

5<sup>th</sup> February 2025

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 as detailed in our letters dated 26<sup>th</sup> October 2023 and 28<sup>th</sup> August 2024. The additional documentation submitted by the applicant on the 2nd January 2025 does not provide the requested further detail or address concerns about the proposed onshore cable route with the exception of bat survey reports for 2024, confirmation that they will not fund an ecology warden and that the biodiversity net gain will come with caveats. Once again, the documentation is not easy to access with the applicant's responses being mainly a catalogue of cross references to documents previously submitted.

As detailed in our previous submissions there are numerous and insurmountable issues that this flawed application raises, and that the applicant continues to respond to by either referring to previous documents or stating that an issue will be addressed post consent.

This approach allows the applicant to appear to be considering all the points raised but avoid detailing how their proposals are compliant with planning policies – particularly those in Braunton Parish Neighbourhood Plan.

This recent round of consultation is in respect of the applicant's response to specific consultees who are recognised as subject matter experts in respect of environment, landscape and ecology, and whose detailed objections to date are material considerations in the planning decision.

What is clear from reading the applicant's responses is that they are intent on managing away the issues that their proposal raises by stating detail to follow post consent, that they will agree to have conditions attached if permission is granted or they refer back to the original Environmental Statement documents which prompted the objections. These "details will be provided post consent" responses do not enable full consideration by the individual consultative bodies of the

mitigation activities on the specific issues nor the cumulative effects that these will have on the landscape and its ecology.

We do not believe that this development and the consequential cumulative impacts can be appropriately managed and enforced by planning conditions.

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

The applicant has not provided any additional information as evidenced by the response to Braunton Parish Council. The appendix appears to be a copied text from the ES Chapter 4 which was also the basis of the summary document Appendix Z.

This refusal to provide the requested information demonstrates the applicant's continued disregard of North Devon Council 4<sup>th</sup> March 2024 request to revisit the route selection.

The applicant has also failed to consider National Grid's publication on the 13<sup>th</sup> August 2024 "Beyond 2030: Celtic Sea" recommendations with particular regard to the cable for the southwest. We have previously stated in the light of this recommendation for the onshore cable route, which is informing the Celtic Sea bid round 5, it seemed nonsensical for White Cross to continue to pursue their proposed non-strategic route.

These failures by the applicant to revisit the route selection shows that they are solely concerned with securing the cheapest connection at the cost of the environment.

By their own admission White Cross' preferred route is the cheapest irrespective of the potential environmental damage as they state in their ES Chapter 4 – Site selection and assessment of alternatives:

*"East Yelland represented the quickest, most economical way to secure the grid capacity needed for the project."*

In effect the applicant's "cost effective" route is being subsidised by our communities and landscape that will be impacted adversely.

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

#### **2.1 National Policy Statements and Rochdale Envelope**

The applicant has previously stated that they are not a Nationally Significant Infrastructure Project (NSIP) and as such the National Policy Statements cannot be a material consideration.

What is less clear is the use of the Rochdale Envelope approach that the applicant justified as being "agreed with NDC during pre-application engagement". The Rochdale Envelope is designed to allow developers to have greater flexibility in providing detail in respect of their proposals at a later stage or during the course of a development. 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 White Cross application is not a NSIP.

It appears that as a result of this agreement with NDC the applicant is taking full advantage of this approach. NDC have not publicly confirmed this agreement with the applicant, nor did the applicant explain "clearly for the purpose of consultation and publicity at the Pre-application stage" that this agreement was in place as advocated by Government guidance.

<https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-advice-note-nine-rochdale-envelope/nationally-significant-infrastructure-projects-advice-note-nine-rochdale-envelope>

Application 77576 description infers that the Rochdale Envelope approach applies to the substation only. It does not. The applicant's Environmental Statements Chapter 5 section 5.2 and

Chapter 6 section 6.4 define and details “The Project Envelope Approach (Rochdale Envelope)” as covering all onshore components of their proposal.

It is clear that the repeated response by the applicant that they will provide the required detail post consent accords with the Rochdale Envelope methodology. The lack of detail makes this proposal in effect an outline application by the applicant and one that cannot be fully assessed prior to its determination.

Post consent is too late to fully understand the cumulative impacts of their proposed cable route construction activities on Braunton Parish. This outline of an application is not acceptable nor is the applicant’s stated intent to agree to have conditions that will require them to produce the detailed documentation that they currently have not provided post consent. Without the detail the applicant cannot evidence their claimed negligible impacts let alone demonstrate compliance with the Parish Neighbourhood Plan which gives the specificity to the associated Local Plan policies.

## 2.2 National Planning Policy Framework (NPPF)

In the light of the updated NPPF December 2024 we reiterate the relevant points made in our August 2024 submission.

The National Planning Policy Framework’s presumption in favour of sustainable development means that for the decision taker 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 paragraph 11d footnote 7 which lists habitat sites, SSSIs, AONBs, Heritage Coast and areas at risk of flooding or climate change. All of these designations – landscape and flood risk or climate change 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 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. The areas mapped include the Taw Estuary, Braunton Burrows, Fremington and Yelland. Whilst the Local Plan has not formally adopted the CCMA’s, guidance given to the applicant by the Environment Agency indicates that they should consider them. The NPPF paragraphs 184 – 186 requires development proposals to consider the impact that they will have on an identified CCMA area.

The applicant’s response in the Flood Risk Assessment does not accord with Environment Agency advice nor NPPF requirements.

NPPF Section 15 Conserving and Enhancing the Natural Environment - paragraphs 187 - 201 is highly pertinent to this proposal. A number of paragraphs in this section provide grounds for refusing the application given its potential impacts.

Specifically paragraphs 187 c), d) & e), 188, 189, 192, 193 b) & d), 195, 196 a) & c), 198 b) & c) and 199.

We remain concerned in respect of proposed substation site on a designated flood zone 3 and potential implications for surrounding area.

### 2.3 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.

### 2.4 Braunton Parish Neighbourhood Plan

The NPPF defines the status of a Neighbourhood Plan as:

**Development plan:** *Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.*

Braunton Parish Neighbourhood Plan was approved at Referendum September 2023 and made by the NDC October 2023. As such the policies of the Parish Neighbourhood Plan are material considerations and NDC planning officers must accord it real weight in the planning balance when making a decision.

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

**BENTONITE USE:** Our concerns in respect of the proposed use of bentonite in this location remain. The applicant has not addressed the points raised in our previous submission August 2024, specifically the guidance given by the Environment Agency. It is very concerning that Natural England appear to have now partially accepted the outline documentation on the basis that detail will be provided post consent. This is not acceptable given the sensitivity of the area and its reliance on clean water.

**DEWATERING:** It is clear that there will be significant dewatering along the construction corridor which the applicant recognises 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.

We note that Natural England have asked for additional groundwater data be collected to improve confidence in the Hydrological Assessment. The applicant's response is that monitoring is being undertaken for the period March 24 to February 25. This then will not be available until after consultation closes.

**LIGHT AND NOISE POLLUTION:** The applicant has made no revisions to Appendix O – 2<sup>nd</sup> July 2024. We reiterate that all of the route with the exception of Yelland substation is dark sky – E1 Natural not E2 Rural.

The applicant continues to ignore noise pollution in the new documentation.

This proposal is non-compliant with NE1 as the components of the construction activities will have an unacceptable impact on biodiversity, geodiversity and wildlife habitats.

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

The applicant has submitted additional bat survey data for the period June to December 2024 but only for the one stretch of hedge on the Saunton Road. Details are given of what the weather and temperature was during the survey periods. There was also a one off survey of the Pump House for potential roosting activity.

Whilst the provision of additional data is welcome it is insufficient and does not meet what Natural England and GE Ecology requested in their responses.

The applicant continues to disregard the good practice guidance which stipulates that surveys should be conducted across the wider area along and around the construction route. 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 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.

It was surprising to read the applicant's comments in responding to GE Ecology intimates that they feel they have already done more than enough to allay concerns about the bat population. Such a statement conveys to the reader that the applicant does not understand the importance of the Parish bat population both locally and nationally.

This proposal is non-compliant with NE2 as there is no consideration of the cumulative effect of proposal on habitat loss, encroachment, light pollution in respect of the wider Parish bat population.

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

The applicant's responses to Natural England, the Biosphere and GE Ecology explicitly state that they are not subject to mandatory requirements for Biodiversity Net Gain (BNG). All parties are disregarding the requirement for the proposal to be compliant with policy NE3 across the proposed site.

This policy requires the proposal to restore the projected biodiversity loss across all three habitat modules (broad habitats loss of 24.22%, hedgerows loss of 36.52% and watercourses – 3.03%) and increase the restored baseline by at least 10%.

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

Our position in respect of non-compliance with this policy has not changed as the applicant has not provided any new information.

Appendix N Outline LEMP confirms the loss of 149 mature hedgerows and up to 76 individual trees, gives no clarity as to 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.

In responding to the Biosphere, the applicant has stated that a detailed LEMP will be provided post consent.

Policy NE4 explicitly states that the loss of mature trees and hedgerows should be replaced on an equivalent scale, effect or massing so as to ensure a minimum BNG gain of 10%.

Given the lack of detail the applicant cannot claim to be in compliance with this policy.

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

The applicant has still not provided any new information in response to this policy.

As previously stated 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 NE7 Protection of Parish's Strategic Nature Areas**

The proposed route of the onshore cable passes entirely through one of the Parish's designated nature areas as shown in NE7 policy map Lb.

This policy states that there must be no adverse impacts on habitats and biodiversity both on site and in the site's setting.

Throughout the proposal and subsequent responses, the applicant continues to maintain there will be negligible adverse impacts. This is contrary to the substantial evidence provided by local subject matter experts who have evidenced that there is a significant risk of catastrophic impacts upon this area.

This compelling evidence is sufficient to determine that the proposal is not compliant with policy NE7.

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

The applicant has provided no new information other than to provide further detail post consent. This is an unacceptable position by the applicant who does not appear to be recognising the importance of water to the area.

Construction activity will have an adverse impact along all of the proposed route through the introduction of pollutants (fuel, chemicals, drilling fluid) that can enter the fluvial and ground water, the need for water drainage during construction and the diversion of water courses.

Policy NE8 requires the protection and improvement of water quality. This proposal will degrade it.

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

Our previous comments made in our response August 2024 still stand as there is no new additional information.

This application continues to be non-compliant with BE4 1iii) c) and d) in relation to closure of public rights of way and public safety.

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

We believe that this proposal constitutes major development so this policy needs to be considered in conjunction with policy BE10

### **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.

It is concerning that again the applicant's position is to offer an Outline Construction Traffic Management Plan subject to the acceptance of a condition for a detailed plan being attached to any approval that is given.

There are real potential dangers from a significant increase in HGVs using Caen Street and its junction with the A361; and then the approach road and access road for Saunton Beach, as well as its impact on users of the footpath network.

We believe that once approval is given no mitigation measures will be sufficient to overcome the impact on our local road network particularly through the heart of the village and onwards to the main visitor destinations.

This outline approach does not comply with policy BE10.

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

As stated in our previous response the applicant has provided no further detail but states that further mitigation measures are to be secured through submission of a CEMP post consent.

Policy BE12 3ii) requires the 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.

By their own admission the applicant says 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.* - Chapter 13 Paragraph 165

The applicant's response on this issue is not compliant with policy BE12.

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

The applicant has not provided any new detailed information in respect of this issue.

In their response to GE Ecology the applicant states " *The design included within Appendix O merely serves as a starting point for further development and refinement during the detailed design stage post consent*"

The promised "Statement on temporary lighting impacts from compounds and the associated bat and over wintering mitigation" referred to in the applicant's response to GE Ecology has as yet not been published.

Our detailed comments in respect of this issue made in our previous August 2024 submission still stand.

This proposal is clearly not compliant with BE13 point 1.

### **Conclusion**

We believe that this proposal is not compliant with planning policies either at a national or local level.

Almost without exception the applicant's standard response to requests for detailed information is that it will be provided post consent. In effect the LPA is being asked to consider an outline application.

Given the potential impact of this proposal on the Parish this is not acceptable nor is the applicant's stated intent to agree to have conditions requiring them to produce this detailed information. Without the detail the applicant cannot demonstrate compliance with the Parish Neighbourhood Plan which gives the specificity to the associated Local Plan policies.

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

This application must be refused.

Love Braunton

Cc Braunton Parish Council