

From **Ralph Todd**.

To: Head of Development Management, Regeneration and Growth,  
London Borough of Bexley

**Reference 15/02926/OUTM Land Park of Borax Works Norman Road, Belvedere.**

I am responding both as an individual and on behalf of the Friends of Crossness Nature Reserve (FoCNR) to the reserved matters being details of layout, design, scale, appearance, hard and soft landscaping including boundary fencing details and pursuant to conditions 5, 6, 7, 8, 10, 11, 14, 15, 17, 24, 25 and 27 for the construction of two, four storey Data Centre Buildings (Use Class B8) sub-stations, formation of new access, car parking and associated works pursuant to planning permission 15/02926/OUTM. Land Part of Borax Works Norman Road Belvedere Kent.

By way of introduction, I wonder if your colleagues (you were not in post at the time of this application) and members of the Council Planning Committee can put hand on heart and confirm that when approving the original application you knew what a monstrous pair of buildings they were actually approving tight up against the boundary of a designated Local Nature Reserve which also has SMINC and MOL status. If you are minded to make any recommendations to the Planning Committee on the Applicant's conditions I hope you will ensure that every measure is taken to mitigate such a building and the highest of green walls will be instigated to cover up such a ghastly façade facing the nature reserve.

At the July 2016 Planning Committee, with the exception of one either ill-informed or ignorant Councillor who claimed that the red-listed birds could "always find somewhere else to nest" (no there isn't always) the committee was generally sympathetic to the concerns/objections of the FoCNR though they still decided to approve the application. We were heartened by the closing remarks of the then Head of Planning, Mrs Susan Clark, when she said she was sure our concerns would be addressed within the conditions set and final approval would only be granted if those conditions were met. You might wish to make yourself aware/or remind Officers and Councillors by revisiting the audio/video/transcript of that meeting.

We sincerely hope that when you consider the inadequacy of the provisions the Applicant has made against the biodiversity conditions you will see fit to withdraw the outline approval granted in 2016.

You will also be aware from previous email communication (2<sup>nd</sup> and 8<sup>th</sup> August 2019) that Bexley Council has been negligent in informing the public and specifically those who had originally commented on/objected to the application about these documents, dated 9<sup>th</sup> July 2019 and claimed to have been posted on the Council Web-site on 19<sup>th</sup> July 2019 but were definitely not available on the 24<sup>th</sup> July (when by chance we were informally made aware of them). This omission means that many interested parties have been unable to comment on the detailed design plans.

The same email communications (2<sup>nd</sup> and 8<sup>th</sup> August) highlighted the gross inaccuracies of the Applicant's indicative design drawings showing two outrageous white boxes sited in a totally false environment, distorting both their own RRRF and the land/structures belonging to Thames Water. We expect this distortion of reality to be brought to the attention of the Planning committee. You might also wish to ask Cory to provide a depiction of the two Data Centres that not only accurately show them in their real environment, with the RRRF as it is

(including giant stack), along with the water bodies (important for wildlife) within the Nature Reserve, the true location of the Thames Water structures and you might request that for a full picture that the Planning committee can consider, they provide another drawing which adds the proposed REP to the image showing just what Cory are doing to one of only four designated Local Nature Reserves in the Borough.

On the 19<sup>th</sup> September 2016 I wrote to Mrs Clark outlining a number of concerns about the wording/strength/robustness of the conditions (5, 17, 19, 20, 21, 23, 24, 25 and 27) that were set for the Applicant. Mrs Clark responded comprehensively on 26<sup>th</sup> October 2016. I will refer to her reply within the body of my response to the Applicant's proposals. However, Mrs Clark's third and penultimate paragraph of that response have clearly not been adhered to, namely:-

**3<sup>rd</sup> para The request to liaise more closely with the Applicants.**

"In the light of this request, we will be forwarding your email to Mr Richard Wilkinson, Head of Planning & Development (London) at Cory Environmental. You have mentioned the possibility of involving the Crossness Nature Reserve Management Committee in the process of considering the planning conditions. We intend to consult the Friends of Crossness Nature Reserve with respect to the planning condition. We have at present no requirement to do so but can also ensure that the Committee be included in the consultation. To this end, it would be helpful if you could provide us with contact details for the organisation to make sure we have the correct information."

Penultimate para: "Although your comments are helpful, and we are grateful for them, the consideration and approval or refusal of the details pursuant to the conditions must remain with the London Borough of Bexley as I am sure you will appreciate. **However I would be prepared to ask the Applicants and their professional agents if they would meet with you before any of the detailed submissions are made so that you can have an input to this. Please let me know if you would like me to do this.**

*We, as individuals, the Friends of Crossness Nature Reserve or members of the Crossness Nature Reserve Management Committee, have not been involved at any stage despite the names of representatives being advised to Mrs Clark on 21<sup>st</sup> November 2016. In any case we were not even advised that the conditions had been sent to the Council, we were only advised by a Bexley Council Officer some time after the alleged date of posting, at no point did the Applicant engage with us.*

Can you assure me please that all the points I raised in my email of 19<sup>th</sup> September 2016 and which Mrs Clark confirmed had been "noted" and passed to the Applicant where relevant have indeed been noted/passed on and you will rigorously study the Applicant's responses to your conditions accordingly?

**Detailed response to the Applicants (Cory) representations to meet the conditions set out. It is not easy to tabulate as they have not addressed each individual condition by number.** I will therefore have to comment by heading, not condition number.

**Bio-diversity Net Gain** Nowhere can I see where Bexley Council has detailed the base-line bio-diversity of the site, or do they just take the Applicant's ecologists word for it? Nor can I see where the Applicant has detailed where on the site and how the required bio-diversity net gain is being delivered. Without this, surely the application cannot proceed?

Having read the Applicant's proposed response to the conditions I can only conclude there will without doubt be a net loss of biodiversity which of course is against NPPF and Bexley Council policies.

**Building Design** – not much more to add to what has previously been said – it is out of keeping with the Local Nature Reserve and wider marshes landscape and further blocks the open sky view gained from within the nature reserve. The illustrations provided within the landscape are so inaccurate as to be completely false – this must be brought to the attention of the Planning Committee.

See separate item under Green Walls – the west facing walls of these two buildings must be fully “greened” - only cost can be an excuse and that is no excuse for such a devastating outlook from the nature reserve eastwards.

**Lighting** – whilst always concerned about the impact of lighting on the nature reserve and especially barn owls and bats – the proposal seems adequate. The lighting proposals do however, concern the site once it is operational. With barn owls nesting in close proximity, we request that the same conditions/consideration be applied during the construction phase so as not to be detrimental to the nocturnal wildlife present.

**General landscaping** - the 5m buffer, for the protection of water voles should be from the top of the bank at the very least. It is arguable that water vole burrows within the eastern bank would extend underground and the 5m buffer should therefore begin at the point where any possible nest hole stops. A water vole expert should be able to advise you the average length of water vole nest holes.

Any fencing (which should be kept to the minimum – this is open landscape - in favour of hedges) should provide suitable access for mammals (e.g. hedgehogs) to move freely i.e. gaps at the base of any fencing.

We note a reptile exclusion fence will be constructed at the top of the existing ditch during construction in accordance with the ecological management plan. We don't think this should be installed within five metres of the toe of the bank of a ditch (if it is then a natural England licence may be required for water voles).

Inclusion of wood piles to benefit reptiles, invertebrates, stag beetles should be distributed around the site along with bug hotels.

The barn owl nest box looks ill-considered. That design needs a building or tree to mount it on and their proposed location doesn't have a building. So assuming they are looking to install a pole-mounted box, that is not the correct design. Given the locations of the bird nesting boxes, I would have thought flat-backed traditional boxes would be better than the cylindrical Schwegler boxes and would sit more securely against the building and fencing.

**Green/Brown Roofs/Walls** - conditions 20 or 21 (amongst others) have not been submitted yet so, like much else within this document, it is impossible to fully comment. However condition 21 requires:

“21. A Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning

Authority. The Plan shall remain in place for the lifetime of the development. The Plan shall include details of the mitigation measures listed in paragraph 4.24 of the Riverside Data Centre Phase 2 Report dated April 2016 by Applied Ecology Ltd. *The Plan should also explore the possibility of Living Roofs for the buildings. The plan shall include details of the green walls to each building, including planting and long-term management. This Plan shall be designed in conjunction with the landscape management plan, to ensure that the provision of each does not contradict each other.* The Biodiversity Management Plan shall remain in place for the lifetime of the development and be redrafted every 5 years with each draft undergoing the same process of submission to and approval in writing from the Local Planning Authority before it comes into effect on the completion of a 5 year cycle from implementation of the previous”.

See highlighted areas – it is near impossible to fully comment without the bio-diversity/landscape management plans. However, what is so far proposed for a green wall is totally inadequate for buildings of this size and ugliness. I would suggest Bexley Council failed to uphold its own policies on brown roofs/green walls when setting these conditions. Requiring the Applicant only to “explore” provided the Applicant with an easy opt out. I see no explanation on their behalf regarding what they have explored and reasons for not proceeding with a brown roof.

The Applicant has paid no regard to the direct ecological impacts of this scheme, seemingly happy to tick a few boxes without studying what the real implications are; Mrs Clark’s assurances are in danger of being totally disregarded by Cory. There is no mitigation for the specific listed bird species (skylark, ringed and little ringed plover), none it appears for the rare invertebrates (including shrill carder bee) some of national, many of London importance. Sedum roofs are something of a tick-box response to the many ills of this scheme but including them on just the gatehouse and cycle shed roofs is laughable. In no way do they mitigate the loss of significant (and the only) areas of open mosaic habitat that support ground nesting birds and important invertebrates.

We would like to know why no provision has been made to truly offset the bio-diversity impacts – every available space should be capped with a living roof to provide breeding opportunities for skylarks. There will, we are sure be arguments against this but Bexley must insist on all avenues being explored, including consultation with Living Roofs consultant experts who are engaged by GLA.

**Green walls**, again Bexley Council must uphold its own and GLA policies, this scheme presents the perfect opportunity. What the Applicant is suggesting is an insult to Bexley Council, those of us who objected and to Mrs Clark’s commitment at the end of the meeting to ensure that if the conditions which would address our objections weren’t met, the application would be withdrawn.

The Applicant’s outline submission included full-height green walls – if installed on the western façade they would have at least disguised what will be an ugly eyesore for visitors to the Local Nature Reserve. As we read it, the sections of green wall proposed on the ground level floor, will hardly be visible behind the 3m security fence and whilst providing a little habitat, it falls way short of what is possible, what is needed and what the wildlife/Local Nature Reserve deserves.

The proposed planting shows a lack of understanding – ivy, hops and climbing hydrangea? Ivy is OK, wild Ivy not a commercial/variegated type. I resent having to tell them what to plant but what about wild honeysuckle and other native species - there must be others more suitable.

The west façades don't need to look pretty they need to provide habitat for wildlife, it needs to mitigate the loss of habitats including open mosaic. It is time to make Cory pay in hard cash, including on-going maintenance for these losses of wildlife habitats. Bexley Council is all too eager to accept financial gains for the wider community (Forums/splash parks, Neighbourhood watch etc.etc.) and we have no objection to that - good luck, but this time let us see some robust investment for wildlife and for people who enjoy the marshes.

A sloping crib wall was previously suggested, planted with drought-tolerant natives to colonise – this doesn't seem to have been considered despite it offering better bio-diversity.

**Landscaping/Planting** - we note the soft landscape areas within the carpark security zone will comprise low ground cover shrub, herbaceous and bulb planting and groups of native specimen trees. A mixed native hedge is proposed to the edge of the carpark. Totally inappropriate and unnecessary.

It would be useful if we all agreed/understood that this development is for two ugly boxes where a few people will work. It is not a retail park, public building to be enjoyed by 1000's from the wider community – so it doesn't need to look tidy – Cory claim the site to be within an industrial area. It might be, but it is also a remnant wild open space. The planting, if needed at all (let nature take its course) must only be with native plants with absolutely no non-native exotics/invasive species, many of which are listed by the Applicant which shows a total lack of understanding of the habitats. There are others better placed than I to recommend so do please take their advice.

Looking at the Applicant's artist impression I'm not sure we can believe anything we see in these glossy brochure type illustrations (as already discussed) but the clue is in the name – Erith/Crossness marshes – trees don't naturally spring up in such open habitats – yes there are trees around but ensure what remains of open habitat remains that way – like the buildings themselves trees provide ever more perching places for predators of the rare, ground nesting birds that the designated Local Nature Reserve supports.

In conclusion I refer back to the undertaking given by Mrs Susan Clark at the planning meeting in July 2016 that if the conditions were not met then the outline approval would be withdrawn. I can see no other alternative than to withdraw as it is clear the Applicant cannot, and we suggest will not be able to meet the conditions set out.

Ends