

28<sup>th</sup> August 2024

Planning Department  
North Devon District Council  
Lynton House  
Commercial Road  
Barnstaple  
EX31 1DG

ATTN Mr. A. Sierakowski

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 object strongly to this proposal. The new documentation submitted by the applicant has done nothing to change our position in respect of the onshore cable route.

There are numerous and insurmountable issues that this flawed application raises. Members of the wider community have submitted detailed objections in respect of many of these issues. Love Braunton's response addresses the proposed connection at Yelland in the light of the recent National Grid announcement and noncompliance with planning policy.

### **1. Proposed connection to Yelland**

This application is driven solely by the applicant's requested grid connection at Yelland having discounted the alternative of Alverdiscott.

In their ES Chapter 4 – Site selection and assessment of alternatives it is stated that *"East Yelland represented the quickest, most economical way to secure the grid capacity needed for the project. Securing the remaining spare capacity at East Yelland also ensured future requirements at Alverdiscott from projects of significantly larger capacity in future Celtic Sea leasing rounds would not be jeopardised by taking capacity at Alverdiscott and sterilising land required for cable routes."*

NDC asked White Cross to review its site selection decision in its Regulation 25 Request letter dated 4<sup>th</sup> March 2024, stating: *"You may also benefit from revisiting the alternatives, scrutinising robustly other potential engineering solutions for the cable corridor."*

The applicant has not fulfilled this request with Appendix Z repeating previously submitted content. By their own admission White Cross' preferred route is the cheapest irrespective of the potential environmental damage.

The applicant has discounted entirely the Southern Zone Landfall (between Peppercombe and Abbotsham) because of higher construction costs to bring the onshore cable back to Yelland. National Grid's publication on the 13<sup>th</sup> August "Beyond 2030: Celtic Sea" sets out recommendations for the three cables to join the UK grid – two into South Wales and one into the southwest. The indicated southwest route shows cable landfall between Abbotsham and Hartland (approximate location of Peppercombe) then going south to a grid connection indicated as east of Bude (possibly Pyworthy in the west of Devon - a bulk supply point for 133kV to 66kV). In the light of this recommendation, which is informing the Celtic Sea bid round 5, it seems nonsensical for White Cross to pursue their proposed non-strategic route.

It is worth noting that National Grid in their Executive Summary states that "*We have recommended a design that balances cost, deliverability, operability and impact on local communities and the environment*" and that in section 5 they state: "*While our Recommended Design is less economic than some others we have considered, it does offer advantages in terms of environmental impact and community impact.*"

This is in stark contrast to the approach that White Cross appear to be taking.

## **2. Non compliance with National and Local planning policies**

### **2.1 National Policy Statements**

This application is for the construction of a cable route between the proposed landfall at Saunton Beach and a substation at Yelland. The offshore element of the White Cross project will only generate up to 99MW of electricity – just under the breakpoint for a Nationally Significant Infrastructure Project (NSIP) which is generation of 100MW plus. If this was an NSIP then the planning process would have to be conducted under a different regime requiring development consent (Planning Act 2008) and National Policy Statements would be a material consideration.

The applicant in their original submission ES Chapter 3: Policy and Legislative Context section 3.5,1 National Policy Statements (NPS) whilst acknowledging that their project is not a NSIP, stated that NPSs were relevant to their application. Their stance has now changed in Appendix X section 1.6 to NPSs "may comprise a material consideration".

We believe that they do not. This application is only concerned with onshore infrastructure which is outside of the scope of EN1 and EN3 and is too small scale for EN5 to apply. Therefore, NPSs cannot be a material consideration in the planning balance when determining this application.

### **2.2 Rochdale Envelope**

We note that the applicant is justifying the use of this approach stating that it was "agreed with NDC during pre-application engagement". UK Government Guidance published 1 July 2018 Advice Note Nine: Rochdale Envelope - clearly advises that this approach is used for Nationally Significant Infrastructure Projects only.

This raises the question of how this proposal was promoted to NDC during the pre- application engagement by the applicant.

### 2.3 National Planning Policy Framework (NPPF)

The National Planning Policy Framework's presumption in favour of sustainable development means that for the decision maker proposals must be approved if they accord with local plans, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

These areas or assets are defined in the NPPF footnote 7 which lists habitat sites, SSSIs, AONBs, Heritage Coast and areas at risk of flooding or climate change. All of these landscape designations are located in or adjacent to the proposed onshore cable route.

Braunton Parish Neighbourhood Plan Natural Environment section 3.1 maps A, B, C and D illustrate all of these designated areas – statutory and non statutory across which the proposed cable route will be constructed. North Devon and Torridge Coastal Change Management Area maps illustrate the areas threatened from sea level rise/inundation from climate change. Among the areas mapped are the Taw Estuary, Braunton Burrows, Fremington and Yelland.

The Framework document details in Section 15 Conserving and Enhancing the Natural Environment - paragraphs 180 to 194, what development should consider. A number of paragraphs in this section provide grounds for refusing this application given its potential impacts. Specifically paragraphs 180 c) & e), 181, 182, 185, 186 b) & c), 188, 189 a) & c), 191 b) & c) and 193.

The site of the proposed substation is within designated flood zone 3 therefore it must comply with Section 14 Meeting the challenge of climate change, flooding and coastal change – Planning and Flood risk paragraphs 165 – 173. It does not.

### 2.4 The North Devon Biosphere

The applicant's response acknowledges that the proposed route goes through the core area and buffer zone of the Biosphere but argues that there are no specific protections under UK law, including the NDT Local Plan which has no policies directed specifically at the Biosphere. On this basis they have considered it only in respect of one Local Plan policy.

The applicant has failed to consider Braunton Parish Neighbourhood Plan policies which give specificity to Local Plan policy ST14. The Parish's Natural Environment policies are a material consideration.

### 2.5 Braunton Parish Neighbourhood Plan

#### **Policy NE1 Locally Valued Sites of Biodiversity and Habitat**

The proposed use of bentonite in this location is unacceptable even if the applicant thinks "a competent contractor" will only have a 10% chance of breakout. Given the sensitivity of the ecology which is dependent on clean water sources there should be zero risk of a breakout.

The OUTLINE Bentonite Management Plan primarily deals with break out. It does not give further detail in respect of operational process that is missing from the updated OCEMP WHX001-FLO-CON-ENV-PLN-0010.

Neither document makes reference to the Environment Agency's Guidance Dewatering bentonite slurry waste in a bentonite recirculation plant: RPS 272 Published 1 February 2023.

The EA guidance clearly states that:

*In addition, your activity must not cause (or be likely to cause) environmental pollution or harm human health, or: cause a risk to water, air, soil, plants or animals cause a nuisance through noise or odours, adversely affect the countryside or places of special interest*  
*(<https://www.gov.uk/check-your-business-protected-area>)*

Appendix T now clearly shows that the applicant's construction activity will require a significant dewatering of the area and by their own admission it has the potential to change water courses (Appendix D) which by implication will impact the water table. This will be detrimental to all aspects of the area's rich and diverse wildlife.

APPENDIX O takes a very limited view of the impact of lighting across the proposed cable route. All of the route with the exception of Yelland substation is dark sky – E1 Natural not E2 Rural.

We see nothing that addresses noise pollution in the new documentation.

This proposal continues to be non compliant with NE1 due to its unacceptable impact.

### **Policy NE2 Protection of the Caen Valley Bats SSSI and the Parish Bat Population**

Appendices H and I only provide additional information for one stretch of hedge on the Saunton Road based on surveys undertaken April /May 2024. It is noted that no details are given of what the weather or temperature was during the survey periods. i.e Guidance states that temperature should be above 10c and there should be no rain or wind.

Natural England's advice in their statutory response 15<sup>th</sup> May 2024 very clearly articulates what is required in respect of Greater Horseshoe Bats. They said that:

*"However, in the absence of September and October survey data and given the location of the project activities within close proximity to a roost site for a nationally rare species, NE must defer back to standard best practice for advice on sustainable development.*

*Having thoroughly considered the potential impacts from the proposed White Cross project, we advise that due to the significant ecological risk posed by the project on the South West GHB population, surveys following best practice guidance should be undertaken between April and October 2024 (inclusive), to inform any application addendum. Additionally, due to the large distances travelled by this species, we advise that all areas along the working corridor should be surveyed, not just at Saunton Road. Without this level of data, it is highly probable that we will continue to be unable to advise yourselves on the sufficiency of any mitigation measures. It may also be of benefit to the project to determine potential hibernation locations as GHB are particularly sensitive to disturbance during this time and further mitigation measures may be required should works be proposed to be undertaken during the hibernation period."*

Bat surveys already carried out across the entire line of the proposed construction route clearly illustrate the presence of various bat species. The known impacts of development on bats, roosting habitats, flight paths and foraging habitats are well understood as described in the Bat Conservation Trust Good Practice Guidelines (4<sup>th</sup> Edition). The applicants proposed approach to mitigation measures in Appendix I is inadequate as they focus on just the one aspect of the site.

The new documents still fail to consider the cumulative effect on the bat population of this area through which the proposed route passes. The applicant suggests that in some instances the loss of habitat will only be temporary. Once disturbed the impact will be long term if not permanent. Appendix O acknowledges the Bat Conservation Trust Lighting Guidance Note and provides illustrations of all construction sites generating significant light levels in a number of cases. These levels are unacceptable and would cause significant harm on the GHB population.

This proposal continues to be non-compliant with NE2.

### **Policy NE3 Protecting and Increasing the Parish's Biodiversity**

### **Policy NE4 Protecting Devon Banks, Hedgerows and Trees**

### **Policy NE7 Protection of Parish's Strategic Nature Areas**

Our position in respect of non-compliance with these policies has not changed. In respect of policies NE3 and NE7 the applicant has not provided any new information.

In respect of NE4 the applicant has provided Appendix N Outline LEMP. This is as the applicant states in paragraph 7, limited in detail as the precise cable route has yet not been decided upon. The document does confirm the loss of 149 mature hedgerows and up to 76 individual trees. It is not clear who will undertake the proposed yearly monitoring and maintenance of the replacement whips and saplings, nor how the use of heavy construction machinery will be prevented as suggested in paragraph 51.

There is still an unacceptable biodiversity loss across all three habitat modules (broad habitats loss of 24.22%, hedgerows loss of 36.52% and watercourses – 3.03%) in a location that is within the Parish's Strategic Nature Area (NE7). The potential loss of trees will result in lost bat roosting habitat. Their proposed mitigation strategy is unlikely to repair the damage that the construction activity will inflict let alone increase the BNG by the required minimum of 10% net gain. We are greatly concerned that a significant proportion of this proposed mitigation is likely to be off site rather than on site as required by policy NE3 and in some/most cases will not be in the Parish at all.

### **Policy NE6 Protection of Landscape Character**

The applicant has provided no new information but has relied on a response from North Devon AONB which does not cover the proposed route behind the dunes.

Policy NE6 specifically requires proposed development to respond positively to the landscapes identified in the Parish Character Assessment and where practicable enhance their character and appearance. The impact that the proposed construction activity will have on the landscape – a 6.5 km long by 50-60 meter wide construction corridor, a scar that will be evident for a couple of decades at least. This visual feature on the landscape will be very detrimental to the community and its tourist economy.

### **Policy NE8 Water Courses and Drainage**

The applicant has provided an OCEMP which we have responded to in respect of NE1 (our earlier comments are applicable here) and Appendix E Outline Drainage Strategy which appears to only deal with the proposed substation.

Construction activity along all of the proposed route will introduce pollutants – fuel, chemicals, drilling fluid, that can enter the fluvial and ground water.

The water quality will inevitable be degraded.

As this proposal is non compliant with policy NE8 it cannot be supported.

### **Policy BE4 Adoption of Appropriately Scaled Renewable Energy**

The applicant's response states that the NDC EHO raises no objection in relation to vibration and electro magnetic interference. However, in section 4 of the EHO response dated October 2023 they state "*I am not an expert on the mechanisms or health implications of exposure to EMFs. Based on my limited knowledge, I have no grounds to doubt the conclusions reached in the report.*"

In respect of noise impact the applicant is again referencing the EHO response, which only considers noise in relation to the proposed substation. No consideration has been given to the impact of noise from construction activities along the proposed cable corridor and the amenity of walkers.

We agree with the applicant that reflection is not a relevant consideration for this application.

This application is non-compliant with BE4 iii) c) as there will be closures of public rights of way (PROW) – not yet defined where and for how long, and access routes. These closures cannot be mitigated. As DCC PROW Officer has stated in their response 2<sup>nd</sup> August 2024 "*the public rights of*

*way network crossed by the proposed corridor is well used and includes sections of the South West Coast Path National Trail”.*

Potential closure of the network to walkers impacts not only their amenity but that of the local economy which relies on their custom.

It is noticeable that the applicant has not addressed the public safety aspect of the policy.

We are at loss to understand why the applicant has chosen to comment on temporary loss of carparking in respect of this policy as BE4 does not address the provision of parking.

### **Policy BE9 Vehicle Movement Assessments**

We note the applicant has argued that this policy is not applicable to their proposal as it is not a major development. This is an interesting response given their constant reference to the national importance of their project.

DCC Highways have accepted the Outline Construction Traffic Management Plan subject to the acceptance of a condition for a detailed plan being attached to any approval. This approach is extremely disappointing because once approval is given no mitigation measures will be sufficient to overcome the impact on our local road network, significantly so on Caen Street.

### **Policy BE10 Improving Transport Accessibility and Connectivity**

The applicant’s response does acknowledge “*significant concerns*” in respect of construction traffic impact. However, they have provided no additional information to allay the very well-founded concerns of many residents.

Once again, the applicant is relying on the DCC Highway response and the use of a condition, that if the application is approved, to provide the detail as to how impact of construction traffic will be mitigated. We reiterate the point made in respect of BE9 that we are extremely disappointed at this approach by DCC Highways. There are real potential dangers from a significant increase in HGVs using the A361 junction and Caen Street and then the approach road and access road for Saunton Beach, as well as its impact on users of the footpath network.

This approach is not compliant with policy BE10.

### **Policy BE11 Protecting Existing Car Parking Capacity for Public Use**

We agree that this policy is not relevant to this application which is why we did not refer to it in our first submission.

### **Policy BE12 Protection and Improvement of Air Quality**

The applicant has provided no further detail but instead refers to NDC EHO accepting their findings and that further mitigation measures are secured through submission of a CEMP.

Again, we are disappointed that the NDC EHO is accepting the applicant’s outline findings. The EHO in their response has not considered the impact of air pollution on human health. NDC may have removed the Braunton AQMA but this does not remove the requirement for the applicant to be compliant with policy BE12 3ii) which requires an applicant to demonstrate that their proposed development will not lead to a deterioration of air quality in any part of Braunton Parish. The applicant must carry out an air quality survey in respect of PM2.5 and PM10 levels across the proposed cable corridor and construction traffic routes to establish the baseline against which air quality during the construction period could be monitored.

As we have previously noted the applicant’s Chapter 13 Paragraph 165 states that: *Emissions of exhaust pollutants, especially NOX and PM10 from construction traffic on the local road network,*

*have the potential to impact upon local air quality at sensitive receptors situated adjacent to the routes utilised by construction vehicles.*

Given this statement we are very concerned about the ongoing lack of consideration of the impact on Caen Street business, pedestrians, cyclists and the primary school playground that fronts onto the road.

### **Policy BE13 Protect and Promote Dark Skies**

The applicant has submitted Appendix O which now considers the construction compounds as well as the substation.

The approach appears to be that of impact on human receptors as indicated by the viewpoints used in respect of the construction sites and substation. Although this is an important consideration it is a very narrow analysis given that the light source impacts wildlife receptors in all directions.

In Section 4.1.5 which does consider Environmental Zones the applicant has chosen to use E2 Rural for the construction compounds which we disagree with. We contend that they are E1 Natural as the proposed route crosses a relatively uninhabited rural area and is adjacent to the North Devon AONB. Table 4.3 provides photographic evidence of dark night-time sky in particular viewpoints 9, 10 and 11.

The applicant then goes on to advocate the use of 8.5m high portable flood lights and lighting levels up to 100lux which is unacceptable in an area that is dark sky. It is clear that should this proposal go ahead the construction compounds, with night-time working during winter months given the proposed hours construction will be highly visible and intrusive both on residents and the nighttime wildlife in particular the bat population.

This proposal is clearly not compliant with BE13 point 1.

### **Conclusion**

This submission has demonstrated that this proposal is not compliant with planning policies either at a national or local level.

The examples given of noncompliance with Braunton Parish Neighbourhood Plan are not exhaustive but compelling and give more than sufficient grounds for refusing this application.

Love Braunton

Cc Braunton Parish Council