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Our ref: DC/2023/123611/02-L01
Your ref: 77576

Date: 28 August 2024

Dear Mr Sierakowski

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. WHITE CROSS OFFSHORE WINDFARM (ONSHORE PROJECT)

Thank you for consulting us on this application

Environment Agency Position
We maintain our objection to this application on flood risk grounds.

Reason
There are some fundamental problems with the assessment of current and future flood and coastal risk, that have not been fully dealt within the revised information. Until the correct baseline and future flood and coastal risk conditions are agreed, the application is not compliant with NPPF, and does not demonstrate that the proposed development is safe for its lifetime and does not increase risk to third parties.

The main issues are :-

- Design Lifetime - differing position in documentation and not agreed with EA/LPA
- Incorrect consideration of climate change during the full lifetime of development
- No consideration of CCMA designation/policy.

- Lacking the proper consideration of future risk including waves at the cable landfall location, using an inappropriate freeboard value
- Lack of consideration of wave action at the Substation location, with the correct Climate change.
- Mitigation measures at the substation are not in line with NPPG guidance.

Finally we wish to note that the applicants cross referencing of multiple documents and appendixes, rather than setting out a brief summary has taken considerable public resources/time in the review process, particular when we have already commented that the referenced documents do not address our concerns e.g. re-referencing to offshore waves when onshore waves are the issue.

Comments Upon Appendix C - Response to Environment Agency

3a) Use of the Credible Maximum Scenario,

The guidance on the use of maximum climate change scenario, does include the position on National Significant Infrastructure Projects (NSIP), but then goes on to other instances when it should be considered. The guidance is based around using the various allowances as a sensitivity test, rather than setting a rigid 'use this, don't use this' approach. In our meeting in June 2023, our statement that the Upper End allowance was appropriate, was in clarification so that the Higher Central Allowance was not used at the baseline. This did not exclude the use of the credible maximum as a sensitivity test for the final design, once we had a proper review of the scale of the proposal i.e. regional significant infrastructure.

3b & 4) CCMA & Coastal Impact

We are not asking that the impacts of the offshore elements are considered on the SMP, CCMA etc. The change of the coast from storms/erosion/climate change needs to be fully considered and then whether these changes will impact your proposals i.e. onshore cable or onshore substation areas. The CCMA was designated by the LPA (NDDC), with support from us given our strategic overview and this triggers the need for a Coastal Land Stability assessment. We will support the Coastal Protection Authority (NDDC) by ensuring the correct baseline risk data (storm size, Climate change scenarios, lifetime etc) and methodologies are used.

3c) Wave Action

The submitted wave modelling report (Appendix 8.A: Wave modelling report Offshore ES) concentrates on the offshore wave conditions, rather than the local 'onshore' conditions. The local onshore conditions that the new infrastructure will be affected by, are as important. The affect the land fall cable location may have on localised wave actions must be fully considered to demonstrate compliance with the Exception Test. This includes how climate change will impact the waves and this location. This will help to calculate the necessary minimum depth of the cable burial. We do note that a Cable Burial Risk Assessment (CBRA) will finalise the burial depth at Reserved Matters stage, however an 'outline' design based on credible evidence should be provide at this planning stage.

5) Cable Burial Depth - Landfall

Further to our point 3c above - The appendix F report, does provide the actual depth of the sand and bedrock, and consider the issues of burying the cable. However it does not consider properly the impact climate change will have on the landfall area i.e. what is the predicted state of the beach, what will be the erosion rate and the risk from storms at the in 2075/2100. Please see our note on Wave action on why this is required to consider the impact. The statement that beach levels in the future could be lower by 0.5m in places, contradicts the suggestion in paragraph 30 the 'buried depth of between 0.5m and 3m. Also this appendix used a 25 year design lifetime of development (paragraph 19)

Paragraph 28 suggests a sea-level rise of just under 1m over the 100 years – This is

based on significantly out of date allowances, hence our requirement that a proper assessment of climate change including wave action, tide level and erosion rates is produced.
In appendix Y table 6, it implies that the depth of the reception pit and intertidal cable trench(ploughed) will be 3m, thus contradicting that it might be between 0.5-3m. Further on in paragraph 45, it states the cable will have a burial depth of between -0.5 to -3.05m AOD, which is obviously different from an actual depth of 0.5-3m.
We would accept a condition that the burial depth (from MLWS to the car park) is agreed at the detail design stage, but with the understanding that the climate change conditions (tidal and ONSHORE wave actions) in the year 2100 are used to set the minimum depths.
9) Substation Area
Due to uncontrollable issues, our modelling of the Taw / Torridge estuary has been delayed until final publication/availability in 2025, as warned previously. In the absence of this detail modelling, it is the applicant's responsibility to provide all the necessary data to produce the flood risk assessment.

We disagree with your assessment of the minutes of the meeting in June 2023. You suggest that the 600mm valve was agreed/confirmed to be used in place of a proper assessment of wave action of the site. The minutes of the June 2023 do not show that 600mm was agreed, rather than it could be **"600 or 900mm", unless further evidence is submitted**. No further evidence has been submitted, hence our inclusion of this point in our November 2023 letter. To date we have not agreed the working Design Flood Level, so the minimum level for the site/floor or other mitigation measures cannot be agreed.
We also disagree with your implication that the solution of 'lifting on non-waterproof equipment would be acceptable" as the only solution to deal with an element of the freeboard. This was part of discussions over a series of mitigation measures, and accepted on the premise as a last resort once the design flood level had been approved and full justification had been provided (and agreed) on why the site could not be raised above the Design Flood Level (i.e. inline with paragraph 004 NPPG "Avoid" principle).
10a) High Risk Surface Water area

The applicant still has not assessed the impact that raising the substation area will have on an area of surface water flooding. The land raising will remove/alter the area at risk. This could increase flood risk to the adjacent developed areas and increase risk to third parties. This is not related to the onsite drainage system or its performance, and needs to be treated as a loss of functional floodplain (surface water floodplain). This is a matter for the LLFA and ourselves to review.

11) Design Lifetime of development
We again note the applicant believes that a 50 year development lifetime is appropriate. However, as stated previously this needs to be agreed between the LPA and us. NPPF is very clear that more vulnerable should consider 100yr, and non-residential has a starting point of 75 years. Beyond the applicant's statement that a 50year (or 25 year as used in some application documents) is appropriate, no substantial evidence/argument has been provided.
NPPG then goes onto say that "major infrastructure projects" (NSIP not mentioned)…." it may be appropriate to consider a longer period.." NPPG para 006. It does not give specific direction on essential infrastructure or that it's for the applicant to decide.
We have seen no evidence that the LPA has agreed your proposed 50 year lifetime, and we have not agreed anything with the LPA on our position. We have discussed this with colleagues around the country and our national team, to compare with other similar coastal schemes (i.e. right next to the coastline) and their previous approaches and

consideration, and this does changeour position that 75 years should be used, unless we formally agree otherwise with the LPA

Comments on Revised FRA

The FRA is unacceptable in several key areas, and thus fails to comply with the NPPF requirement.

1)The design life for the onshore substation has a starting point of 75 years, i.e. what the risk will be in the year 2100. We have not agreed otherwise with the LPA. The use of a 50 year design life within the FRA, sets a fundamental incorrect baseline level for the assessment of flood risk.

2)The assessment of flood risk has not considered the full impacts from wave actions. This is crucial at this location. Our pre application meeting (June 2023) discussed the issues of freeboard and wave action, we said that an element of freeboard of either 600 or 900mm should be used, subject to additional information. We did not, as stated in paragraph 448, request a 600mm freeboard to be applied. No additional information has been provided, therefore the 900mm freeboard for wave action should be used.

3) The use of our standing advice guidance and the justification of using 300mm freeboard is incorrect. The standing advice for vulnerable development quoted in the FRA (paragraphs 373 – 376 and figure 1.8) is not appropriate of this application. This advice is only suitable for vulnerable developments in flood zone 2 or change of use application.

4) The minimum Design Flood Level is the still water level for the 0.5% tidal flood in 2100 (6.9mAOD) 900mm freeboard, which **give a minimum safe site/floor level of 7.8mAOD**. The current proposed level in the FRA of 6.43mAOD is unacceptable. The proposal to make up the shortfall via mitigation measures is unacceptable, given the level of depths involved(>500mm), and is not safe(significant/extreme hazard on site). We may be able to accept a min safe FFL of 7.5mAOD, and then 300mm of mitigation measures to take the level of protection to 7.8mAOD.

We do recognise that our forthcoming Taw Torridge estuary flood modelling is likely to change our position on flood risks. We would be willing to revise our design flood level and minimum safe floor levels at the reserved matters stage subject to either our modelling being completed or the applicant providing an adequate assessment of storm risks (including wave action over the full design lifetime). This is a similar approach to that taken on the nearby regeneration development at Yelland Quay.

Groundwater and contaminated Land

In relation to land contamination, we support the proposals to complete ground investigation works for any areas of identified potential contamination so that specific risk assessment and mitigation can be derived. The results of the assessment for each area will need to inform the CEMP (that cannot be finalised until these works are completed). For some locations including the former power station, significant investigation works have been completed associated with other planning proposals and the developers need to ensure that assessments and remediation strategies are complimentary. For areas where significant groundworks or permanent development is proposed - for example the substation, remediation works are recommended to be secured via planning conditions to ensure that risks from contamination are remediated to a suitable standard in accordance with planning policy.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of conditions on any subsequent approval.

Cont/d..

Yours sincerely

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Planning Advisor

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