We care about our village Love Braunton because it is our home

3rd November 2023

Planning Department
North Devon District Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG
ATTN Mr. N Hall

Dear Sir

Re: 77576 - White Cross Offshore Windfarm (Onshore Project)
Full planning permission for the construction and installation of onshore electrical infrastructure required to export electricity from the White Cross Offshore Wind Farm to the national distribution network including installation of 132kV underground electricity transmission cable(s) from landfall at Saunton Sands Car park to a new substation at East Yelland. Construction of temporary facilities required during construction to include haul road, vehicular access, compounds, associated works areas and a permanent substation access road. Construction of a new substation under the Rochdale Envelope Approach with additional information regarding architectural form and silhouette, design code, scale and layout, landscaping, lighting, and appearance and materials.

We continue to strongly object to this application.

Following further consideration of the submitted document set we believe that the application is not only non-compliant with Parish Neighbourhood Plan policies but has failed to adhere to and comply with other regulatory requirements.

1. **Poor Consultation Practice**

The pre-application consultation carried out by the applicant appears to have been designed to meet minimum statutory requirements and compares poorly to other renewable energy projects which have advertised projects more widely, e.g. through leaflet drops. The lack of publicity about consultation events resulted in a poor turnout and was not due to a lack of interest by local residents. This is evidenced by the 1000 members who joined the Braunton FB group to discuss the wind farm proposals in the course of 10 days. Furthermore, those who attended consultation events reported that the focus was very much on the promotion of renewable energy and questions about detail of onshore construction were not answered due to staff being unwilling or unable to provide this information.

The consultation surrounding the application could also have been greatly improved. The MMO stipulated to the applicant that hard copies of the offshore application had to be made available in public libraries. The applicant was therefore aware of the importance in terms of accessibility to information of hard copies being publicly available but chose not to provide this in libraries for the onshore application.

It should also be noted that publicity by the LPA of the application was apparently only provided through the North Devon Gazette, which is less widely read than the North Devon Journal. Requirements of the Town and Country Planning Act (TCPA) Schedule 3 require a notice to provide hard copies at a designated place during reasonable hours. Hard copies were only made available at the Council Offices in Barnstaple, which is only open 3 mornings a week (12 hours) and has no facility for reviewing the volume of documentation related to this application. It could easily be argued that 12 hours a week does not meet the requirements of "reasonable hours" as stipulated by the TCPA. In addition, request for access to the hard copies was initially refused to one member of the public by the LPA. The same member of the public asked for a reasonable adjustment to be made, due to a disability, for the hard copies to be transferred to Braunton Library. This was ignored.

2. Non-Relevant National Planning Legislation

This application must be considered under the TCPA as it does not meet the requirements, due to its size, for consideration under the Planning Act (PA) 2008.

Despite the PA2008 not being relevant, the applicant has chosen to use the Rochdale Envelope, which only applies to applications under this Act and Nationally Significant Infrastructure Projects (NSIP). This methodology has deliberately been used by the applicant to provide sparse detail about the project and is unacceptable. A Project Design Envelope approach may be applicable, but for a project of this size and in an area of numerous Conservation Areas, much greater detail should have been provided for an evidence-based decision to be made.

This application, although a major development in terms of local planning and the TCPA, is not an NSIP. National Policy Statements (NPS) EN 1, EN3 and EN5 only relate to NSIPs (and the PA2008) and are therefore not pertinent to this application. Despite this fact, the applicant has repeatedly used reference to these policies and statements for their own benefit, e.g. stating that consent should not be refused based on visual impact. All statements relating to the PA2008, NSIP, NPS EN1, EN3 and EN5 should therefore be discounted.

3. Non-compliance with National Planning Legislation

The application falls under the remit of the TCPA (EIA) Regulations 2017 but has failed to fully meet its requirements.

For example, Section 23 of the TCPA (EIA) Regulations states that "An applicant for planning permission or subsequent consent, or an appellant, who submits an environmental statement in connection with an application or appeal, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 15 of the Order, articles 13 and 14 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(1) or regulation 20."

The applicant provided only one copy. A request for a further copy from the LPA was responded to with an estimated charge of £600-1000.

Furthermore, government guidance in relation to the TCPA (EIA) Regulations and the submission of an Environmental Statement stipulates that this should provide a full factual description of the development, with the emphasis on the "main" or "significant" environmental effects to which a development is likely to give rise. Furthermore, the Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Inclusion of EIAs relating to the offshore application in the onshore application have made the EIA disproportionate to the application and makes the whole thing over complicated and long. This is likely deliberate by the applicant to make the whole EIA very difficult to access and digest by both the public and the LPA.

The TCPA (EIA) Regulations 2017, Section 4 (5) states that "The relevant planning authority or the Secretary of State must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement."

The LPA needs to provide details in the public domain as to how this requirement is to be met before making a decision on this application.

4. Non-compliance with National and Local Planning Policy

The application is contrary to National Planning Policy Framework Section 15 Conserving and Enhancing the Natural Environment. Specifically, it does not comply with NPPF paragraphs 174, 176-180, 182 and 185. The applicant has not sufficiently demonstrated how they will achieve compliance to these paragraphs other than vague statements of intent.

Similarly, the application does not comply with a number of the Local Planning Policies. Given the sensitivity of the landscape which the proposal would impact we draw particular attention to:
Policy ST09: Coast and Estuary Strategy (zone as identified on the Local Plan Policies Map)
Policy ST14: Enhancing Environmental Assets
Policy ST15: Conserving Heritage Assets
Specifically, in relation to the above, the LPA must deem this application as a major development. Examples of how the application contravenes Planning Policies are outlined below:

- Planning permission in the AONB and protected areas should be refused for major development other than in exceptional circumstances and is deemed inappropriate for the Heritage Coast. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to planning issues.
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.
- Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- The undeveloped parts of this coastal zone are a finite resource, and their unspoilt character, appearance and tranquillity will be protected against development not related to the coast or not providing benefits for the local community.
- In addition, the Local Plan states that onshore facilities and operations required to maintain and service large-scale offshore renewable energy proposals will be supported within an existing port, where the port's existing operations and responsibilities are not compromised.

Non-compliance with Braunton Parish Neighbourhood Plan Policies are detailed in our earlier letter of objection dated 26th October 2023.

5. Incomplete Site Selection Explanation

The TCPA (Environmental Impact Assessment) Regulations 2017 require the applicant to include "a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the

chosen option, including a comparison of the environmental effects". The applicant has failed to meet this requirement. For example, although some 20 different onshore cable routes have been assessed as part of the application (all of which cross important Conservation Areas) the applicant has failed to provide any details of reasonable alternative locations for the siting of the power station. This is critical as it is the connection point which is driving the proposed overland development.

The applicant states that they examined several different potential grid connection options, but they provide no description of them or explanation as to why they were discounted. They only state that they narrowed down to two options – East Yelland and Alverdiscott. The latter was discounted as it "presented several issues" including potential for considerable objections and having to deal with numerous landowners, evidencing that this was never seriously assessed as an option.

The basis for the choice of Yelland as the connecting sub-station is then justified by the fact that it allowed the greater capacity at Aldverdiscott to be used by larger projects, but it means that if this application is successful further development will be required at Yelland to increase the size of the sub-station with "space at the connection site for expansion." No details have been provided as to what this actually means and whether futureproofing is to be included in the construction of the onshore cable route - further construction works which would again affect important Conservation Areas.

The decision on the location of the sub-station to be connected to by the developer would have been processed through the National Grid CION system. This process starts with connection offers received from the developer. In order to identify the most economic and efficient transmission works to deliver the connection, the Onshore Transmitter Operator(s) undertake an optioneering process to assess a range of onshore connection options in order to identify a preferred connection point. The National Grid ESO provides the developer with the range of onshore connection options under consideration by the TO(s) in the form of the CION. The developer investigates onshore and offshore transmission connection routes, develops offshore transmission design options, and costs the different options. The developer provides all these details to NGESO in the form of the CION.

The selection of the preferred connection option through the CION process does not only look at the most economic option from the Cost Benefit Analysis (CBA) exercise but also considers the following criteria: environmental impact, deliverability, time of market, technology risk, PCI status, planning and consenting risk. It should be noted that the listed criteria are not a conclusive list. The parties to the CION process will also consider other criteria alongside those listed criteria which they deem relevant to the project during the selection of the preferred connection option.

This process and its outcome have not been made publicly available.

Considering the very significant potential environmental impact of the preferred connection option, it could be questioned that this was not made fully clear in the CION by the applicant as it should have carried substantial weight as criteria in the decision process.

6. Quality of the Environmental Statements and Habitats Regulations Assessment

The ES submitted by the applicant has been made overly lengthy and complicated, beyond that accepted by government guidance, including much detail irrelevant to the onshore application, which screens the lack of attention given to the potential landscape, visual and ecological impacts.

The following are key areas of concern:

No geological survey appears to have been undertaken with regard to laying the onshore cable. This is critical to decision making in the methodology to be used in laying the onshore cable. The length of the cable route is known to be predominantly sand and silt to a depth of several metres. This is unstable and the use of trenchless technology, either through HDD or pneumatic drills, presents a not insignificant risk of borehole collapse. Furthermore, there are other natural risks associated with the use of HDD technology, including sensitive ecological receptors, surface water, groundwater, fractures and voids. Significant negative impacts from HDD projects have been documented relating to leakage, unsuccessful use of HDD and damage to groundwater resources. This cannot be ignored in light of the trenchless drilling proposed in wetland areas, Braunton Marshes and the directional flow of groundwater along the proposed cable route.

Leakage of drill fluid into the surrounding area can be a source of contaminants or pollution to the surrounding area. Considering the porosity of the soil structure this is not an insignificant risk and is a known risk in using HDD in sandy soils, resulting in the release of bentonite slurries which are difficult to mitigate. Research has shown that some 50% of HDD projects have resulted in drill fluid leakage into the surrounding area. This risk is highest at entry points, of which there are many along the cable route. During the HDD process the drilling fluid travels back up the borehole annulus bring the spoil back to the surface. No details have been provided by the applicant as to how this is to be removed and without leaving any waste on site. Leakage of any potential contaminants (be it drill fluid, liquid pollutants, fuel) given the porosity of the habitats present, and in particular the intertidal sands, would result in rapid dispersal potentially of volume and covering a wide area.

Furthermore evidence- based research challenges the applicant's assumptions of localised disturbance at entry and exit points only, localised smothering of immediate adjacent surface areas and vegetation.

Trenching in Braunton Marsh will require additional management to promote re-establishment as areas of wetland habitat will be damaged by trenchless digging. This is one of the many priority habitats in the area and increasingly rare habitat type in the UK which lies within the Biosphere buffer zone. Braunton Marsh Internal Drainage Board (IDB) have recognised that use of machinery in the area risk damage to the habitat, its resident species and damage to ditches.

Expertise and GIS Modelling
Too much of the ES submitted has used existing baselines based on desk studies rather than detailed surveys which must put into question the validity of impact assessments, e.g. on ecology and ornithology. In addition to this, there is a lack of GIS mapping showing results of surveys or protected flora and fauna distribution or of the potential visual impacts from various viewpoints, particularly in relation to the Yelland development.

The EIA Regulations require that a "competent expert" is used appropriately for different aspects of the ES, but naturally cannot define this in further detail. However, considering the significance of protected species and conservation areas surrounding the project, it would not be unreasonable to expect a fully qualified ecologist and animal behaviourist to have been employed by the applicant. This is not the case and should therefore put into some doubt their conclusions. Several "North Devon Key Network Features" and "Network Features" are located within 2km of the Onshore Development Area. These are described as "areas of semi-natural habitat likely to make a significant contribution to the overall movement/dispersal of species within the local landscape as wildlife 'stepping stones' or corridors" (Devon Biodiversity records centre, DBRC, 2022).

Zone of Influence

Natural England and MAGIC maps clearly demonstrate the extensive areas of marine and terrestrial conservation areas, priority habitats, SSSI sites, which includes a SSI impact risk zone which is wide reaching far beyond the cable route. Little of this seems to have been taken into consideration.

The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. The results of professionally accredited or published scientific studies should be used, where available, to establish the spatial and temporal limits of the biophysical changes likely to be caused by specific activities and to justify decisions about the zone of influence. However few details have been provided about this or the Zone of Influence in which these impacts have been considered which, at the very least, should include a map to clarify this important aspect of impact assessment.

The CIEEM Ecological Impact Assessment Guidance (EcIA) on establishing zone(s) of influence states that:

a) The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries.
b) The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change. It may therefore be appropriate to identify different zones of influence for different features. The features affected could include habitats, species, and ecosystems and the processes on which they depend.

CIEEM also give key considerations for establishing zones of influence which include:

- What 'important' ecological features are known to occur within the project site and the surrounding area?
- What other 'important' ecological features could occur within the project site and surrounding area based on knowledge of the local distribution of relevant habitats and species?
- What activities may generate ecological impacts and which of these might have an influence on ecological features beyond the site boundaries? (see below)
- Is the project likely to affect migratory species?
- Is the area used by mobile species that make regular movements to, from, or across the site?
- What are the key ecological processes or species activity periods? Are there seasonal variations in distribution, abundance and activity?
- What are the key hydrodynamic processes at the site (e.g. tidal currents, wave activity)? Are there seasonal or cyclic variations in these?
- Does the project affect any sites, directly or indirectly, that are designated or likely to be designated in the foreseeable future? What are the reasons for designation?
- What is required for the maintenance of particular ecosystems, networks, habitats or species populations? How would these be affected by project activities?
    - o What are their distribution and status elsewhere for comparison?
    - o What were their historical distributions, status and management compared with present?
    - o Is anything known about the key factors influencing distribution and abundance of the feature(s)?
    - o What are their scales of variation, vulnerability and likely exposure to the project?
- Are there any features whose disappearance would have significant consequences for other features?

- Are there any other projects planned within the same area or timeframe that may contribute to cumulative effects?

These considerations have not been addressed by the applicant.

Habitat Regulations Assessment (HRA)
The HRA Screening and Appropriate Assessment is a copy of the one submitted for the Offshore Application to the MMO. The only overlap between the two is the intertidal area. Therefore, much of the information included is irrelevant. For example, section 3.2 on the HRA process refers to the MMO and the Secretary of State as the "competent authority" when it should be the LPA, and which subsequently makes section 3.3 irrelevant. This makes the document so overly lengthy that it screens the fact that little attention has actually been awarded to the Braunton Burrows SAC and surrounding conservation areas. The only section on the SAC in the HRA Screening Report is section 5.2.1. which makes no reference to the terrestrial aspect of the onshore project.

Government guidance, states that "Areas of land or sea outside of the boundary of a European Site may be important ecologically in supporting the populations for which the European Site has been designated or classified, such that they are 'functionally linked' and should be taken into account in an HRA."

The onshore project area is bounded by intertidal and terrestrial conservation zones. Braunton Burrows SAC is surrounded by conservation areas of community importance, priority habitats and SSSIs all of which will be functionally interlinked as ecosystems with the SAC. However, these have not been taken into consideration by the applicant in the HRA. This is a significant oversight and appears to suggest that the applicant is disregarding important guidance and case law resulting in poorly evidenced assessments.

Case Law has established what constitutes an appropriate HR.
These are:

- Waddenzee: HRA around EU sites should be considered to have a likely significant effect (LSE).
- Sweetman: HR Screening should not include mitigation measures
- Holohan: "..an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site….. Following this judgment, the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European Sites, including the potential for complex interactions and dependencies will be considered. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European Sites, but which may be important in supporting the ecological processes of the qualifying features, will also be taken into account."

The HRA Screening Report is therefore not appropriate to the onshore application and fails to meet legislative, guidance and case law requirements. We believe that this is a fundamental failure in the application which enables the "negligible impact" conclusions that the applicant draws in relation to conservation of protected species and habitats.

We believe that the HRA reports as submitted should therefore be rejected as they are both inaccurate and misleading.

We accept that the LPA may be minded to request the appropriate Habitats Regulations Screening Assessment (Stage 1) and resulting Report to Inform Appropriate Assessment (Stage 2) being carried out and submitted and, as necessary, stages 3 and 4 of the HRA process. If this is the case then once new reports are submitted, in accordance with the TCPA (EIA) Regulations, a new 30-days consultation period must be initiated by the LPA.

Impacts

The conclusions by the applicant of the landscape and visual impacts, environmental and ecological have been extensively dismissed as minor, negligible, neutral and predominantly temporary, despite the existence of multiple conservation areas, the heritage coastline, AONB and protected species.

The application negates much of the cumulative and residual effects on habitat and ecology in the area because of "the different features and habitats affected." This should be challenged on the basis that ecosystems do not operate in isolation from each other with the effects on different species and habitats overall in the different Conservation Areas likely to result in both cumulative and residual effects. The applicant has however concluded that these will be neutral.

The CIEEM Ecological Impact Assessment Guidance details construction activities that have potential ecological impacts throughout the different phases of a proposed development. These include:

Preliminary activities prior to the main construction contract

- ground and seabed investigations e.g. for contaminated land/seabed, drilling of wells, boreholes, geological sampling, groundwater sampling, seabed sediment analysis, gas monitoring/detection
- vegetation clearance
- demolition operations
- archaeological excavation.

Construction phase

- access and travel on/off-site, including temporary access routes for construction vehicles and vessels
- areas for plant maintenance and for storage of oils, fuels and chemicals
- movement of materials to/from or within a site
- demolition operations
- acoustic disturbance and vibration from construction activities, particularly in the marine environment due to rapid and extensive transmission of sound underwater
- assembly areas for components of construction
- aggregate clearance, including blasting
- dewatering or drawdown e.g. for reservoir safety works, mining
- ground excavation, infilling and landscaping
- drainage or deposition of material on wetland and infilling of ponds
- temporary diversion of water courses, water abstraction, discharge to a water body
- managed realignment of coastal habitats
- navigation channels and dredging
- drilling operations
- disposal of dredged materials/drilling waste
- use of explosives in the marine environment
- seabed seismic and excavation works
- removal or disturbance of sediments or disruption of sediment transport
- release of contaminants from disturbed sediment
- seabed and water column disturbance

- dust generation
- on-site borrow pits
- soil stripping
- environmental incidents and accidents e.g. spillages, noise and emissions
- burning of waste
- lighting
- anchoring and mooring
- provision of services and utilities e.g. underground power lines, water supply and drainage
- infrastructure links between an offshore location and terrestrial networks e.g. cables and pipelines
- setup and subsequent removal of site offices/compounds and final site clearance after construction
- construction of structures and hard surfaces
- storage areas for construction / excavated materials
- structural works for new building and engineering
- structural works to existing buildings, including conversions
- vegetation/habitat clearance including tree felling and use of herbicide.
- Occupation/operational phase
- access to site (both route and means)
- drainage
- implementation of landscape design and habitat management (type and location)
- presence of people, vehicles and their activities e.g. increased public access and recreational pressure, risk of fires
- lighting
- physical presence of structures e.g. a new road or a wind turbine
- presence of pets
- site operation and management e.g. maintenance operations, industrial processes generating emissions, lighting, noise, water abstraction and discharge, operation of wind/hydro turbines, drilling, water level changes, use of a road by traffic etc.
- maintenance dredging, on-going scour protection, sediment management etc.
- runoff containing contaminants or sediments
- alteration to hydrodynamics and sediment transport e.g. wave action/currents.
- Decommissioning phase
- blasting
- water management pumps, mine shafts
- disturbance or removal of waste and contaminated water, soil or sediment
- changes in wave action, sediments and hydrodynamics
- removal or demolition of disused structures that may damage habitat or have been colonised e.g. roosting bats, barn owls
- removal of ancillary developments including culverts
- removal or neglect of structures which might cause pollution
- recycling of material and re-use and disposal.

Restoration phase

- restoration activities where operations/phases have finished e.g. for mineral extractions.
- Potential non-standard operations
- one-off incidents and accidents (including fuel leaks, oil and chemical spills, vandalism, erosion and sediment run-off)
- military testing

We have listed them in full as nearly all are relevant to this proposal and have the potential to result in ecological impacts in the short and long term to varying degrees.

However, the "temporary nature of impacts" concluded across most if not all areas by the applicant appears to have been based on the construction periods of the project. This is misleading. The working width for the onshore cable route will result in a 50m wide area being cleared to facilitate the 2-year construction period indicated. This will include the removal of significant lengths of hedgerow, important in their own right as ecological structures, but also as wildlife movement corridors. The hedgerows within and around the onshore development area provide a network of habitat which provides habitats for other species, including nesting birds and is considered to be of local importance.

The ripping out of extensive lengths of hedgerows will impact bat species foraging and movement routes. The mitigation suggested for this is Heras fencing covered with netting but has not been supported by evidence that this works as a mitigation measure, nor does it consider the potential risk for species such as bats to be caught in the netting during foraging trips.

Evidence needs to be provided for any mitigation the applicant intends to use, as research by CIEEM shows that in a considerable percentage of projects mitigation is either not implemented, does not work, is not monitored or no remedial action is taken.

Noise and Vibration

The ES chapter on Noise and Vibration makes absolutely no reference to the potential impact on the environment or ecology, solely considering human health and residential areas. For example, the trenchless digging across the Taw Estuary will be some 14 days of continuous drilling (day and night) but this has been negated as being outside the assessment scope due its distance from the nearest residential areas. This is a significant oversight in determining the impact on protected species. The applicant recognises in the ES on ecology and ornithology that without mitigation, based on the current design, the predicted operational noise effects of the Onshore Project are anticipated to be significant. The operation of trenchless technique rigs and ancillary equipment would produce the greatest vibration impact along the onshore export cable corridor, including from construction traffic, machinery and drilling. Few details of the mitigation to be implemented could be found.

Dark Skies

The light pollution created by the lighting around the proposed Yelland power station and normal working hours extending to 7pm, with 24 hours working periods during the project, will have a significant impact on the dark skies. This is generally accepted as a broad concern within the AONB and planning applications. Furthermore, it will impact on the behaviour and welfare of nocturnal species, including movement through the landscape and foraging. This is particularly significant in relation to the importance of Braunton Burrows and the surrounding area for bat species.

The applicant claims that the lighting of habitats suitable for foraging or commuting bats will be avoided, and where the use of lighting is necessary within the Onshore Development Area, then the lighting will be minimised during the period when bats are active. The applicant does not explain how this fits in with normal working hours or 24 hours working periods

Animal Behaviour and Welfare

The impact of the project on animal behaviour and welfare includes movement through the landscape, foraging, breeding, reproductive success, shelter etc. Increased heart rate and increased levels of stress hormones have physiological costs and so disturbance may have subtle impacts even on animals that are not clearly showing behavioural responses to disturbance. Animal behaviour is complex, but the only scientific evidence referenced by the applicant is that of Stillman et al, 2007, research which is based on modelling and not evidence. This has been used by the applicant to support their case that animal behaviour is not a reliable indicator of effect on

population. The behaviour and welfare of wild animals is critical and too often underplayed in determining impacts on species and mitigation measures and should not be considered alone in assessing the impact of disturbance.

A few examples pertinent to the application:

- Checking for nesting birds will only be done in small areas – therefore the applicant has no means of ensuring no harm will result to protected species
- Vegetation clearance work carried out using a phased removal approach (walking through, removing in stages to *encourage* any reptiles present to leave the working area into adjacent habitat). This is of particular concern re local sand lizard populations. Sand lizards (present in the surrounding area) are afforded further protection under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, making it illegal to deliberately capture or disturb sand lizards and in particular any disturbance which is likely to:
    - Impair their ability to survive, reproduce or to rear or nurture their young;
    - Impair their ability to hibernate or migrate; or
    - Significantly affect their local distribution or abundance.
    - Damage or destroy a breeding site or resting place of smooth snakes and sand lizards;
- Prevention of movement through landscape due to disturbance and the creation of the access area along the cable route.
- Displacement of individuals, affecting their ability to survive and reproduce, due to being forced to move to unfamiliar terrestrial areas

<u>Ornithology</u>

In addition to the impact on lapwings and other terrestrial birds, particular focus should be made to the Taw Estuary element of the project. The Taw Estuary is an SSSI of National importance. The applicant claims that there will be no physical impact to the site despite trenchless cabling to a depth of 10m below the estuary bed and no mitigation is proposed for this area. Disturbance will occur due to, for example, the use of trenchless technology and other drilling operations, human activity and the construction of a haul road in the vicinity of the estuary.

The impact on birds is very much understated, claiming that it is likely to be temporary, that birds can move to other areas, and negating the loss of roosting and foraging sites from which the birds will displace. The applicant's reference to Goodship and Furness (2022) is misleading as the examples of human disturbance included to calculate distance of likely disturbance are based on people walking within the vicinity of the birds. The suggested distance of 200-300m is therefore likely to be much greater considering the greater level of disturbance created by construction activities.

Berridge (2019), cited by the applicant, states that there is overwhelming evidence in published literature on the disturbance of birds as a result of conflict between human activity and protected areas, including construction works (Burton and others, 2002) who concluded that human activity can seriously depress habitat quality and an estuary's capacity for waterbirds and that sustained disturbance from construction can affect bird numbers in the longer term. Bird numbers on the Taw Estuary are already in decline and the potential negative impact on bird species in both the long and short term is of serious concern.

<u>Landscape and Visual Impact</u>

The Landscape and Visual Impact baseline assessments have largely been based on desk top studies with very limited surveys actually being carried out.

The applicant considers that impacts on the landscape will only result from the presence of temporary construction compounds, access roads, plant, materials, spoil heaps, excavation and land restoration. This is debateable given that:

(1) Onshore Cable Route

Along the cable route, 30 link boxes (each 9sqm) means there will be some 270sqm lined with concrete. Each link box has to have a jointing bay which is 48sqm. So, 30 of them is another 1440sqm of concrete being put in the ground. The transitional bay at the Landfall will be another 160sqm of concrete. This is only the amount of concrete to line the bottom of the boxes and bays and does not include the sides (which will depend on the depth to be dug out). It is therefore not possible to calculate the total cubic metres of concrete to be used just along the cable route but this obviously not insignificant. In addition, 30 manhole covers will need to be installed on the surface above the link boxes.

During the trenching works a maximum of 2100sqm of sand would be 'turned' or covered during construction. What volume and tonnage of sand will this result in? From the Saunton Sands car park, trenchless technique drilling will route the Onshore Export Cable Corridor underground, drilling under the dunes! Dunes are notoriously unstable. What will they do with all the spoil they drill out?

This means that there are highly significant areas and quantities of the landscape which will be disturbed. This will likely remain visible for many years due to the length of time that restorative measures will take.

The applicant erroneously concludes that the magnitude of impact is considered to be low with no significant effects found on the Special Qualities of the North Devon Coast Area of Outstanding Natural Beauty, or the North Devon Heritage Coast, as a result of the construction of the Onshore Export Cable Corridor or at Landfall to MLWS.

(2) Yelland Site

The site at Yelland will result in the building of a 5000sqm building requiring nearly 9000 cubic metres of fill material to be used in its construction. This will be surrounded by high level perimeter fencing and extensive external lighting. Also, it is not yet known whether the existing substation will require updating, but if it does it would require the installation of necessary electrical and auxiliary equipment and components for transforming the power from the wind farm for connection to the distribution grid. Furthermore, the applicant states that the final location of the buildings and infrastructure is not yet known, so how can a realistic LVIA be carried out.

The power station is to be built on a flood plain. Sea levels are forecast to rise over the next 25 years, which will result in increased flood risk to the power station and sub-station. The creation of new flood defences will impact on both the landscape and visual amenity.

The Study Area chosen by the applicant for the LVIA surrounding the Yelland development is limited and their justification for this is unclear. The proposal indicates that the level of the new construction will be raised by 2m against a backdrop of yet to be built multistorey buildings on the permitted Yelland site. This has not been considered in the representative views. In addition, the representative viewpoints chosen by the applicant for assessing the visual impact of this element of the project are extremely limited and therefore cannot enable a full impact assessment to be carried out. The Study Area should be increased, and GIS modelling carried out and submitted to the LPA to enable a true assessment of the extent of visual impact from a wider range of viewpoints.

Invasive species

Three invasive species have been identified by the applicant within the Onshore Development Area, including Japanese knotweed, three-cornered garlic and Montbretia. However, no detail as to how spread of these will be avoided during waste generated, removal, spread through watercourses has been included.

7. Biodiversity Net Gain

Considering the loss of habitat and damage to the landscape that will occur during construction and the length of time needed for the landscape to recover, a proposed gain of 10% BNG is unacceptable, particularly given that:

- Areas using trenchless technology, including Taw Estuary, have not been included in the baseline assessment for biodiversity loss and therefore BNG claiming that there will be no impact on the habitat and only temporary impact on the cabling route is questionable.
- Other areas have also been excluded where it has been assumed that habitats can be restored within 2 years of work commencing. As the work is to last 2 years this is questionable, and no examples have been given. Areas which will take longer than 2 years to restore are treated initially as a loss then as habitat creation. This is debatable as habitat creation does not happen overnight.
- Creation and enhancement of habitats requires a 30-year maintenance period to reach and uphold the target condition of the habitats (the 'biodiversity value').

In line with the requirements of BNG, the BNG plan should follow the mitigation hierarchy by avoiding harm to biodiversity wherever possible and, where not possible, minimising any effects. Compensation and offsetting should be a last resort.

Any BNG proposed by the applicant should be local to the areas of conservation surrounding the project site which lies within the Parish's Strategic Nature Area.

8. Potential Future Expansion of Project

No details have been given as to when or how this pilot project will be deemed to be a success. The applicant only states that "currently" there are no plans for expansion.

If the pilot is deemed to be successful, how will the applicant address its future expansion and all the associated works? This introduces uncertainty as to the potential for further ecological, environmental, landscape and visual impacts that this may have.

It is unlikely, due to cost, that the offshore cable route will be laid sufficiently large enough for new cable to be pulled through existing ducts. This will mean another round of construction works and all the associated implications that lie therein.

The substation at Yelland has limited capacity. If the project is to expand, this will need to be increased with the agreement of the National Grid. Likewise, this will mean another round of construction works and all the associated implications that lie therein.

No details have been given as to whether the size of the power station building proposed is sufficiently large enough to support future expansion of the project.

And one final point. The Crown Estate has to carry out its own HRA for the offshore wind turbine site, which it has yet to do, and without which no lease will be issued to the applicant for the project to proceed. No details are available as to what happens if the Crown Estate HRA results in a negative outcome.

9. Conclusion

This response is not exhaustive given the limited time available to assess all the Environmental Statement – chapters that are too lengthy, which contain too much irrelevant information that is not pertinent to the onshore application and statements that the details of the proposal will be given at a later stage.

This application is not only non-compliant with Neighbourhood Plan policies, but the applicant has pursued poor consultation, is using non-relevant legislation, provides an incomplete site selection explanation contrary to legislative requirement, is not in compliance with national and local planning policy, the ES statements and HRA are not fit for purpose.

The potential impacts that this proposal would have on our local environment and ecology are too high with the only benefit being for the applicant.

This application not only should but must be refused.

Love Braunton

Cc Braunton Parish Council