



EAST PARK ENERGY

East Park Energy

EN010141

**Applicant's proposed BNG Requirement
(submitted without prejudice)**

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Procedure) Regulations 2009: Regulation 5(2)(q)

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1.0 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 The Applicant, in its discussions with the Host Authorities during the course of Examination, has been asked to incorporate additional wording into Requirement 4 (landscape and ecological management plan (LEMP)) of the **draft DCO [REP5-005]** relating to the provision of biodiversity net gain (BNG) for the Scheme. Please see the **Summary of outstanding matters on the draft DCO between the Host Authorities and the Applicant [EN010141/DR/8.71]** for further details. The Applicant's position is that it is not necessary to include an express requirement to secure BNG on the face of the DCO as this would duplicate measures that are already secured.
- 1.1.2 Whilst BNG is not mandatory for the Scheme, the Applicant has elected to provide a **BNG Report [REP3-068]** as part of the application and commit to achieving the net gains set out in Section 3.6 of the **outline LEMP [REP4-101]**. Section 8 of the outline LEMP sets out how habitats will be monitored, with Section 8.2 referring specifically to BNG. Paragraph 8.2.4 of the outline LEMP states that "Details regarding the monitoring criteria and specific methods to be used for each habitat type will be outlined in a Biodiversity Net Gain Habitat Monitoring and Management Plan, to be prepared as part of the final LEMP."
- 1.1.3 The outline LEMP is secured through Requirement 4 of the draft DCO, which requires that the final LEMP must be in substantial accordance with the outline LEMP. Requirement 4 also requires the implementation and maintenance of the final LEMP throughout the operation of the relevant part of the authorised development to which the plan relates. This provides the mechanism by which the necessary detailed prescriptions are secured and then enforceable for the operational lifetime of the Scheme.
- 1.1.4 Nonetheless, the Applicant is conscious that the Secretary of State may consider it to be necessary to include an express reference to the provision

of BNG on the face of the DCO. The Applicant has therefore prepared, on a without prejudice basis, additional wording that can be inserted into Requirement 4 (Landscape and ecological management plan) of Schedule 2 (Requirements) to the **draft DCO [REP5-005]** if the Secretary of State considers it to be necessary. This wording is set out in Section 2 below. For the avoidance of doubt, the current drafting of Requirement 4 is shown in full below, with the Applicant's without prejudice wording shown coloured red.

2.0 APPLICANT'S PROPOSED WITHOUT PREJUDICE WORDING FOR REQUIREMENT 4

Landscape and ecological management plan (LEMP)

4.—(1) No phase of the authorised development may commence until a landscape and ecological management plan (LEMP) covering that phase which is in substantial accordance with the outline landscape and ecological management plan to the extent that it is applicable to that phase has been submitted to and approved by the local planning authority.

(2) The LEMP must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

(3) The LEMP must include details of how the plan proposals will secure a minimum of 70% biodiversity net gain for area-based habitat units, 30% biodiversity net gain for hedgerow units and 5% biodiversity net gain for watercourse units during the operation of the authorised development, using the Department for Environment, Food and Rural Affairs' Statutory Biodiversity Metric Calculation Tool (July 2025) to calculate those percentages (or such other biodiversity metric approved in writing by the local planning authority in consultation with the relevant statutory nature conservation body).

(3) (4) No site preparation works comprising site clearance (including vegetation removal, demolition of existing structures or buildings) are to be commenced until a LEMP covering the site preparation works which is in substantial accordance with the outline landscape and ecological management plan has been submitted to and approved by the local planning authority. Such LEMP must be implemented as approved.