

[10] Nathaniel Lichfield Partners (2015) *Strategic Rail Freight Interchange; Planning Statement*

[11] http://www.bexley.gov.uk/CHttpHandler.ashx?id=11129&p=0

diminished by direct and indirect impacts by the freight exchange. The protection afforded by Green Belt status might also be vulnerable if permission were granted (as the premise for designation of the remainder is likely to be weakened).

Crayford Marshes and Cray valley
The application fails to address the impacts of the development to the wider Cray Valley landscape. Whilst we welcome the commitment – as a start – to develop a management plan for the Crayford Marshes SMI this does not go far enough (as described above), either in its resourcing or addressing the wider biodiversity impacts of the nearby ecological assets up the Cray valley, to the remaining Crayford Landfill & Howbury Grange SINC, and to the east of the development site.

We believe that the Council should require the development as a means to help secure positive long-term management of neighbouring ecological assets as part of a Living Landscape. This value of doing this is supported in a supporting statement of Policy CS17 in the Bexley Core Strategy:

> *8.13 Green corridors and links between green spaces increase the value of green infrastructure to people and to biodiversity. In particular, increased connectivity of habitats may help animals and plants to move between areas of suitable habitat, which is increasingly important in a changing climate.*[12]

Conclusion
Given the significant impacts of the proposal to a large Site of Borough Importance for nature Conservation, which has improved its wildlife value over the past decade, and that this further fragment wildlife habitats to the north the Trust **objects** to the application. In our opinion the applicant has failed to accurately assess the ecological impacts of their proposal or given reassuring evidence that its proposals can be effectively mitigated or compensated for, either with on-site landscaping or the design of the operational infrastructure. It is also contrary to Green Belt policy and would set a worrying precedent for weakening designation of the remaining part of the site to its north – either as a SINC or Green Belt.

If the development would proceed as planned there would be a significant adverse impact on Bexley's ecological capital, and therefore should be **refused**.

If you wish for clarification on any of the above points, please don't hesitate to contact me.

Yours sincerely,

Mathew Frith
Director of Conservation
mfrith@wildlondon.org.uk

c.c. Alister Hayes, Regional Development Manager (South)

[12] Ibid

Appendix 1: Relevant policy context

The application is pertinent to a number of policies (our emphasis is added).

National Planning Policy Framework (2015)
Paragraph 118 (selected bullets):

> *When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*
>
> - ***If significant harm resulting from a development cannot be avoided*** *(through locating on an alternative site with less harmful impacts),* ***adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused****;*
> - *opportunities to* ***incorporate biodiversity in and around developments*** *should be encouraged;*

The proposal would need to demonstrate effective mitigation or compensation for any adverse impacts.

The London Plan (2011, 2015)
Policy 7.19 *Biodiversity and Access to nature* (selected bullets):

> *C: Development proposals should:*
> *a* ***wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity***
>
> *b prioritise assisting in achieving* ***targets in biodiversity action plans*** *(BAPs) set out in Table 7.3 and/or improve access to nature in areas deficient in accessible wildlife sites*
>
> *c* ***not adversely affect the integrity*** *of European sites, and be resisted where they have significant adverse impact on European or nationally designated sites, or on the population or conservation status of a protected species, or* ***a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP****.*
>
> *D: On Sites of Importance for Nature Conservation development proposals should:*
> *c give* ***sites of borough*** *and local* ***importance for nature conservation the level of protection commensurate with their importance****.*
>
> *E: When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:*
> *1* ***avoid adverse impact*** *to the biodiversity interest*
>
> *2* ***minimize impact and seek mitigation***
>
> *3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation."*

Bexley Core Strategy (2012)
Policy CS17 *Green Infrastructure* (selected bullets):

> *Bexley's green infrastructure, including open spaces and waterways will be protected, enhanced and promoted as valuable resources. In particular, this will be achieved by*:
> *a* ***protecting metropolitan green belt*** *and metropolitan open land* ***from inappropriate development****;*
>
> *b seeking opportunities in new development to provide new open space and play space, and ensuring all new developments, where possible, make a positive and appropriate*

contribution to green infrastructure, and where appropriate, the public realm, either through direct provision of new open space or through planning obligations;

*d **protecting and enhancing the biodiversity**, heritage and archaeological values of open spaces, including the **Rivers** Thames, **Cray**, Shuttle and their tributaries within the borough;*

*e **protecting significant green corridors**, and seeking opportunities to increase connectivity between the network of green spaces and habitats;*

g implementing the priorities outlined in the Bexley Open Space Strategy including, where appropriate, rivers and waterways restoration; and

h providing opportunities within waterside development for river restoration and the protection and enhancement of biodiversity

Policy CS18 *Biodiversity and geology* (selected bullets):

The Council will protect and enhance its biodiversity and geological assets, whilst complying with national and regional policy and guidance by:

*b **protecting, conserving and enhancing Bexley's** Sites of Special Scientific Interest (SSSI) and **Sites of Importance for Nature Conservation (SINC)**;*

c resisting development that will have a significant impact on the population or conservation status of protected species and priority species as identified in the UK, London and Bexley Biodiversity Action Plans;

*d **protecting and enhancing the natural habitat as far as practicable, seeking biodiversity enhancements and improved access to nature**, particularly in areas of deficiency, through new development, including new residential development and projects that help deliver the Open Space Strategy. Preference will also be given to enhancements which help to deliver the targets for habitats and species set out in the London Plan and Bexley Biodiversity Action Plan;*

e Recognising the value of landforms, landscapes, geological processes and soils as contributors to the geodiversity of the borough, and evaluating whether it is appropriate to designate any Regionally or Locally Important Geological Sites (RIGS or LIGS) in the borough;

*g Seeking opportunities to provide for greening of the built environment, including **green roofs and walls in new buildings**.*

Bexley Unitary Development Plan (2004, as amended)

Policy ENV4 (our emphasis):

1. *the proposed development should **not detract from the function and appearance** of the Green Belt;*
2. *any buildings or structures should be appropriate in bulk and appearance to the open nature of the Green Belt, and their materials should be sympathetic to the landscape;*
3. *wherever possible, new building should be carefully sited in relation to existing buildings on or near the site;*
4. *the proposed development should **retain sufficient space around the building, within the site, to maintain the contribution the site makes to the character of the Green Belt by virtue of its open and spacious nature**;*

5. *a **high standard of landscaping and design will be required, reflecting the character of the surrounding area**; and*
6. ***habitats and features of landscape or nature conservation importance will be protected**.*

Appendix 2: Biodiversity offsetting assessment

This metric calculation has been undertaken based on information provided by the applicant and a desk study undertaken by London Wildlife Trust. It will be necessary to undertake additional surveys to provide a final calculation, however the total is unlikely to change significantly.

The table below details the current habitat at the Howbury Park application site and the number of biodiversity units by habitat type.

Original Habitat Type	Habitat Area (ha)	Habitat Distinctiveness	Habitat Condition	Biodiversity Units
Semi-improved grassland	31	4	2	248
Improved grassland	11.8	2	1	23.6
Ruderal Habitat	3.4	4	2	27.2
Semi-improved grassland and ruderal mix	7.1	4	2	56.8
Scattered trees	1.4	2	1	2.8
Wetland grassland and marshy habitat	0.7	6	2	8.4
open water and reed bed	0.04	6	2	0.48
Brackish tidal marsh	0.2	6	2	2.4
Scattered scrub	0.4	4	1	1.6
Hardstanding	3	0	0	0
			Total Units	**371.28**

In order to assess the onsite impact it is important to take into account the biodiversity units generated by onsite mitigation.

Proposed habitat type	Habitat Area (ha)	Habitat Distinctiveness	Habitat Condition	Biodiversity Units
Flower rich meadows	13.6	6	2	163.2
Scattered trees	3.4	2	2	13.6
Pond	0.34	6	2	4.08
			Total Units	180

Defra Metric multipliers

Within the Defra Metric there are a number of multipliers that are applied to a habitat creation and restoration projects in order to ensure that different factors are taken into account. As part of the process of creating a management plan expert advice should be sought on the expected success of the project.

Delivery risk

Habitats have variable delivery risk. The delivery risk of a project is based on an assumption usually based on previous experience about how easy (or not) it is to create or restore a type of habitat. For some habitat types there is a tried and tested methodology for the restoration/recreation, for others there is little or no information about the best method. The result of this is the higher the risk of the

project the larger the area that will have to be created to ensure that even if some of the habitat works are not successful there will still be no net loss for biodiversity. For potential on-site works in respect of this application the risk is expected to be low.

Time to target condition

Different habitats have a different time to target condition; typically a pond will establish in a shorter time than a woodland. This multiplier results in an increase in area, associated with the time lag in the development of a functional habitat. For this site the on-site mitigation will be expected to reach maturity in approximately 10 years, therefore it is necessary to multiply total credits by 1.4.

Spatial risk

The spatial factors associated with habitat delivery works are very locally specific, it is important to recognise the significance of local knowledge. For onsite mitigation works it is expected that no multiplier will be required because the works are taking place at the original impact site.

Once the multipliers are applied to the units generated by the on-site works the expected total is: **128.57**.

This figure is ambitious as all 17 hectares of proposed on-site mitigation may not reach high distinctiveness; on-site monitoring should be implemented to help ensure the site reaches the target condition.

The current **shortfall in credits** between the **original on-site habitat** and the **proposed mitigation is 242.71.**

The remaining area of the Site of Importance for Nature Conservation (approx. 36 ha) could be managed to generate additional credits to compensate for on-site loss. This area of compensation would require a costed management plan to identify the most appropriate work and timescales, but might be expected to generate around 3 units per hectare. If this is the case, additional conservation interventions will be required to achieve no net loss for the site as a whole.