The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION:

Proposed Xlinks Morocco-UK Power Project

Case Reference: EN010164

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

07 March 2024

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1. INTRODUCTION

1.0.1 On 29 January 2024, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Xlinks 1 Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Xlinks Morocco-UK Power Project (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

http://infrastructure.planninginspectorate.gov.uk/document/EN010164-000011

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has/has not agreed to scope out certain aspects/matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Sections 3 and 4)

ID	Ref	Description	Inspectorate's comments
2.1.1	Table 2.2.1, Section 4.2, and Paragraph 5.4.5	Flexibility	The Inspectorate notes the intention to apply a 'Rochdale Envelope' approach. This is employed when there is a need to seek flexibility to address uncertainty. The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. It is noted that the Scoping Report refers interchangeably to 'maximum design scenario' and 'Project Design Envelope' (PDE) when referencing the use of the Rochdale Envelope approach. The terminology used in the ES should be consistent. The ES should also ensure consistency throughout the ES and any other relevant assessments supporting the application from which the ES draws. The Inspectorate advises that flexibility in design should only be sought where absolutely necessary, in the interests of a proportionate ES based on the most realistic and refined PDE possible. The ES should assess the worst case that could potentially be built out in accordance with the Authorised Development of the Development Consent Order (DCO) being applied for.
2.1.2	Paragraphs 4.4.2 and 1.1.2	Overhead lines	The Scoping Report states at paragraph 4.4.2 that no High Voltage Alternate Current (HVAC) overhead pylons will be installed as part of the Proposed Development. However, it is noted that the Scoping Report also refers to diversions of existing overhead lines and that DCO application may include the Alverdiscott Substation Connection Development, which includes repositioning of overhead lines and

ID	Ref	Description	Inspectorate's comments
			tower structures. The ES should clearly describe the works relating to any overhead lines and structures, where included, and include an assessment of any likely significant effects from such works.
2.1.3	Paragraphs 4.5.6 to 4.5.15	Programme	Construction of the Bipole 2 Convertor Station appears in Phase 2; however, the timescales for commencement of Phases 1 and 2 are the same. It is unclear from the Scoping Report if the two convertor stations would be constructed concurrently or consecutively, and if consecutively, whether there would be a period of no construction in between. The ES should clearly state the anticipated construction programme used for the assessment and ensure aspect chapters are consistent in this regard.
2.1.4	Paragraphs 4.6.26 to 4.6.27	Alverdiscott Substation Connection Development	The Inspectorate notes from the Scoping Report that the Alverdiscott Substation Connection Development could be delivered as part of the DCO or separately by National Grid, and this is yet to be determined. The Scoping Report includes a limited description of the likely parameters for the works for the Alverdiscott Substation Connection Development at present and very few aspect chapters include reference to an assessment of likely effects from this development, either as part of the DCO application or cumulatively as a separate project. The ES should clearly describe the elements of the project to be included in the DCO application. The Applicant should reduce the options for the Proposed Development as far as possible (see also the Inspectorate's comment above regarding flexibility at ID 2.1.2). Where included in the DCO, the ES should clearly set out the worst-case parameters for the assessment and include an assessment of the likely effects of the proposed Alverdiscott Substation Connection Development in the relevant aspect chapters, for example in relation to landscape and visual impacts. Where the Alverdiscott Substation Connection Development is not included in the DCO application, the

ID	Ref	Description	Inspectorate's comments
			ES should include an assessment of the likely significant cumulative effects of the Proposed Development with the proposed Alverdiscott Substation Connection Development.
2.1.5	Paragraphs 4.6.37 to 4.6.40 and 4.9.34 to 4.9.39	Proposed Development – materials and waste	The ES should include a description of the nature and quantity of materials and natural resources used in the Proposed Development, including expected quantities and types of any waste that would be generated during construction, operation and decommissioning. The ES should describe the assumptions made in the assessment with regards to likely exportation of waste. The Inspectorate notes Section 10.2 of the Scoping Report, which confirms that no separate waste aspect chapter is to be produced but that a Site Waste Management Plan (SWMP) would detail quantities of waste and management as an appendix to the ES. Although the Inspectorate is content with this approach, an assessment of effects relating to waste should be provided in the relevant aspect chapters where significant effects are likely to occur, including in relation to transport effects arising from the movement of waste.
2.1.6	Table 4.6.5 and Table 4.7.1	Depth of cable installations	The ES should describe the range of burial depths that have been considered as part of the assessment and the degree of confidence in these parameters. It should establish the parameters likely to result in the maximum adverse effects and include an assessment of these to determine likely significance of effects.
2.1.7	Paragraph 4.7.25	Unexploded Ordnance (UXOs)	The Scoping Report states that separate consents would be sought for offshore UXO clearance works, if required. The Inspectorate advises that the ES should still include a high-level assessment of offshore UXO clearance in relevant aspect chapters based on a likely worst-case scenario (any assumptions used in the definition of the worst-case scenario should be explained in the ES). The ES should address

ID	Ref	Description	Inspectorate's comments
			any cumulative effects from the construction of the Proposed Development with the likely effects from the UXO clearance.
2.1.8	Paragraphs 4.7.28 and 4.7.29, Paragraphs 4.10.8 to 4.10.10 and Section	Offshore waste and disposal – marine debris and out of service (OOS) cables, and dredge disposal	The Scoping Report states that debris collected during the grapnel run for seabed clearance, together with cut sections of OOS cables, would be recovered on board the vessel for onshore disposal at appropriately licensed disposal facilities. The Scoping Report also describes that dredged material may be generated at the Horizontal Directional Drilling (HDD) site for the landfall. It is stated that disposal options would be considered as the design evolves with a preference for the beneficial re-use of dredged material. However, where this is not possible, alternative disposal options in line with regulatory and consenting requirements for disposal of dredged material would be adhered to. It is unclear whether dredged material would also be generated through seabed preparation. The Inspectorate notes the intention to produce a Site Waste Management Plan (SWMP) to contain details of waste quantities as an appendix to the ES. However, it is unclear whether this would also include predicted quantities of any offshore waste, or dredged materials, and its management and any subsequent disposal. The ES should clearly identify the quantities of dredged material and likely method and location for disposal. Any likely significant effects from offshore waste collection and disposal, including dredging or dredge disposal, should be assessed.
2.1.9	Table 4.8.2	Offshore embedded mitigation measures	It is unclear from Table 4.8.2 if any of the proposed management plans (such as the Biosecurity Plan, Marine Mammal Mitigation Protocol) and assessments listed in this table would be provided in outline with the DCO application. The Inspectorate notes reference at Section 4.10 to an outline Offshore Construction Environmental Management Plans (CEMP) to be provided with the DCO application;

ID	Ref	Description	Inspectorate's comments
			however, it is unclear at this stage what outline plans would be provided for the offshore environment. Any measures relied upon in the ES should be discussed with relevant consultation bodies, including such as Natural England (NE), in effort to agree the approach. Measures relied upon in the ES should be adequately secured eg through the CEMP(s).
2.1.10	Paragraphs 4.11.9 to 4.11.14	Operation and Maintenance	The Inspectorate notes the description of Operation and Maintenance in Chapter 4 of the Scoping Report, and the subsequent separation of the operational phase to two distinct stages (ie 'Operation' and 'Operation Repair') for the scoping out of matters in the offshore aspect chapter tables. To clarify, the Inspectorate has provided opinions in the relevant offshore aspect chapter tables below based on the information in Chapter 4 of the Scoping Report. The Inspectorate has therefore assumed that the 'Operation' stage refers to the presence of the operational cable plus inspection survey and repair, as described in Paragraphs 4.11.9 to 4.11.11, and 'Operation Repair' comprises the maintenance and repair activities described at Paragraphs 4.11.12 to 4.11.14.
2.1.11	Paragraph 4.12.6	Decommissioning	Paragraph 4.12.6 states that an Onshore Decommissioning Plan would be developed in a 'timely manner'. The ES should explain the anticipated timescales for production of the Onshore Decommissioning Plan, whether agreement has been sought with Local Authorities and how it would be secured.
2.1.12	n/a	Figures	The labelling, key/legend, and hatched elements on a number of figures provided in the Scoping Report are not clearly legible, for example Figure 8.2.3, Figure 9.3.1, and the figures presented in Chapter 7.4. It is also not possible to distinguish the proximity of designated sites to the cable route and landfall site in figures such as Figure 8.3.2 at the scale currently provided. The ES must include

ID	Ref	Description	Inspectorate's comments
			clear and appropriate figures to support the impact assessment. Figures should be of an appropriate scale and shading to allow each element on the figure to be clearly distinguishable and include clear keys/legends and labels.
2.1.13	n/a	Dewatering activities	No direct reference is made to the potential requirement for dewatering activities in Section 4 of the Scoping Report, although it is noted that dewatering is referenced as an example activity in Table 7.4.4 and at paragraph 7.5.54 in respect of potential inter-related effects between the hydrology and flood risk chapter and hydrogeology, geology and ground conditions chapter. The ES should provide a full description of any such activities and present an assessment of any resulting likely significant effects, where these could arise. The Applicant's attention is directed to the comments of the Environment Agency (EA) at Appendix 2 of this Opinion with regards to dewatering and permits.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
2.2.1	General	Study areas for aspect chapters	Several aspect chapters in the Scoping Report refer to fixed distance study areas with no explanation as to why these have been selected. The ES should ensure the study area for each aspect reflects the Proposed Development's ZoI and the impact assessment should be based on the ZoI from the Proposed Development with reference to potential effect pathways. Clear justification should be provided to support any distances applied.
2.2.2	Paragraph 5.4.4	Evidence based approach	The Inspectorate acknowledges that data and knowledge regarding the baseline environment exists for the offshore area in which the Proposed Development would be located. The Inspectorate understands the benefits of utilising this information to supplement site-specific survey data but advises that suitable care should be taken to ensure that the information in the ES remains representative and fit for purpose. The Applicant should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.
2.2.3	Paragraph 5.4.1, Section 5.7 and Table 5.10.1	Cumulative effects	The Inspectorate notes the intention to identify the projects and plans considered in the Cumulative Effects Assessment (CEA) and that the assessment of cumulative effects would be included in each aspect chapter. It is not clear from Table 5.10.1 where the information identifying the projects and plans considered in the CEA will be presented. The ES should clearly identify the projects and plans considered in the CEA. This could be presented as an Appendix. The Applicant is directed to the Inspectorate's Advice Note 17 with regards to a potential approach. The Applicant is also advised to seek

ID	Ref	Description	Inspectorate's comments
			to agree with relevant consultation bodies which plans and projects should be included in the CEA. The Applicant's attention is directed to the response of North Devon Council and NE at Appendix 2 to this Opinion. North Devon Council identify the potential for cumulative impacts with other renewable energy projects in the area, as identified in the response. NE also identify two potential projects/plans that may also require consideration in the CEA, namely White Cross Offshore Wind Farm (onshore project) and The Crown Estate Round 5 Celtic Sea Flow.
2.2.4	Section 12.3 and Appendix A, and Paragraphs 9.4.37 to 9.4.38	Transboundary effects	It is noted that the Scoping Report includes consideration of potential transboundary effects in relation to the following aspects: • Benthic Ecology; • Fish and Shellfish Ecology; • Commercial Fisheries; • Marine Mammals and Sea Turtles; • Offshore Ornithology; • Other Marine Users; • Marine Archaeology and Cultural Heritage; • Physical Processes; • Underwater Noise; and • Climate Change. The Inspectorate also notes reference to potential positive impacts on other EEA States at paragraphs 9.4.37 to 9.4.38 in respect of Socio-economic effects but these are proposed to be scoped out on the basis that they are positive.

ID	Ref	Description	Inspectorate's comments
			The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary effects, and if so, what these are, and which EEA States would be affected. The Inspectorate will undertake a transboundary screening on behalf of the SoS in due course.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Onshore: Ecology and Nature Conservation

(Scoping Report Section 7.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 7.2.2	The impact of temporary and permanent habitat loss during construction and decommissioning of the onshore elements of the Proposed Development (operation)	On the basis that temporary and permanent habitat loss would not occur during the operational phase, the Inspectorate is content that this matter can be scoped out of further assessment for operation.
3.1.2	Table 7.2.3	Effects on the terrestrial European sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA) etc)	The Scoping Report states that initial discussion with NE suggests Habitats Regulations Assessment (HRA) is not required for terrestrial elements of the Proposed Development and thus effects on terrestrial European sites (ie SAC, SPA, etc) are to be scoped out of the assessment. The response of NE at Appendix 2 to this Opinion reiterates the position that it considers that the proposed cable route is unlikely to have a significant effect on terrestrial European sites (namely Braunton Burrows SAC) and can therefore be screened out from requiring further assessment. This Opinion relates to the scope of the ES for the Proposed Development and is not in respect of any HRA that may be required. However, on the basis of NE's advice, the Inspectorate is content that effects on terrestrial European sites can be scoped out of the impact assessment. Should this conclusion be subject to change as the Proposed Development progresses, the ES and HRA Report must clearly describe all likely significant effects to European sites. Where the Applicant concludes there are no pathways that could lead to effects on terrestrial European sites from the Proposed Development,

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			the ES should provide a justification as to why there would be no pathways of effect on European sites.

ID	Ref	Description	Inspectorate's comments
3.1.3	Paragraph 7.2.6 and Table 7.2.2	Baseline data - non-statutory sites	The Scoping Report does not list specific non-statutory sites for consideration in the impact assessment. The Applicant's attention is directed to the responses of NE and the EA at Appendix 2 to this Opinion with regards to potential County Wildlife Sites (CWS) that lie within or near to the study area, which may be affected by the Proposed Development. The ES should clearly identify and assess likely significant effects to non-statutory sites where they could occur. The Applicant should seek to agree the scope of the assessment for such sites with the relevant consultation bodies, where possible.
3.1.4	Paragraph 7.2.11	Site-specific surveys	The Inspectorate notes a suite of project-specific ecological surveys have been carried out between 2021 to 2023 and are ongoing in 2024. Paragraphs 1.4.6 and 6.2.6 describe that a DCO application is anticipated in Autumn 2024. Limited information is provided on the extent of the further data collection in 2024, including information on the proposed locations and scope of planned surveys, and when data collection would be completed. The Inspectorate advises that survey effort should be designed to provide sufficient information such that the baseline data in the ES submitted at application is adequate for the purposes of assessing the likely significant effects of the Proposed Development.
3.1.5	Paragraph 7.2.21	Habitats, including ancient woodland and veteran trees	The Scoping Report does not at this stage identify whether there are any ancient woodland or veteran tree habitats present in the study area that could be affected by the Proposed Development. The ES

ID	Ref	Description	Inspectorate's comments
			should include an assessment of the effects of the Proposed Development on ancient woodland and veteran trees, where significant effects are likely to occur, and explain the effort made to avoid effects on ancient woodland and veteran trees, and increased fragmentation of these habitats. Measures to fully mitigate direct and indirect effects of the Proposed Development on ancient woodland, veteran trees, or other irreplaceable habitats should be clearly described and appropriately secured.
3.1.6	Paragraphs 7.2.21 and 7.2.28, and Table 7.2.2	Invasive Non-Native Species (INNS)	Although a proposed a Biosecurity Method Statement and Invasive Species Management Plan are described as measures to be adopted for the Proposed Development, the Scoping Report does not describe whether any INNS have been identified in the study area or whether the impact of INNS is proposed to be included in the assessment of likely significant effects. The Applicant's attention is directed to the comments of the EA at Appendix 2 to this Opinion, who have identified that there are multiple records of INNS within the study area, including Japanese knotweed, Indian balsam, Wireweed/Japanese seaweed, and common cord-grass. The ES should describe the INNS present within the ZoI of the Proposed Development and include an assessment of significant effects resulting from the spread of INNS, where likely to occur.
3.1.7	Table 7.2.2	Potential impacts	Table 7.2.2 contains limited information on the types of effects that may occur to ecological receptors from the Proposed Development, which are described very broadly in this table (eg impacts on designated sites). In respect of species, the description of likely impacts focuses largely on temporary and permanent habitat losses, with limited reference to other potential effects such as disturbance. There is also no reference to potential disturbance due to lighting associated with the Proposed Development during construction or

ID	Ref	Description	Inspectorate's comments
			operation. The ES should include an assessment of all likely significant effects to important ecological features/receptors, including the potential impact of lighting on watercourses and other habitats of importance to light-sensitive species such as otters and bats. See also the Inspectorate's comment at ID 2.1.5 above with respect to the proposed Alverdiscott Substation Connection Development, which is not referenced in this aspect chapter.
3.1.8	Table 7.2.2	Potential impacts – statutory designated sites including Torridge Estuary Site of Special Scientific Interest (SSSI) and Kynoch's Foreshore Local Nature Reserve (LNR)	It is unclear from the Scoping Report what potential effects on statutory designated sites are to be included in the impact assessment. The Inspectorate notes the statement that the Proposed Development would not directly affect the Torridge Estuary SSSI/LNR and would avoid its primary estuarine habitats by drilling under using HDD. At present there is no information in the Scoping Report to confirm the likely proximity of construction activity to the designated sites and their interest features, such as the likely location of HDD exit/entry points, compounds, and haul roads. The SSSI and LNR are designated for their important estuarine habitats, plants and bird species. The Inspectorate considers there is the potential for likely significant effects during construction (and decommissioning) to these sites and their features from potential changes to air quality, including dust deposition, changes to water quality, including proximity of HDD and accidental release of drilling fluids such as bentonite, and disturbance to species. The ES should include an assessment of such impacts to designated sites and features, where likely effects could occur.
3.1.9	Paragraph 7.2.28	Protected species licensing	The ES should confirm whether any European Protected Species licences and/or mitigation licenses for other protected species licenses would be required. To provide the Examining Authority (ExA) with assurance that any necessary licence(s) are likely to be obtained, the

ID	Ref	Description	Inspectorate's comments
			Applicant should seek to obtain letters of no impediment (LoNI) from NE where possible. The Applicant is referred to the Inspectorate's Advice Note Eleven, Annex C.
3.1.10	Paragraph 7.2.28 and Paragraphs 4.6.16 to 4.6.18, 4.9.46 and 4.9.48	Measures including enhancements	Noting that the net gain enhancements are also proposed as part of the Proposed Development, the ES should clearly distinguish between measures intended to avoid or reduce the potential for likely significant effects, and those which have been identified for enhancement only.
3.1.11	Paragraph 7.2.28	Measures – contamination and pollution	The Scoping Report Ecology and Nature Conservation aspect chapter does not include reference to measures to protect the estuarine and downstream habitats from contamination/pollution during construction activities. The ES should provide details of proposed measures to avoid contamination or pollution of estuary and downstream habitats and explain how these measures will be secured.
3.1.12	Table 7.2.2 and Paragraph 7.2.28	Potential impacts to species and mitigation	The ES should consider the potential for protected and notable species to become trapped in open trenches, such as but not limited to otters and badgers. Appropriate measures should be secured through the draft DCO (dDCO) to mitigate for such events.
3.1.13	n/a	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as

ID	Ref	Description	Inspectorate's comments
			normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.2 Onshore: Historic Environment

(Scoping Report Section 7.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Table 7.3.3 and 7.3.4	Loss of, or harm to, buried archaeological remains and deposits of geoarchaeological interest during operation	Given that the operation/ maintenance of the onshore elements is unlikely to require additional land take, the Inspectorate agrees that this matter is unlikely to give rise to significant effects. However, consideration should be given to the potential for changes to groundwater levels and/ or heat output from buried cables to result in the deterioration of buried archaeological/ geoarchaeological assets and how the risk of such impacts would be managed. Where significant effects are likely, this matter should be scoped into the ES.
3.2.2	Table 7.3.3	Loss of, or harm to, buried archaeological remains and deposits of geoarchaeological interest during decommissioning	The Inspectorate notes that unlike for the operation phase above, no justification is presented in the Scoping Report to explain why this matter is scoped out for decommissioning. The Inspectorate agrees that should loss of, or harm to, buried archaeological remains and deposits of geoarchaeological interest have occurred in the construction phase and no further loss or harm/disturbance occurs at the decommissioning stage, this can be scoped out of the impact assessment. However, in the absence of such confirmation, the ES should include an assessment of decommissioning effects, where likely significant effects could occur, or further evidence why likely significant effects would not arise.
3.2.3	Table 7.3.3 and Table 7.3.4	Impacts of the Proposed Development (other than the converter stations) on the significance of heritage assets and	The Inspectorate agrees that likely significant effects on the settings of above ground heritage assets during operation and maintenance from the Proposed Development (excluding the converter stations) are unlikely and is content that this matter can be scoped out of further assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		their settings during operation and maintenance	

ID	Ref	Description	Inspectorate's comments
3.2.4	Paragraphs 7.3.3 and 7.3.22	Guidance and assessment methodology	The Design Manual for Roads and Bridges LA 106 was updated in 2020 and the National Planning Policy Framework was updated in 2023 (although the latter is correctly referenced at Paragraph 7.3.3 of the Scoping Report). The Applicant's attention is directed to the response of Historic England at Appendix 2 of this Opinion, which highlights other guidance and legislative documents which the Applicant should have regard to. The ES should be based on up to date and relevant guidance documents.
3.2.5	Paragraph 7.3.4	Study areas	The Scoping Report states that a study area of 5km will be used to assess the effects on heritage assets resulting from the Converter Site. A 1km study area has been set for impacts on heritage assets resulting from the cable corridor. The Zone of Theoretical Visibility (ZTV) has not yet been established and therefore it is not possible at this stage to understand if there may be any heritage assets located outside the respective 5km and 1km study areas which may be affected. Where significant effects on heritage assets beyond 5km and 1km respectively are identified, they should be assessed in the ES. Additionally, the study area must take into account any likely significant effects associated with temporary elements of the Proposed Development such as haul roads and utility diversions. See also the Inspectorate's comment at ID 2.1.5 above with respect to

ID	Ref	Description	Inspectorate's comments
			the proposed Alverdiscott Substation Connection Development, which is not referenced in this aspect chapter.
3.2.6	Figure 7.3.1	Identified assets and site area	The ES should include a figure (similar to Figure 7.3.1) to show the location of the converter site in relation to the identified assets, in addition to the cable route. The study areas/ZoI should also be shown on this figure. The Applicant's attention is directed to the comments of Torridge District Council at Appendix 2 to this Opinion with regards to specific heritage assets that may be affected by the Proposed Development and should be considered in the assessment, where likely significant effects could occur.
3.2.7	Table 7.3.3	ZTV	The ZTV developed for the Landscape and Visual Impact Assessment (LVIA) should be used to confirm the heritage assets that may experience visual impacts from the Proposed Development. The assessment should be supported by appropriate visualisations such as photomontages to help illustrate the likely impacts of the Proposed Development. Effort should be made to agree appropriate viewpoint locations and such visualisations with relevant consultation bodies, including Local Authorities and Historic England. Cross reference can be made to the LVIA ES assessment to avoid duplication.
3.2.8	Paragraph 7.3.21	Written Scheme of Investigation (WSI)	The Scoping Report states that the WSI would be developed prior to construction and that this would detail survey and mitigation requirements during the construction phase. Where possible, the WSI should be developed in conjunction with the Local Authority(ies)'s Historic Environment Team and Conservation Officer/archaeological advisor to ensure that local knowledge is captured.
3.2.9	Paragraph 7.3.22	Assessment methodology – significance	The Inspectorate notes that the assessment methodology proposed for this aspect will follow the matrix approach described in Section 5

ID	Ref	Description	Inspectorate's comments
			of the Scoping Report, with reference also to the assessment guidance documents listed at Paragraph 7.3.22, including the Design Manual for Roads and Bridges (DMRB) and Historic England guidance. The Applicant's attention is directed to the comments of Historic England at Appendix 2 to this Opinion with regards to the approach to recording significance of heritage assets (both designated and non-designated). The Applicant should make effort to agree the approach with Historic England and other relevant consultation bodies. In the event that the Applicant's approach to recording significance of an asset deviates from the advice it has received, the ES should explain why and provide justification based on relevant evidence and professional opinion.
3.2.10	Paragraph 7.3.26	Potential inter-related effects	Impacts on heritage assets from alterations to drainage patterns, changes to groundwater flows and levels, and from the movement of contaminants or pollutants should be assessed, where significant effects are likely to occur. This should consider the potential for hydrological effects from both drying out and inundation. Cross references to Chapter 7.5: Hydrology, Geology and Ground Conditions should be included.

3.3 Onshore: Hydrology and Flood Risk

(Scoping Report Section 7.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Tables 7.4.4 and 7.4.5	Contaminated runoff impact on the quality of ordinary watercourses, main rivers and ground receptors during operation and maintenance	The Scoping Report proposes to scope this matter out as the onshore High Voltage Direct Current (HVDC) cable corridor is not likely to generate contaminated runoff. Noting that the cable would be underground and would require infrequent on-site inspections and corrective maintenance (Paragraph 4.11.6 of the Scoping Report), the Inspectorate agrees that this matter can be scoped out of the assessment. Potential for contaminated runoff from operation and maintenance of the proposed converter station and/ or Alverdiscott Substation Connection Development is not referred to in Table 7.4.4 or Table 7.4.5. For the avoidance of doubt, the Inspectorate advises that this matter should be scoped into the impact assessment, or it should otherwise be explained in the ES, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur. See also the Inspectorate's comment at ID 2.1.5 above in this regard.
3.3.2	Tables 7.4.4 and 7.4.5	Increased flood risk from additional surface water runoff during operation and maintenance of the onshore HVDC cable corridor	The Scoping Report proposes to scope this matter out as the minor increase in impermeable land created from the presence of the onshore HVDC cable is unlikely to result in notable change in drainage patterns and surface water runoff rates. On that basis, the Inspectorate agrees that this matter can be scoped out of the assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.3	Table 7.4.4	Increased flood risk arising from additional surface water runoff during operation of the Converter Site (construction and decommissioning stage)	On the basis that this impact would not occur until the operation phase, an assessment of this matter during the construction and decommissioning phase can be scoped out of the assessment.
3.3.4	Table 7.4.4	Increased flood risk from damage to existing flood defences during operation	The Scoping Report proposes to scope this matter out but does not present any reasoning. The Inspectorate notes that there are formal flood defences along the banks of the River Torridge (Paragraph 7.4.22 of the Scoping Report), which the proposed onshore HVDC cable corridor would cross. However, it is unclear where the flood defences are located and whether the presence of the cable during operation could affect them. This matter should be scoped into the assessment, or it should otherwise be explained in the ES, with evidence of agreement from relevant consultation bodies, why significant effects are not likely to occur.
3.3.5	Table 7.4.4	Damage to existing field drainage and existing water pipelines during operation	The Scoping Report proposes to scope this matter out but does not present any reasoning. Given the nature of the Proposed Development and the limited operational maintenance requirements, as described in Chapter 4 of the Scoping Report, the Inspectorate considers it is unlikely that damage would be caused to field drainage and water pipelines during operation. This should be confirmed in the ES. Where significant effects are likely, these should be considered in the assessment.

ID	Ref	Description	Inspectorate's comments
3.3.6	Paragraph 7.4.3 and Table 7.4.1	Guidance and data sources	The Applicant's attention is drawn to the response of the EA at Appendix 2 of this Scoping Opinion, which sets out several additional guidance documents and data sources that may provide information of relevance to establishing the baseline and/ or assessment approach in the ES. This includes information on permitted sites, discharges or abstractions.
3.3.7	Paragraph 7.4.3	Flood risk assessment (FRA) climate change allowances	The Scoping Report states that the EA's FRA climate change allowances guidance from 2020 would be used to inform the assessment. The Inspectorate advises the most up-to-date iteration of the climate change allowances (as relevant to the Proposed Development) should be used in the assessment, noting that updates have been made since 2020.
3.3.8	Paragraph 7.4.20	Flood zones 3a and 3b	The Scoping Report states that the landfall area of the Proposed Development would be located within Flood Zone 3. It does not specify whether it is Flood Zone 3a or 3b. The ES should distinguish between Flood Zones 3a and 3b to determine which parts of the site are in areas of 'high probability of flooding' and 'functional floodplain'. This should be shown on a figure. It should specify what infrastructure will be in which flood risk zones. The ES should explain what mitigation is in place, including any requirement for compensatory flood storage, and how this would be secured through the DCO.
3.3.9	Paragraph 7.4.22	Existing flood defences	The Scoping Report contains limited information about the existing flood defences on the River Torridge, which could be affected by the Proposed Development. The ES should clearly include in the baseline, a description of existing (and where relevant, proposed) flood defences that could be impacted by the Proposed Development, together with figures showing their location. Effort should be made to

ID	Ref	Description	Inspectorate's comments
			agree the extent of baseline information required with relevant consultation bodies, including the EA.
3.3.10	Table 7.4.4	Water sampling and analysis	The Scoping Report states that no water sampling or analysis of existing watercourses and ground receptors within the study area is proposed to inform the assessment of effects from contaminated runoff. It is proposed to rely on desk-based information. The Inspectorate advises that effort should be made to seek to agree the requirement for water sampling and analysis with relevant consultation bodies, including the EA.
3.3.11	Table 7.4.4	Potential impacts from welfare facilities' sewage	In addition to potential for contaminated run-off during construction, the assessment should describe how sewage from construction welfare facilities would be discharged/ managed and assess any significant effects likely to occur.
3.3.12	Table 7.4.4	Potential impacts from increased flood risk during operation	For the avoidance of doubt, the assessment should also consider impacts from increased flood risk from additional surface water runoff arising at the existing Alverdiscott substation, if extension or upgrade works are proposed in the DCO, and for any highways' improvements, where significant effects are likely to occur (in addition to impacts at the converter station). The Inspectorate's comment at ID 2.1.5 with regards to the assessment approach, dependent on whether the Alverdiscott Substation Connection Development works are within the DCO or subject to a separate consenting process, also apply.
3.3.13	Table 7.4.4	Potential impacts – damage to land drains and other utilities	In addition to field drainage and water pipelines, the assessment should also identify any land drains and/ or utilities infrastructure (eg foul sewer or oil-insulated cables) that may be present and assess potential impacts from damage to this infrastructure, where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.3.14	Table 7.4.4	Modelling	The Scoping Report states that surface water attenuation modelling would be undertaken to inform the assessment where appropriate. Effort should be made to agree the scope of any modelling required to inform the assessment with relevant consultation bodies, eg the EA and lead local flood authority (LLFA). If desk-based analysis only is relied upon, the ES must clearly explain why this data is sufficient to establish the baseline from which to undertake an assessment.
3.3.15	Paragraph 7.4.32	Surface and Foul Water Management Plan (SFWMP)	The Inspectorate advises that an outline version of the proposed SFWMP should be submitted as part of the ES. It should include a description of any measures required to avoid impacts to surface water flow paths and how reinstatement works would be carried out to avoid impacts on surface water flooding.
3.3.16	Paragraph 7.4.32	Mitigation during construction	The Inspectorate advises that measures required to manage flood risk during construction, including to prevent sediment and debris flowing into surface watercourses/ drainage features, should also be described in the ES and demonstrably secured in the dDCO. Such measures could be specified in the proposed onshore CEMP(s).
3.3.17	Paragraph 7.4.35	FRA – sequential and exception test	The Inspectorate advises that the ES should include reference to how the sequential and exception tests have been applied in the FRA, as relevant.
3.3.18	n/a	Potential impacts from flood risk	Section 7.4 of the Scoping Report primarily focuses on risk from additional surface water runoff due to the Proposed Development but baseline information in the Scoping Report suggests that there is flood risk associated with other sources including coastal and reservoir. No reference is made to the potential for groundwater flood risk. Table 7.4.4 states that the FRA will assess flood risk from all sources. This should include figures showing relevant flood mapping for all sources. The FRA should inform the assessment in the ES,

ID	Ref	Description	Inspectorate's comments
			which should also consider all relevant forms of flood risk which the Proposed Development may be affected by or add to where these could give rise to likely significant effects. The Applicant's attention is drawn to the comments of the EA at Appendix 2 of this Opinion regarding tidal and fluvial flooding and demonstrating compliance with National Policy Statement (NPS) EN-1.
3.3.19	n/a	Water Framework Directive (WFD)	The Scoping Report lists onshore and transitional WFD waterbodies at Table 7.4.2 but does not describe an approach to WFD assessment. The Inspectorate draws the Applicant's attention to Advice Note Eighteen: The Water Framework Directive, which provides a suggested outline methodology for WFD assessment. If the Proposed Development has potential to impact upon WFD waterbodies, then a WFD assessment should be submitted as part of the DCO application either as an appendix to the ES or as a separate WFD report. The findings of any WFD assessment should inform the ES. The location of WFD waterbodies should be shown on a figure. Where it is determined that a full WFD assessment is not required, a clear justification for this position with evidence of agreement with relevant consultation bodies should be provided.
3.3.20	n/a	Receptors	The Inspectorate advises that, in addition to the receptors identified in the Scoping Report, the ES should identify, describe and assess any likely significant effects to the following receptors: • Westward Ho! designated bathing water; • Permitted sites, discharges and/ or abstractions, reflecting data available from the EA's public register; • Jennetts Reservoir and Gammaton Lower Reservoir, in terms of their designated nitrate vulnerable zones; and

ID	Ref	Description	Inspectorate's comments
			• Torridge Estuary designated shellfish water (refer to the Inspectorate's comments at ID 3.10.7 of this Opinion). The Applicant's attention is drawn to the comments of the EA (Appendix 2 of this Scoping Opinion).
3.3.21	n/a	Watercourse crossings	The Scoping Report suggests that crossings of sensitive watercourses may be required. The ES should describe the nature of any proposed works within or in proximity of sensitive watercourses (ie main rivers and Ordinary watercourses). Information should be provided regarding the location, scale, and dimensions of any proposed watercourse crossings/ instream structures, as well as the nature of any associated construction works (eg dewatering, trenching, and HDD). The ES should consider the potential of such works to negatively impact watercourses within the study area, including the ecological status of any watercourses protected under the WFD such as the Torridge Estuary designated shellfish water. The results of the WFD Assessment should inform the ES.

3.4 Onshore: Hydrogeology, Geology and Ground Conditions

(Scoping Report Section 7.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 7.5.4	Impact of ground contamination on human health receptors and controlled waters during operation	Given the nature of the Proposed Development and the maintenance requirements described at Section 4.11 of the Scoping Report and noting that any residual risk would be remediated/ mitigated during the construction phase, the Inspectorate agrees that this matter can be scoped out of the assessment for the operation phase. The ES should describe the remediation/ mitigation to be carried out during construction, together with confirmation of how any contaminating substances required eg to support operation of the converter substation, would be appropriately stored, and how this would be secured through the DCO.
3.4.2	Table 7.5.4	Impacts resulting from contact with UXO during operation and decommissioning	The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that any UXO encountered during construction would have been addressed and could not be encountered again during operation or decommissioning. The ES should describe the measures proposed to deal with UXO encountered during construction and confirm how the measures would be secured through the DCO.
3.4.3	Table 7.5.4	Impact on geological conservation sites during operation and decommissioning	The Inspectorate notes that limited information is presented in the Scoping Report as a justification for scoping operational and decommissioning effects out of the ES beyond that there would be no change during these phases. However, based on the commitment to use HDD at the Mermaid's Pool to Rowden Gut SSSI during construction, and noting that this technique is designed to avoid surface excavation across the foreshore or surface laying of cables, coupled with the noted low level of coastal erosion in this location,

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			the Inspectorate agrees that there is unlikely to be a change in the physical environment that would give rise to significant effects during operation. Similarly, if the cable is retained in situ on decommissioning, there is unlikely to be an impact pathway to significant effects. The Inspectorate agrees that these matters can be scoped out of the assessment on that basis and provided that the commitment to HDD is demonstrably secured through the DCO.
3.4.4	Table 7.5.5	Impact on mineral resources	The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that final defined study area does not fall within a defined mineral safeguarding or consultation area.
3.4.5	Table 7.5.5	Impact of ground contamination on construction workers	The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that protections are required through health and safety measures and other legislation, including the Construction Design Management (CDM) Regulations. The ES should describe the expected measures that would be in place and how these would be secured.

ID	Ref	Description	Inspectorate's comments
3.4.6	Paragraph 7.5.6	Study area	In addition to onshore HVDC cable corridor and converter station, if the Alverdiscott Substation Connection Development is part of the DCO, this needs to form part of the study area. The study area should include the nearshore area and be of sufficient extent to enable an assessment of all likely significant effects arising from ground conditions and contamination, including where this extends into the offshore area. Effort should be made to agree the final study area with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.4.7	Paragraph 7.5.12	Ground condition surveys	The Scoping Report states that additional surveys are proposed in 2024 to supplement an intrusive survey of the proposed converter station site in 2023. No information is presented about the proposed location and scope of the planned surveys. The Inspectorate advises that survey effort should be designed to provide sufficient information to inform an understanding of the baseline to enable assessment in the ES. Effort should be made to agree survey location and scope with relevant consultation bodies. The Inspectorate understands from information presented in Table 7.5.4 that a survey is to be undertaken where HDD is proposed at the landfall location within Mermaid's Pool to Rowden Gut SSSI to inform design/ construction techniques. The findings of the survey should be reported in the ES.
3.4.8	Table 7.5.4	Impact of ground contamination to controlled water receptors	For the avoidance of doubt, the Inspectorate considers that reference to controlled water receptors to be considered in the assessment includes WFD groundwater bodies within the study area. The ES should consider whether the construction and/ or decommissioning of the Proposed Development could negatively impact the status of any groundwater bodies protected under the WFD. The results of the WFD Assessment should inform the ES.
3.4.9	Table 7.5.4 and Paragraph 7.5.51	Assessment methodology	The Inspectorate notes the reference to the desk-based assessment, including a conceptual site model (CSM) and preliminary risk assessment (PRA). The Applicant should seek to agree the approach to the assessment, including the CSM and PRA with relevant consultation bodies, including the EA and Local Authority.
3.4.10	Paragraph 7.5.54	Potential impacts – groundwater flow	The Scoping Report states that inter-related effects will be considered in this chapter of the ES, including in relation to potential for a reduction in groundwater levels to impact on flow of surface

ID	Ref	Description	Inspectorate's comments
			watercourses. It is not apparent from the Scoping Report where this would be considered and presented. The ES must include an assessment of any likely significant effects on groundwater flow arising from the Proposed Development. Any proposed mitigation and monitoring with regards to groundwater flow effects must be clearly described in the ES, including likely efficacy. Mitigation and monitoring measures should be appropriately secured.
3.4.11	n/a	Potential impacts – ground stability hazard	Table 7.5.3 of the Scoping Report states that the British Geological Survey (BGS) ground stability hazard ratings identify a moderate landslide risk at the valley slides of River Torridge. Paragraph 7.5.30 states there is moderate [risk] rating for compressible ground and uneven settlement at the river crossing. It is unclear whether the Proposed Development would require activities that could result in ground stability hazard and potential likely significant effects. The ES should include an assessment of any likely significant effects and, where relevant, describe any mitigation required and how this would be secured.
3.4.12	n/a	Potential impacts – construction impacts to Mermaid's Pool to Rowden Gut SSSI	For the avoidance of doubt, the assessment should include consideration of any likely significant effects arising from exploratory cores into the rock on the foreshore as part of geological investigation prior to HDD, where such investigation is proposed.

3.5 Onshore: Traffic and Transport

(Scoping Report Section 7.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Table 7.6.2	Impact of Abnormal indivisible loads (AILs) on the safety of users of the highway network and other transport receptors during operation and decommissioning	Table 7.6.2 of the Scoping Report states that impacts of AILs on the safety of users of the highway network during operation and decommissioning are scoped out of the assessment, although no justification is provided and it is not known whether AILs would be required for the decommissioning stage, for example. Taking into account the nature of the operation and maintenance, the Inspectorate is content that this matter can be scoped out. The Inspectorate is also content that the assessment of the construction phase would represent a worst-case, in the event that AILs are required for decommissioning, and therefore considers a detailed assessment of decommissioning traffic impacts can be scoped out of the ES. However, the ES should explain the approach taken.
3.5.2	Tables 7.6.2 and 7.6.3	Impact of additional vehicle movements/traffic flows on the highway network on driver (including public transport) and pedestrian delay, fear and intimidation (non-motorised user amenity), severance and road safety during operation and maintenance	The Scoping Report proposes to scope out impacts of additional vehicle movements on the highway network on: • Driver and pedestrian delay; • Fear and intimidation; • Severance; and • Road safety on the basis that operation and maintenance of the Proposed Development would generate only a limited number of additional vehicle movements on the network. The Inspectorate agrees that due to the likely low numbers of staff to be employed (as described at

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Paragraph 4.11.4 of the Scoping Report) this matter can be scoped out of the ES.
3.5.3	Tables 7.6.2 and 7.6.3	The impact of additional vehicle movements/traffic flows on the highway network on driver (including public transport) and pedestrian delay, fear and intimidation (non-motorised user amenity), severance and road safety during decommissioning	The Scoping Report proposes to scope out impacts of additional vehicle movements on the highway network on: • driver and pedestrian delay; • fear and intimidation; • severance; and • road safety on the basis that the decommissioning phase of the Proposed Development would generate a lower number of additional vehicle movements on the highway network than the construction phase. The Scoping Report also states that measures to be included in the Construction Traffic Management Plan (CTMP), updated as necessary, would also be employed during the decommissioning phase. Although the Inspectorate is content that the assessment of this matter for the construction phase would represent a worst-case compared to decommissioning, the Inspectorate considers that insufficient evidence has been provided to support the scoping out of additional vehicle movements during decommissioning at this stage. The ES should include an assessment of these matters for decommissioning phase, where likely significant effects could occur, or provide evidence that significant effects would be unlikely to occur.

ID	Ref	Description	Inspectorate's comments
3.5.4	Paragraph 7.6.2	Legislative and policy context	The Barnstaple with Bideford and Northam Local Cycling and Walking Infrastructure Plan was recently approved. Consideration of this Plan should be included within the ES.
3.5.5	Figure 7.6.1, Paragraph 7.6.6	Study area	The ES should explain the how the study area for the Traffic and Transport assessment has been defined, with reference to the extent of the likely impacts. The Inspectorate notes that agreement will be sought with the relevant highways authorities regarding any additional parts of the highway network that may require consideration in the traffic and transport assessment. The ES should document any consultation undertaken with regards to the scope of the proposed assessment, including matters agreed/not agreed. Where the scope differs from that requested by the relevant highways authority, the ES should provide justification for the alternative approach.
3.5.6	Paragraph 7.6.10	Data sources	The Inspectorate advises that collision and casualty data is obtained from https://www.devon.gov.uk/roads-and-transport/safe-travel/road-safety/collision-data/ as a source of verified collision data from Devon County Council, the relevant highway authority.

3.6 Onshore: Noise and Vibration

(Scoping Report Section 7.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Table 7.7.3	The impact on human receptors and heritage assets arising from vibration generated by additional vehicle movements on the local highway network during construction and decommissioning	The Scoping Report proposes to scope out impacts on human receptors and heritage assets arising from vibration on the basis that additional vehicle movements during the construction and decommissioning phases are unlikely to generate high levels of vibration. The Inspectorate agrees that significant effects are unlikely and is content that this matter can be scoped out of the ES.
3.6.2	Table 7.7.3	The impact on human receptors and heritage assets arising from vibration generated during operation and maintenance	The Scoping Report proposes to scope out impacts on human receptors and heritage assets arising from vibration on the basis that operation and maintenance of the Proposed Development is unlikely to generate high levels of vibration, and the plant strategy for the converter stations would incorporate vibration control as part of the design. The Inspectorate is content that vibration from the operation and maintenance of the onshore cable is unlikely to result in significant effects and agrees this matter can be scoped out of the ES. With regards to the converter stations, the Inspectorate is not in a position to agree to scope out this matter as the location of the converter stations are not yet determined and the distance to any human receptor or historic asset is unknown. The Scoping Report does not provide information on the anticipated vibration levels from the stations. Accordingly, the ES should include an assessment of these matters or the information demonstrating agreement with relevant stakeholders and the absence of likely significant effect. The ES should describe the potential sources of vibration arising from the operation of the converter stations, as well as any measures to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			control emissions and confirmation of how these are secured through the dDCO or other mechanism.
3.6.3	Table 7.7.3	The impact of noise and vibration generated during the operation and maintenance of the onshore cable and associated infrastructure	The Scoping Report proposes to scope out impacts on human receptors and heritage assets from noise and vibration associated with the operation and maintenance of onshore cable and associated infrastructure on the basis that impacts are likely to be intermittent, short term and temporary in nature. Considering the nature and characteristics of the operational Proposed Development, the Inspectorate agrees that impacts are unlikely to be significant and is content to scope this matter out of the ES.

ID	Ref	Description	Inspectorate's comments
3.6.4	Paragraphs 7.7.13 to 7.7.19	Baseline	The Scoping Report confirms sound surveys have been undertaken to date, with additional sound monitoring to be undertaken in 2024 and that the locations and methodology proposed will be agreed with the relevant stakeholders prior to deployment of the survey equipment. The location of noise monitoring undertaken to date is not presented in the Scoping Report and therefore it is difficult for the Inspectorate to comment on the locations and scope to date. The Inspectorate expects a project-specific baseline survey. The assessment methodology and choice of noise receptors should be agreed with the relevant local authorities.
3.6.5	Table 7.7.2	Potential impacts - noise and vibration impacts on ecological receptors (all project phases)	The Scoping Report does not clearly state what constitutes a 'sensitive receptor' for the purposes of the noise and vibration assessment. The ES must include an assessment of noise and vibration impacts on all noise sensitive receptors, including ecological

ID	Ref	Description	Inspectorate's comments
			and heritage receptors, where significant effects are likely to occur. The impact assessment should cross-refer to the findings of other relevant aspect chapters, such as Ecology and Nature Conservation and Historic Environment.

3.7 Onshore: Air Quality

(Scoping Report Section 7.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Table 7.8.3	Impacts on human receptors from air emissions generated by vehicles during the construction phase	The Scoping Report proposes to scope out impacts on human receptors from vehicle air emissions during the construction phase on the basis that the Proposed Development would not increase average daily Light Duty Vehicle (LDV) traffic flows by more than the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) thresholds above which an air quality assessment is recommended (ie by more than 100 within or adjacent to an Air Quality Management Area and more than 500 elsewhere). Table 7.8.3 states these criteria are unlikely to be exceeded. The Scoping Report contains no information on the likely number of construction vehicles. The reference to scoping out in this table refers only to the LDV threshold, and contains no reference to likely numbers of HGVs, which are listed at Paragraph 4.6.97 as being within the likely vehicle types to be used. The ES should detail the type and number of anticipated vehicle movements during all phases of the Proposed Development and explain the assumptions upon which these have been established. The Inspectorate would expect the ES to confirm whether thresholds would/would not be exceeded to justify scoping out this matter from further assessment.
3.7.2	Table 7.8.3	The impact on ecological receptors arising from dust emissions generated by onsite construction activities	The Scoping Report proposes to scope out impacts from emission of dust on ecological receptors from onsite activities during construction on the basis that there is only one SSSI within 50m of the Proposed Development Scoping Boundary, which is designated for geological features and is therefore not sensitive to air quality changes.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Scoping Report does not expand on what is included as an 'onsite construction activity'. Notwithstanding this, and with reference to Section 7.1 of the Scoping Report and the Inspectorate's comments at ID 3.1.8 above, the Inspectorate considers this statement to be incorrect as there are other designated sites within the scoping boundary, such as Kynoch's Foreshore LNR, and potentially also habitats and species sensitive to dust emissions. It is considered there is insufficient justification provided in the Scoping Report and the Inspectorate does not agree to scope this matter out. The ES should identify sensitive ecological receptors and any potential effect pathways from air quality changes, including dust, and include an assessment of any likely significant effects. This can be included in the Ecology and Nature Conservation ES chapter with reference to information in the air quality assessment.
3.7.3	Table 7.8.3	The impact on ecological receptors arising from air emissions generated by vehicles during the construction phase.	The justification provided in the Scoping Report for this matter is the same as for dust emissions above, ie the SSSI is not sensitive to air quality. As per the Inspectorate's comments at ID 3.7.1 and ID 3.7.2 above, it is considered that insufficient justification has been provided in the Scoping Report and the Inspectorate does not agree to scope this matter out at this stage. The Inspectorate would expect the ES to provide a detailed explanation of the likely construction emission to justify not undertaking further assessment. The ES should include an assessment of air emissions during construction on sensitive ecological receptors, such as habitats and species of the LNR, during the construction phase where likely significant effects could occur or provide evidence that this matter can be scoped out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.4	Table 7.8.3 and Paragraph 7.8.12	The impact on human and ecological receptors (dust soling and human health) arising from fugitive dust emissions generated during operation and maintenance of the onshore elements of the Proposed Development	This matter is proposed to be scoped out on the basis that onshore elements of the Proposed Development are unlikely to generate fugitive dust. The Inspectorate agrees that fugitive dust emissions associated with operation and maintenance of the Proposed Development are unlikely to result in significant effects, and this matter can be scoped out of the ES.
3.7.5	Table 7.8.3	The impact on human and ecological receptors arising from air emissions generated by plants or stacks during operation and maintenance of the onshore elements of the Proposed Development	The Scoping Report proposes to scope out onshore plant generated impacts on human and ecological receptors during operation and maintenance on the basis that the Proposed Development does not include proposals for any onshore plant or stacks which could generate air emissions. On the basis that there are no stacks and provided no significant emissions are likely to arise from operational plant/stations, the Inspectorate agrees that this matter can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.7.6	n/a	Potential impacts – Alverdiscott Substation Connection Development	The Inspectorate notes that this aspect chapter makes no reference to the proposed Alverdiscott Substation Connection Development (see comment at ID 2.1.5 above).

3.8 Onshore: Land Use and Recreation

(Scoping Report Section 7.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 7.9.2	The permanent loss of agricultural land, including the Best and Most Versatile (BMV) land, arising from the Proposed Development – operation and decommissioning	The Scoping Report proposes to scope this matter out during operation and decommissioning phases in Table 7.9.2 but does not present any reasoning, particularly in respect of decommissioning activities. Table 7.9.3 does explain that any permanent effects on agricultural land would occur during the construction phase and would be assessed as part of the assessment of effects for construction. Where there would be no further permanent losses during operational and maintenance or decommissioning activities that would result in likely significant effects on agricultural land, including BMV, the Inspectorate is content that this matter can be scoped out of the impact assessment. However, the ES should clearly describe the assumptions made in respect of decommissioning and potential effects on agricultural land and make clear of the reasonings for the conclusions reached.
3.8.2	Table 7.9.3	The impact of disruption and reduced access to agricultural land during operation and maintenance	The Scoping Report states that impacts during the operation of the onshore development would be limited to maintenance and repair activities and would be small in magnitude, short term and infrequent. Any land impacted during maintenance and repair activities would be reinstated to its original condition, and the potential impact on agricultural land during operation and maintenance of the onshore infrastructure is therefore considered unlikely to result in significant effects and is proposed to be scoped out of the assessment. The Inspectorate is content that there is unlikely to be a significant effect from the level of disruption and reduced access to agricultural

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			land due to operational and maintenance activities. The Inspectorate agrees that this matter can be scoped out on this basis.
3.8.3	Table 7.9.3	The impact of disruption and reduced access to recreation resources (eg access land, common land, village greens, PRoW, cycle routes and other recreational resources) during operation and maintenance	The Scoping Report states that impacts arising during of the operation of the onshore development would be limited to maintenance and repair activities (eg investigation of onshore HVDC cables) and would be small in magnitude, short term and infrequent. The potential impact on recreation resources during operation and maintenance of the onshore infrastructure is considered unlikely to result in significant effects and is proposed to be scoped out of the assessment. The Inspectorate is content that there is unlikely to be a significant disruption and reduction in access to recreational resources due to operational and maintenance activities. The Inspectorate agrees that this matter can be scoped out on this basis.

ID	Ref	Description	Inspectorate's comments
3.8.4	Paragraph 7.9.7	Assessments of impacts on the amenity of recreational resources	The ES should ensure an assessment of the amenity value of recreational resources is clearly presented in the ES, where likely significant effects could occur, and appropriate cross-referencing is applied between aspect chapters.
3.8.5	Paragraph 7.9.12, Paragraphs 7.9.15 to 7.9.19, and Table 7.9.2	Baseline for agricultural land and soils – site-specific surveys	Where surveys are undertaken in respect to agricultural land classification (ALC) and soil, the Applicant's attention is directed to the response of NE at Appendix 2 of this Opinion, which provides comment on the level of detail recommended. The Inspectorate recommends that effort should be made to agree survey methodology and locations with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.8.6	Paragraphs 7.9.15 to 7.9.19	Baseline – BMV	The ES should clearly identify the extent of BMV affected by the Proposed Development and include details of how any adverse impacts on BMV agricultural land would be minimised through design.
3.8.7	Paragraphs 7.9.33 to 7.9.34	Mitigation - soil resources and agriculture	The Scoping Report states that the construction process would take into account the principles of good practice in soil handling at Paragraph 4.9.42. It is considered that the handling, storage and reinstatement of soil should be conducted in accordance with a Soil Management Plan (SMP), or as secured through the CEMP, which sets out good practice mitigation to minimise adverse effects on the soil resource. The ES should address how soils and agriculture would be managed and describe any assumptions made. Any mitigation required should be explained in the ES and appropriately secured.
3.8.8	Paragraphs 7.9.33 to 7.9.34	Mitigation measures – disruption of PRoWs and other recreational resources	The ES should describe what mitigation would be put in place to ensure minimal disruption of PRoWs and other recreational resources and how this would be secured through the dDCO.

3.9 Offshore: Benthic Ecology

(Scoping Report Section 8.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Table 8.2.5	Direct habitat loss during operation (excluding operational repair) and decommissioning (if the cable is left in situ)	The Inspectorate notes that no justification is presented in the Scoping Report for the proposal to scope these matters out during operation (repair) and decommissioning (in situ). It is also noted that the potential for a change in hydrodynamic regime from localised areas of scour is scoped into the assessment. The Inspectorate considers that there is a possibility for localised scour due to the presence of the offshore cable and cable protection (if required), which could also result in direct habitat loss. This matter should be considered in the assessment, where likely significant effects could occur, or provide evidence demonstrating agreement with the relevant consultation bodies that significant effects are not likely to occur.
3.9.2	Table 8.2.5	Physical habitat change during decommissioning (if the cable is removed)	The Inspectorate notes that no justification is presented in the Scoping Report for the proposal to scope this matter out and that paragraphs 4.12.11 to 4.12.14 of the Scoping Report provide limited information about the proposed approach to decommissioning if the cable is removed, beyond it being similar to installation. It is unclear whether the armour protection would be fully removed and any works that might be required to reinstate habitat affected during operation. The Inspectorate does not have sufficient evidence to exclude the possibility of likely significant effects and this matter should be scoped into the assessment, where likely significant effects could occur.
3.9.3	Table 8.2.5	Physical disturbance and displacement (disturbance of	The Inspectorate notes that no justification is presented in the Scoping Report to scope these matters out. However, it considers

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		bottom sediments) and changes to water quality (resuspension of sediments and increased sediment loading) during operation (excluding operational repair) and decommissioning (if the cable is left in situ)	that a pathway for effect from these matters is unlikely to arise during operation and decommissioning from the presence of the offshore cable, the majority of which is predicted to be buried as described at paragraph 4.7.38 of the Scoping Report, and on the basis that there would be no physical works or significant vessel movements. The Inspectorate agrees that these matters can be scoped out of the assessment on that basis. Please note the Inspectorate's comments at ID 2.1.10 of this Scoping Opinion regarding the definitions of operation and operational repair, which also applies to the Inspectorate's comments at ID 3.9.4 to ID 3.9.6 in this table.
3.9.4	Table 8.2.5	Changes to water quality (release of hazardous substances) during operation (excluding operational repair) and decommissioning (if the cable is left in situ)	The Inspectorate notes that no justification is presented in the Scoping Report for the proposal to scope these matters out. However, it considers that a pathway for effect from these matters is unlikely to arise during operation (excluding repair) and decommissioning (in situ) given the limited activities involved and the infrequent vessel movements along the offshore cable corridor, as described in Chapter 4 of the Scoping Report respectively. The Inspectorate agrees that these matters can be scoped out of the assessment on that basis.
3.9.5	Table 8.2.5	Introduction and spread of INNS during operation (excluding operational repair) and decommissioning (if the cable is left in situ)	The Inspectorate agrees that these matters can be scoped out of the ES on the basis that the Applicant has committed to embedded mitigation measures including the production and implementation of a biosecurity plan with incorporation of biosecurity risk assessment during all phases of the Proposed Development (Table 4.8.2 of the Scoping Report). The Scoping Report also indicates that vessel movements during operation (excluding repair) would be minimal with a single vessel per year for the first five years, and five yearly thereafter (Paragraph 4.11.11).

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			An outline of the biosecurity plan and risk assessment should be submitted with the DCO application. It should describe how available best industry practice would be incorporated into the plan. The ES should also explain the proposed measures and how these are secured through DCO requirements (or other suitably robust methods). Effort should be made to agree such measures with relevant consultation bodies.
3.9.6	Table 8.2.5	Change in hydrodynamic regime (scour and accretion) during construction, operational repair and decommissioning (if the cable is removed)	The Scoping Report states that changes could occur from presence of rock berms, which may be required for cable protection at crossings or in isolated hard seabed areas during operation. The Inspectorate notes the predicted construction timetable and two offshore cable laying phases as described at Paragraphs 4.7.10 to 4.7.12 of the Scoping Report. It appears possible that rock berms would be in place for extended periods of construction activity in advance of the cable becoming operational and that mitigation may also be required during this period. The Inspectorate advises that the potential for change to the hydrodynamic regime due to the presence of cable protection should be assessed for the phases during which it is likely to give rise to significant effects and that the ES should describe any mitigation required and explain how this would be secured in the DCO. The Inspectorate agrees that there is unlikely to be an effect pathway during operational repair and this matter can be scoped out of assessment. The Inspectorate's comments at ID 3.9.2 of this Scoping Opinion apply equally to this matter in respect of decommissioning. The Inspectorate does not have sufficient evidence to exclude the possibility of likely significant effects and this matter should be scoped into the assessment, where likely significant effects could occur.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.7	Table 8.2.5	Underwater noise and vibration during operation (including repair) and decommissioning (both options)	The Inspectorate does not agree to scope this matter as no supporting evidence has been provided in the Scoping Report. It is unclear whether underwater noise and vibration could be generated during these phases of the Proposed Development for example from vessel movements, cable repair and/ or reburial, and cable removal activity and whether there are noise and/ or vibration sensitive benthic receptors that could be affected by these works. The ES should include an assessment of underwater noise, where likely significant effects could occur, or provide evidence demonstrating agreement with the relevant consultation bodies that significant effects are not likely to occur.
3.9.8	Table 8.2.5	Sediment heating and electromagnetic fields (EMFs) from the cable during construction and decommissioning (both options)	The Inspectorate notes that no justification is presented in the Scoping Report for the proposal to scope these matters out. However, the Inspectorate considers that a pathway for effect from these matters would only arise when the cable is operational and live, and as such significant effects are not likely to occur during construction and decommissioning. The Inspectorate agrees that these matters can be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.9.9	Paragraph 8.2.3	Guidance	The CIEEM guidelines for Ecological Impact Assessment for Terrestrial, Freshwater and Coastal Environments (2018) was updated in April 2022 as version 1.2. The assessment should refer to the most recent iteration of the guidelines as relevant. The Applicant's attention is drawn to the comments of NE and the Joint Nature Conservation Council (JNCC) (Appendix 2 of this Opinion)

ID	Ref	Description	Inspectorate's comments
			regarding joint NE and JNCC guidance of relevance to subsea cables and the Marine Evidence based Sensitivity Assessment.
3.9.10	Paragraphs 8.2.4 to 8.2.5	Study area	The Scoping Report states that the study area will be based on the pathway for effect likely to have the greatest spatial extent, which is expected to be suspended sediment carried in plumes from cable burial activities. It states for scoping a precautionary approach has been adopted to encompass the ZoI, comprising a 15km buffer from the 500m offshore cable corridor. Whilst the Inspectorate agrees that suspended sediment carried in plumes is likely to be pathway resulting in the greater spatial extent, it is noted that no survey or modelling evidence has been presented in the Scoping Report to explain how the proposed 15km buffer relates to the potential extent of suspended sediment plumes and/ or whether there is potential for effects to extend beyond this including to designated sites with benthic features located outside of the 15km buffer. Section 8.9 of the Scoping Report proposes a 30km buffer for physical processes. The ES should clearly identify and justify the final study area applied to the assessment of effects on benthic ecology, based on the ZoI and considering relevant guidance. Effort should be made to agree whether modelling is required to identify the ZoI, together with scope and extent of any modelling, with relevant consultation bodies.
3.9.11	Table 8.2.2	Site-specific survey data	The Scoping Report describes site-specific benthic surveys that have been carried out to inform the baseline. In the absence of information on the rationale behind the approach to sampling and the area covered by the survey, it is difficult for the Inspectorate to understand if the baseline data is likely to be adequate. The ES should either demonstrate that the adequacy of the baseline data has been agreed through consultation with relevant consultation bodies

ID	Ref	Description	Inspectorate's comments
			(with supporting information eg meeting minutes) or present a detailed justification as to why it is considered adequate. The Applicant should ensure the baseline is adequately understood for the purposes of impact assessment and to inform preparation of the cable burial risk assessment, and development of any necessary mitigation measures thereafter. The Inspectorate advises that effort should be made to agree the scope and method of any future survey work with relevant consultation bodies, including the JNCC, NE and the Marine Management Organisation (MMO). The Applicant's attention is drawn to the comments from JNCC in Appendix 2 of this Opinion in relation to the scope of the baseline surveys.
3.9.12	Table 8.2.5	Receptors – SACs and Marine Conservation Zones (MCZ)	Section 8.2 of the Scoping Report identifies several SACs and MCZs within the study area, but these are not referred to as receptors for consideration in the assessment in Table 8.2.5. For the avoidance of doubt, the potential for likely significant effects to designated MCZ and SAC, and relevant benthic ecology features, should be considered in the impact assessment. The assessment should include reference to, and consideration of, the conservation objectives for the MCZ. The Applicant's attention is drawn to the comments of NE and the JNCC (Appendix 2 of this Scoping Opinion), which highlight the availability of further information about MCZ. For the SACs, cross-reference can be made to information within a HRA Report(s) to avoid duplication.
3.9.13	n/a	Cable protection	The Applicant's attention is drawn to the comments of NE (Appendix 2 of this Scoping Opinion) regarding its position on cable protection. Where cable protection is required, the Inspectorate advises that the ES should identify the options available and provide an assessment of

ID	Ref	Description	Inspectorate's comments
			the likely significant effects that would arise from installation of the selected option (or options if flexibility is sought), including impacts from secondary scouring. The ES should clearly describe any mitigation measures relied on to avoid significant effects on benthic receptors including SACs and MCZs and explain how the measures would be secured.

3.10 Offshore: Fish and Shellfish Ecology

(Scoping Report Section 8.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 8.3.3	Matters to scope out for the operational phase and decommissioning (in situ) phase: • Direct habitat loss • Temporary increase in suspended sediments • Injury and disturbance from noise and vibration • Collision risk to basking shark • Changes to water quality from resuspension of sediments • Changes to water quality as a result of accidental pollution • Introduction of INNS	On the basis that such effects would not occur in the operation (excluding repair) and decommissioning (where left in situ) stages, as there would be no physical works or significant vessel movements, the Inspectorate agrees that these matters can be scoped out of the assessment for the operation (excluding repair) and decommissioning (in situ) stages.
3.10.2	Table 8.3.3	Matters to scope out for the construction phase and decommissioning phase: • Assessment of EMF • Sediment heating	As the cable would not be in operation during construction or either decommissioning phase options, the Inspectorate agrees that an assessment of EMF and sediment heating can be scoped out of assessment for these phases of the Proposed Development.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.3	Table 8.3.3	Habitat alteration and change in hydrodynamic regime in the construction and both decommissioning phases (ie in situ and removal)	The text in Table 8.3.3 of the Scoping Report indicates that the potential effects of 'habitat alteration' and 'changes in hydrodynamic regime' would be assessed for the operational phase due to the potential for long term habitat alteration and changes to the hydrodynamic regime that may arise from new hard substratum habitats (ie the presence of cable protection (rock berm)). The Inspectorate is content for the effect of the introduction of hard substrate to be considered during operational phase and therefore agrees this matter can be scoped out of the construction stage assessment. The ES should however consider the removal of subsequent hard substate in the decommissioning (removal) phase, where likely significant effects could occur, or provide evidence demonstrating agreement with the relevant consultation bodies that significant effects are not likely to occur.
3.10.4	Table 8.3.4	Direct injury/mortality of fish and shellfish from vessel activities	The Inspectorate notes the ES will include an assessment of collision risk to basking sharks due to vessel activities and concurs with this position. The Inspectorate also agrees that significant effects on other fish and shellfish as a result of vessel activities are unlikely to occur and agrees this matter can be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.10.5	Paragraphs 8.3.6 to 8.3.10	Baseline data	The Scoping Report identifies baseline data for fish and shellfish available from existing literature and surveys and thus no additional site-specific fish and shellfish surveys are proposed, although the benthic site-specific surveys and samples will be used to inform the assessment. Whilst the Inspectorate acknowledges the various data sources available to inform the fish and shellfish assessment, it notes that a number are over 10 years old, particularly in relation to

ID	Ref	Description	Inspectorate's comments
			potential spawning grounds. The Applicant should ensure that the baseline data used in the ES assessments are sufficiently up to date to provide a robust baseline. The ES should provide evidence to justify that the largely desk-based data constitutes a robust characterisation of the receiving environment, with reference to the date, seasonal period and geographic coverage of the data. Effort should be made to agree the approach to baseline characterisation with the relevant consultation bodies and the approach should be sufficiently justified in the ES.
3.10.6	Paragraphs 8.3.13 to 8.3.18 and Table 8.3.3	Potential impacts – designated sites	Paragraphs 8.3.13 to 8.3.18 describe a number of designated sites with fish and shellfish interest features. However, it is unclear from Table 8.3.3 how an assessment of potential effects on designated sites for fish and shellfish will be presented. The table refers predominantly to 'fish and shellfish receptors' and does not specifically reference designated sites. The ES should ensure that all designated sites, including sites for migratory fish, that could interact with the Proposed Development are assessed, where significant effects are likely to occur.
3.10.7	Paragraph 8.3.15	Shellfish waters	The Scoping Report describes Shellfish water protected areas at Paragraph 8.3.15, including the Taw-Torridge Estuary, Torridge Estuary and Taw Estuary, to the north of the landfall site. It is unclear whether the ES will include an assessment of potential effects to these designated waters, including from the onshore elements. The ES should include an assessment of effects to shellfish waters from all relevant elements of the Proposed Development, where likely significant effects could occur. The Applicant should seek to agree the scope of the assessment with relevant consultation bodies, such as the EA and the MMO.

ID	Ref	Description	Inspectorate's comments
3.10.8	Table 8.3.3	Qualitative or quantitative modelling of sediments and sediment deposition	Table 8.3.3 refers to the use or qualitative and/or quantitative modelling; however, no criteria are given as to how the modelling methodology will be decided. The ES should provide details of how the method is chosen, and details of the modelling methodology once undertaken. The Applicant should seek to agree the modelling with the relevant consultation bodies where possible.
3.10.9	Table 8.3.3	Noise modelling	The Scoping Report contains very limited information with regards to potential noise modelling that may be undertaken to inform the fish and shellfish ecology assessment. The ES, and/or accompanying appendices, should provide details of any noise modelling used to inform the impact assessment.
3.10.1	Paragraph 8.3.48	Inter-related effects – fish and shellfish as prey species	The Scoping Report states that impacts on fish and shellfish receptors would affect prey availability for some marine mammal and bird receptors, but the scale of this inter-related effect has already been considered and scoped out at Section 8.5. The Applicant is directed to the comments of the Inspectorate at Tables 3.12 and 3.24 below regarding the scoping out of such effects.

3.11 Offshore: Commercial Fisheries

(Scoping Report Section 8.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Table 8.4.2	Increased vessel traffic associated with the Proposed Development within fishing grounds leading to interference with fishing activity – operation and decommissioning (in situ) phases only	On the basis that the operational (excluding repair) and decommissioning (in situ) phases would not involve a significant increase in vessel traffic, the Inspectorate is in agreement that this matter can be scoped out of the assessment.
3.11.2	Table 8.4.2	Physical presence of infrastructure leading to gear snagging – construction, operation (excluding repair) and decommissioning (remove)	The Inspectorate is unclear why this entry in the table uses n/a instead of indicating whether the phase of the Proposed Development is scoped in or out. It appears likely that as construction proceeds, there is an increasing risk that infrastructure would be present that could lead to gear snagging. Similarly, there remains the presence of infrastructure as a snagging risk during operational repair activities and until the cable is entirely removed (where this method is chosen). The Inspectorate therefore does not agree that that these stages can be scoped out of the assessment. Accordingly, the ES should include an assessment of this matter or provide a justification (for instance through explaining the relevant mitigation and how it has been secured) as to why likely significant effects would not arise.

ID	Ref	Description	Inspectorate's comments
3.11.3	Paragraphs 8.3.32 to 8.3.34	Fishing restrictions, including bylaws	The Scoping Report references various fishing restrictions including the Inshore Fisheries and Conservation Authorities (IFCA) and MMO byelaws to protect designated features. The ES should demonstrate

ID	Ref	Description	Inspectorate's comments
			that the Proposed Development does not undermine these byelaws or hinder the implementation of the management measures.
3.11.4	Paragraph 8.8.46	Measures - cable burial	The Scoping Report states that the offshore cable would be buried, where possible. The ES should include an assessment of the effects of cable protection from methods other than burial, based on the worst-case scenario which has been defined for the area of cable protection likely to be required. The Applicant is encouraged to seek to agree cable burial depth and protection measures with relevant consultation bodies and stakeholders.
3.11.5	Paragraph 8.10.13 (underwater noise aspect)	Underwater noise impacts	The Scoping Report states at Paragraph 8.10.13 (Underwater Noise) that consideration of potential underwater noise impacts on commercial fisheries is considered in Section 8.4. However, the Inspectorate is unable to find reference to underwater noise in this aspect chapter. The Inspectorate notes that an assessment of underwater noise is proposed to be undertaken for the fish and shellfish ecology assessment. The Commercial Fisheries impact assessment should draw upon and cross-reference to the findings of the fish and shellfish ecology assessment as appropriate.

3.12 Offshore: Marine Mammals and Sea Turtles

(Scoping Report Section 8.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	Table 8.5.5	Impacts due to disturbance from anthropogenic noise and vessels during operation (excluding repairs) and decommissioning (where cable is left in situ).	On the basis that disturbance due to noise and vessels would not arise during these phases, the Inspectorate is content that this matter can be scoped out of further assessment.
3.12.2	Table 8.5.6	Collision with vessels	The Scoping Report describes that the risk of collision with marine mammals would be low due to the likely low speeds of vessels, the likely predefined routes taken, the low number of vessels involved in construction (and decommissioning) relative to the existing background numbers, and the implementation of measures in a Vessel Management Plan (VMP). In the absence of information demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter out of further assessment. The ES should include an assessment of vessel interaction and collision risk to marine mammals, where likely significant effects could occur, or evidence demonstrating the agreement of the relevant consultation bodies that the matter can be scoped out and the absence of likely significant effects. The Inspectorate advises that the Applicant should provide an outline VMP to demonstrate how effects on marine mammals would be minimised.
3.12.3	Table 8.5.6	Hearing damage and auditory injury (eg permanent threshold shift (PTS)), and temporary changes in hearing (eg Temporary	This is proposed to be scoped out on the basis that the noise levels associated with the proposed activities would not result in

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		Threshold Shift (TTS)) caused by increased anthropogenic noise from ground condition surveys, seabed preparation, route clearance, cable lay and burial activities	instantaneous PTS or TTS for marine mammals or sea turtles. Also, that cumulative PTS or TTS is very unlikely to occur. The Scoping Report contains very limited information regarding the likely noise generated from the Proposed Development and coupled with the presence of marine mammal qualifying features of the Bristol Channel Approaches SAC, which are sensitive to noise disturbance, the Inspectorate considers that insufficient justification has been provided as to why this matter can be scoped out. The ES should therefore include an assessment of PTS and TTS effects on marine mammals and sea turtles, where significant effects are likely to occur. The Applicant should seek to agree the approach to assessment with the relevant consultation bodies, such as NE and JNCC.
3.12.4	Table 8.5.6	Accidental pollution	The Scoping Report seeks to scope out this matter on the grounds that measures including the Marine Pollution Contingency Plan (MPCP) as part of the Offshore CEMP would ensure that accidental spills/leaks would be very limited. The Inspectorate agrees that, provided the measures to mitigate the risks of accidental pollution are clearly described in the ES and secured in the dDCO, this matter can be scoped out of further assessment.
3.12.5	Table 8.5.6	Presence of EMF	The Scoping Report seeks to scope this matter out on the grounds that there is no evidence to suggest that EMFs affect seals or the cetaceans likely to be present within the study area. The Scoping Report also states that the presence of EMFs is unlikely to affect leatherback turtles but acknowledges that magnetic cues are used during life stages, hatching and as reproductive adults. The Scoping Report goes on to state that as turtles use multiple cues, the EMFs would be localised the risk to turtles is deemed negligible. The Inspectorate agrees that EMF impacts to seals and cetaceans can be scoped out of further assessment. It is less clear whether

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			leatherback turtles would be affected by EMF. The ES should include either an assessment of this matter or information demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
3.12.6	Table 8.5.6	Indirect impacts resulting from impacts on marine mammal prey species	This matter is proposed to be scoped out on the basis that impacts are likely to be short-term and localised, and marine mammals and sea turtles are highly mobile and could exploit other prey resources nearby. In the absence of the findings of the fish assessment and information demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not able to agree to scope this matter out of further assessment at this stage. The ES should include an assessment of indirect impacts to marine mammals as a result of impacts to prey species, including consideration of the implications for the marine mammal populations of the Bristol Channel Approaches SAC, where likely significant effects could occur.
3.12.7	Table 8.5.6	Disturbance at seal haul-outs	The Scoping Report identifies that the closest known haul-out sites for grey seals are Lundy Island and the Isles of Scilly at 3.6km and 32km from the Proposed Development, respectively. This matter is proposed to be scoped out based on distance to haul-out sites and the nature of the construction activities, which are not expected to directly impact seal haul-outs. The Inspectorate agrees that on this basis, disturbance at seal haul-out sites can be scoped out of the impact assessment.
3.12.8	Table 8.5.6	Water quality changes	The Scoping Report states that marine mammals are known to forage in tidal areas where water conditions are turbid and visibility conditions are poor. It further notes the short term and localised nature of changes, and that both marine mammals and sea turtles

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			could exploit alternative adjacent habitat. The Inspectorate agrees that water quality changes are unlikely to result in significant effects to marine mammals and sea turtles and therefore this matter can be scoped out.

ID	Ref	Description	Inspectorate's comments
3.12.9	Table 8.5.8	Receptor value	The table does not include reference to EPS. It is recommended that EPS be included in the appropriate definition within this table.
3.12.1	Table 8.5.10	Magnitude of impact	The table of magnitude in all cases refers to reversibility; however, the Inspectorate queries whether there may be instances when impacts are deemed irreversible. The ES should clearly define the magnitude of impacts including likely reversibility and permanence.

3.13 Offshore: Shipping and Navigation

(Scoping Report Section 8.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Table 8.6.2	Collision of a passing third-party vessel with a vessel associated with cable installation, maintenance or decommissioning during operation (excluding repairs) and decommissioning (where the cable is left in situ)	On the basis that no/very few vessels would be present during the operational (excluding repair) and decommissioning (in situ) phases, the Inspectorate is content that this matter can be scoped out of further assessment for these phases of the Proposed Development.
3.13.2	Table 8.6.2	Matters to be scoped out during operational (repair) and decommissioning (removal): • vessel drags anchor over the cable; • vessel anchors over the cable in an emergency; and • a vessel engaged in fishing snags its gear on the cable.	The Applicant proposes to scope out an assessment of these matters during operational (repair) and decommissioning (removal). However, no justification has been provided to explain why these activities would not result in similar impacts compared to the construction and operation phases of the Proposed Development. It appears likely that the presence of infrastructure will remain a risk for vessel anchors and snagging of fishing gear during operational repair activities and until the cable is entirely removed at decommissioning stage (where this method is selected). The Inspectorate therefore does not agree that that these potential impacts can be scoped out of the assessment for these phases of the Proposed Development. Accordingly, the ES should include an assessment of these matters or provide a justification (for instance through explaining the relevant mitigation and how it has been secured) as to why likely significant effects would not arise.
3.13.3	Table 8.6.2	Reduction in under keel clearance resulting from laid cable and associated protection during	The Inspectorate considers that the presence of infrastructure would result in a reduction in under keel clearance during the construction phase as it progresses and also remain until removed entirely (where

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		construction and decommissioning removal	removal is sought). Therefore, the Inspectorate does not agree this potential impact can be scoped out of the assessment for these phases of the Proposed Development. The ES should include an assessment of this matter, where likely significant effects could occur.
3.13.4	Table 8.6.2	Reduction in under keel clearance resulting from laid cable and associated protection during operational repairs	The Scoping Report states that the cable and associated protection may lead to a reduction in under-keel clearance, which could pose a risk of vessels grounding. However, no evidence has been provided to explain why operational repairs would not lead to potential impacts resulting from a reduction in under-keel clearance. In the absence of this information, the Inspectorate is not in a position to agree to scope out this matter from further assessment.
3.13.5	Table 8.6.2	Interference with marine navigational equipment during construction, operational (repair) and decommissioning (in situ or removed)	The Scoping Report acknowledges that the EMF created by buried direct current cables has the potential to create interference on a vessel's magnetic compass and thus this matter is scoped into the assessment for the operational phase. On the basis that EMF would only be generated when the cable is active/live, the Inspectorate agrees that this matter can be scoped out from an assessment for the construction, operational (repair) and decommissioning phases.
3.13.6	Table 8.6.2	Reduced access to local ports during operation (including repairs) and decommissioning (where the cable is left in situ)	On the basis that access to local ports is unlikely likely to arise during operation and decommissioning (where the cable is left in situ), the Inspectorate is content that this matter can be scoped out of further assessment. However, it is unclear whether the operational maintenance (repair) stage could result in reduced access to local ports. The ES should include an assessment of this matter for the Operational (repair) stage, where likely significant effects could occur.

ID	Ref	Description	Inspectorate's comments
3.13.7	Paragraph 8.6.4	Guidance documents	The Applicant's attention is directed to the response of the Maritime and Coastguard Agency (MCA) at Appendix 2 with regards to further guidance documents, including the MCA's Under Keel Clearance Policy Paper.
3.13.8	Paragraph 8.6.47	Assessment methodology	The Scoping Report proposes to determine significance as either broadly acceptable, tolerable, or unacceptable. The ES should clearly set out how the risk assessment approach leads to an assessment of significance of effect consistent/ compatible with the terminology used in the ES, for which the intended approach is set out in Chapter 5 (Section 5.5) of the Scoping Report.

3.14 Offshore: Other Marine Users

(Scoping Report Section 8.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Table 8.7.2	Increased vessel traffic causing disruption to other marine user activities during operation (excluding repairs) and decommissioning (where the cable is left in situ)	On the basis that operation (excluding repairs) and decommissioning (in situ) are not likely to increase vessel traffic and cause disruption to other marine user activities, the Inspectorate is content that this matter can be scoped out of further assessment.
3.14.2	Table 8.7.2	Temporary increase in suspended sediment concentrations (SSC) and deposition of sediment on diving and water sports receptors during operation (excluding repairs) and decommissioning (where the cable is left in situ)	On the basis that operation (excluding repairs) and decommissioning (in situ) are unlikely to lead to a temporary increase in SSC and deposition of sediment that could have potential to impact diving and water sports receptors, the Inspectorate is content that this matter can be scoped out of further assessment.
3.14.3	Table 8.7.2	Temporary increase in SSC and deposition of sediment on the following receptors: • offshore wind; • subsea cables and pipelines; • recreational boating and sailing; • recreational fishing and seaweed farming; and	Table 8.7.2 states in the final column that an assessment of the impact of a temporary increase in SSC and deposition of sediment on these other marine user receptors is to be scoped out with reference to Table 8.7.3; however, these receptor types are not described in Table 8.7.3 and no explanation has been provided. In the absence of supporting justification and information, the Inspectorate is not in a position to agree to scope these matters from further assessment. Temporary increases in SSC or sediment deposition may, for example, affect recreational fishing or the seaweed farm presented on Figure 8.7.6. Accordingly, the ES should

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		• military activity and munitions.	include an assessment of these matters or justification as to why no likely significant effects would arise.
3.14.4	Table 8.7.2	Increased subsea noise on diving and water sports and recreational fishing and seaweed farming receptors during operation (excluding repairs) and decommissioning (where the cable is left in situ)	On the basis that operation (excluding repairs) and decommissioning (in situ) are unlikely to lead to an increase in subsea noise on these receptors, the Inspectorate is content that this matter can be scoped out of further assessment.
3.14.5	Table 8.7.2	Increased subsea noise the following receptors: • offshore wind; • military activity and munitions; • subsea cables and pipelines; and • recreational boating and sailing.	The Inspectorate agrees that subsea noise is unlikely to affect these receptors and is content that this matter can be scoped out for these receptors.
3.14.6	Table 8.7.3	Interaction with and/ or disruption to oil and gas infrastructure	The Applicant proposes to scope out this matter on the basis that there is no spatial overlap between the Proposed Development and active or planned oil and gas infrastructure. The Inspectorate agrees that the Proposed Development is unlikely to lead to significant effects on oil and gas infrastructure and is content to scope out this matter from further assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.7	Table 8.7.3	Interaction with and/ or disruption to aggregate extraction or resource areas	The Scoping Report explains that there is no spatial overlap between the Proposed Development and known areas of aggregate extraction or resources areas, with the nearest aggregate extraction area located 30km north of the proposed study area. On this basis, the Inspectorate is content that this matter can be scoped out of further assessment.
3.14.8	Table 8.7.3	Interaction with and/ or disruption to marine disposal sites	The Scoping Report states that there is no spatial overlap between the Proposed Development and any known active disposal sites and the Hartland Point (LU020) disposal site, located approximately 850m south of the Offshore Cable Corridor, is closed. On this basis, the Inspectorate is content that this matter can be scoped out of further assessment.
3.14.9	Table 8.7.3	Interaction with and/ or disruption to other offshore energy (excluding offshore wind)	The Applicant proposes to scope out this matter on the basis that there is currently no spatial overlap, or planned overlap between offshore energy infrastructure (excluding offshore wind energy infrastructure) and the Proposed Development. The Inspectorate agrees that the Proposed Development is unlikely to lead to significant effects on other offshore energy infrastructure and is content to scope out this matter from further assessment.

ID	Ref	Description	Inspectorate's comments
3.14.1	Paragraphs 8.3.70 to 8.3.73 and Paragraph 8.6.15 (Shipping	Baseline data	The Applicant's attention is directed to the response of the Ministry of Defence (MoD) at Appendix 2 of this Opinion with regards to the misidentification of D001 – Trevose Head as an Army danger area, which is in fact a Navy area, together with the use of the UK Aeronautical Information Publication (AIP) as a data source to determine the extent/management of MoD designated Danger Areas.

ID	Ref	Description	Inspectorate's comments
	and Navigation)		The MoD also confirm there are other defence interests in the locality relating to navigational interests and installations, which are not defined in the public domain. The Applicant should seek to agree the baseline data and sensitive receptors with relevant consultation bodies, such as the MoD, where possible.
3.14.1	n/a	Impacts to other marine users of the River Torridge	The Applicant's attention is drawn to the consultation response from the Maritime and Coastguard Agency. The ES should confirm whether any proposed works to facilitate the Proposed Development will be undertaken below the Mean High-Water Spring (MHWS) within the River Torridge. The impact of any potential works below the MHWS within the River Torridge on other marine users Torridge should be assessed in the ES.

3.15 Offshore: Marine Archaeology and Cultural Heritage

(Scoping Report Section 8.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	Table 8.8.2	Direct impacts to cultural heritage assets within the footprint of the Proposed Development during operation (excluding repair) and decommissioning (in-situ)	The Inspectorate notes that no justification is presented in the Scoping Report to scope this matter out from these stages of the Proposed Development. However, it considers that a pathway for effect is unlikely to arise during operation (excluding repair) and decommissioning (in situ) given the limited activities involved. The Inspectorate agrees that this matter can be scoped out of the assessment.
3.15.2	Table 8.8.2	Direct and indirect impacts as a result of geo-morphological changes during decommissioning (in situ)	The Inspectorate notes that no justification is presented in the Scoping Report to scope this matter out from the decommissioning (in situ) option. Where the offshore cable is proposed to remain in situ there could be future effects with geomorphological changes, akin to potential effects by remaining in-situ during operation. It is not clear why this matter is not required to be scoped in and therefore the Inspectorate cannot agree to scope this matter out at this stage. The ES should include an assessment of this matter, where likely significant effects could occur, or evidence to support that significant effects are not likely.
3.15.3	Table 8.8.3	Potential effects to the setting of onshore cultural heritage assets – all phases	The Inspectorate is content to scope out this matter as all onshore cultural heritage assets are located away from the marine environment, therefore any activity is unlikely to impact the setting of any onshore assets.
3.15.4	Table 8.8.3	Potential effects arising from the decommissioning of the Proposed Development	The general approach and justification to scoping out the decommissioning phase is described in Table 8.8.3; however, it is not confirmed whether this relates to decommissioning (in situ) or

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			decommissioning (removal). It is however assumed it relates to decommissioning (in situ) as Table 8.8.2 confirms that decommissioning (removal) would be assessed in the ES. As such, the Inspectorate agrees that this matter can be scoped out.

ID	Ref	Description	Inspectorate's comments
3.15.5	Figure 8.8.1	Heritage Assets	The Inspectorate considers that the Hartland Heritage Coast should be included on Figure 8.8.1, which shows other heritage assets in the vicinity of the Proposed Development.
3.15.6	Paragraphs 8.8.26 and 8.8.29	Mitigation measures	The ES should clearly identify the proposed mitigation measures to be included in respect of marine archaeology. A WSI should steer the final design of the offshore cable and appropriate mechanisms should be clearly laid out to deal with any finds during implementation. Mitigation measures including any Archaeological Exclusions Zones (AEZs) should be clearly identified and the distance justified accordingly. The ES should also explain how the WSI, including any AEZs, are to be appropriately secured and effort made to agree the WSI with consultation bodies.
3.15.7	Tables 8.8.4 and 8.8.5	Assessment criteria	Tables 8.8.4 and 8.8.5 describe how the value/sensitivity and magnitude of change is defined; however, there is no explanatory text to confirm where this has been derived from. The ES should include information regarding any guidance used to inform the assessment criteria.
3.15.8	Paragraphs 8.8.8 and 8.8.32	Potential inter-related effects	The Scoping Report states that data gathered for the onshore archaeological and cultural heritage assessment will be reviewed as part of the marine archaeology assessment. Consideration should be given to including onshore archaeology and cultural heritage aspect

ID	Ref	Description	Inspectorate's comments
			chapter within an inter-related effects section, should it be appropriate following consultation feedback and further design work.

3.16 Offshore: Physical Processes

(Scoping Report Section 8.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.1	Table 8.9.6	The following effects during the operation (excluding repair) and decommissioning (where left in situ) stages: • Physical disturbance of seabed geology and morphology (nearshore only, <20 m depth) • Generation of sediment disturbance (sediment plumes) associated with construction type activities • Increase in contaminants through the suspension of contaminated sediment	No explanation is provided in the Scoping Report with regards to why these potential effects are to be scoped out for the operational and decommissioning (where left in situ) stages of the Proposed Development. However, the Inspectorate assumes this is on the basis such impacts are not anticipated at these stages. On this basis, the Inspectorate is content to scope out these matters for the operation and decommissioning (where left in situ) stages.
3.16.2	Table 8.9.7	Impacts to metocean processes (deep water, >20m depth) – all stages	This matter is proposed to be scoped out on the basis that at 20m and deeper, the water depth is such that the effects of the seabed on waves and currents is negligible, and thus the likely localised changes in bathymetry due to trenching or shallow berms associated with crossing points would not have a direct effect. The Inspectorate notes that metocean processes in the nearshore have been scoped into the impact assessment. On the basis of the above, the Inspectorate is content for this matter to be scoped out of the impact assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.3	Table 8.9.7	Physical disturbance of seabed geology and morphology (deep water, >20m depth) – all stages	The Scoping Report states that although the Proposed Development would result in a physical disturbance of the seabed geology, it is unlikely that the works would affect seabed morphology in deep-water due to the low-energy environment where metocean processes do not normally mobilise seabed sediments. Also, on the basis that the Offshore Cable Corridor has been selected to avoid excessive preparatory works and due to scale of the works in the context of the wider Celtic Sea and English Channel area. On the basis of the above, the Inspectorate is content for this matter to be scoped out of the impact assessment.
3.16.4	Table 8.9.7	Impacts on local sediment regimes (deep water, >20m depth)	This matter is proposed to be scoped out on the basis that sediment would not travel significant distances and would likely resettle within close proximity to the cable corridor. Therefore, it is considered unlikely there would be any direct effects to local sediment regimes in deep water, as a result of the Proposed Development. On the basis of the above, the Inspectorate is content for this matter to be scoped out of the impact assessment.

ID	Ref	Description	Inspectorate's comments
3.16.5	Paragraph 8.9.4	Study area	Paragraph 8.9.4 describes a study area encompassing the Offshore Cable Corridor with a 1km buffer; however, a 30km buffer is shown on Figure 8.9.1. The ES should make clear the study area for coastal processes, together with the ZoI from the Proposed Development over which potential likely significant effects in respect of physical processes could arise.

ID	Ref	Description	Inspectorate's comments
3.16.6	Table 8.9.4 and Table 8.9.6	Potential impacts – designated sites including SACs and MCZs	The Scoping Report describes designated sites within and near to the offshore cable corridor; however, the scoping-in table for physical processes does not make clear how information and assessment of any likely significant effects on these sites would be presented in the ES. The ES should include an assessment of likely significant effects to habitats of the designated sites, or appropriate cross-references to information presented in the MCZ and/or HRA assessments provided with the DCO application. The Applicant's attention is also directed to the comments of NE at Appendix 2 to this Opinion with regards to the need to avoid the introduction of cable protection within designated sites.
3.16.7	Table 8.9.6	Potential impacts – scour and secondary scour	The Scoping Report physical processes aspect chapter does not refer to scour or secondary scour, although the potential for scour is described and proposed to be included in the impact assessments for benthic ecology and fish and shellfish ecology. The ES should include an assessment of the impacts associated with changes to seabed from scour, where significant effects are likely to occur. Additionally, the potential impact from secondary scour around cable protection should also be included in the physical processes impact assessment, where likely significant effects could occur. The Applicant should make effort to agree the approach with relevant consultation bodies, including NE and the MMO.
3.16.8	Paragraph 8.3.5 (Fish and Shellfish Ecology)	Modelling	It is not clear whether modelling will be undertaken to inform the physical processes assessment and related assessments for aspects such as benthic ecology and fish and shellfish ecology. The physical processes chapter contains no detail with regards to potential modelling (quantitative or qualitative), although reference is made to potential modelling in the fish and shellfish ecology chapter of the Scoping Report at paragraph 8.3.5.

ID	Ref	Description	Inspectorate's comments
			The Inspectorate notes reference in Table 8.9.6 to a qualitative assessment of the spatial extent of sediment disturbance, and also that a number of aspects also refer to an understanding of sediment plume effects (such as benthic ecology). The Applicant's attention is directed to the response of JNCC at Appendix 2 to this Opinion, with reference to the recommendation to undertake sediment plume modelling. The impact assessment should be informed by plume modelling. The ES should clearly describe the modelling undertaken to inform the impact assessment and seek to agree the scope of the physical process modelling with relevant consultation bodies, such as JNCC, NE and the MMO.
3.16.9	Paragraphs 4.7.30 to 4.7.34	Seabed levelling	The Scoping Report at Section 4.7 states that seabed levelling may be required but the extent is not yet known. This is not subsequently mentioned in the physical processes chapter. The ES should assess any likely significant secondary effects that this may have on changes to the current/flow regime, wave regime and sediment transport regime and any morphological changes. Impacts from dredging and disposal of material should also be assessed, where significant effects are likely to occur. Any disposal method should be described and should include the estimated volume of material to be disposed.

3.17 Offshore: Underwater Noise

(Scoping Report Section 8.10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.17.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.17.2	Paragraph 8.10.2	Underwater noise assessment approach	The Inspectorate notes that an underwater noise assessment will be presented as a technical appendix to the ES to which other marine disciplines will refer and welcomes the consideration of underwater noise during the construction, operation and decommissioning phases of the Proposed Development. Effort should be made to agree the methodology with the relevant consultation bodies and agreements should be clearly outlined within the ES. Early engagement with the MMO is encouraged to ensure that any noise modelling utilising site-specific physical parameters and project specific detail is appropriate and fit for purpose.
3.17.3	Paragraph 8.10.16	Inter relationships with commercial fisheries assessment	Section 8.10.16 of the Scoping Report states that underwater noise impacts will be considered within the Commercial Fisheries ES chapter. However, Section 8.4 of the Scoping Report (Commercial Fisheries) does not identify underwater noise as a potential impact. The influence of underwater noise impacts on commercial fisheries should be clearly explained and assessed within the ES.

3.18 Combined Offshore and Onshore: Climate Change

(Scoping Report Section 9.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.18.1	Table 9.2.3	Climate risk assessment for construction and decommissioning	The Scoping Report states that the construction phase would not be lengthy enough for significant climate change risks to occur compared to the present-day baseline. The Applicant states that they would employ good health and safety practices with respect to risks such as heatstroke or storm events offshore. A construction programme of approximately up to 84 months (7 years) is estimated at Paragraph 4.2.98 of the Scoping Report. The Inspectorate disagrees that during this period of construction the impacts from climate change would not lead to a significant effect, as this does not take into account extreme weather events both onshore and offshore or impacts to human receptors (eg construction workers). The ES should assess impacts from climate change, including extreme weather events over the construction and decommissioning periods, where significant effects are likely to occur and describe and secure any relevant mitigation measures.
3.18.2	Table 9.2.3	In-combination climate change effects	In-combination climate change effects are proposed to be scoped out of the Climate Change ES chapter as they will be addressed individually within each applicable ES chapter. The Inspectorate is content with this approach. The Climate Change chapter should signpost where such effects are considered and presented in other relevant chapters.

ID	Ref	Description	Inspectorate's comments
3.18.3	Paragraph 9.2.11 and Figure 9.2.1	Climate Risk Study Area	The Climate Risk Study Area should explain in more detail why the two 25km grid cells based on the UKCP18 probabilistic projections have been chosen for the study area in the ES. Figure 9.2.1 does not make clear which of the three grid cells have been identified.
3.18.4	Paragraphs 9.2.36 to 9.2.39	Mitigation	Mitigation measures which may be required for climate change effects referenced in other topic chapters such as the water environment with respect to flood risk where mitigation will be based on the FRA findings. Mitigation measures should be clearly set out in the ES and cross referenced between relevant ES chapters as appropriate.
3.18.5	Paragraphs 9.2.40 to 9.2.48	Approach to assessment	The Inspectorate notes the references in the Scoping Report to professional guidance (ie 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' (Institute of Environmental Management and Assessment (IEMA) 2022)) and IEMA's 'Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation (IEMA, 2020). The ES should set out the methodologies used to explain any departure from the proposed approach where professional judgement is applied. Outputs from other assessments should be clearly explained where these have been applied. Where significance criteria are not explicitly defined within the guidance, the ES should clearly set out where deviation from guidance has occurred and professional judgement has been applied. The Inspectorate draws the Applicant's attention to Devon County Council's comments on the methodological approach used for the assessment of avoided or 'saved' baseline GHG emissions with respect to carbon intensity factors.

3.19 Combined Offshore and Onshore: Landscape, Seascape and Visual Resources

(Scoping Report Section 9.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.19.1	Table 9.3.2 and Table 12.1.3	Potentially significant change in character (to seascape or landscape designations/ types/ areas) as a result of offshore and onshore activity (including lighting) - operation and decommissioning	Table 9.3.2 of the Scoping Report proposes to scope this matter out for the operation and decommissioning phases of the Proposed Development, stating that the ZTV production shows where the Proposed Development may influence seascape and landscape character. However, it is noted that summary Table 12.1.3 scopes this matter in for operation and decommissioning. The proposed scope is therefore unclear in this regard. Considering the nature of the operational development, the Inspectorate agrees that changes in character from offshore activities during operation can be scoped out. However, the Inspectorate does not consider that sufficient evidence is provided to scope this matter out from onshore activities during operation, in the absence of the ZTV and information regarding operational lighting, for example. Changes to character from onshore activities during operation, including the use of lighting, should be assessed and reported in the ES, where likely significant effects could occur. With respect to decommissioning, the Scoping Report does not contain sufficient evidence to explain why likely significant effects would not occur from either offshore or onshore activities. The ES should include an assessment of this matter or evidence to confirm that likely significant effects would not arise.
3.19.2	Table 9.3.2 and Table 12.1.3	Potentially significant effects on publicly accessible views as a result of offshore and onshore activity (including lighting) and use of	The Inspectorate notes that this matter is repeated in two separate rows of Table 9.3.2, one appears to scope in construction stage effects only, the other scopes in all stages of the Proposed Development. Summary Table 12.1.3 also identifies this matter as

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		construction compounds - operation and decommissioning	being scoped in for all stages. For the avoidance of doubt, the Inspectorate considers that this matter should be scoped in for all stages of the Proposed Development, where likely significant effects could occur.
3.19.3	Table 9.3.3	All construction phase impacts on landscape, seascape and visual resources and receptors at far distance from the Offshore Cable Corridor and Onshore HVDC Cable Corridor study areas – construction	The Scoping Report proposes to scope this matter out and states that effects beyond 1km from the offshore and onshore cable corridors would not be significant. Given the nature of the offshore works, the Inspectorate agrees to scope out effects during construction on seascape beyond 1km from the offshore cable corridor. However, the Inspectorate does not agree that onshore visual effects during construction at a distance of beyond 1km from the cable corridor can be scoped out of the ES. A ZTV has not been provided with the Scoping Report to support the statement that there would be no significant visual effects beyond 1km from the cable corridor during construction. The Scoping Report states that the onshore cable corridor would have a typical temporary width of 65m, whilst the permanent width would be 32m wide but with easements that could be up to 60m wide. Lighting requirements are highlighted in Paragraph 4.6.23 of the Scoping Report, but full details are not provided, nor methods of managing lighting to reduce adverse effects on human and ecological receptors. Accordingly, the ES should include an assessment of construction phase impacts on landscape, seascape and visual resources and receptors beyond 1km from the onshore HVDC cable, where likely significant effects could occur. The Applicant is encouraged to seek to agree the sensitive receptors/resources with relevant consultation bodies, such as the Local Authorities.
3.19.4	Table 9.3.3	All impacts on landscape and visual resources and receptors outside	The Scoping Report proposes to scope out all impacts to resources/receptors beyond 10km from the Converter Stations and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		the converter stations study area - construction	Alverdiscott Substation Connection Development on the basis that significant effects are not anticipated. A ZTV has not been provided with the Scoping Report to justify the statement that there will be no significant visual effects beyond 10km, particularly at elevated locations, from the converter stations or the Alverdiscott Substation Connection Development during construction. As such, the Inspectorate does not agree that onshore visual effects during construction at a distance of beyond 10km from the converter stations can be scoped out of the ES at this stage. The ES should include an assessment of impacts on sensitive landscape and visual resources/receptors due to the construction of the converter station and Alverdiscott Substation Connection Development, where likely significant effects could occur.
3.19.5	Table 9.3.3	All impacts of the offshore and onshore cable corridors on landscape, seascape and visual resources and receptors - operation	The Scoping Report states there would be no significant changes to seascape, landscape or visual resources on receptors as the cables would be buried under the seabed/underground. The Inspectorate agrees to scope out this matter for the offshore cable corridor. The Inspectorate however does not agree to scope out this matter with regards to the onshore cable corridor during operation. The Scoping Report states that the onshore cable corridor will have a typical temporary width of 65m wide, whilst the permanent width would be 32m wide but with easements could be up to 60m wide. No details are provided regarding mitigation landscape planting and how long it would take to be established. It is unclear whether there would be planting restrictions over the cable corridor during operation. The Inspectorate considers that effects from the onshore cable corridor during operation on landscape, visual resources and receptors should be assessed in the ES, where likely significant effects could occur.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.19.6	Table 9.3.3	All impacts on landscape and visual resources and receptors outside the Converter Site study area - operation	The Scoping Report states that distances greater than 10km are not anticipated to experience significant effects. A ZTV is not provided with the Scoping Report and therefore it is not clear why a 10km study area has been applied. In the absence of justification, the Inspectorate is not content to scope this matter out, an assessment of impacts on landscape and visual resources and receptors beyond 10km from the converter sites should be included in the ES, where likely significant effects could occur.
3.19.7	Table 9.3.3	Cumulative impacts of the offshore and onshore cable corridors on seascape, landscape and visual resources - operation and decommissioning	The Scoping Report considers that as the cables would be undersea/ underground it will not give rise to significant effects during operation and decommissioning. The Inspectorate agrees to scope this matter out for the offshore cable corridor. However, as the cumulative effects assessment has not yet been undertaken, the cable route is not finalised and the ZTV not yet been produced, the Inspectorate does not agree to scope out cumulative effects at this stage and these should be assessed in the ES.

ID	Ref	Description	Inspectorate's comments
3.19.8	Paragraph 9.3.10	Viewpoints	Effort should be made to agree the number and location of viewpoints with relevant consultation bodies, such as the host and neighbouring local authorities, the North Devon National Landscapes team, and other stakeholders such as the North Devon UNESCO Biosphere Strategy and the Exmoor National Park Authority. The Inspectorate advises that the ES should include confirmation of the consultation undertaken, together with evidence of agreement about the final viewpoints selected. Where any disagreement remains, an explanation as to how the final selection was made

ID	Ref	Description	Inspectorate's comments
			should be provided. Viewpoint locations should be identified on a plan within the ES and viewpoints should include night-time views to identify any effects from lighting requirements. Baseline viewpoint photography for summer and winter should be provided.
3.19.9	n/a	Effects on sensitive receptors	Part of the cable corridor route goes through the North Devon National Landscapes and the Hartland Heritage Coast. The Inspectorate considers that effects on these receptors should be included within the assessment, where likely significant effects could occur.
3.19.1	n/a	Mitigation measures	Section 4 of the Scoping Report makes reference to the need for landscape and ecological planting for the Converter Sites. No mitigation measures appear to be discussed for the cable corridor. The ES should explain the types of mitigation proposed to avoid/reduce adverse effects on landscape and how they would be secured. The ES should include a masterplan and visualisations/ illustrations, where possible, to demonstrate the effectiveness of landscape mitigation.

3.20 Combined Offshore and Onshore: Socio-Economics

(Scoping Report Section 9.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.20.1	Table 9.4.2	Impact on local housing market during operation	The Inspectorate agrees that effects on the local housing market due to the operational development would be not significant and this matter can be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.20.2	Paragraph 9.4.6	Study area - receptors in North Devon District	The scope of the assessment should clarify how impacts within the North Devon District have been considered in the ES in relation to wider Devon and the UK, reflecting the wider socio-economic aspects of the Proposed Development on tourism, housing, and employment.
3.20.3	Table 9.4.2	Workforce numbers during construction and decommissioning phases	The impact on community services in addition to the availability of temporary accommodation based on the anticipated number of workers should form part of the assessment in the ES for both the construction and the decommissioning phases, where likely significant effects could occur.
3.20.4	Paragraphs 9.4.25 to 9.4.38	Assessment methodology	The proposed assessment methodology in the Scoping Report is high level and largely focuses on the economic assessment. It is not clear if the methodology would also integrate with the overarching assessment methodology as presented in Chapter 5 of the Scoping Report. It also does not identify what would be considered a significant effect in EIA terms for the socio-economic assessment. The ES should make clear how any likely significant effects have been determined for socio-economic aspects of the Proposed Development and clearly describe the methodology adopted for the assessment.

ID	Ref	Description	Inspectorate's comments
			Where professional judgement has been used this should be supported with robust evidence.
3.20.5	n/a	Offshore receptors	The Scoping Report states that the socio-economics chapter covers both offshore and onshore matters; however, the references to offshore receptors are limited. The Socio-economic chapter does not refer to other aspect chapters; however, the Inspectorate notes that assessments of socio-economic matters, including tourism, are included in the scope of offshore ES aspect chapters such as commercial fisheries, shipping and navigation, and other marine users. The Inspectorate is content with this approach to avoid duplication of effort, but it should be clear to the reader where relevant information is located within the ES. Offshore socio-economic matters should be assessed in the ES where significant effects are likely. The ES must clearly explain which matters are included in each assessment and any inter-relationships between them, to avoid duplication or omission.
3.20.6	n/a	Availability of workforce – cumulative effects	Consideration should be given to the availability and origin of the workforce in the context of other projects proposed in the region. Any assumptions around workforce origins within the socio-economic assessment used to inform the study area should be made clear in the ES.
3.20.7	n/a	Potential disruption to future and existing businesses – construction and decommissioning	The ES should detail the criteria used to identify businesses, likely to be affected during construction and decommissioning phases. The Applicant should seek to agree these with relevant consultation bodies, such as the local authorities.
3.20.8	n/a	Tourism accommodation – construction and decommissioning	The Inspectorate considers that significant effects on tourism accommodation should be considered in the assessment, and this should be cross referenced to the land use and recreation assessment

ID	Ref	Description	Inspectorate's comments
			of the impact of disruption and reduced access to recreational resources in the ES.

3.21 Combined Offshore and Onshore: Human Health

(Scoping Report Section 9.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.21.1	Table 9.5.3	Human health matters: offshore	The Scoping Report proposes to scope out an assessment of the offshore effects on the following matters: • Health related behaviours - physical activities; risk-taking behaviour; diet and nutrition. • Social environment - housing; relocation; open space, leisure and play; transport modes, access and connections; community safety; community identity, culture, resilience and influence; social participation, interaction and support. • Economic environment - education and training; employment and income. • Bio-physical environment – climate change and adaptation; air quality; water quality and availability; land quality; noise and vibration; radiation. • Institutional and built environment – health and social care services; built environment; wider social infrastructure and resources. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that these matters as listed in Table 9.5.3 can be scoped out of the ES. The Inspectorate notes that any issues relating to shipping safety would be discussed within the Shipping and Navigation ES chapter and is content with this approach. The Inspectorate also notes that Table 9.5.2 scopes in in respect of offshore impacts an assessment of

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			health effects from wider indirect economic impacts, for example temporary changes to commercial fishing, together with any potential unemployment or adverse economic implications. The Inspectorate is content with this approach.
3.21.2	Table 9.5.3	Health related behaviours – physical activity (all phases)	The Scoping Report proposes to scope out an assessment of onshore physical activity health effects for all phases, as the potential impacts would be considered under the open space, leisure and play health determinant instead. The Inspectorate is content with this approach.
3.21.3	Table 9.5.3	Health related behaviours – risk taking activity (all phases)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to risk-taking behaviour for all project phases on the basis that the workforce will be comprised of professionals who would return to their usual place of residence during periods of leave and is unlikely to be large enough to affect local markets to an extent which could significantly affect community health. The Inspectorate agrees that this matter can be scoped out of the ES.
3.21.4	Table 9.5.3	Health related behaviours – diet and nutrition (all phases)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to diet and nutrition for all project phases on the basis that construction and operation of the Proposed Development would not change population diet or food prices. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.5	Table 9.5.3	Social environment – housing (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of the onshore health effects related to housing for the operational phase on the basis that minimal workforce numbers are anticipated.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES. The Scoping Report proposes to scope out an assessment of the onshore health effects related to housing for the decommissioning phase on the basis that fewer workers would be required for a shorter duration than the construction phase. No further information is provided regarding likely numbers of workers during the decommissioning phase and so the Inspectorate considers that insufficient justification has been provided for scoping this matter out at this stage. The ES should include an assessment of this matter or evidence demonstrating agreement with the relevant stakeholders and the absence of likely significant effects.
3.21.6	Table 9.5.3	Social environment – relocation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects related to housing for all project phases on the basis that the Proposed Development would not involve compulsory purchases of homes or community facilities. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.7	Table 9.5.3	Social environment – open space, leisure and play (operation)	The Scoping Report proposes to scope out an assessment of the onshore effects on open space for the operational phase on the basis that the Proposed Development would not involve the acquisition of land used for community recreation. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.21.8	Table 9.5.3	Social environment - transport modes, access and connections (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of the onshore effects on transport modes, access and connections for the operational and decommissioning stages on the basis that the expected vehicle movements associated with the Proposed Development would have a minimal impact on road transport. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.9	Table 9.5.3	Social environment - community safety (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on community safety for all phases on the basis that appropriate management plans and fencing would be in place to manage security and safety risks to the public. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.10	Table 9.5.3	Social Environment - community identity, culture, resilience and influence (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on community identity, culture, resilience and influence for all project phases on the basis that visual impacts associated with the Proposed Development are not expected to be of a scale that could affect population health or community identity. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.11	Table 9.5.3	Social environment - social participation, interaction and support (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on social participation, interaction and support for all project phases on the basis that the Proposed Development would not directly affect land or areas used for community interaction.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.12	Table 9.5.3	Economic environment – education and training (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on education and training opportunities for all project phases on the basis that the Proposed Development would not affect access to schools and would not involve a large influx of workers and their families which may affect educational capacity or quality. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.13	Table 9.5.3	Economic environment – employment and income (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on employment and income for all project phases on the basis that employment opportunities associated with the Proposed Development are not expected to be on a scale that could have significant population level effects. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES provided that information is included within the ES with regards to likely employment numbers and to evidence how this conclusion was reached.
3.21.14	Table 9.5.3	Bio-physical environment – climate change and adaptation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on climate change and adaptation for all project phases on the basis that embodied carbon and climate altering pollutant emissions are not of a scale that could have population level effects.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES. The Inspectorate notes that the public health benefits of electrical infrastructure during operation and maintenance of the Proposed Development are assessed in the 'wider societal infrastructure and resources' determinant and is content with this approach.
3.21.15	Table 9.5.3	Bio-physical environment – air quality (operation and maintenance) and odour (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on air quality for the operation and maintenance phase on the basis that air emissions and odour from the Proposed Development are not expected to be on a scale that would affect population health. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.16	Table 9.5.3	Bio-physical environment – water quality and availability (operation and maintenance)	The Scoping Report proposes to scope out an assessment of the onshore effects on water quality and availability for the operation and maintenance phase on the basis that impacts resulting from emissions to water are not expected to be on a scale that would affect population health. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.17	Table 9.5.3	Bio-physical environment – land quality (operation and maintenance)	The Scoping Report proposes to scope out an assessment of the onshore effects on land quality for the operation and maintenance phase on the basis that activities requiring land excavations are

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			considered unlikely and any risks would be managed by industry best practice contamination avoidance and response measures. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.18	Table 9.5.3	Bio-physical environment - noise and vibration (maintenance only)	The Inspectorate notes that while onshore effects on noise and vibration sensitive community receptors during the operational phase is scoped into the assessment, noise and vibration effects associated with maintenance checks and activities are not expected to be of a magnitude that could impact on human health and so have been scoped out. The Inspectorate is content with this approach.
3.21.19	Table 9.5.3	Bio-physical environment – radiation (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on radiation for the construction and decommissioning phases on the basis that the Proposed Development would not use or make changes to major EMF producing electrical infrastructure, and for the operational phase on the basis that levels of exposure to EMF would not pose a risk to public health. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.20	Table 9.5.3	Institutional and built environment – health and social care services (operation and decommissioning)	The Scoping Report proposes to scope out an assessment of the onshore effects on health and social care services for the operation and maintenance and decommissioning phases on the basis that a minimal number of workers will be required and so demands on local healthcare will not be significant.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.21	Table 9.5.3	Institutional and built environment – built environment (all phases)	The Scoping Report proposes to scope out an assessment of the onshore effects on the built environment for all project phases on the basis that significant population health implications associated with the Proposed Development are not anticipated, and long-term impacts on land use patterns are restricted to the converter stations. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.
3.21.22	Table 9.5.3	Institutional and built environment – wider social infrastructure and resources (construction and decommissioning)	The Scoping Report proposes to scope out an assessment of the onshore effects on wider social infrastructure and resources during the construction and decommissioning phases on the basis that the Proposed Development's energy infrastructure would not be operational. Given the nature of the Proposed Development and the information provided within the Scoping Report, the Inspectorate agrees that this matter can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.21.23	n/a	n/a	n/a

3.22 Topics Covered as a Technical Appendix Including Waste

(Scoping Report Section 10.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.22.1	Paragraph 10.2.7	Waste – operation and maintenance phase	The Scoping Report proposes to scope out potential impacts arising from operational waste on the basis that operation and maintenance of the Proposed Development will generate limited amounts of waste, and waste collection procedures will be agreed with the relevant regulator and local authorities. The Inspectorate agrees that waste generation during operation is unlikely to result in significant effects and is content to scope this matters out of the ES.

ID	Ref	Description	Inspectorate's comments
3.22.2	n/a	n/a	n/a

3.23 Topics Covered Elsewhere in the ES, Including Residues and Emissions, Material Assets and Major Accidents and Disasters

(Scoping Report Section 10.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.23.1	Paragraphs 10.3.3 to 10.3.4	Standalone aspect chapter for residues and emissions	The Inspectorate agrees that likely significant effects arising from residues and emissions (eg dust, pollutants, light, noise, vibration) are to be assessed in the relevant aspect chapters of the ES and a standalone aspect chapter for residues and emissions is not required. The Applicant's attention is however directed to the Inspectorate's comments in the relevant aspect chapters above with regards to residue and emission matters, for example lighting.
3.23.2	Paragraphs 10.3.5 to 10.3.6	Standalone aspect chapter for material assets	The Scoping Report states that potential impacts on material assets arising from the Proposed Development will be considered in the other marine users, historic environment, land use and recreation; and socio-economics aspect chapters of the ES and a standalone material assets aspect chapter is not proposed. The Inspectorate agrees with the proposed approach on this basis.
3.23.3	Section 4.13 and paragraphs 10.3.6 to 10.3.7	Major accidents and disasters	A standalone ES chapter for major accidents and disasters is not proposed on the basis that potential accidents and disasters will be assessed in other aspect chapters, where relevant, including significant effects arising from the vulnerability of the Proposed Development to major accidents and disasters. The Scoping Report also states that a description of how major accidents and disasters have been considered in the design of the Proposed Development will be outlined in the project description chapter of the ES. The Inspectorate has considered this approach and agrees that a standalone chapter is not necessary on the basis that the information

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			relating to major accidents and disasters will be provided elsewhere in the ES. The Inspectorate notes that various aspect chapters in the Scoping Report do not clearly identify those impacts scoped-in to the assessment that include an assessment of major accidents and disasters. The Inspectorate advises that the ES ensures clarity on what has been considered within the technical assessments. The Inspectorate would expect an overarching section in the ES which explains how potential impacts have been identified and where in the ES the assessment of their effects is presented. The Applicant's attention is also directed to the comments of the Inspectorate in Section 3.18 above in respect of climate and extreme weather events. The Applicant's attention is drawn to the Maritime and Coastguard Agency comments at Appendix 2 of this Opinion with respect to collision risk, navigational safety, and other related issues that should be considered in the assessment of likely significant effects.

ID	Ref	Description	Inspectorate's comments
3.23.4	n/a	n/a	n/a

3.24 Topics Proposed to be Scoped Out of the ES: Offshore Ornithology

(Scoping Report Section 11.2)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.24.1	Section 11.2 and Appendix C: Offshore Ornithology, including Table 5	All potential effects on offshore ornithology including direct impacts due to disturbance, displacement and impacts on foraging birds (all phases)	The Inspectorate notes the presence of Lundy SSSI 2km north of the study area, designated for its breeding populations of guillemot, razorbill, Manx shearwater, kittiwake and puffin, together with a further seven internationally important designated sites and 17 nationally important sites with qualifying features with potential connectivity to the study area. It is acknowledged that apart from Lundy SSSI, all other designated sites are located at a distance greater than 35km from the study area. Appendix C to the Scoping Report confirms that there potential for impacts to qualifying features of designated sites foraging within the study area (functionally linked habitat). The proposed programme for construction of the Offshore Export Cable identifies the period February to October and thus includes breeding and migratory seasons. The Scoping Report states that potential impacts would be highly localised and for a limited, short-term duration and only last as long as vessels are present within c.2km of any area. The Scoping Report states that it is considered "*unlikely that the study area supports significant numbers of foraging birds in the context of their UK distribution, or in comparison to the surrounding area. As vessels would only be present within a discrete area for a short period of time, any impacts arising from noise and visual disturbance would be short-term and reversible. In addition, disturbance from vessels is common within the Celtic Sea, and therefore species will be habituated to this source of disturbance, which will be similar to the baseline conditions within the wider area.*"

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
			The Scoping Report acknowledges that the area supports foraging bird species, including those associated with European sites, and that the Celtic Sea supports large numbers of birds. While the Scoping Report concludes that significant effects are unlikely, it also relies on a number of measures such as that to be included within a VMP to avoid likely significant effects and makes the assumption that the number of vessels present would only be present for a short period of time. The Inspectorate notes that JNCC concurs with this position. While NE has confirmed that it considers this matter can be scoped out of further assessment, this is on the basis that seasonal restrictions are applied when working closest to Lundy (ie in the months approximately May to August, when seabird breeding and foraging will be at its peak), and restrictions on vessel speeds around any rafts of birds encountered on the sea surface, need to be secured. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of this matter, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
3.24.2	Section 11.2 and Appendix C: Offshore Ornithology, including Table 5	All potential effects on offshore ornithology including indirect impacts due to effects on prey species and habitats (all phases)	The Scoping Report identifies the potential for indirect effects on offshore ornithology due to potential underwater noise or the generation of suspended sediments that may alter the distribution, physiology or behaviour of prey species. However, the Scoping Report states that any impacts on prey species arising from noise and visual/physico-chemical/chemical disturbance would be short-term and reversible, and any habitats which are impacted are likely to be rapidly recolonised by prey species following cable burial. Also, that

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
			the area within which prey would be impacted is also very small in relation to the foraging range of qualifying features. It is therefore considered that the significance of any indirect impacts on offshore ornithology receptors due to effects on prey would be negligible during all phases of the Proposed Development, and therefore scoped out of the impact assessment. In the absence of the findings of the fish assessment and information demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not able to agree to scope this matter out of further assessment at this stage. The ES should include an assessment of indirect impacts to offshore ornithology receptors as a result of impacts to prey species, where likely significant effects could occur.
3.24.3	Section 11.2 and Appendix C: Offshore Ornithology, including Table 5	All potential effects on offshore ornithology including pollution incidents (all phases)	The Scoping Report describes that pollution, including accidental spills and contaminant releases associated with the construction activities and use of supply/service vessels, may lead to direct mortality of birds or indirect impacts via causing a deterioration in habitat quality or a reduction in prey availability, either of which may affect species' survival rates. However, it predicts that any impact would be of local spatial extent, short term duration, and not significant in EIA terms. The Scoping Report states that assuming that construction best practice is followed, it is intended to scope this impact out of further consideration within the impact assessment. Based on the information provided on the proposed mitigation and control measures, the Inspectorate agrees that significant effects from accidental release of pollution on offshore ornithology receptors during all project phases are unlikely. The ES should provide full details of the proposed mitigation measures for all project phases and describe how they are to be secured.

ID	Ref	Description	Inspectorate's comments
3.24.4	n/a	n/a	n/a

3.25 Topics Proposed to be Scoped Out of the ES: Local Planning Policy Context, and Daylight, Sunlight and Microclimate

(Scoping Report Sections 11.3 and 11.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.25.1	Section 11.3	Local planning policy context – standalone chapter	The Scoping Report states a standalone ES chapter for local planning policy is not proposed as the relevant legislative and planning policy context will be described within each aspect chapter of the ES. The Inspectorate is content with this approach.
3.25.2	Section 11.4	Daylight, sunlight and microclimate aspects	Daylight, sunlight, and microclimate aspects are proposed to be scoped out of the ES on the basis that any built elements, such as the converter stations, would not be sufficiently tall or close to other buildings to result in likely significant effects. In addition, given the nature of the offshore and onshore elements of the Proposed Development such as buried cables and limited above ground buildings and infrastructure, these are not likely to result in microclimate changes. The Inspectorate notes the proposed assessments of climate change and LVIA to be included in the ES and has considered the nature and characteristics of the Proposed Development and agrees an assessment of daylight, sunlight and microclimate aspects can be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.25.3	n/a	n/a	n/a

3.26 Topics Proposed to be Scoped Out of the ES: Heat and Radiation

(Scoping Report Section 11.5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.26.1	Paragraph 11.5.2	Heat effects during construction and decommissioning	The Scoping Report confirms that heat generated during the operation and maintenance of the Proposed Development (eg heat generated by offshore and onshore cables) will be considered within the relevant aspect chapters, including Benthic Ecology, Fish and Shellfish Ecology; and Commercial Fisheries. However, activities during construction and decommissioning of the Proposed Development are unlikely to generate significant levels of heat. The Scoping Report also states that the technical specification of the onshore converter stations will consider any heat generated within the design and which as usual practice prevent any overheating or heat effects. With these measures in place, it is not considered likely that significant effects in relation to heat will occur at the Converter Site. The Inspectorate agrees that activities during construction and decommissioning are unlikely to result in significant environmental effects and can be scoped out of the assessment. The ES should clearly explain the design measures that control heat generation associated with the onshore convertor stations.
3.26.2	Paragraph 11.5.4	EMFs during construction and decommissioning	The Inspectorate agrees that pathways for effects from EMFs would only arise when the cable is operational and live, and as such significant effects are not likely to occur during construction and decommissioning. The Inspectorate agrees that an assessment of EMFs during construction and operation can be scoped out.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.26.3	Paragraphs 11.5.6 to 11.5.9, and Table 9.5.3	EMFs - operation phase	The Scoping Report confirms that EMFs generated during the operation of the Proposed Development will be considered in the following aspect chapters and would not be included in a standalone ES chapter in respect of heat and radiation: • Benthic Ecology; • Fish and Shellfish Ecology; • Commercial Fisheries; • Marine Mammals and Sea Turtles; and • Shipping and Navigation. The Inspectorate is content with this approach.

ID	Ref	Description	Inspectorate's comments
3.26.4	n/a	n/a	n/a

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES[1]

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
NHS England	NHS England
The relevant Integrated Care Board	NHS Devon Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Devon and Somerset Fire and Rescue Service
The relevant police and crime commissioner	Devon and Cornwall Police and Crime Commissioner
The relevant parish councils	Westleigh Parish Council
	Bideford Town Council
	Alwington Parish Council
	Abbotsham Parish Council
	Weare Giffard Parish Council
	Alverdiscott and Huntshaw Parish Council
	Littleham and Landcross Parish Council
The Environment Agency	The Environment Agency
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Maritime and Coastguard Agency	Maritime and Coastguard Agency
The Marine Management Organisation	Marine Management Organisation
The Relevant Highways Authority	Devon County Council
The relevant strategic highways company	National Highways
The Coal Authority	The Coal Authority
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The Secretary of State for Defence	Ministry of Defence

[1] Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

TABLE A2: RELEVANT STATUTORY UNDERTAKERS[2]

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Devon Integrated Care Board
NHS England	NHS England
The relevant NHS Foundation Trust	South Western Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	South West Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Gas
The relevant electricity distributor with CPO Powers	Aidien Ltd
	National Grid Electricity Distribution (South West) Limited
	Eclipse Power Network Limited

[2] 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))[3]

LOCAL AUTHORITY[4]
Cornwall Council
Dartmoor National Park Authority
Devon County Council
Dorset Council
Exmoor National Park Authority
Mid Devon District Council
North Devon Council
Plymouth City Council
Somerset Council
Torbay Council
Torridge District Council
West Devon Borough Council

[3] Sections 43 and 42(B) of the PA2008

[4] As defined in Section 43(3) of the PA2008

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Royal National Lifeboat Institution

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Alverdiscott and Huntshaw Parish Council
Alwington Parish Council
The Coal Authority
Devon and Somerset Fire and Rescue Service
Devon County Council
Environment Agency
Exmoor National Park Authority
Forestry Commission
Joint Nature Conservation Committee
Historic England
Littleham and Landcross Parish Council
Marine Management Organisation
Maritime and Coastguard Agency
Ministry of Defence
Natural England
Network Rail
North Devon Council
Torridge District Council
Trinity House

Xlinks Morocco-UK Power Project

Scoping Consultation - Response to Planning Inspectorate

by

Alverdiscott & Huntshaw Parish Council

The parish council has reviewed the relevant sections of the report, which, although containing a great deal of detail, is felt to require further clarification on a number of points.

We have to be aware of the concerns that many residents of this parish hold regarding the impact of the development, particularly during the construction phase, and also in the longer term, whilst recognising that further sources of electricity supply will be needed in the future.

The security and lighting aspects of the Alverdiscott site which are included in sections **4.6.13, 14 & 23**, are felt to require further detail. The area, although not a designated Dark Sky area, does enjoy a high degree of night-time darkness at present. The council feels that both these aspects are to a greater or lesser extent connected, and therefore would enquire as to what extent the lighting would impinge upon this (we note that measures to prevent light spill would be considered), and to what extent the security fencing would be lit.

Surface and Foul Water Drainage (**sections 4.6.19 onwards**) note that measures to control surface water runoff would be put in place. These need to be robust enough to cope with potential increases in rainfall, similar to those levels experienced during the current winter. We are not aware of any sewer system in the vicinity, and therefore any foul water would have to be collected by septic tank or waste treatment plant. We are assuming, rightly or wrongly, that foul water generation would be from human activity rather than the plant itself. However, if any oil filled electrical equipment is to be used, what provision will be made to handle leakage or spillage.

Construction Access (**sections 4.6.94-97**) also gives some concerns. Whilst all major construction traffic appears to have been accommodated, there remains the question of secondary traffic to the site. There are many very narrow lanes turning off the B3232 between St.John's Chapel and Torrington that can provide access to the site from a southerly direction and any increase in traffic on these lanes brought about by additional delivery vans and any workforce living to the

south will cause local residents substantial disruption as they travel towards Bideford. Additionally any larger vehicles mistakenly using satnav to reach the site from a southerly direction may be tempted to try to get through these lanes causing major disruption as they risk becoming stranded at various choke points. These local lanes, many of which are single track are already seeing the impact of increased traffic from the new estates being built in the Bideford area. We would strongly recommend that restrictive signage be put in place on all access points from the B3232 to prevent any increase in the number of traffic movements; measures similar to that used on the Barnstaple solar panel site may help but are likely to be insufficient.

It seems to be unclear as to the time scale for the converter station site, as opposed to the cabling installation from the coast. Could this be more specific, as we have been receiving various comments ranging from eighteen months to six years.

Finally, there is the question of mitigation and/or compensation relating to the development. There is already evidence of a reduction in property values in the near vicinity, which is adding to the discontent noted at the beginning of this letter. Schemes of a similar nature, namely recent solar panel installations, have included ongoing compensation such as grants to the community as a whole based on achieved power output, or discounted tariffs. We feel that this aspect of the scheme needs to be addressed at an early stage.

The residents most affected by the construction and operation of the converter stations are largely retired, reside in old houses and all live off grid, so will be unlikely to benefit in any way from the output of the project except for a warm feeling from supporting the move towards a greener future. Any compensation for residents of Huntshaw and Alverdiscott parishes therefore needs to be considered separately from anything aimed at compensating residents along the cable route.

We trust that these observations are taken in the spirit in which they are given. We realise that this project, despite the upheaval it will entail, forms a significant potential addition to the energy requirements of the country.

On behalf of Alverdiscott & Huntshaw Parish Council

Graham White

Chairman

From:	Michael Olley
To:	XLinks
Subject:	Re: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024
Date:	26 February 2024 11:19:40
Attachments:	image001.png image009.png image010.png image011.png image008.png

Dear Sir/Madam,
With regard to the email below I confirm that Alwington Parish Council has no comments.
Michael Olley
Clerk to Alwington Parish COuncil

On 30/01/2024 14:20 GMT XLinks <xlinks@planninginspectorate.gov.uk> wrote:

Dear Sir/Madam

We are contacting you at this time in relation to the Xlinks Morocco-UK Power Project which is a Nationally Significant Infrastructure Project (NSIP). NSIPs are defined in Part 3, Regulation 14 of the Planning Act 2008, and are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by a responsible Secretary of State.

A summary of the NSIP planning process can be found in the list of links at the bottom of this page.

This project is currently in the pre-application stage.

To meet the requirements of the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations (2017) ("the EIA Regulations"), NSIPs which are likely to have a significant effect on the environment are required to undertake an EIA and to provide an Environmental Statement (ES) to accompany the application.

An ES will set out the potential impacts and likely significant effects of the Proposed Development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES. You can find out more detail on ES documents and the EIA process in the links at the bottom of this page.

To inform the scope and level of detail of the information to be provided within the ES, the Applicant has requested a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State under Regulation 10 of the EIA Regulations.

Before adopting a Scoping Opinion, the Inspectorate must consult the relevant 'consultation bodies' defined in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see link below). You have been identified as a consultation body for this project, please see attached correspondence.

Both Local Planning Authorities and Parish/Town Councils play an important role in the planning process by providing area specific knowledge and representing local communities. The Applicant must have regard to comments made within the Scoping Opinion as the submitted ES must be based on the most recently adopted Scoping Opinion. Therefore, your comments at this stage are valuable at influencing the scope of the ES by reviewing the Applicant's approach to EIA as set out within their Scoping Report. Please note this consultation relates solely to the EIA Scoping process.

Please rest assured that there are further opportunities for you to engage with and provide views on the project more generally, including through the Applicant's own consultation. Applicants have a duty to undertake statutory consultation and are required to have regard to all responses to their statutory consultation.

Please note the deadline for consultation responses on the Scoping Report is **27 February 2024** and is a statutory deadline which cannot be extended. Responses submitted before the deadline will be considered, and published at the end of the Scoping Opinion, by the Planning Inspectorate.

For further information about the NSIP planning process, please click on the links below:

- Overview of the NSIP Planning Process
- Information on the stages, services and participation in NSIP planning
- FAQs relating to the Scoping process
- Information in relation to specific matters within the planning process, e.g. the role of local authorities, local impact reports, the EIA Process, Habitats Regulations Assessment (HRA), etc.
- Information on legislation, guidance, and National Policy Statements (NPSs)

The relevant legal framework and regulations include:

- The Planning Act 2008
- The Infrastructure Planning (Environmental Impact Assessment) Regulations (2017)
- Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

If you have any questions regarding any of this information, please do not hesitate to get in touch by way of return to this email address.

Kind regards

Ian Wallis

EIA Advisor

Environmental Services

Operations Directorate

The Planning Inspectorate

T 0303 444 5000

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

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DPC:76616c646f72

Michael Olley,
Clerk to Alwington Parish Council

The Coal Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Ms M Shoesmith – Senior EA Advisor
Planning Inspectorate – Environmental Services

[By email: xlinks@planninginspectorate.gov.uk]

27th February 2024

Dear Ms Shoesmith

Re: EN010164 Xlinks Morocco-UK Power Project - Development Consent for the Xlinks Morocco-UK Power Project

Thank you for your notification of the 30th January 2024 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that coal mining features are present in the north eastern area of the site at surface and shallow depth, including mine entries and coal outcrops which may have been worked at shallow depth. Our records indicate that the mine entries relate to Mineral Black and not coal.

Section 7.5.32 of the Scoping Report submitted notes that an area of development high risk linked to the conjectured outcrop of a coal (culm) seam is identified to the north of the Converter Site. The seam is to the north of the proposed construction compound. There are no coal mining features within the area identified for the proposal other than these coal outcrops which lie north of the site.

On the basis of the above, and in light of our records which indicate the presence of no coal mining features in the area where the development is proposed, there is no requirement for coal mining legacy features to be considered further.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

[redacted]

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

From: Neil Hole
To: XLinks
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024
Date: 31 January 2024 15:14:57
Attachments: image001.png
image002.png
image008.png
image005.png
image007.png
image004.jpg
image009.jpg
image011.jpg
image012.png
EN010164 - Statutory consultation letter.pdf

You don't often get email from [redacted]@dsfire.gov.uk. Learn why this is important

Hi Ian,

Thank you for your email and providing the details for the above project.

We have no comments or observations to make at this time and await sight of detailed plans and fire safety mitigation as part of the Building regulations consultation.

Kind regards.

Neil Hole
Station Commander Stn 04 Bideford
Business Safety Officer
Barnstaple Response Group
t. 01237 423859 **m.** [redacted] **Ext.** [redacted]
f. 01237 472594 **w.** www.dsfire.gov.uk
Bideford Station
Old Town
Bideford
EX39 3BH

"Acting to Protect and Save"

From: Comments <comments@dsfire.gov.uk>
Sent: Tuesday, January 30, 2024 4:23 PM
To: Fire Safety Helpdesk Shared Mailbox <firesafetyhelpdesk@dsfire.gov.uk>
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

Please see the email below and attached letter.

Thank you

Simon Clews
Digital Content Officer
My working days are Tuesday - Friday
t. 2272 / 01392 872272 **f.** 01392 872300 **w.** www.dsfire.gov.uk

please don't print this email unless you really need to.

From: XLinks <XLinks@planninginspectorate.gov.uk>
Sent: Tuesday, January 30, 2024 2:21 PM
To: XLinks <XLinks@planninginspectorate.gov.uk>
Subject: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

Dear Sir/Madam

Please see attached correspondence on the proposed Xlinks Morocco-UK Power Project.

Please note the deadline for consultation responses is **27 February 2024**, which is a statutory requirement that cannot be extended.

Kind regards

Ian Wallis
EIA Advisor
Environmental Services
Operations Directorate
The Planning Inspectorate
T 0303 444 5000

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

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DPC:76616c646f72

Climate Change, Environment and Transport

County Hall
Room 120
Topsham Road
Exeter
EX2 4QD

Tel: 01392 383000
Email: planning@devon.gov.uk

23 February 2024

Dear Sir/ Madam

EN010164-000014 - Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11.

Application by Xlinks 1 Limited (the Applicant) for an Order granting Development Consent for the Xlinks Morocco-UK Power Project (the Proposed Development)

Scoping consultation

Thank for consulting Devon County Council on the Scoping Report submitted in relation to the Proposed Development detailed above.

The Council has reviewed the information contained within the Scoping Report, dated January 2024, and offers the following comments in relation to:

- Transport
- Minerals planning
- Waste planning
- Surface water flooding
- Education
- Historic environment
- Public Health
- Climate change
- Public Rights of Way
- Economy
- Cumulative impacts

Transport

It is noted that there is little consideration being given to cycling within the proposed assessments. Some specifics are given below, but please ensure that Active Travel England provide comments and those comments are considered.

Paragraph 7.6.2 must include the Barnstaple with Bideford and Northam Local Cycling and Walking Infrastructure Plan which can be found at the following link https://www.devon.cc/bbnlcwip.

Paragraph 7.6.6 states that "*Agreement will be sought with the relevant highway authorities regarding any additional parts of the highway network that may need to be considered in the traffic and transport assessment*." This must also extend to the impact on public rights of way and the Tarka Trail, which is a Devon County Council owned route and not a public right of way.

Paragraph 7.6.10 states that *"An initial desk-based review has identified a number of data sources which provide baseline data coverage of the traffic and transport study area. These data sources are summarised in Table 7.6.1"* and table 7.6.1 goes on to provide a list of data sources one of which www.crashmap.co.uk. We would advise that www.crashmap.co.uk should not be used as it is not verified and we therefore recommend that the verified collision data provided by Devon County Council at the following link https://www.devon.gov.uk/roads-and-transport/safe-travel/road-safety/collision-data/ should be used instead.

The traffic and transport assessment needs to consider cyclist delay and as such we would request that paragraph 7.6.39 is amended accordingly to include a bullet point titled Cyclist delay.

Mineral Planning

It is noted that the impacts of the proposed development on mineral resources are proposed to be scoped out of the Environmental Statement. Given that the proposal is not located within any mineral safeguarding or consultation areas, it is unlikely to be a significant impact on the safeguarding of the County's mineral resources. Therefore, the County Council agree that this can be scoped out of the Environmental Statement.

We would recommend that, as part of the planning application, consideration is made into how much mineral is required for the construction of this project and where the minerals are likely to be sourced from.

We would recommend that the applicant considers using alternatives to primary aggregate.

Waste Planning

It is noted that the impacts relating to waste are proposed to be scoped out, but an outline site waste management plan is proposed to be provided as part of the technical appendix to the Environmental Statement.

Paragraph 4.9.39 states that excavated material from the construction of the cable route onshore will be stored temporarily alongside the trenches in the cable corridor

working width prior to replacement within the trench. However, it continues that material identified to be unsuitable will be transported to a licensed site. Paragraph 4.10.15 states that offshore waste will also be disposed of onshore.

The Waste Planning Authority cannot find reference to how much material will be generated and, therefore, it is unknown if this will be significant. Due to the length of the proposed cable, we are concerned that a significant amount of offshore waste may be generated, along with excavation waste, with the expectation that it will be disposed of onshore and whether there is enough inert waste capacity at disposal sites in Devon. On this basis, it is considered the matter should be scoped in to the Environment Statement for assessment and all possible measures should be taken to reduce, reuse and recycle waste in accordance with the waste hierarchy. Should the applicant demonstrate that the amount of waste generated is not significant, then it can be scoped out of the Environmental Statement.

In any event, it is recommended that the outline site waste management plan addresses the following:

- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy, and that the minimum amount of waste is being disposed of
- The amount of construction, excavation and decommissioning waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, excavation and decommissioning, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.

Surface Water Flooding

The applicant has confirmed that they will produce surface water management proposals for the planning application (which they anticipate to be an outline for the converter stations). This surface water management design should be submitted with the Environmental Statement and will need to ensure that the cable route and other works, both during the construction and operational phases does not negatively impact on surface water flow paths. The applicant should also include details of how reinstatement works will be carried out to avoid additional impacts on surface water flooding.

Whilst the applicant has confirmed that they will assess surface water management for the converter station, the Environmental Statement should also show that consideration has been given to how surface water might also need to be managed for the Transition Joint and any upgrades/ expansion needed for the existing Alverdiscott substation. In addition, it should also give consideration to how any highways improvements may impact on surface water management particularly if there are known surface water drainage issues.

We welcome reference to an assessment of field drainage within the Hydrology section of the report but would like to highlight that in addition to field ditches (which

could be classed as Ordinary Watercourses), land drains may also be present. As a result and because land drains may not show up on survey's and might not be known about, we would ask that the Environmental Statement addresses how the applicant intends to assess the presence of land drains and sets out the process for reinstatement should they be damaged or impacted upon during constructions works.

The Environmental Statement should also acknowledge and assess the impacts during the construction phase on surface water management in order to prevent sediment and debris from flowing into drains and watercourses. In addition to this, the Environmental Statement shall ensure that temporary roads will include drainage features and outline where necessary if other features such silt fences, bunds, swales etc, have been considered or will be required. The management of any stockpiles and other materials and the requirement and location of any proposed site compounds, and associated cable laying during construction works will also need to be assessed to ascertain whether additional drainage features will be required. In addition, it would be useful for the applicant to highlight to readers that the operational phase of the cable route has been scoped out of the Environmental Statement and the reasons why.

Education

Table 9.5.3 - Impacts proposed to be scoped out of the assessment for human Health states that *"During construction, the potential to adversely affect access to schools is limited by the use of trenchless techniques for major road crossings. A large influx for workers, including those bringing families, is not expected, so changes to educational capacity or quality, on a scale to affect population health, are unlikely and are scoped out"* but the County Council would like to also see consideration given to assessing the potential impacts of the routing of any cables and associated easements upon any new schools or extensions to existing schools which may come forward in the future.

Historic Environment

The Devon County Historic Environment Team (HET) concurs with the methodology set out in section 7.3 Historic Environment of the scoping report.

Public health

We welcome the comprehensive assessment of human health effects in Section 9.5 of Chapter 9 as well as more detailed assessments around flood risk, traffic, noise, vibration, air quality, and recreation in Chapter 7, including potential inter-related effects (7.6.45). Also noted are assessments of effects on local economic activities, such as fishing (e.g. 4.7.38, and Chapter 8) and agriculture (Table 7.9.2, Chapter 7), recreation (Chapter 7), and climate change (Chapter 9). Each of these may influence local public health. It has been noted that National Policy Statements for Electricity Networks Infrastructure, particularly EN-5 applies. The following comments are made on the scope of the Environmental Statement:

- Page 437 - The Joint Strategic Needs Assessment for Devon should be included with the Baseline data sources, alongside the Devon Health and Wellbeing Strategy, and Integrated Care System Strategy.

- Page 447 - Scoping out electromagnetic fields; although these should be very low risk due to depth and location (sparse housing), the EN-5 guidance suggests evidence should be provided that they comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP). Scoping out would suggest this evidence would not be presented. Although the guidance may be interpreted that it may be out of scope, there are reasons to keep this within scope. Given that there may be perceived health risks, which in themselves may generate health problems, provision of sufficient information to mitigate against these perceived risks should be provided. Evidence provided should include that the line complies with National Policy Statements, including at the nearest residential properties for assurance.

Other comments that may be useful at this stage include:

- Page 41 - DCC Public Health will respond to any Environmental Permitting Regulation requests as and when appropriate. In normal practice, DCC Public Health do not tend to respond to Environmental Permits, but may do so when a specific request is made.

- Page 88 (4.9.17) - It is recommended that the application assesses any impingement from light pollution, and directional lighting, on local properties and communities. It is not clear if the effects from lighting would be significant and should be scoped into the Environmental Statement, but it is likely that any significant effects could be mitigated to an acceptable level through the application process.

- In relation to data collection, should the perceived concerns around the effects of dust, noise, or other factors be raised, further monitoring should be put in place in consultation with the local Environmental and Public Health teams (we note that early consultation has already made). Should concerns emerge, additional requests for information may be made. We note the general statement around identification of potential for significant harm and further investigation as highlighted in table 7.5.4, and would expect this as a general coverall.

Climate Change

Regarding climate change, the proposed methodology is satisfactory as it follows IEMA's guidance. The methodology states that *"This assessment will consider the avoided or 'saved' baseline GHG emissions. This will account for energy generated from the Moroccan Onshore Scheme, and their effects, in comparison to alternative grid-connected electricity generators. This will allow for the identification of the net lifetime effects."* which we agree is necessary. However, the methodology does not state which carbon intensity factors it will use for electricity and for which year and, as a result, we suggest the applicant uses the 2023 UK grid-supplied electricity carbon intensity factor for the duration of the lifecycle assessment, as without projects of this scale the grid carbon-intensity factor will not reduce over time (as is forecast). In addition, the whole life cycle assessment needs to show that the development saves more GHG emissions than it generates to be able to evidence the green, renewable energy commitments of the project.

Public Rights of Way

The Environmental Statement should acknowledge that the proposal will affect a number of Public Rights of Way (PRoW) in the area and should therefore subsequently provide a detailed assessment of how each PRoW is likely to be impacted and what mitigation will be put in place to ensure minimal disruption. Given that it is likely that most disruption is likely to occur during the construction phase of the development, a Construction and Environmental Management Plan should also accompany the Environmental Statement detailing the measures being put in place to maintain access, where possible, to any affected routes during construction and detail how the applicant intends to ensure all Public Rights of Way legislation requirements are met should any routes require diversion or temporary closure.

Economy

We support the socio-economic assessments proposed but it should be evidenced that any jobs, skills and community benefits to Northern Devon (the Districts of Torridge and North Devon) from the project outweigh any negative impacts, including on tourism, from implementing the project. Modelled estimates of the visitor economy from 2022, undertaken by The South West Research Company, point to the combined value of visitor spend in the two Districts being worth around £465m annually, supporting almost 8,300 jobs.

Northern Devon's economy has traditionally lagged the UK overall, but has recently significantly improved its offer and contribution towards the national picture. With the development of the Appledore Clean Maritime Innovation Centre and through the UK Government's recognition of both the economic need and the opportunity to deliver in Torridge through its awarding of Levelling Up status, there is currently a clear link to the area's emerging offshore renewables and maritime sector opportunities. In light of this, the Environmental Statement should assess whether this project would result in any impact on the development of future planned offshore renewables, or marine sector as part of the UK and Devon domestic economy and any future projects' potential contribution towards a highly skilled, high productivity, high value offer nationally and locally.

Cumulative impacts

Section 5.7 states the methodology for the Cumulative Effects Assessment. It is recommended that the other developments considered alongside the Proposed Development include the Celtic Sea Array and White Cross Offshore Windfarm.

I hope the above comments are helpful in forming the Scoping Opinion. Should you have any queries, please do not hesitate to get in touch.

Yours sincerely,

[redacted]

Mike Deaton
Chief Planner

The Planning Inspectorate
The Square
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: XA/2024/100058/01-L01
Your ref: XLinks Morocco-UK Power Project

Date: 22 February 2024

Dear Sir/Madam

EIA SCOPING OPINION CONSULTATION. (HVDC) CABLES IN TWO BUNDLED PAIRS OFFSHORE WITHIN UK WATERS, LANDFALL AT CORNBOROUGH RANGE (NEAR BIDEFORD) AND 14KM ONSHORE CONNECTION TO TWO CONVERTER STATIONS ON LAND TO THE WEST OF ALVERDISCOTT 400KV SUBSTATION.

Thank you for your consultation on the Xlinks Morocco-UK Power Project Scoping Report ref.NP00030 Jan 2024. We have reviewed this report in so far as it relates to our remit and have the following advice:
We broadly agree with the topics to be scoped in and out of the EIA and would like to make the following comments.

Chapter 7.2 Onshore Ecology and Nature Conservation

Considering the nature and size of the proposed works, the chosen onshore ecology and nature conservation study area is appropriate.

We broadly agree with the topics to be scoped in and out of the EIA, but would like to highlight the following:

- The scoping boundary bisects the lower part of Kynoch's Foreshore (LNR), which is important for reedbeds, saltmarsh plants and is a feeding ground for birds. Whilst the HDD will avoid direct impact on the watercourse, the indirect impact of this activity (eg.increased traffic and activity during the construction phase) may disturb wetland birds and this should be included in the EIA.
- Non-statutory designated sites: Torridge Estuary, Tennacott Wood, Hallsannery, Gammaton Reservoir, Haddacott Moor, Abbotsham Cliff and Cornborough Cliff are all County Wildlife Sites (CWSs) which partially or fully lie within the Scoping Corridor. The applicant should consult Devon Wildlife Trust to determine the impact of the proposed works on these sites of local wildlife importance.

- During the construction phase, the potential for accidental trapping of any wild mammals in open trenches should be considered.
- During the construction phase the impact of lighting on any watercourses should be scoped in to avoid disturbance to nocturnal and light-sensitive species such as otters and bats.
- Section 7.2.28 states that the applicant has proposed a Biosecurity Method Statement and Invasive Species Management Plan. However, the EA holds records for multiple INNS along the scoping corridor (such as Wireweed, Japanese knotweed, Himalayan balsam and common cord-grass), hence the potential impact of INNS should be scoped in.
- We support the consideration of biodiversity at an early stage in the project, with collection of ecological data starting in 2021. We support the otter surveys to identify holts, couches and resting places, but recommend that pre-construction surveys for otters are also considered due to the roaming nature of the species.
- We note that the species surveys will conclude in 2024, and the onshore element of the project will commence in 2026 and end in 2032 (including Phase One and Phase Two). Please note, the CIEEM Advice Note 'On the lifespan of ecological reports & surveys' states that the results of most ecological surveys are valid between 12-18 months. If construction commences 18 months following the survey dates, some or all of the ecological surveys may need to be updated, due to the transitory nature of some species (such as bats).

Biodiversity Net Gain (BNG) and Local Nature Recovery Strategies (LNRS)

BNG will become a legal requirement for NSIPs in November 2025. It is positive to read that the applicant intends to deliver at least 10% BNG, but we would encourage the applicant to provide additional gain wherever possible. The applicant should use the latest statutory version of the biodiversity metric tool to calculate BNG. The applicant should submit a Biodiversity Gain Plan, outlining how the project will deliver BNG. We note the intention to deliver BNG through hedgerow enhancement, boundary planting, woodland planting and species rich-grasslands, but would also encourage consideration of the potential for enhancements around watercourses.

Devon County Council has been appointed the responsible authority to develop the Local Nature Recovery Strategy. According to the latest project plan (October 2023), the Devon LNRS is currently producing the local habitat map, which will be published in Summer 2024. When complete the applicant should refer to the Devon local habitat map to inform decisions on where to site BNG delivery and any biodiversity enhancements.

River Basin Management Plans (RBMPs)

Any biodiversity enhancements around waterbodies should complement the local environmental objectives and programme of measures within the RBMP. The applicant should refer to the Catchment Restoration Plan produced by the North Devon Catchment Partnership, which was produced to support delivery of the Environmental Objectives of the South-West River Basin Management Plan. The applicant could support the delivery of local projects such as the Woods 4 Water project led by North Devon Biosphere Reserve, or assist with catchment challenges such as controlling Himalayan balsam.

The River Basin Management Plan cites groundwater pollution as a concern; therefore the applicant should take particular care with regards to enacting pollution prevention measures.

Data sources

Cont/d..

The Environment Agency holds data on fish, invertebrates and macrophytes, which are available to view on the EA Ecology & Fish Data Explorer. Additional ecological data can be obtained from the Devon Biological Records Centre, or Devon County Council's 'Environment Viewer'.

Chapter 7.4 Hydrology and Flood Risk

Water Quality and Water Resources

7.4.4 The study area for onshore effects will focus on the area landward of Mean High-Water Springs. Designated bathing waters tend to be located below this point and there does not appear to be reference to the potential impact of the project on designated bathing waters within the scoping report. "Westward Ho!" designated bathing water is located to the Northeast of the proposed landfall location. Both onshore and offshore works could have the potential to impact this protected site. Potential risks to designated bathing waters should be incorporated into further assessments for both onshore and offshore works. We also recommend recognising The Bathing Water Regulations 2013 within the list of relevant legislation in section 7.4.2.
7.4.10 Table 7.4.1 lists the data sources which will be used to form the baseline assessment for hydrology and flood risk. The data sources listed will not provide information on permitted sites, discharges or abstractions. Knowledge of permitted activities within the study area is required to accurately describe the baseline environment and subsequently understand the risks posed by the project. We recommend incorporating the Environment Agency's Public Register as a data source for regulated sites, permitted discharges and licenced abstractions within the study area.
7.4.18 This section lists a few designated areas that may intersect with the project. However, there is currently no reference to the Jennetts Reservoir and Gammaton Lower Reservoir nitrate vulnerable zones that the project intersects with. There is also no mention of the Torridge Estuary designated shellfish water which is downstream of the proposed watercourse crossing. If these areas are not included in the baseline conditions, then impacts to the water environment may not be properly understood. Mobilisation of sediment into either lake waterbodies could have a more significant long-term impacts than compared to discharges into a more dynamic watercourse such as the sea. These designations should be incorporated into the baseline conditions and subsequent assessment.
7.4.30 The impact of contaminated runoff during construction has been scoped in for further assessment but the fate of sewage produced from welfare facilities during construction is not currently clear and should be scoped in for further assessment.
7.4.30 The impact of damage to existing water pipelines during construction has been scoped in for further assessment. However, no mention has been made regarding the impact of damage to other utilities, such as foul sewer or oil-insulated cables. Damage to any utilities within the area could result in impacts on the water environment and the survey for water pipelines should be extended to include a survey on all utilities within the area.

<u>Water Quality and the Construction Environmental Management Plan</u>
The scoping report confirms that the applicant will produce a Construction Environmental Management Plan (CEMP) to reduce the risk of potential effects on water quality during construction. Large construction sites often cause pollution due to the production of an insufficient CEMP or the failure of contractors to follow the CEMP. To reduce this risk, the EA recommends ensuring that the CEMP includes pollution prevention measures that can withstand significant heavy rainfall events. Additionally,

we recommend the inclusion of monitoring, reporting, and reviewing procedures to ensure the project team and principal contractor have sufficient oversight of the contractors that they employ.

The Environment Agency supports the proposal to secure the requirement to obtain regulatory consent for water discharge activities within the CEMP. We would like to provide the applicant with the following advice regarding water discharge activity permits:

- Unless an exemption applies, a permit is required to carry out a water discharge activity. Examples of water discharge activities include discharges of trade effluent (ie from dewatering), sewage (during construction and operationally) and surface water run-off from areas of exposed soil.
- A permit may not be required for small-scale sewage discharges which can meet the general binding rules.
- The timeframes to determine permit applications can be significant. To avoid the risk of delays to the project we would encourage the applicant to engage with the Environment Agency's pre-application service at the earliest opportunity.

De-watering activities and Consumptive abstraction

The project description describes below ground work during construction phases for buried cables and for onshore infrastructure and converter site. There are no references to de-watering in the report however it can often be required for construction below ground.

Dewatering activities can extend to the removal of water from excavations or more significant pumping of groundwater to lower local water levels for an excavation. These activities were previously exempt from requiring an abstraction license. A permit may now be required for activities that don't meet the conditions specified within the regulatory position statement on temporary dewatering from excavations to surface water.

Please see further details towards the end of this response regarding relevant environmental permits here.

Water framework directive (WFD)

The WFD is referenced throughout the report and water bodies are identified in the Hydrology and Flood Risk section (Table 7.4.2). However, the scoping report only refers to a more detailed WFD assessment in the context of the impact of suspended contaminated sediments (table 8.9.6).

The potential to contribute toward the achievement of the aims and objectives established by the WFD should be considered more fully for biological and physico-chemical WFD elements as well as hydromorphological. Planning Inspectorate (2017) guidance entitled Advice Note 18: The Water Framework Directive provides an outline methodology for WFD as part of the DCO process.

Flood Risk

We broadly agree with the topics scoped into the assessment but would add the following comments:

- In addition to the watercourse cable crossings, we would expect any element of the development to have at least an 8m setback from any watercourses.

Cont/d..

- The applicant must demonstrate that the proposals are safe and will not result in any damage to flood assets. For cable crossings this will require consideration of an appropriate depth below any watercourse or flood defences. Of particular concern is the impact on the River Torridge and its associated flood defences. The depth of the cable crossing will depend on where the applicant determines the river bed level to be (accounting for the silt deposited as a result of the river's tidal influence). We would like to encourage early discussions on the location of any cable crossings for the River Torridge. We would recommend condition surveys and accurate location plans be produced for any flood defences within the vicinity of the proposed development.
- We would expect assessment justifying the offshore cable depth, taking into account wave action and ensuring that the cable depth will not be impacted by mobilisation of the seabed throughout the lifetime of the development.
- In accordance with paragraph 5.6.7 of National Policy Statement EN-1, the Environmental Statement should '*assess the impact of the proposed project on coastal processes and geomorphology, including taking account of potential impacts from climate change. If the development will have an impact on coastal processes the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast'*. Furthermore, paragraph 5.6.11 states '*the Secretary of State should be satisfied that the proposed development will be resilient to coastal erosion and deposition, taking account of climate change, during the project's operational life and decommissioning period'*.

The following points require further assessment / justification before determining whether they are to be scoped in or out of the Environmental Statement:

- The impact of construction and decommissioning vibrations on watercourses and flood defences should be considered for inclusion within the Environmental Statement, accompanied by an appropriate monitoring plan.

- The potential for increase in flood risk due to the displacement of fluvial flood waters (loss of floodplain storage and impact on floodplain flow routes) where infrastructure is placed within the 1 in 100 year (plus an allowance for climate change) flood extent during construction, operation and decommissioning phases. If no impact is expected, then the applicant should provide justification.

- Assessment as to how the proposed development will remain operational during tidal or fluvial flooding throughout its lifetime. Please note that in accordance with paragraph 5.8.11 of National Policy Statement EN-1, the Secretary of State should be satisfied that *'in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere'*. In addition, given that the proposed converter stations are likely to be operated 24/7 by staff on-site, it is important that *'the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development'*. If all elements of the proposed development, including any temporary works needed for construction and decommissioning, are to be located outside of the fluvial and tidal floodplain then this should be confirmed. If this is not the case, we would recommend the above be scoped into the assessment unless an appropriate justification can be provided as to why this will not be appropriate.

Cont/d..

- Assessment of the impact of climate change on fluvial and tidal flood risk, with specific reference to the climate change allowances for peak river flow and sea level rise referenced in the government guidance 'Flood risk assessments: climate change allowances'. Additionally, with reference to Scoping Report Section 8.9.17, page 380 and Section 8.9.35 page 388, please consider whether future wave conditions need to be assessed, particularly for the decommissioning phase of the development.

General comments:

Section 7.4.3 Guidance Documents Page 114, please also consider the following guidance: *Using Modelling for Flood Risk Assessments Guidance (December 2023).* Available online: Using modelling for flood risk assessments - GOV.UK (www.gov.uk).

- **Table 7.4.1 Page 145. Reference to OS Digital Terrain Model (DTM) 50**, please be aware there is also full coverage of 1 metre horizontal resolution composite Lidar data dated 2022 for the cable corridor which is available at https://environment.data.gov.uk/survey.
- **Table 7.4.1 Page 145**, the Surf Zone dataset 2019 may also be of use which is available here. https://environment.data.gov.uk/dataset/77e6f743-d708-4909-a80f-9510b7dbaa16. This may also be of relevance to **Table 8.9.1 Desk Based baseline data sources – Physical Processes, on page 378** of the scoping report.
- **Table 7.4.1 Page 145**, The Flood Estimation Handbook (FEH) Webservice available at: Home Page - FEH Web Service (ceh.ac.uk) may also be of interest, particularly when evaluating fluvial flood risk associated with some of the Ordinary Watercourses within the cable corridor route which have no associated Flood Zone mapping.
- **Section 7.4.19 page 149** *"The EA Flood Zones refer to the probability of flooding from rivers and sea in a given year, assuming no defences are in place and accounting for climate change".* Please note, this statement is not correct, the flood zones do not account for climate change.
- **Table 7.4.4 Impacts proposed to be scoped into the assessment for hydrology and flood risk page 153** *"Baseline flood risk within the hydrology and flood risk study area for the Proposed Development will be determined using desk based analysis of flood risk mapping data published by the EA".* Please bear in mind that it is important to check that any data used is suitable for your requirements and is representative of current baseline conditions and guidance. Please refer to the guidance on *Using Modelling for Flood Risk Assessments* for further details available online at: Using modelling for flood risk assessments - GOV.UK (www.gov.uk).
- **Section 8.9.3 Guidance Documents page 375.** There may be elements within the Environment Agency's *Coastal Standards Technical Report LIT 56561 (2022)* which are of use. Particularly regarding future wave conditions and climate change allowances.
- **Table 8.9.1 Desk based baseline data sources – Physical Processes page 378.** The Coastal Flood Boundary (CFB) 2018 dataset may be of use and provides information on extreme sea levels.
- **Table 8.9.1 Desk based baseline data sources – Physical Processes page 378.** The NCERM (National Coastal Erosion Risk Mapping) may be of interest. This is currently out for consultation for NCERM2, however, the original NCERM

data can be found here: National Coastal Erosion Risk Mapping (NCERM) - National (2018 - 2021) - data.gov.uk

- **Table 8.9.5 Sea Level Rise Allowance Table. Page 388.** No further action required, just to confirm, the sea level rise projections presented in this table look reasonable based on a check of area 51.06-4.25 within the Sea Level anomalies for marine projections UKCP18 dataset.

The Sequential Test

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences. In line with paragraph 161 of the NPPF, 'all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property'. Paragraph 162 of the NPPF states that development '*should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from flooding'.*

The Sequential Test is not required as part of the EIA scoping, however it should be adequately applied and evidenced within the flood risk chapter of the EIA.

Flood Zone 3b

Flood Zone 3b has not been referred to in the scoping report, but would be important to consider in the EIA. The Local Authority's SFRA should define the extent of Flood Zone 3b.

In accordance with paragraph 5.8.14 of NPS EN-1 Where essential energy infrastructure has to be located in Flood Zone 3b it should only be consented if the development will not result in a net loss of floodplain storage and will not impede water flows.

Flood Risk Activity Permits

Please note that the Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit (FRAP) or exemption to be obtained for any activities which will take place:

- On or within 8m of a main river (16 metres if tidal)
- On or within 8m of a flood defence structure or culverted main river (16m if tidal)
- On or within 16m of a sea defence
- Involving quarrying or excavation within 16m of any main river, flood defence (including a remote defence) or culvert
- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

If any works are likely to require a FRAP we recommend early consideration of the potential for disapplication of the EPR and the use of Protective Provisions under the DCO.

Construction/Decommissioning Environment Management Plan

We would expect to be consulted on the Construction Environment Management Plan and the Decommissioning Environment Management Plan which should include:

- A flood emergency response plan
- Plans for the storage of construction materials (outside of the flood zone)
- Flood defence vibration monitoring

Cont/d..

- Surveys for any works close to a flood defence to better understand defence's geometry, condition, composition and structure
- Details of construction phasing to ensure there is no loss in flood storage at any point during construction.

Chapter 7.5: Hydrogeology, Geology and Ground Conditions.

We are satisfied with the matters that are proposed to be scoped in and out of the Environmental Impact Assessment

Situation summary
The proposed development lies over the bedrock strata of the Bude Formation and Crackington Formation both of which are interbedded mudstone and siltstones. They are classified as Secondary A aquifers.
Superficial deposits are generally absent with the exception of the area near the River Torridge where Alluvium, River Torridge Terrace Deposits and Tidal Flat Deposits are present. The Alluvium and River Terrace Deposits are classified as Secondary A aquifers and the Tidal Flat Deposits are Secondary Undifferentiated.
There are no groundwater source protection zones within the development scoping boundary.

Detailed comments
Paragraph 4.6.19 states that an outline operational drainage strategy will be submitted with the application for DCO. It does not make reference to pollution prevention measures, although pollution prevention is mentioned in the construction drainage design. It is important that pollution prevention is considered in all relevant elements of the scheme, both during construction and operation.

4.6.21 states that foul drainage may be collected in a septic tank. The applicant is advised to engage early with the Environment Agency regarding the possible need for a permit if a septic tank is taken forward as the chosen option.

Paragraphs 4.6.37 to 4.6.40 detail the plans to perform cut and fill works within the scheme. The installation of the cables will also involve excavation of material. Where these works takes place in land affected by contamination the management of waste will need to be carefully managed. Further information about the CL:AIRE Definition of Waste Code of Practice is provided at the end of this response in the event that the excavation works are carried out under that scheme.

Horizontal directional drilling (HDD) may be used to aid installation of the cables. This could involve the use of drilling muds and their use may require risk assessment to ensure they do not pose a risk to controlled waters. This is important within the Secondary A aquifer and any other groundwater receptors that may be identified during the next stage of assessment (for example, private water supplies). The proposed use of directional drilling techniques should therefore be included in the CEMP.

We welcome the inclusion of pollution prevention measures in the proposed Construction Environmental Management Plan (CEMP) and will review this when it becomes available.

Paragraphs 7.5.14 to 7.5.16 list potential sources of contamination within the study area, including 2 historic landfill sites and table 7.5.4 goes on to state that the impact of ground contamination to controlled water receptors during construction and

Cont/d..

decommissioning will be scoped in for assessment. The suggested approach to the assessment is acceptable.

Environmental permits
The Environment Agency supports the proposal to secure the requirement to obtain regulatory consent for water discharge activities within the CEMP. We would like to provide the applicant with the following advice regarding water discharge activity permits:

Dewatering activities can extend to the removal of water from excavations or more significant pumping of groundwater to lower local water levels for an excavation. These activities were previously exempt from requiring an abstraction license.

Since 01 January 2018, new planned dewatering operations above 20 cubic meters a day will require a water abstraction license from us, prior to the commencement of dewatering activities at the site if they do not meet the criteria for exemption in *The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works*. It may also require a discharge permit if it falls outside of our regulatory position statement for de-watering discharges.

There is water availability for consumptive abstraction in North Devon catchments, more details can be found in the Abstraction Licensing Strategy. If any dewatering activity can be demonstrated to be discharged to the same source of supply without intervening use (i.e. non-consumptive), this will increase the likelihood of a licence being granted. Examples of (consumptive) intervening uses include: dust suppression; mineral washing; washing down machinery and potable supply.

Please note that the typical timescale to process a licence application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning for further advice on whether a licence will be required.

The applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found here,
Discharges to surface water and groundwater: environmental permits - GOV.UK (www.gov.uk)

Waste on site
Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:
- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at https://www.gov.uk/government/organisations/environment-agency

Cont/d..

Waste to be taken off site
Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

Environment Agency land interest
There are two sites of EA land interest within or near the scoping boundary:

- EA Alverdiscott Depot sits approximately 65m outside the scoping boundary line at SS4693925927
- Fisheries interests at Gammaton Reservoirs SS4873524781

It is unlikely that the proposals will impact on either of these sites, but location plans are available if required.

Further Advice
The Environment Agency would welcome the opportunity to engage and advise further on the matters outlined above.
Further engagement at the pre-application stage will provide the applicant with confidence and clarity in relation to our position on the DCO proposals prior to formal submission and outside the statutory engagement process. It should also result in a better quality and more environmentally sensitive development.
This would fall within the scope of our Cost Recoverable Planning Advice service, and would be subject to a fee of £100 per staff hour of time. As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems.
We will contact the applicant further in relation to this, but in the meantime should they wish to gain our views on any draft assessments or proposals please contact us at NITeam@environment-agency.gov.uk for a quote. The terms and conditions of our charged for service are available here: Planning and marine licence advice: standard terms for our charges - GOV.UK (www.gov.uk)

Yours sincerely

Liz Locke
Planning Specialist – National Infrastructure Team

Cont/d..

Direct dial [redacted]
email NITeam@environment-agency.gov.uk

End

From: Joe White
To: XLinks
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024
Date: 27 February 2024 18:11:28
Attachments: image001.png
image002.png
image005.png
image006.png
image007.png
image008.jpg
image003.png

You don't often get email from [redacted]@exmoor-nationalpark.gov.uk. Learn why this is important

Dear Mr Wallis,

Thank you for your email. Exmoor National Park Authority would have the following comments to make in respect of the Scoping Report and specifically lighting within the LSVIA. Lighting has potential to impact on Exmoor National Park through the creation of light domes above the construction and operational sites. Lighting has been scoped into the EIA but is not specific on how this will be measured/assessed or from where. Table 9.3.2 page 420.

Para 4.6.23 does mention mitigation but quite how many lights will be required, at what output and height and for what duration at night time is something that could have wide ranging effects. Hinckley lies at just over 14km distance and the light dome is impacting on the quality of the night sky seen from the National Park, especially from the elevated ground in the eastern part of the National Park and the south Wales coast is between 18-c40 miles and produces light domes affecting the night sky seen from Exmoor.

Consequently, we would request that potential effects of construction and operational lighting on the National Park is provided in the ES, given the status of the National Park as an international dark sky reserve. Locations such as the elevated ridge running along the south-west and west of the National Park and the high coast cliffs may potentially be affected. Should you wish to discuss this further, Julie Layzell, who is Exmoor National Park Authority's Future Landscapes Officer, would be pleased to provide assistance.

Best wishes
Joe

Joe White
Development Manager
Exmoor National Park Authority
Exmoor House, Dulverton, Somerset TA22 9HL

Tel: 01398 323665
Direct Line: [redacted]

From: Planning external <plan@exmoor-nationalpark.gov.uk>
Sent: Tuesday, January 30, 2024 2:25 PM
To: Joe White [redacted]@exmoor-nationalpark.gov.uk>
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

From: XLinks <XLinks@planninginspectorate.gov.uk>
Sent: Tuesday, January 30, 2024 2:21 PM
To: XLinks <XLinks@planninginspectorate.gov.uk>
Subject: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

FAO Head of Planning

We are contacting you at this time in relation to the Xlinks Morocco-UK Power Project which is a Nationally Significant Infrastructure Project (NSIP). NSIPs are defined in Part 3, Regulation 14 of the Planning Act 2008, and are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by a responsible Secretary of State.

A summary of the NSIP planning process can be found in the list of links at the bottom of this page.

This project is currently in the pre-application stage.

To meet the requirements of the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations (2017) ("the EIA Regulations"), NSIPs which are likely to have a significant effect on the environment are required to undertake an EIA and to provide an Environmental Statement (ES) to accompany the application.

An ES will set out the potential impacts and likely significant effects of the Proposed Development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES. You can find out more detail on ES documents and the EIA process in the links at the bottom of this page.

To inform the scope and level of detail of the information to be provided within the ES, the Applicant has requested a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State under Regulation 10 of the EIA Regulations.

Before adopting a Scoping Opinion, the Inspectorate must consult the relevant 'consultation bodies' defined in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see link below). You have been identified as a consultation body for this project, please see attached correspondence.

Both Local Planning Authorities and Parish/Town Councils play an important role in the planning process by providing area specific knowledge and representing local communities. The Applicant must have regard to comments made within the Scoping Opinion as the submitted ES must be

based on the most recently adopted Scoping Opinion. Therefore, your comments at this stage are valuable at influencing the scope of the ES by reviewing the Applicant's approach to EIA as set out within their Scoping Report. Please note this consultation relates solely to the EIA Scoping process.

Please rest assured that there are further opportunities for you to engage with and provide views on the project more generally, including through the Applicant's own consultation. Applicants have a duty to undertake statutory consultation and are required to have regard to all responses to their statutory consultation.

Please note the deadline for consultation responses on the Scoping Report is **27 February 2024** and is a statutory deadline which cannot be extended. Responses submitted before the deadline will be considered, and published at the end of the Scoping Opinion, by the Planning Inspectorate.

For further information about the NSIP planning process, please click on the links below:

- Overview of the NSIP Planning Process
- Information on the stages, services and participation in NSIP planning
- FAQs relating to the Scoping process
- Information in relation to specific matters within the planning process, e.g. the role of local authorities, local impact reports, the EIA Process, Habitats Regulations Assessment (HRA), etc.
- Information on legislation, guidance, and National Policy Statements (NPSs)

The relevant legal framework and regulations include:

- The Planning Act 2008
- The Infrastructure Planning (Environmental Impact Assessment) Regulations (2017)
- Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

If you have any questions regarding any of this information, please do not hesitate to get in touch by way of return to this email address.

Kind regards

Ian Wallis
EIA Advisor
Environmental Services
Operations Directorate
The Planning Inspectorate
T 0303 444 5000

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

Ensuring **fairness**, **openness** and **impartiality** across all our services

South West Forest Services
Bullers Hill
Kennford
Exeter
EX6 7XR
Tel 0300 067 5549

Date 23/02/2024

Your Ref: EN010164 - Xlinks Morocco-UK

Dear Inspectorate

EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping
STATUTORY CONSULTATION – 30 January 2024 to 27 February 2024.
PLANNING ACT 2008 SECTION 42: DUTY TO CONSULT ON A PROPOSED APPLICATION

Thank you for seeking our advice on the Statutory Consultation for the application above.

The Forestry Commission is the Government's expert on forestry & woodland and a statutory consultee for major infrastructure (Nationally Significant Infrastructure Projects) that are likely to affect the protection or expansion of forests and woodlands.

The Forestry Commission's responsibility is to discharge its consultee role as efficiently, effectively and professionally as possible, based on the forestry principles set out in the UK Forestry Standard (5th edition published 2023). The Forestry Commission neither supports nor objects to development applications. Our role is to provide factual advice on forestry and woodland matters.

The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees to which we refer you since this application affects presumed ancient woodland, which is an irreplaceable habitat. While this standing advice doesn't directly apply to NSIPs it is still very relevant to how ancient woodlands can be properly catered for within any development.

As highlighted in the *Irreplaceable habitats including ancient woodland and veteran trees* section of the **National Policy Statement National Networks** (NPSNN): Paragraph 5.32

"Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this."

The UK Forestry Standard *(p15) states that "The UK is committed to maintaining or increasing its forest area, and to enhancing the social, environmental, and economic values of forest resources. It is particularly important to retain, extend and enhance ASNW because of its unique qualities, but maintaining all woodland area …. helps assure the many benefits provided by forests and is critical in the context of world deforestation and climate change."*

The ***25 Year Environment Plan*** *(2018) states the government's intention of "Increasing woodland in England in line with our aspiration of 12% cover by 2060: this would involve planting 180,000 hectares by end of 2042". It also states that "New development will happen in the right places, delivering maximum economic benefit while considering the need to avoid environmental damage. We will protect ancient woodlands and grasslands, high flood risk areas and our best agricultural land".*

Guidance

7.2.21 – A reference to Ancient Woodland and Veteran Trees would be needed, as this will require significantly more surveying capacity and as referenced below to appropriately assess Root Protection Area's.

Regarding Biodiversity Net Gain – There are key opportunities in the Eastern areas of the site maps, South of Gammaton Moor for Woodland expansion. This could extend from the screening required around the substation site and enhance the scale and connectivity of the relatively fragmented woodland habitats situated in that area. This could be key as it would be enhancing areas of Grade 4 agricultural land bringing significant biodiversity improvements.

We note that in this application, there is potential impacts on the northern limits of the **Pixey Copse.** This site is a recognised and mapped Ancient Semi-Natural Woodland (ASNW). As stated previously with the several references to how essential ancient woodland is as an '*irreplaceable habitat'.*

With section 9.2.15 within the scoping report referring to impacts to woodland, the project should look to avoid the ancient woodland situated at Pixey Copse, Pillmouth Wood, and Thorne Wood/Bidd Copse, considering more significantly the irreplaceable ecology represented in the site rather than just GHG.

4.9.18 – As stated, HDD or similar trenchless methods should be used to mitigate significant impacts and disturbance to the ground flora and fauna. When using this method, we would hope a Root Protection Area (RPA) would be appropriately calculated and executed to ensure minimal impact on the woodland. The Ancient Tree Forum, Woodland Trust and other literature suggests ancient woodlands and veteran trees need the have larger RPA's.

The consensus suggest it should be whichever is greater of:

- an area with a radius which is 15 times the diameter of the tree, with no cap
- 5m beyond the crown.

This is informed and underpinned from the guidance from the Forestry Commission and Natural England.

This can be specifically identified using radar technologies that can detect woody roots around 2cm thick from above ground. This doesn't include the fine roots and wider mycorrhizal networks that would extend even further. For sites where there are ancient woodland and veteran trees and alternative routes for cable can't be done this method would be suggested next and trenchless methods placed appropriately below the identified Root Protection Area.

With this in mind, and particularly in the context of the Climate Emergency being declared throughout the country, we believe that this is a landscape that could absorb and benefit from more woodland creation, for both conservation and production, with good landscape design and according to the principles of the UK Forestry Standard.

Monitoring would be essential in all aspects of the project and a commitment to continued monitoring to ensure woodland establishment, with appropriate restocking regimes each year. Establishing Woodland Management Plans for any woodland creation would be expected.

For specific enquiries, you can email me at [redacted]@forestrycommission.gov.uk.

Yours sincerely,

Joshua Bennett
Local Partnership Advisor
Forestry Commission Southwest Area Team

Historic England

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: PA01200307
Your ref: EN10164

Telephone: 0117 9751308

By Email:
xlinks@planninginspectorate.gov.uk

27 February 2024

Dear Planning Inspectorate,

re: **Request for a Formal EIA Scoping Opinion for the 'Xlinks Project'**

Historic England was notified about a scoping request for the proposed Xlinks Morocco-UK Power Project (electricity interconnector) by the Planning Inspectorate via an email on 30th January 2024).

The proposed development is formed by the Applicant as a sub-sea electricity connection between Morocco and the UK. In doing so the Project proposes to facilitate the import of up to 3.6 Gigawatts (GW) of low carbon electricity into the national grid.

Historic England, as the governments lead advisors on the historic environment in England, would like to offer our comments on this proposal, taking into consideration the information provided by the applicant in the scoping report.

We are aware that after seeking direction from the Secretary of State for Energy Security and Net Zero (the 'Secretary of State') under section 35(1) of the Planning Act 2008, that the Applicant is pursuing a Development Consent Order for the Proposed Development. To cover all offshore elements of the Proposed Development within the UK EEZ, as well as the onshore elements of the Proposed Development. We therefore support this approach.

Background

The proposed development comprises, a converter site at Alverdiscott Substation and the connection of a new 400kV substation, a high voltage underground (HVDC) cable connection connecting the converter station, substation and transition joint with the offshore cable (linked via a horizontal directional drilling method), of 370km subsea

HVDC cable, out to the UK Exclusive Economic Zone boundary. The project intends to target construction and commissioning in order to meet the available connection dates in 2030 and 2032, with the earliest construction date proposed for 2026.

Historic England Advice

Our primary concern in relation to this proposal is the impact of the development upon the significance of designated heritage assets and non-designated heritage assets, both from construction and within the area surrounding the development. Our comments are set out in sections that correspond to the report structure. With onshore, and intertidal and offshore marine cable elements dealt with separately.

Onshore

General comments:
It will be essential that any tabular approach to heritage assessment using Design Manual for Roads and Bridges (DRMB) – which is often not ideal in relation to heritage - is complemented and supported by a reasoned, narrative discussion of the significance of any heritage assets affected and the level of impact and harm. This should preferably be informed by the approaches contained in Historic England guidance, and will be necessary to meet the policies within Chapter 5.9 (Historic Environment) of the Overarching National Policy Statement for Energy (EN-1).

Section 5. EIA Methodology

- 5.4.1, 5.5.5 etc. Could the assessment identify opportunities for enhancements as well as mitigation measures?

- Table 5.5.4 In relation to heritage it will be important that the assessment of significance of effects using a tabular approach is adequately supported by careful analysis and commentary on the historic significance of any heritage assets that are affected and how development would impact on that significance, e.g. following Historic England guidance such as (both of which are listed in section 7.3 Historic Environment):
    - Good Practice Advice in Planning 2: Managing Significance in Decision-Taking in the Historic Environment
    - Good Practice Advice in Planning 3: The Setting of Heritage Assets
    - Good Practice Advice in Planning (GPA) 12: Statements of Heritage Significance

- 5.10 We welcome inclusion of an assessment of impacts on the Historic Environment as part of the onshore assessment.

Section 7.3 Historic Environment

- Legislative and Policy context – we suggest that the following are also reviewed:
    - European Landscape Convention
    - The Convention for the Protection of the Architectural Heritage of Europe

  - The European Convention on the Protection of Archaeological Heritage

- Study area – how will this take account of potential impacts associated with utilities diversions and temporary haul roads as mentioned at 4.4.2 and 4.4.3?

- Table 7.3.1 Baseline data sources – this should include consideration of any historic landscape and seascape characterisation relevant to the area.

- Table 7.3.3 (and alluded to above), will this assessment take account of potential impacts associated with utilities diversions and temporary haul roads as mentioned at 4.4.2 and 4.4.3?

- Table 7.3.4 Impacts proposed to be scoped out: While we accept that certain heritage impacts are likely to occur primarily as a result of construction activity, it will be important to accurately recognise whether these are permanent (as is likely to be the case with buried archaeology) or temporary impacts. While setting impacts as a result of vegetation loss during construction is usually treated as temporary, it should be noted that in the case of impacts associated with the loss of mature trees, mitigating planting could take many years to be fully effective.

- 7.3.26 We welcome the recognition that Landscape and Visual Impact Assessment and noise have interrelationships with a heritage assessment.

Additional comments

- As far as Heritage Impact Assessment methodology, DMRB should not be seen as industry standard, as it is not appropriate for most cases and we would not expect it for this if it wasn't NCIP/EIA. For EIA there is a requirement for the differing headings and a tabular approach, but the terrestrial impacts here are so few we still expect a fully GPA3 and GPA12 (as referenced above) compliant reasoned narrative discussion of affected Scheduled Monuments. Identifying significance, impact and harm, based upon an approach that describes 'what is it and how is it affected'. We cannot overstate the need for this, as purely tabular assessments are limited in scope and poor in practice - and the Applicant should be made aware of this. We feel that DMRB tables are a tool and should be an appendix to the main discussion/HIA.

- Photographic visualisations should be 75-80mm single image where required for Scheduled Monuments.

- In terms of Scheduled Monuments, the Applicant needs to consider Hallsannery limekiln and the Roman site at Alverdiscott. This is equally important in relation to associated development and expansion. The Applicant should also be made aware that they will need to avoid these Scheduled Monuments as Scheduled Monument Consent is unlikely to be forthcoming.

- In addition, we recommend that the Project continue to engage with the Local Authority throughout the pre-application, application and examination process to ensure all works which have the potential to impact upon archaeology and the preservation of archaeological remains: such as road junction improvements, haul roads, temporary and permanent utilities or utility diversions, landscaping, drainage, ecological mitigation and offsetting etc. are adequately and appropriately managed.

Intertidal and Offshore

- At present we consider that the impacts included within table 8.8.2 present a good starting point in which to inform any subsequent EIA. Additionally, that the impacts scoped in or out are acceptable. However, as explained within the Historic England guidance document *The Setting of Heritage Assets* (Good Planning Advice in Planning 3), impacts to the setting and the significance of heritage assets such as scheduled monuments or Protected Wreck Sites - that are periodically, partly or wholly submerged - are equally applicable in some rare cases. Which in respect to the project's development infrastructure may present such instances where the extent of cable burial is not altogether possible.

- Regarding only the archaeological science elements of the proposed offshore works, consideration of the potential impact of geomorphological changes is welcomed, as is the assessment of potential impacts through physical process modelling.

- The Scoping report explains in summary (within table 8.8.1 and 8.8.27) the EIA's marine archaeology and cultural heritage assessment will be informed by the interpretation of the geophysical and geotechnical survey data. Principally through Multibeam Bathymetry, Sidescan Sonar, Magnetometer and Sub-bottom Profiling geophysical techniques. With reference to up to date standards and guidance included. Whilst we welcome this approach, to support a clear characterisation level of seabed impacts, if this data is to be solely used for the purposes of the final route design, it runs the risk of being insufficient to inform a more iterative approach to gathering important information about impacts to the historic environment.

  Therefore, the PEIR archaeological assessment technical reports included at the stage of the pre-application should be given the complete autonomy to issue recommendations as to where such acquired data is insufficient, lacking in resolution or demonstrating gaps in coverage. Such that plans for schemes of further work can be effectively captured within supporting documentation attached to any consent granted. I.e. through an Outline Offshore Written Scheme of Investigation (WSI).

- We note and welcome the alluded to known and recorded nature of maritime and aviation related archaeology within the study area. Such as paragraph

8.8.15. However, we feel the potential for unrecorded sites in or close to the development area is very high. The justification for this uncertainty is given the marine historic environment comprises more than those sites that are currently recorded within accessible marine datasets. As an example, the seabed around Cornwall contains approximately 4,500 shipwrecks, of which 85% are unaccounted for wrecked, foundered and stranded vessels. Therefore, it is quite possible should this project progress to consent and construction, such sites may well be encountered, and requiring an effective management response. Furthermore, below the seabed surface important evidence of prehistoric landscapes and associated artefacts dating to past human activity may also exist, yet to be mapped and yet to be understood and shared with the wider community.

- We note that as a form of 'embedded mitigation' the "micro-routing of the cable corridor will be undertaken where possible and archaeological exclusion zones applied to avoid direct impacts on cultural heritage assets and submerged land surfaces beneath marine sediments where possible". As such, there are some points the Environmental Statement (ES) should look to consider in further detail on this provision.

  The first being that, as illustrated in figures 8.6.2: 'Navigational features and 8.7.4: 'Subsea cables', there is a high level of seabed coverage in or close to the proposed route already being utilised. As a result, affording effective micro-routing may require careful planning, with survey data and other strategies of investigation important in identifying any constrictive area issues early on.

  Secondly, whilst in many cases the use of a full suite of high-resolution geophysical survey methods can provide confidence as to the extent of an archaeological exclusion zone. There are always some instances where, due to a range of factors (e.g. wrecking process or subsequent clearance activities) where the full extent of a wreck sites remains uncertain. With some outlying geophysical anomalies, which may seem less significant, in fact on closer inspection forming part of a broader wreck assemblage. It is therefore through the referenced (forthcoming) ES and supporting WSI, that mechanisms for targeting and adapting to these cases should be coherently considered.

- With this in mind, a draft offshore Outline archaeological WSI should be included at the PEIR stage. Thereby providing a systematic link with the impacts identified, with the description of resulting measures of evaluation and mitigation (or offsetting) through targeted schemes of investigation, set out clearly (and in good time) between any potential consent and seabed preparations. Specifically, these schemes of investigation will need to evaluate and further characterise features of the known or unknown historic environment – through ground truthing surveys – that may present a potential seabed constraint. Which we wholly recommend utilise onboard

archaeological expertise during such surveys, to maximise the information outputs.

- In doing so we feel this will align closely with the stated policy provisions of EN-1, paragraph 5.9.13 whereby the "applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment". And paragraph 5.9.19 "Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets…".

- This we feel also fits closely to the EN-3 provision we would like to see considered appropriately in an ES assessment, to "also include the identification of any beneficial effects on the marine historic environment, for example through improved access or the contribution to new knowledge that arises from investigation" – paragraph 3.8.191.

- To do this we request that input of archaeological expertise (to accredited standards and utilising a range of appropriate specialists where necessary), to maximise design and survey planning opportunities, needs to be fully confirmed throughout the ES and Outline WSI.

- Specifically, as noted above, an experienced offshore/onshore geoarchaeologist is necessary to fully assess the submerged prehistoric potential, based upon a comprehensive ground model (of sub-surface deposits).

- Added to this, in order to consider the potential impact on the geoarchaeological and palaeoenvironmental significance of deposits, the heritage assessment should include a detailed geoarchaeological and palaeoenvironmental desk based assessment which considers recent palaeoenvironmental studies within the Taw Torridge estuary, this should be supported by a review of current, previous and any intended geotechnical assessment or targeted geoarchaeological boreholes. With clear reference to applicable Historic England guidance.

- With respect to measures to mitigate impacts to known and potential archaeological features and deposits within the intertidal, nearshore and punch-out area onshore, a full strategy to assess and survey this area needs to be discussed and agreed upon with Historic England and the Local Authority ahead of any PEIR submission.

Yours sincerely,

Stuart Churchley
Marine Archaeological Planning Officer
E-mail: [redacted]@HistoricEngland.org.uk

CC: Hayley McParland (Historic England, South West Science Advisor)
Nick Russell (Assistant Inspector of Ancient Monuments)
Kim Miller MRTPI IHBC (Historic Environment Planning Adviser)

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Planning Inspectorate

Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

JNCC Reference: OIA-09964

Planning Inspectorate Reference: EN010164-000014

Date: 27 February 2024

Morocco-UK Power Project, Xlinks 1 Limited, Scoping Report

Thank you for consulting JNCC regarding the above-mentioned development proposed by Xlinks 1 Limited for which we received the Scoping Report on 30 January 2024.

The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit).

The Scoping Report for this project covers the cable corridor from the UK EEZ boundary to the landfall site at Cornborough Range on the north Devon coast. JNCC have concentrated our comments on the offshore portion of this corridor (from the UK EEZ to the 12nm boundary).

Our review has concentrated on the following sections of the Scoping Report:

- Introduction (Chapter 1);
- Project description (Chapter 4);
- EIA Methodology (Chapter 5);
- Benthic Ecology (Chapter 8.2);
- Marine Mammals and Sea Turtles (Chapter 8.5);
- Topics Proposed to be Scoped Out of the ES (Chapter 11); and
- Appendix C: Offshore Ornithology

Our conclusions on these sections are provided below.

We note that the project passes through the following sites designated for nature conservation:

- East of Haig Fras Marine Conservation Zone (MCZ);
- South-West Approaches to Bristol Channel MCZ;
- Lundy Sand Special Area of Conservation (SAC);
- Lundy MCZ;
- Bristol Channel Approaches SAC;
- North West of Lundy MCZ; and
- Bidefor to Foreland Point MCZ.

The East of Haig Fras MCZ is an offshore site and so JNCC is the responsible agency for this site. The South West Approaches to the Bristol Channel MCZ and Bristol Channel Approaches SAC are jointly managed sites between Natural England, Natural Resources Wales (in the case of Bristol Channel Approaches SAC) and JNCC.

JNCC defer to Natural England for comments on the remaining sites as they are the responsible agency.

General comments

Whilst reviewing the Scoping Report we found some of the figures in chapters difficult to understand as the text was too small. For example, the legend on Figure 8.2.3 cannot be read as the text is too small.

Introduction (Chapter 1)

We note that the UK offshore portion of the project involves approximately 370km of offshore cable route which would be buried in the seabed or laid on the seabed with protection.

Project description (Chapter 4)

We note that the Applicant has allowed for a 500m corridor within which they aim to micro-route the cable following interpretation of geophysical and geotechnical survey results. We would encourage the Applicant to consider surveying and potentially micro-routing outside of this 500m corridor if sensitive habitat is found to cover the width of this 500m corridor. In some situations, the habitat extent may only extend to just outside the cable corridor and so micro-routing just outside of the corridor could be plausible.

We agree with the Applicant's proposed approach to cable crossings detailed in section 4.7. Allowing a corridor width of 1500m in some locations will allow for a higher likelihood of crossings being at 90^{o} and will allow more options to micro route, so decrease the likelihood of crossings (and cable routing) occurring at locations of sensitive habitat where rock protection measures would cause additional detriment to the benthic environment.

Benthic ecology (Chapter 8.2)

Guidance

JNCC agree with the Applicant using CIEEM Guidelines for Ecological Impact Assessment for Terrestrial, Freshwater and Coastal Environments (2018) for the benthic ecology assessment. We would also recommend that the Applicant uses 'Nature conservation

considerations and environmental best practice for subsea cables for English inshore and UK offshore waters' (Natural England and JNCC, 2022)[1].

Study area
JNCC agrees with the proposed study area for benthic ecology being determined based on the pathway for effect that is likely to have the greatest spatial extent, which will be suspended sediment carried in plumes as a result of cable burial activities. We also agree with this being based on physical processes understanding and would recommend sediment plume modelling be undertaken as a basis for the study area taken forward in the assessment.

Data sources
We note that the applicant has not included the Cefas OneBenthic Baseline Tool[2] within the desk-based data sources to be used in the assessment, but this source is used to describe the benthic baseline within the chapter. We would recommend the Applicant includes all desk-based data sources to be used to inform the assessment be included here.

Site-specific survey data
JNCC are grateful for this early information provided by site-specific surveys of the cable corridor. We would like to highlight that sampling effort should be thorough enough so as to adequately characterise the benthic environment and understand all potential impact pathways that may present themselves throughout the whole cable corridor.

JNCC also recommends that adequate geotechnical sampling is undertaken to ensure confidence in the successful burial of the cable for the lifetime of the asset (taking account of potential changes in climate). This will minimise the requirement for future intervention and reduce the likelihood of any subsequent cable protection measures needed in the future. Providing sufficient survey evidence as justification for the amount of rock dump being applied for at the Marine Licence stage will reduce the risk during the application process as it will reduce the footprint of direct habitat loss and the pressure on the benthic environment caused by permanent rock deposits.

We would be grateful to be able to review the full survey reports from the site-specific surveys carried out for this application once these become available. This would allow more time for JNCC to process the information within these reports. If possible, we would welcome the opportunity to be able to review the project Cable Burial Risk Assessment (CBRA) once this becomes available. This would provide valuable supporting information on the requirements for any proposed cable protection.

Designated sites
JNCC agrees with the designated sites for benthic features that have been scoped into the assessment. We defer to Natural England in regard to comments on Lundy Sand Special Area of Conservation (SAC), Braunton Burrows SAC, Hartland Point to Tintagel Marine Conservation Zone (MCZ) as they are these sites' responsible agency.

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[1] 'Nature conservation considerations and environmental best practice for subsea cables for English inshore and UK offshore waters' (Natural England and JNCC, 2022) https://naturalengland.blog.gov.uk/2022/10/11/hot-off-the-press-natural-englands-research-to-support-offshore-wind/

[2] Cefas OneBenthic https://openscience.cefas.co.uk/

For the East of Haig Fras MCZ, JNCC is the responsible agency for this site and the South West Approaches to the Bristol Channel MCZ is jointly managed by JNCC and Natural England. We have therefore focused our comments on these two sites.

The applicant has highlighted the designated features for these sites which are benthic species and habitats. We would recommend that the Applicant reviews the site information and Conservation Objectives available on JNCC's website in order to assess the impact the project might have on these sites[3]. Whilst the cable corridor does not directly cross either of these sites there is potential for activities to affect designated features through impact pathways such as sediment plumes caused during construction and operation and maintenance. JNCC would therefore expect these impacts to be assessed during the subsequent EIA stages.

Subtidal benthic ecology

The applicant details that close to the Isles of Scilly and the East of Haig Fras MCZ there are areas of gravelly coarse sand with cobbles and boulders and that these areas of cobbles and boulders may be classed as Annex I 'stony reef' within the Habitats Directive. The applicant also details that there are areas of bedrock at some of the sample locations which may be classed as Annex I 'bedrock reef'. JNCC agrees with the applicant's proposed approach of determining the full extent of the areas showing characteristics of Annex I reefs during the subsequent EIA process by undertaking further assessments. We wish to clarify if these assessments at the EIA stage will involve further sampling of the area to determine the extent of these habitats as this may provide options for micro-routing around the habitat. If so, we would recommend survey effort is not restricted to the cable corridor as it may be that the habitat extent does not extend far outside of the corridor boundaries and could present opportunities for cable micro-routing and reduced rock dump for cable protection.

Future baseline conditions

JNCC agrees with the applicant's proposed approach to consideration of future baseline conditions including the potential for future designation of sites and climate change impacts. Weather extremes will be of particular relevance to cable burial and we urge the applicant to take this into consideration during the EIA stages of the application.

Scope of the assessment

JNCC agree with the applicant scoping all benthic impacts listed in Table 8.2.5 into the assessment and acknowledge that effects related to UXO clearance works will be covered in a separate licence application if necessary.

In regard to the impact 'direct habitat loss', if the cable is buried then we agree that direct habitat loss will not occur during the operational phase of work. However, if the cable cannot be buried and cable protection measures are needed then permanent direct habitat loss will still occur during the operational phase. If the cable cannot be buried, cable protection material would be present and will permanently reduce the area of natural habitat that is available for colonisation.

Proposed assessment methodology

JNCC agrees with the applicant's proposed approach to assessing the impact of works on benthic ecology. We would recommend that the applicant uses the Marine Evidence based

[3] East of Haig Fras MPA https://jncc.gov.uk/our-work/east-of-haig-fras-mpa/ & South West Approaches to the Bristol Channel MPA https://jncc.gov.uk/our-work/south-west-approaches-to-the-bristol-channel-mpa/

Sensitivity Assessment (MarESA) on the Marine Life Information Network website[4] to help with understanding of the sensitivity of receptors identified during desk-based reviews and site-specific surveys to the impact pathways identified in Table 8.2.5.

The applicant includes mitigation measures as one of the iterative steps involved in the assessment approach. We would recommend the applicant applies the mitigation hierarchy to their assessment approach (avoid, minimise, rectify, reduce, offset). For example, JNCC would recommend micro-routing a cable around Annex I stony habitat in the first instance in order to avoid additional rock dump and would expect survey evidence as justification as to why this isn't being proposed before any measures to offset significant impacts are considered.

Marine Mammals (Chapter 8.5)

General

JNCC defer to Natural England for comments on seals.

Study area

JNCC agree with approach taken to identify marine mammal study areas. It would be beneficial if territorial waters were marked on Figure 8.5.1 to demonstrate whether proposed cable route enters Welsh territorial waters. This is of particular interest for where the route passes through the Bristol Channel Approaches SAC, as this site is jointly managed by JNCC, Natural England and Natural Resources Wales.

Scope of the Assessment

JNCC agree with the impacts scoped into the assessment (Table 8.5.5) however we disagree with scoping out auditory injury and indirect impacts to prey, as the regulator will need to understand the potential impacts of both in order to undertake their HRA for the Bristol Channel Approaches SAC.

Proposed Assessment Methodology

JNCC are content with the approach proposed in Table 8.5.7, however it would be beneficial to understand where the percentages that are included have come from and what will happen if it is not possible to estimate the likelihood of an effect occurring as a percentage?

In table 8.5.8 there is not mention of European Protected Species (EPS) and we would recommend they are included here.

JNCC are content with the approach proposed in table 8.5.10, however, we note that all categories assume there will be a recovery should impacts occur. What would happen if this were not to be the case?

Ornithology: Topics Proposed to Be Scoped out (Chapter 11) and Appendix C: Offshore Ornithology

JNCC do not agree that offshore ornithology is scoped out of an Environmental Impact Assessment. We agree with the method used to assess impacts to offshore ornithology as outlined in Appendix C, and we agree that the impacts from the works are likely to be small.

[4] The Marine Life Information Network website https://www.marlin.ac.uk/

However, this assessment of potential impacts to offshore ornithology should be presented within an Environmental Impact Assessment, not at the scoping stage.

Section 11.2 Offshore Ornithology

In paragraph 11.2.6 the Applicant states that “Although it is likely that several seabird species will forage within the study area, the potential for direct impacts during construction, operation and maintenance, and decommissioning are considered (with high confidence) to be of negligible significance, and this is scoped out of further consideration in the EIA. This is consistent for example, with the approach that is used to assess the impact arising from export cables associated with offshore wind farms.” We do not agree that the scoping out of offshore ornithology impacts is consistent with export cables associated with offshore wind farms, or that this is a rationale for scoping out offshore ornithology for this project. We advise that the assessment of potential impacts to offshore ornithology should be carried out within the Environmental Impact Assessment, not at the scoping stage.

Section 11.2 Offshore Ornithology and Appendix C

“Although large numbers of birds are known to be present in the Celtic Sea, particularly during the breeding season, none of the data sources consulted indicate that the study area is of particular importance for any species listed in comparison to the surrounding habitat outside the study area” We disagree with this statement as the presence of large numbers of birds would suggest that the area is important for seabirds.

Appendix C

Table 5 of Appendix C states “Potential impacts would be highly localised and for a limited, short-term duration and only last as long as vessels are present within c.2 km of any area”. Yet it is also stated that installation vessels and up to 20 guard vessels will be present 24/7 for 9 months in 2028 and the same in 2030. Therefore, multiple vessels will be present constantly for two whole breeding season and parts of two non-breeding seasons.

We agree with the method used to assess impacts to offshore ornithology as presented in Appendix C, and the outcome of the assessment which suggest that impacts from the works are likely to be small. However, this assessment of potential impacts to offshore ornithology should be presented within an Environmental Impact Assessment, not at the scoping stage.

Please contact me with any questions regarding the above comments.

Yours sincerely,

Daisy Leadbeater

Offshore Industries Adviser

Email: [redacted]@jncc.gov.uk

Telephone: [redacted]

From: clerk@littlehamandlandcross-pc.gov.uk
To: XLinks
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024
Date: 20 February 2024 15:17:59
Attachments: image001.png
image009.png
image002.png
image008.png
image010.png
image011.png
EN010164 - Statutory consultation letter.pdf

Dear Sir

Re: Xlinks Morocco-UK Power Project

I refer to yourr email regarding the above and write to make the following comments.

The aim to deliver 10% biodiversity net gain is discussed in Section 4.9.46 and is supported.
Section 4.6.18 details proposals at the Alverdiscott connector site, but 4.6.101, which deals with the cable corridor, suggests restoration only to previous land use with no mention of biodiversity net-gain, except for hedgerows which have been disturbed.
Littleham and Landcross Parish Council is committed to increasing biodiversity in the parish and considers that this does not fulfill the requirements for 10% net-gain and lacks ambition. For mitigation, the EIA should include opportunities for working with landowners along the cable route to ensure biodiversity net gain. This is a major opportunity to provide a wildlife corridor from the coast to the Torridge and beyond, which should not be missed.
The cable route also provides an opportunity to create a footpath/cycle path/bridleway from the SW Coast Path to the Tarka Trail - this would be a major community benefit contributing to social and economic well-being and active travel in the area. This would be a major positive impact and should be considered.

I trust that this is in order.

Yours faithfully

David Edwards
Clerk to Littleham and Landcross Parish Council

-----Original Message-----
From: "clerk@littlehamandlandcross-pc.gov.uk" <clerk@littlehamandlandcross-pc.gov.uk>
Sent: Tuesday, 30 January, 2024 17:51
To: [redacted]
Subject: FW: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

XLinks response required by 27 February
David Edwards
Clerk to Littleham and Landcross Parish Council

-----Original Message-----
From: "XLinks" <XLinks@planninginspectorate.gov.uk>
Sent: Tuesday, 30 January, 2024 14:20
To: "XLinks" <XLinks@planninginspectorate.gov.uk>
Subject: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification.
Deadline: 27 February 2024

Dear Sir/Madam

We are contacting you at this time in relation to the Xlinks Morocco-UK Power Project which is a Nationally Significant Infrastructure Project (NSIP). NSIPs are defined in Part 3, Regulation 14 of the Planning Act 2008, and are projects of certain types, over a certain size, which are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by a responsible Secretary of State.

A summary of the NSIP planning process can be found in the list of links at the bottom of this page.

This project is currently in the pre-application stage.

To meet the requirements of the Infrastructure Planning Environmental Impact Assessment (EIA) Regulations (2017) (“the EIA Regulations”), NSIPs which are likely to have a significant effect on the environment are required to undertake an EIA and to provide an Environmental Statement (ES) to accompany the application.

An ES will set out the potential impacts and likely significant effects of the Proposed Development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES. You can find out more detail on ES documents and the EIA process in the links at the bottom of this page.

To inform the scope and level of detail of the information to be provided within the ES, the Applicant has requested a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State under Regulation 10 of the EIA Regulations.

Before adopting a Scoping Opinion, the Inspectorate must consult the relevant ‘consultation bodies’ defined in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (see link below). You have been identified as a consultation body for this project, please see attached correspondence.

Both Local Planning Authorities and Parish/Town Councils play an important role in the planning process by providing area specific knowledge and representing local communities. The Applicant must have regard to comments made within the Scoping Opinion as the submitted ES must be based on the most recently adopted Scoping Opinion. Therefore, your comments at this stage are valuable at influencing the scope of the ES by reviewing the Applicant’s approach to EIA as set out within their Scoping Report. Please note this consultation relates solely to the EIA Scoping process.

Please rest assured that there are further opportunities for you to engage with and provide views on

the project more generally, including through the Applicant's own consultation. Applicants have a duty to undertake statutory consultation and are required to have regard to all responses to their statutory consultation.

Please note the deadline for consultation responses on the Scoping Report is **27 February 2024** and is a statutory deadline which cannot be extended. Responses submitted before the deadline will be considered, and published at the end of the Scoping Opinion, by the Planning Inspectorate.

For further information about the NSIP planning process, please click on the links below:

- Overview of the NSIP Planning Process
- Information on the stages, services and participation in NSIP planning
- FAQs relating to the Scoping process
- Information in relation to specific matters within the planning process, e.g. the role of local authorities, local impact reports, the EIA Process, Habitats Regulations Assessment (HRA), etc.
- Information on legislation, guidance, and National Policy Statements (NPSs)

The relevant legal framework and regulations include:

- The Planning Act 2008
- The Infrastructure Planning (Environmental Impact Assessment) Regulations (2017)
- Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

If you have any questions regarding any of this information, please do not hesitate to get in touch by way of return to this email address.

Kind regards

Ian Wallis
EIA Advisor
Environmental Services
Operations Directorate
The Planning Inspectorate
T 0303 444 5000

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

Ensuring **fairness**, **openness** and **impartiality** across all our services

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Marie Shoesmith
Senior EIA Advisor
Planning Inspectorate

Your reference: EN010164-000014
Our reference: DCO/2024/00002

Email: xlinks@planninginspectorate.gov.uk

By email only

27 February 2024

Dear Ms Shoesmith,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations") – Regulations 10 and 11

MMO scoping consultation response on the application by Xlinks 1 Limited (the "Applicant") for an Order granting Development Consent for the Xlinks Morocco-UK Power Project (the "Proposed Development")

Thank you for your scoping consultation dated 30 January 2024 and for providing the Marine Management Organisation ("MMO") with the opportunity to share our comments with you on the Proposed Development.

The Marine Management Organisation

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence[1]. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

The MMO's role in Nationally Significant Infrastructure Projects

In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the Planning Act 2008 (the "2008 Act") enables Development Consent Order's ("DCO") for projects

[1] Under Part 4 of the 2009 Act

which affect the marine environment to include provisions which deem marine licences[2].

As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("DML") enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO's website. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note.

The MMO's comments on the Proposed Development

Please find attached comments of the MMO. Due to timing constraints involved in providing these comments, the MMO has been unable to seek the views of our scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science ("Cefas"). As such, this response includes the MMO's initial observations of the Proposed Development and any legislative comments, rather than a technical opinion on the proposed scope of the associated Environmental Impact Assessment ("EIA").

The MMO reserves the right to make further comments on the project throughout the pre-application process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Your feedback

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey (https://www.surveymonkey.com/r/MMOMLcustomer).

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely,

Abigail Nichols
Marine Licensing Case Officer

[2] Section 149A of the 2008 Act

Xlinks@marinemanagement.org.uk

D [redacted]
E [redacted]@marinemanagement.org.uk

Copied into response:
[redacted]@marinemanagement.org.uk (Marine Licensing Case Manager) [redacted]@marinemanagement.org.uk (Senior Marine Licensing Case Manager)

Marine Management Organisation

Scoping consultation response

Title: Xlinks Morocco-UK Power Project

Applicant: Xlinks 1 Limited

MMO Reference: DCO/2024/00002

Contents

1 Proposed Development

1.1 Overview

1.1.1 The Xlinks Morocco-UK Power Project (the "Proposed Development") forms part of a wider project by Xlinks 1 Limited (the "Applicant") to develop a subsea electricity connection between Morocco and the UK. Electricity will be generated via solar and wind energy, combined with a battery storage facility in the Guelmim Oued Noun region of Morocco, and transported to the UK.

1.1.2 The Proposed Development comprises the UK elements of this wider project, as detailed below:

- A converter site containing two converter stations to the immediate west of the Alverdiscott Substation site, as well as associated infrastructure and landscaping.
- A new 400 kV substation (the "Alverdiscott Substation Connection Development").
- A high voltage alternating current (HVAC) underground cable connection between the proposed converter stations and the Alverdiscott Substation Connection Development.
- A high voltage direct current (HVDC) underground cable connection of approximately 14.5km between the converter stations and the transition joint bay at landfall location.
- Approximately 370km of subsea HVDC cable from landfall location at Cornborough Range to the UK exclusive economic zone ("EEZ") boundary.
- Other works to facilitate, e.g. permanent road improvement works, temporary and permanent utility connections, permanent utility diversions and temporary construction compounds, drainage and access.
- Opportunities for environmental mitigation, offsetting and enhancements.
- Temporary construction works including compounds, drainage and haul roads.

1.1.3 The MMO has an interest in those aspects of the Proposed Development that may have an impact on the marine area or those who use it, namely the subsea HVDC cable from landfall to the UK EEZ boundary.

1.1.4 The MMO notes the requirement for "other", and "temporary" works. Any additional works or activities in the marine area which are licensable under the 2009 Act should be notified to the MMO at the earliest opportunity and the impacts of such activities considered in the Environmental Impacts Assessment ("EIA") process. Further information regarding marine licensing can be found on the MMO's website: Do I need a marine licence? - GOV.UK (www.gov.uk)

1.2 Location

1.2.1 The proposed offshore cable corridor of the subsea HVDC cable is located within the Bristol Channel and Celtic Sea, extending from the landfall site at Cornborough Range on the North Devon coast to the limit of the UK EEZ, southwest of the UK (see figure 1).

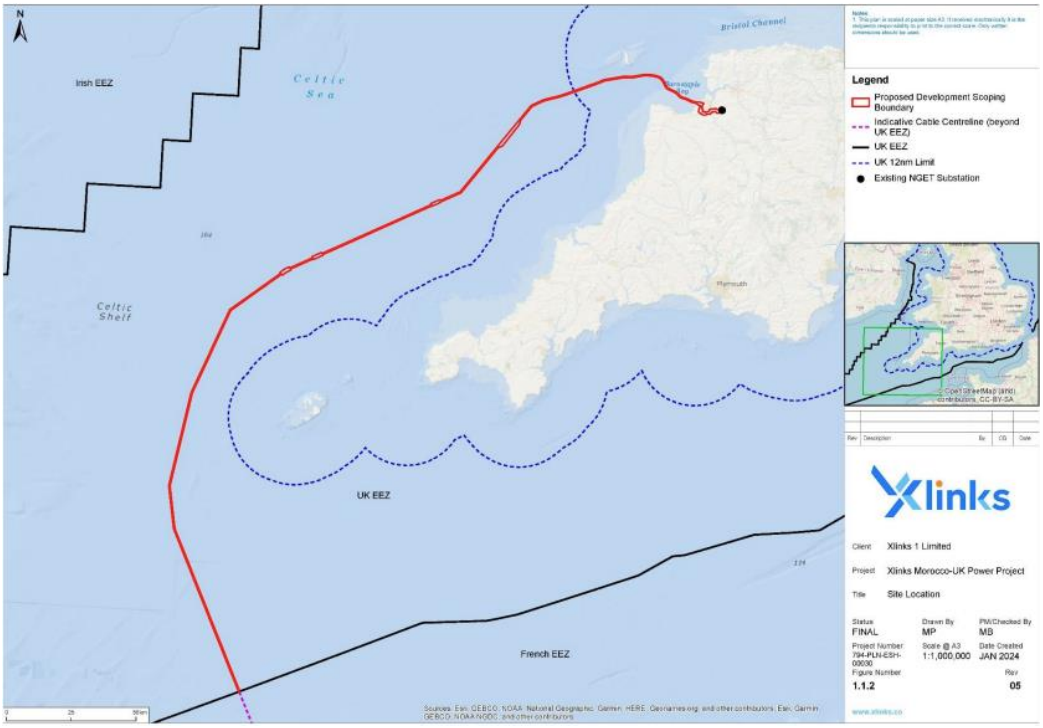

Figure 1 – *Proposed Development location of the offshore cable corridor and landfall site, and Proposed Development scoping boundary. (Source: Applicant's Scoping Report, pg.24).*

2 Scoping Consultation Response

2.1 Statutory Framework and Purpose of the Environmental Statement

2.1.1 In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations"), the Applicant has requested a Scoping Opinion from the Planning Inspectorate. As such, a Scoping Report entitled "Xlinks Morocco-UK Power Project Scoping Report" has been submitted (the "Report").

2.1.2 Section 1.4 of the Report sets out the purpose, approach and structure of the Report and the EIA process, in line with the EIA Regulations. The MMO supports the approach taken by the Applicant, despite none of the components which make up the Proposed Development being explicitly identified under Schedule 1 or 2 of EIA Regulations.

2.2 Policy and Legislation

2.2.1 Section 2.2 of the Report notes the relevant key pieces of legislation associated with the Proposed Development, including the Marine and Coastal Access Act 2009 (the "2009 Act"). The MMO welcomes the Applicant's intention to discuss the approach and provisions around marine licensing and would encourage timely pre-application contact with the MMO to agree the drafting of a deemed marine licence ("DML").

2.2.2 Reference is made to the UK Marine Policy Statement 2011 ("MPS"), with the Report noting that, under the 2009 Act, all public authorities must take authorisation or enforcement decisions that affect or might affect the UK marine area in accordance with the MPS and the relevant Marine Plans. The relevant Marine Plan for the location of the Proposed Development is the South West Marine Plans. The MMO expects the Applicant to clearly demonstrate how all relevant marine plan policies have been considered, as well as providing a statement noting whether the Proposed Development is compliant with the marine plan.

2.3 Offshore Elements of the Proposed Development

2.3.1 Paragraph 4.7.25 of the Report notes that Unexploded Ordnance (UXO) clearance may be required, and that such works would be subject to a separate consenting process at the time that such need is identified. The MMO supports this approach and notes that UXO investigation and clearance activities are licensable under the 2009 Act. Please note, all UXO clearance campaign activities will be subject to separate marine licence application/s. The MMO currently recommend the "two-licence" approach, where one licence should be obtained for surveying and a second licence for clearance.

2.4 Consultation process

2.4.1 Section 6 of the Report sets out consultation and engagement undertaken to date, and next steps. The MMO welcomes ongoing engagement with the Applicant and will ensure comments are provided on the Preliminary Environmental Information Report ("PEIR") once this is available.

2.5 Proposed Technical Assessments – Offshore

2.5.1 Section 8 of the Report details the proposed technical assessments associated with the offshore elements of the Proposed Development, with combined inshore and offshore considerations covered in section 9. Due to timing constraints involved in providing this response, the MMO has been unable to seek the views of our scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science ("Cefas"). As such, this response does not include any comments regarding the study area, baseline environment, key receptors/sensitivities and potential likely significant effects, measures adopted or proposed assessment methodology as set out within the Report.

2.5.2 As noted above, the MMO is aware that a PEIR will be provided to the MMO for comment as prescribed under Section 42 of the 2008. The MMO will work with Cefas to provide full comments on this.

3 Conclusion

3.1.1 The MMO has undertaken a high-level review of the Report, and has provided initial observations of the Proposed Development and any legislative comments, rather than a technical opinion on the proposed scope of the associated EIA.

3.1.2 The MMO notes the intention to submit a PEIR; we will provide further comment in due course.

3.1.3 The MMO support the inclusion of a DML within any application for a DCO for the Proposed Development; we recommend that the Applicant engages with the MMO to agree the content of the DML prior to any eventual DCO application submission.

Helen Croxson
Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: EN010164-000014

26 February 2024

Via email: xlinks@planninginspectorate.gov.uk

Dear Planning Inspectorate

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Xlinks 1 Limited (the Applicant) for an Order granting Development Consent for the Xlinks Morocco-UK Power Project (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 30 January 2024 inviting the Maritime and Coastguard Agency (MCA) to comment on the Scoping Report which will inform the Environmental Statement for the Xlinks Morocco-UK Power Project.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works. We note the offshore elements of the proposed development and also the onshore HVDC cable corridor which would pass beneath the River Torridge via HDD.

The Proposed Development would comprise (but is not limited to) of approximately 370 km of subsea HVDC cable, which would be routed from the landfall location at Cornborough Range to the UK Exclusive Economic Zone (EEZ) boundary. The offshore cable infrastructure would continue beyond the UK EEZ, although this does not form part of the Proposed Development.

The scoping report has been considered by representatives of UK Technical Services Navigation and we would like to comment as follows;

1) The development area carries a significant amount of through traffic to major ports, with a number of important international shipping routes in close proximity, including the Traffic Separation Scheme (TSS) South of the Scilly Isles, West of the Scilly Isles and the TSS off Lands End. Attention needs to be paid to changes in vessel routing, particularly in heavy weather ensuring shipping can continue to make safe passage without large-scale deviations, and any reduction in navigable depth referenced to chart datum.

2) The Environmental Statement (ES) will consider the potential impacts of the construction, operation, maintenance and decommissioning phases of the proposed development and will follow the IMO Formal Safety Assessment methodology, which we welcome. The information from the Navigation Risk Assessment (NRA) will feed into the shipping and navigation chapter of the ES. The ES should supply detail on the possible impact on navigational issues for both commercial, fishing and recreational craft, specifically:
    - Collision Risk
    - Navigational Safety
    - Visual intrusion and noise
    - Risk Management and Emergency response
    - Marking and lighting of site and information to mariners
    - Effect on small craft navigational and communication equipment
    - The risk to drifting recreational craft in adverse weather or tidal conditions
    - The likely squeeze of small craft into the routes of larger commercial vessels.

3) The MCA welcomes the commitment in section 8.6.44 to undertake an NRA including a baseline study which will summarise the navigational features, historical incident data, vessel activity including anchoring and fishing activity, and any other navigational data available. The NRA should establish how the phases of the project are managed to a point where risk is reduced and considered to be 'as low as reasonably practicable' (ALARP). The MCA would also welcome a hazard identification workshop to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety associated with the proposed development.
    a. We note that two months of AIS data, with complete coverage of the study area, for January and July 2023 have been selected to allow for consideration of seasonal variations in vessel traffic.

4) There are other works to facilitate the development, including permanent road improvement works, temporary and permanent utility connections, permanent utility diversions and temporary construction compounds, drainage and access, and HDD under the River Torridge. It should be confirmed by the applicant whether there are any proposed works / activities undertaken below the Mean High-Water Spring within the River Torridge as a result of these aspects. For example, we note the use of a jack-up vessel for the HDD works near the landfall. The impact on any other marine users for the selected location should also be considered.

5) Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an

anchor penetration study may be necessary. Where cable protection measures are required e.g., rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and at cable crossings where potential impacts on navigable water increase. Where this is not achievable, the applicant must discuss further with the MCA.

a. We note the intention for the cables to be buried along the total length of the route (approximately 370 km) with the exception of crossings, with an intended burial depth of up to 1.5m. There may be areas where the route crosses very hard seabed and/or boulders where burial (or full depth burial) is not possible. In these areas, cable protection would be required. As the design progresses, further assessments may be required in order to assess the subsea cables protection against shipping and fishing activities (anchoring and trawling). The MCA welcomes the development and review of the Cable Burial Risk Assessment (CBRA) which will inform detailed understanding of the burial details along the Offshore Cable Corridor in the ES. The CBRA should take into consideration location specific factors such as ground conditions (i.e., ability to bury), intensity of shipping and fishing activity.

6) We note the potential for a reduction of under keel clearance, which will be scoped into the assessment. It is expected that 26 cable crossings will be required. Where the cable crosses in-service cables, whether buried or surface laid, a layer of separation in the form of a pre-lay rock berm or concrete mattresses may be installed over the crossed asset. The cable would then also require protection in the form of a post-lay rock berm. The height of the concrete mattress and rock berm would be approximately 1.4 m above the seabed.

a. Safe realistic under keel clearance (UKC) assessment should be undertaken for the maximum drafts of vessel both observed and anticipated. The MCA's Under Keel Clearance Policy paper can be found at the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373456/Under_Keel_Clearance_paper_May_14_-_FINAL.pdf

7) A study should be undertaken to establish the electromagnetic deviation, affecting ship compasses and other navigating systems, of the high voltage cable route to the satisfaction of the MCA. On receipt of the study, the MCA reserves the right to request a deviation survey of the cable route post installation. There must be no more than a 3-degree electromagnetic compass deviation for 95% of the cable route and for the remaining 5% of the cable route there must be no more than a 5 degree electromagnetic compass deviation. If the MCA requirement cannot be met, a post installation actual electromagnetic compass deviation survey should be conducted for the cable in areas where compliance has not been achieved. We note this has been scoped in for the operational phase of the project, which we welcome.

8) Finally, we note that there are no potential impacts on shipping and navigation that have been scoped out for the ES, which the MCA welcomes. The MCA will of course provide full consideration of the detailed proposals, along with the supporting Navigation Risk Assessment which may highlight further areas for consideration and risk mitigation measures.

We hope you find this useful at Scoping Report stage.

Yours faithfully

HM Croxson

Helen Croxson
Marine Licensing Lead
UK Technical Services Navigation

From: White, Andrew E1 (DIO Estates-SafeguOffr2)
To: XLinks
Subject: 20240226_MOD_Response_Xlinks Morocco-UK Power Project
Date: 26 February 2024 09:04:18

You don't often get email from [redacted]@mod.gov.uk. Learn why this is important

Good morning,

Thank you for consulting The MOD regarding the Scoping Opinion request for the Xlinks Morocco-UK Power Project.

At this stage of the project, there is a lack of specific detail, in particular, coordinates, which assist MOD in plotting the cable route.

With respect to the section on Military Activities and Munitions (p.345), the statement in para 8.7.31 correctly refers to the complex of FOST Exercise Areas and Danger Areas.
" 8.7.31 The Proposed Development is located within a broad Military Practice area that extends to cover the majority of the offshore south west extent of the UK EEZ, and passes through military exercise airspace off the northern coast of Cornwall, Devon and the Isles of Scilly (South West Marine Plan, 2021)".

These include X5001 Southern Fleet Exercise Area, X4920 Alfa One and D064C/B South West MDA, operating between 5000-66000ft. The route appears to pass through/beneath the above and any cable installation development scheme would need to take the ongoing use of the areas for defence purposes into account.

The statements in para 8.7.32 and associated figures seem to be broadly accurate – however their identification of D001 – Trevose Head as an Army Danger Area is incorrect – it is operated by the Navy and support air to surface gunnery etc (see the UK AIP as a valid data source on the extent/management of MOD designated Danger Areas (ref ENR 5.1).

"8.7.32 The Shipping and Navigation section (section 8.6: Shipping and Navigation, of the Scoping Report) identified two nearshore Firing Practice Areas within the study area (Figure 8.6.3). The study area passes to the west of the offshore Trevose Head Army Danger Area (Figure 8.6.2)".

Please note, there are other defence interests in the locality relating to navigational interests and installations that are not defined in the public domain. The MOD will be able to provide specific advice, as may be necessary, on the proposed cable installation when more detailed information becomes available.

The onshore section runs for 14.5km from landfall South of Westwood Ho! to an existing substation at Alverdiscott. This falls within safeguarding zones for RM Chivenor. The substation buildings are likely to be between 26-30m tall. Chivenor is no longer an operational aerodrome since the MOD ceased to conduct SAR ops, however, MOD requests to be included in any consultation when more detailed information becomes available.

Regards,

Andy White | Assistant Safeguarding Manager

Defence Infrastructure Organisation
Estates | Safeguarding
DIO Head Office | St George's House | DMS Whittington | Lichfield |Staffordshire |WS14 9PY
MODNET: [redacted]@mod.gov.uk

Working days; Monday to Friday 07:00 – 15:00.

Date: 27 February 2024
Our ref: 465488
Your ref: EN010164-000014

Consultations
Hornbeam House
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CW1 6GJ

T 0300 060 900

Marie Shoesmith
Senior EIA Advisor on behalf of the Secretary of State
The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square Bristol
BS1 6PN

BY EMAIL ONLY xlinks@planninginspectorate.gov.uk

Dear Marie,

Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Application by Xlinks 1 Limited (the Applicant) for an Order granting Development Consent for the Xlinks Morocco-UK Power Project (the Proposed Development)

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated and received on 30 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary

- Based on the information provided, Natural England considers there are several elements of the marine impact assessment that require scoping in to the EIA.
- There are no significant issues outstanding in relation to the terrestrial element of the scheme.

Our detailed advice is in the attached **Annex A.**

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order.

Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

For any further advice on this consultation please contact the case officers Clare Guthrie and Chloe Honess and copy to consultations@naturalengland.org.uk.

Yours sincerely

Clare Guthrie
Lead Adviser – Devon, Cornwall & Isles of Scilly Team
Email: [redacted]@naturalengland.org.uk

Chloe Honess
Lead Adviser Marine – Devon, Cornwall & Isles of Scilly Team
Email: [redacted]@naturalengland.org.uk

Annex A – Natural England Advice on EIA Scoping

1. General Principles

Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment.

This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided[1].
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development.
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- An outline of the structure of the proposed ES.

2. Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects
b. approved but uncompleted projects
c. ongoing activities
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before

[1] National Infrastructure Planning (planninginsepctorate.gov.uk) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Plans or projects that Natural England are aware of that might need to be considered in the ES	
Project /Plan	Status
White Cross offshore wind farm (onshore project)	pending a decision from North Devon Council ref 77576 https://planning.northdevon.gov.uk/Planning/Display/77576 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
The Crown Estate Round 5 Celtic Sea Flow	16.5GW of new renewable energy capacity, specifically floating offshore wind, in the Celtic Sea by 2040. Project Development Areas have been designated by The Crown Estate, but cable pathing and landfall sites are yet to be determined.

3. Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Natural England would like to sign post the applicant to our joint advice with JNCC on subsea cable projects for high level advice for environmental considerations that are essential for cable operations across English inshore waters and UK offshore waters: Environmental considerations for offshore wind and cable projects - Nature conservation considerations and environmental best practice for subsea cables for English Inshore and UK offshore waters, Sept 22.pdf - All Documents (sharepoint.com)

4. Biodiversity and Geodiversity

The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

Ecological Impact Assessment (EcIA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Many public authorities e.g. National Highways, National Grid have biodiversity duties including taking opportunities for habitat restoration or enhancement. They might have Key Performance Indicators (KPIs) to adhere to via Government policy or have agreed approaches to BNG. Further information around general duties is available here.

4.1 Designated nature conservation sites
4.1.1 International and European sites

The development site is within or may impact on the following **Habitats/internationally designated nature conservation sites:**

Marine sites:

- Bristol Channel Approaches Special Area of Conservation (SAC)
- Lundy SAC
- Isles of Scilly Complex SAC
- Severn Estuary SAC/Ramsar

Terrestrial sites:

- Braunton Burrows SAC

Based on the information provided, Natural England's advice is that the proposed cable route is unlikely to have a significant effect on terrestrial European sites and can therefore be screened out from requiring further assessment. (Discretionary Advice Service 17671-358612 dated 03/08/2021).

Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a Habitats Site, either individually or in combination with other plans or projects.

European site conservation objectives are available at http://publications.naturalengland.org.uk/category/6490068894089216

Evidence Plans are a useful mechanism NSIP applicants can use to agree what information should be provided to the Planning Inspectorate and Natural England when undertaking Habitats Regulations Assessment (HRA). Agreeing the evidence-needs of the project early prior to applying for Development Consent will help reduce delays in the process. More information on Evidence Plans is available here.

You should also consider where applicable our advice on the environmental considerations and use of data and evidence to support offshore wind and cable projects in English waters – see: Environmental considerations for offshore wind and cable projects - Home (sharepoint.com). This includes Natural England and Joint Nature Conservation Committee (JNCC)'s shared advice on 'Nature conservation considerations and environmental best practice for subsea cables in English inshore and UK offshore waters.' The outputs of Natural England's project 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' are also provided.

Natural England's Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

4.1.2 Nationally designated sites
Sites of Special Scientific Interest
Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSIs and their special interest features can be found at www.magic.gov .

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The development site is within or may impact on the following **Sites of Special Scientific Interest:**

- Mermaid's Pool to Rowden Gut Site of Special Scientific Interest (SSSI)
- Taw Torridge Estuary SSSI
- Lundy SSSI

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

Mermaid's Pool to Rowden Gut SSSI is notified for its geological interest. The approach for the cable route landfall at the coast at this site is to use Horizontal Directional Drilling (HDD) to take the cables from the cliff top to the seabed. As HDD does not involve surface excavation across the foreshore or surface laying of cables Natural England consider the impact on the Mermaid's Pool to Rowden Gut SSSI from HDD to be negligible.

If there is a need to drill exploratory cores into the rock on the foreshore as part of geological investigations prior to HDD, consideration will need to be given to how the bore holes themselves / work on the foreshore would avoid damage to the SSSI interest. Faults and fractures in the geology should be expected.

It is important to note that whilst the rate of coastal erosion and cliff recession is low at the landfall, any proposal in the longer term to introduce coastal protection for the landfall site is unlikely to be acceptable.

The Taw Torridge Estuary SSSI is notified for its overwintering bird interest and intertidal habitats. The composition of the SSSI bird assemblage alters through time as species populations fluctuate. Therefore, any native wetland bird species (in practice waders and wildfowl) present from September to March inclusive will be a legitimate part of the bird assemblage.

The approach for the cable route upstream of the SSSI is to use Horizontal Directional Drilling (HDD) to take the cables below the River Torridge. Overwintering bird surveys are proposed and mitigation will be required for any potential disturbance identified. Measures will be required to ensure that no contamination or pollutants enter the estuary habitats as a result of the works.

4.1.3 Marine Conservation Zones

You will need to consider Marine Conservation Zones (MCZs) where appropriate.

Marine Conservation Zones (MCZ) are a type of Marine Protected Area designated under the Marine and Coastal Access Act 2009. Natural England has responsibility for the conservation and recovery of the protected wildlife and habitats within them.

Natural England has MCZ designation and habitat data available. These datasets can be accessed from either MAGIC - Datasets (defra.gov.uk) or the Natural England Open Data Geoportal

The ES should include a full assessment of the direct and indirect effects of the development on the site and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

The proposal may affect the following **Marine Conservation Zones**:

- Bideford to Foreland Point MCZ
- South West Approaches to Bristol Channel MCZ
- East of Haig Fras MCZ
- Lundy MCZ
- Hartland Point to Tintagel MCZ
- North West of Lundy MCZ
- Morte Platform MCZ

For offshore protected sites beyond 12 nautical miles, we defer to JNCC for comments as they are the responsible agency.

Cable protection – including secondary scour

In addition, Natural England's position provided for Hornsea Project Three, Norfolk Vanguard and Norfolk Boreas in relation to Adverse Effects on Integrity from the placement of cable protection remains unchanged and therefore cable protection within marine protected areas should be avoided and where that is possible every effort should be made to mitigate the impacts. In order to achieve this, we advise that a cable burial risk assessment is undertaken as part of the application process informed by comprehensive geotechnical and geophysical surveys. If cable protection is required options that have the greatest success of removal with least impact to interest features should be taken forward. A site integrity plan could then be used to determine the risk to the conservation objectives for the site and determine the requirements for any compensation measures.

Please note that impacts from secondary scouring around cable protection should also be factored into both marine processes and benthic assessment.

4.1.4 Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local groups. The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. They may also provide opportunities for delivering beneficial environmental outcomes.

Based on information available from Devon County Council Environment Viewer the proposal may affect the following local sites:

- Torridge Estuary County Wildlife Site (CWS)

- Kynoch Foreshore Local Nature reserve (LNR)
- Hallsannery CWS
- Tennacott Wood CWS
- Gammaton reservoir CWS
- Haddacott Moor CWS

For further information, please contact the data owner, Devon Biodiversity Record Centre (DBRC) Tel: (01392) 274128 www.dbrc.org.uk

4.1.5 Terrestrial Protected Species
The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*.

Applicants should check to see if a mitigation licence is required using NE guidance on licencing NE wildlife licences. Applicants can also make use of Natural England's (NE) charged service Pre Submission Screening Service for a review of a draft wildlife licence application. NE then reviews a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning
for details of the LONI process.

The ES scoping report section 7.2.19 identifies the **Protected Species** that require further consideration for the onshore cable route. The ES should assess the impact of all phases of the proposal on protected species. Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures.

4.1.6 Marine species
Marine Mammals (Section 8.5)
While Natural England agrees with the decision to scope out EMF impacts and water quality changes on marine mammals, Natural England does not agree with the scoping out of other impacts on marine mammals as detailed in the table below.

Point No.	Para	Topic	Comments	Recommendations
	8.5.6	Collision with vessels impact	Until a Vessel Management Plan is completed and Natural England has reviewed this	Natural England advise the impact of collisions with vessels on marine

			Natural England advise this impact should be scoped in.	mammals should be scoped into the EIA.
	8.5.6	Hearing damage and auditory injury, and temporary changes in hearing caused by increased anthropogenic noise from ground condition surveys, seabed preparation, route clearance, cable lay and burial activities	Ensuring “there is no significant disturbance of the species” is Conservation Objective 2 of the Bristol Channel Approaches SAC. It is important to ensure that noise disturbance within the SAC does not exclude harbour porpoise from 20% of the relevant area per day, nor 10% of the relevant area of that site over a season. Relevant area in this context is defined as that part of the SAC that was designated on the basis of higher persistent densities for that season. If noise disturbance exceeded these numbers a Marine Mammal Mitigation Protocol (MMMP) would be required which we note the applicant has already proposed for this project.	Natural England advise the impact of hearing damage and auditory injury on marine mammals should be scoped into the EIA for the Bristol Channel Approaches SAC.
	8.5.6	Indirect impacts resulting from impacts on marine mammal prey species	Until the fish chapter of the EIA has been completed and it concludes no impacts, indirect impacts resulting from impacts of marine mammal prey species should be scoped into the EIA. The Bristol Channel Approaches SAC Conservation Objective 3 states “the condition of supporting habitats and processes, and the availability of prey is maintained” to maintain Favourable Conservation Status and therefore should be assessed.	Natural England advise indirect impacts on marine mammals resulting from impacts on marine mammal prey species should be scoped into the EIA for the Bristol Channel Approaches.
	8.5.6	Indirect impacts resulting from changes to the seabed for marine mammals	Although this impact was not considered in the EIA scoping report, Natural England advises that the impacts of changes to the seabed on marine mammals should be scoped into the EIA as it is part of the Bristol Channel Approaches SAC Conservation Objective 3: “that the condition of	Natural England advise that indirect impacts on marine mammals resulting from changes to the seabed should be scoped into the EIA for the Bristol Channel Approaches.

			supporting habitats and processes, and the availability of prey is maintained" and should therefore be assessed.	

Offshore Ornithology
Natural England agree with the scoping out of impacts on offshore ornithology to this subsea cable project. However, Natural England would advise the applicant to restrict operations closest to Lundy in the months approximately May to August, when seabird breeding and foraging will be at its peak. Similarly, Natural England advise vessels should avoid fast movement around any rafts of birds encountered on the sea surface.

4.1.7 Priority Habitats and Species
Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

For priority habitats within the cable corridor, Natural England advises that the mitigation hierarchy is used. Avoidance techniques can include micro-routing the cable around Annex I habitats that fall within the cable corridor. Where the cable corridor is too narrow to allow micro-routing around priority habitats, micro-routing outside of the cable corridor may need to be used to avoid Annex I habitats. If this is the case for the stony reef habitat as shown on slide 16 of the meeting between Natural England and Xlinks 22/02/2024, Natural England would like to see the habitat mapping surveys for the area outside of this section of the cable corridor, to understand the viability of cable routing outside of the cable corridor.

4.1.8 Ancient Woodland, ancient and veteran trees
Based on information available on Devon County Council Environment Viewer the proposal may affect areas of ancient woodland.

The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.

The ancient tree inventory provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.

4.1.9 Biodiversity net gain

The Environment Act 2021 includes NSIPs in the requirement for Biodiversity Net Gain (BNG) but the implementation details, including what marine net gain means, are not yet clear.

Although BNG for NSIPs is not yet mandatory, securing BNG reflects the important role NSIPs play in delivering the Government's environmental targets. We are supportive of the ambition and commitment to delivering landscape scale BNG and increasing the area and connectivity of wet woodland in the locality.

The ES should use the statutory Biodiversity Metric together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:
• assess or audit the biodiversity unit value of land within the application area
• calculate the losses and gains in biodiversity unit value resulting from proposed development
• demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies where these are being prepared by local planning authorities. The North Devon Biosphere's Nature Recovery Plan can be found at https://www.northdevonbiosphere.org.uk/nature-recovery-plan.html

Developers can find out which local sites are designated for nature conservation/ habitat restoration by contacting the Local Nature Partnership Local Nature Partnerships: map and key contacts - GOV.UK (www.gov.uk) to help identify opportunities.

5. Landscape

Nationally Designated Landscapes

The proposal is within or may impact on a nationally designated landscape, namely North Devon Coast National Landscape (defined in legislation as an Area of Outstanding Natural Beauty). The development site is also within or may impact on the Hartland Heritage Coast.

Landscape and visual impacts

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

In addition to this, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The National Policy Statement for the relevant sector might have stronger protections. The Energy National Policy Statement EN-1 gives significant protection including within the setting of the protected landscape. The latest versions should be checked as they are currently going through a review process.

Consideration should be given to the direct and indirect effects on this designated landscape and in particular the effect upon its purpose for designation. The management plan for the designated landscape may also have relevant information that should be considered in the EIA.

The ES should set out the impacts on the Heritage Coast and opportunities for enhancement.

The environmental assessment should refer to the relevant National Character Areas. Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

Torridge District Council has recently published an updated version of its Landscape Character Assessment. The North Devon and Exmoor Seascape Character Assessment (2016) may also be useful.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013 (*(3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and

Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

We would also recommendation discussing appropriate view point locations with the AONB partnership.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Model Design Code. The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced Design Principles Design Principles for National Infrastructure - NIC endorsed by Government in the National Infrastructure Strategy.

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 104 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIPs) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

The proposal is adjacent to the South West Coast Path National Trail and the Tarka Trail. We therefore also advise you to seek the advice of the National Trail Officer and/or the Coast Path Officer for Northern Devon to ensure adequate mitigation is secured to avoid adverse effects on the Trail. Their knowledge of the location and wider landscape setting of the development should help to confirm whether it would impact significantly on the trail. The National Trails website[1] provides information including contact details for the National Trail Officers.

The King Charles III England Coast Path route has been approved by the Secretary of State and will follow the South West Coast Path at the location of the landfall. It will be known as the South West Coast Path part of the King Charles III England Coast Path.

6. Connecting people with nature

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated

where appropriate.

The One Northern Devon Group https://onenortherndevon.co.uk/about-us/ play a strategic role in building partnerships for health and wellbeing and tackling inequalities and could advise on the local need and connections.

7. Soils and Agricultural Land Quality
Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with the NPS for National Networks. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

The degree to which soils would be disturbed or damaged as part of the development, and the extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted, should be considered.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).

The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.

The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

8. Climate Change
Natural England would encourage infrastructure providers to embed nature based solutions (NbS) and building resilience of the natural environment.

NbS reduce risks to people from climate change, for example natural flood management, urban cooling from green infrastructure. Green & blue infrastructure is a way to deliver nature-based solutions, the Natural Environment Planning Practice Guidance (PPG) Natural environment - GOV.UK (www.gov.uk) notes that: ‘Green infrastructure can contribute to carbon storage, cooling and shading, opportunities for species migration to more suitable habitats and the protection of water quality and other natural resources. It can also be an

integral part of multifunctional sustainable drainage and natural flood risk management.'

Natural England has developed the Green Infrastructure Framework which was a commitment in the Government's 25 Year Environment Plan. It is a powerful tool to help deliver the Nature Recovery Network by planning for and investing in space for nature in our urban areas. It provides clear guidance (for local planners, developers, communities, parks and greenspace managers) about the quantity and quality of greenspace required to unlock multiple benefits for climate, health and prosperity.

From: Grace Lewis
To: XLinks
Subject: EN010164 - Xlinks Morocco-UK Power Project.
Date: 08 February 2024 10:53:52
Attachments: image001.png

OFFICIAL

Network Rail
1st Floor
Bristol Temple Point
Bristol
BS1 6NL

My Ref: P/TP24/51

Your Ref: EN010164

Date: 7 February 2024

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NO: EN010164
PROPOSAL: Xlinks Morocco-UK Power Project.

Dear Sir/Madam,

Thank you for your email dated **30 January 2024** together with the opportunity to comment on this proposal.

Network Rail acknowledges the potential for changes in traffic flows which may impact on the number of vehicular and pedestrian movements crossing the railway. These movement may also impact surrounding Level Crossings in the vicinity of the development site. Network Rail's position is that there shouldn't be any increase or change in usage to Level Crossings in the area. Any increase in movement across Level Crossings may increase risk and therefore mitigation methods may be required.

Network Rail will wish to agree protection for the railway during the course of the construction works, for proposed construction traffic routes and otherwise to protect our undertaking and land interests. Network Rail reserves the right to produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of Network Rail's land. In addition, security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address AssetProtectionWestern@Networkrail.co.uk

Yours Sincerely,

Grace Lewis
Town Planning Technician Wales and Western
Network Rail
Temple Point, Redcliffe Way, Bristol, BS1 6NL
E [redacted]@networkrail.co.uk
www.networkrail.co.uk/property

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Tiffany Bate
Development Liaison Officer
UK Land and Property
[redacted]@nationalgrid.com
[redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
xlinks@planninginspectorate.gov.uk

27 February 2024

Dear Sir/Madam

APPLICATION BY XLINKS 1 LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE XLINKS MOROCCO-UK POWER PROJECT (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 30th January 2024 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines and substation forms an essential part of the electricity transmission network in England and Wales.

Existing Infrastructure

Substation

- ALVERDISCOTT 400 kV substation
- ALVERDISCOTT 132 kV substation
- Associated overhead and underground apparatus including cables

Overhead Lines

4VW 400 kV OHL	ALVERDISCOTT - INDIAN QUEENS - TAUNTON 1
	ALVERDISCOTT - INDIAN QUEENS - TAUNTON 2

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd'

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

I enclose a plan showing the location of NGET's apparatus in the scoping area.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset

- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)".

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.

- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

To download a copy of the HSE Guidance HS(G)47, please use the following link:
http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing and future assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: **box.landandacquisitions@nationalgrid.com**

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

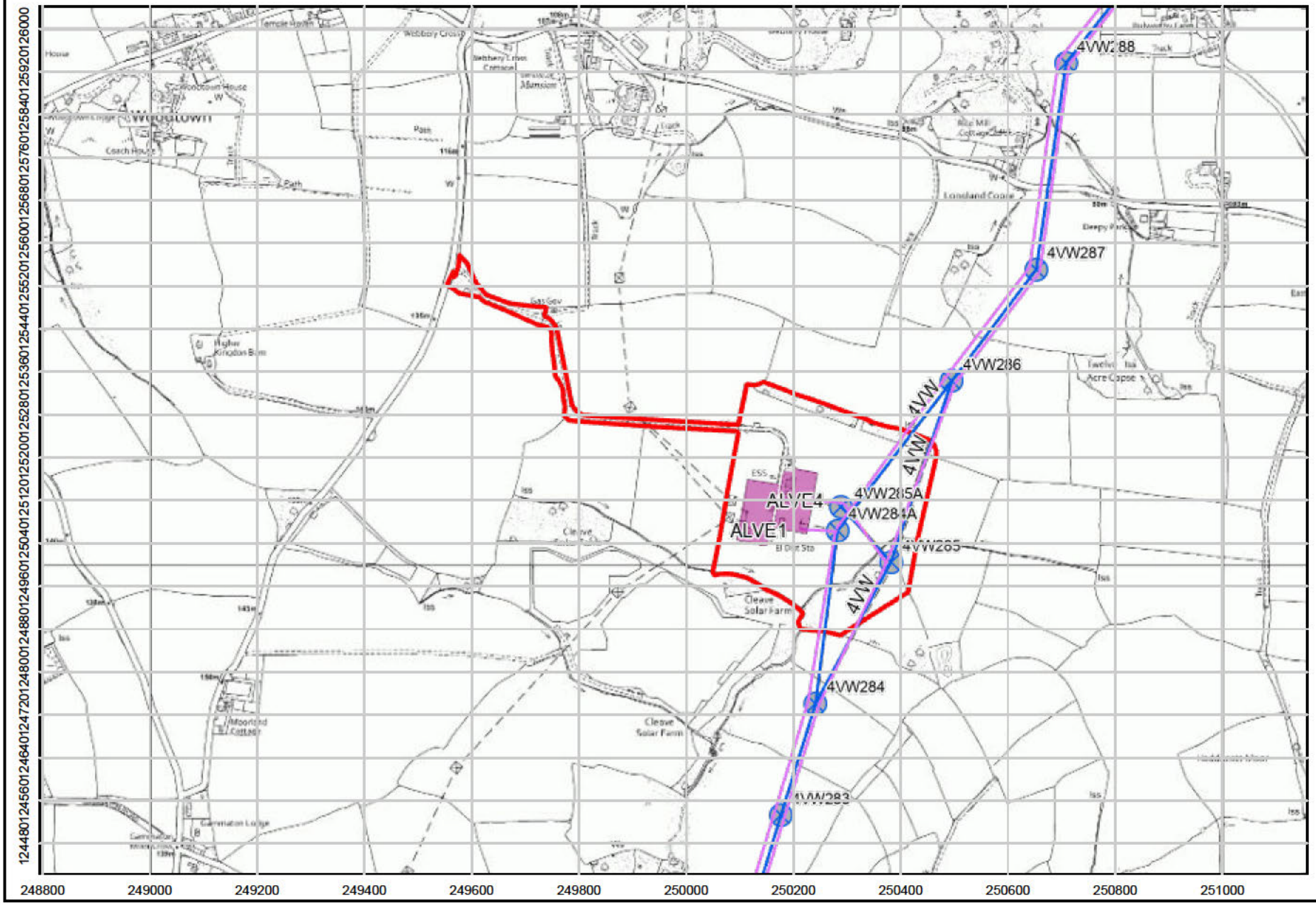
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

[redacted]

Tiffany Bate
Development Liaison Officer
Commercial and Customer Connections
Electricity Transmission Property Land and Property

nationalgrid | National Grid Web Map



Legend

- Electric Land Ownership
  - Electric Land Ownership - Freehold
- Telecoms
  - RAMM
- Fibre Cable
  - Fibre Cable Commissioned
- Towers
  - Towers Commissioned
- OHL 400Kv
  - OHL 400Kv Commissioned
- OHL Circuits
  - Commissioned
- Substations
  - Substations Commissioned

Notes

0 0.4 0.8 1.6 2.4 3.2 km

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nationalgrid | National Grid Web Map

Legend

Fibre Cable

- Fibre Cable Commissioned

Towers

- Towers Commissioned

OHL 400Kv

- OHL 400Kv Commissioned

Substations

- Substations Commissioned

Notes

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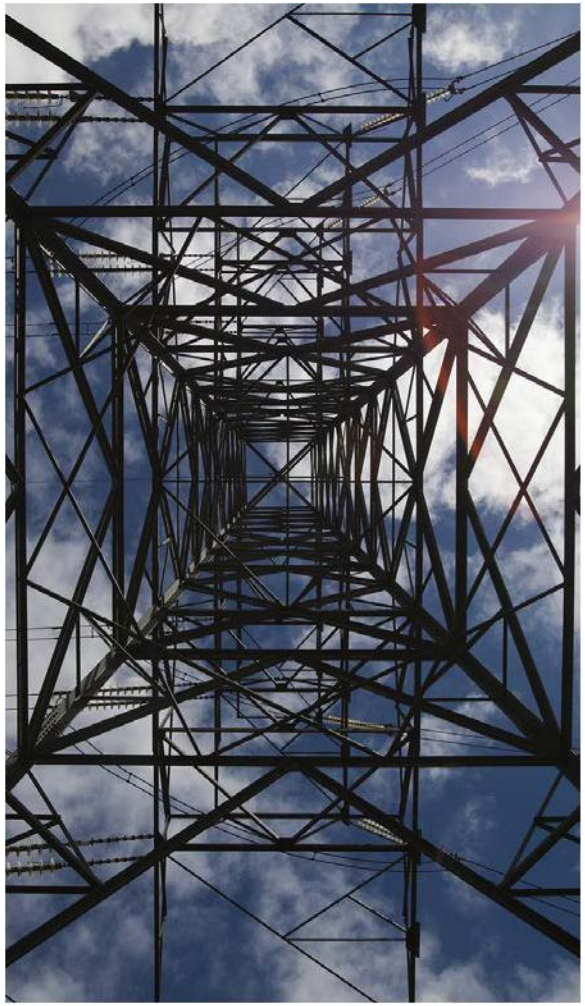
Technical Guidance Note 287

Third-party guidance for working near National Grid Electricity Transmission equipment



Purpose and scope

The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations
The name of the Substation and emergency contact number will be on the site sign.

Overhead Lines
The reference number of the tower and the emergency contact number will be on this type of sign.

Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

Email: assetprotection@nationalgrid.com

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment

Part 1

Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.

« Section continued from previous page

Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could ‘flashover’ and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, ‘avoiding danger from overhead power lines’, and any legislation which is relevant to the work you are completing.

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What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals

Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

400kV

The maximum nominal voltage of the underground cables in National Grid's network

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.

Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com
Phone: 0800 001 4282

Electrical clearance from overhead lines

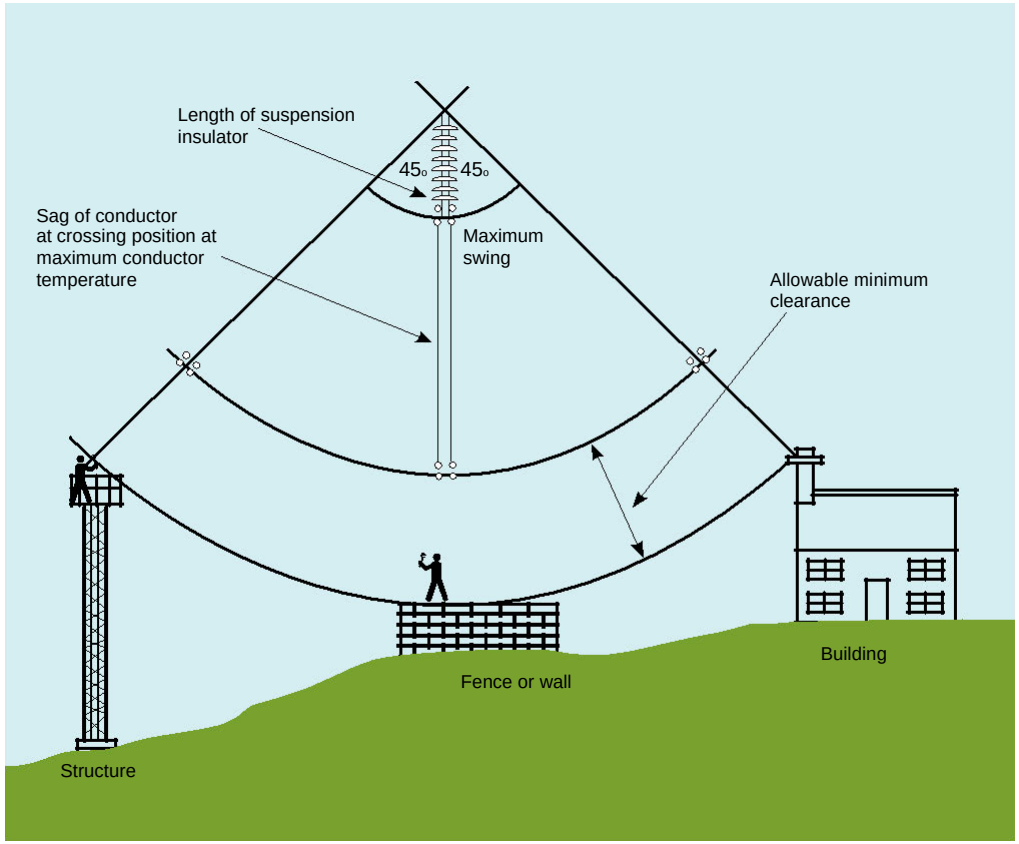
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground

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The undergrounding of electricity cables at Ross-on-Wye

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Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum seperation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed. In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information

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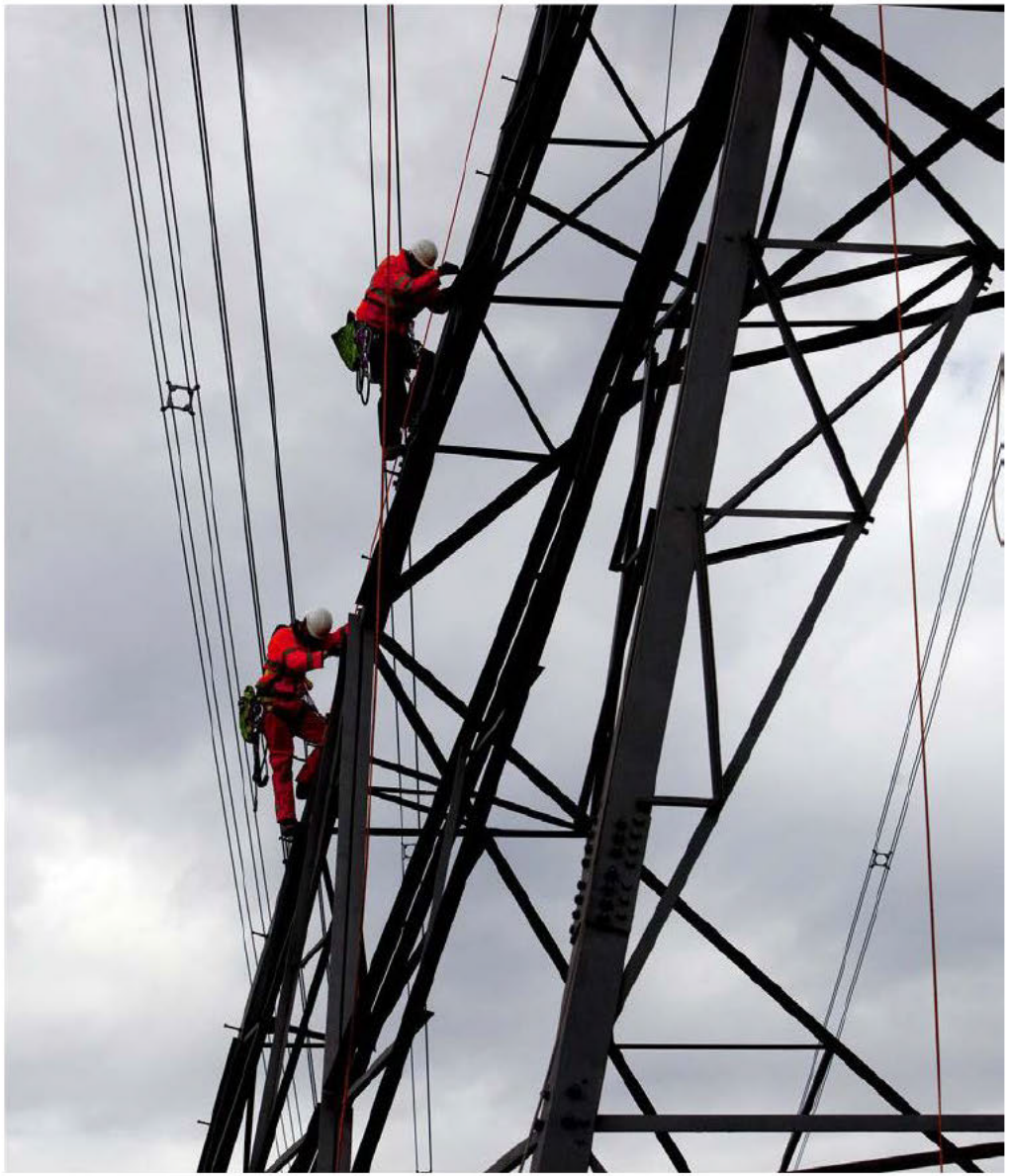

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Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire *(as outlined in ENA TS 43-8)*.

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit **www.emfs.info.**

200m

The minimum distance that should be maintained from National Grid assets when quarry blasting

Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice.* The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

(i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line

(ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

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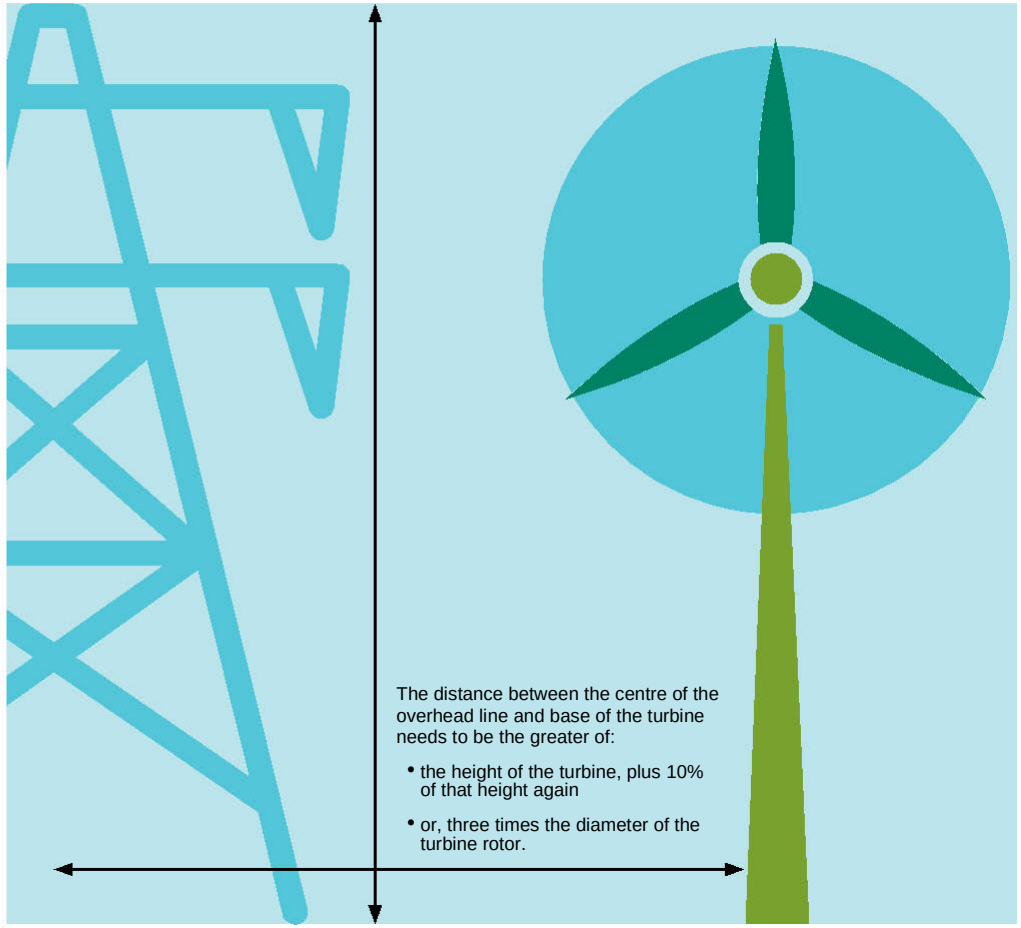
Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line

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The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles, including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.

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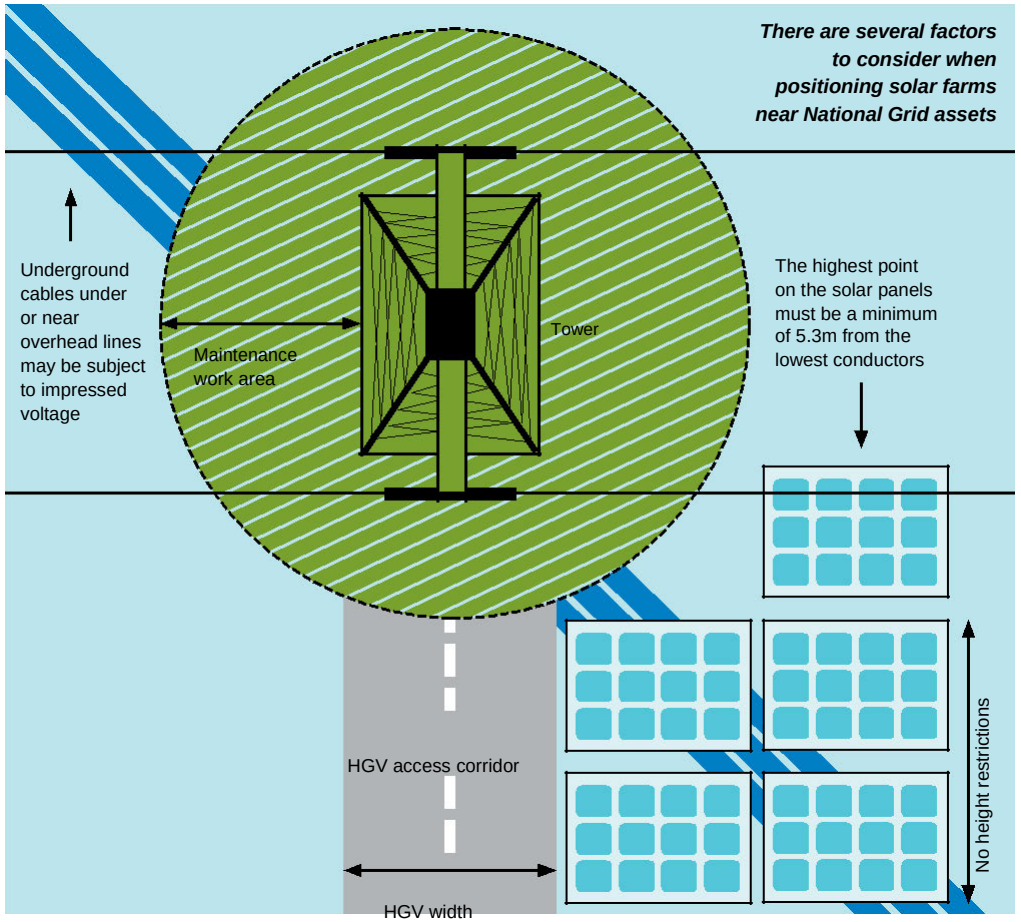


Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)[1]
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

[1] It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

Routine enquiries

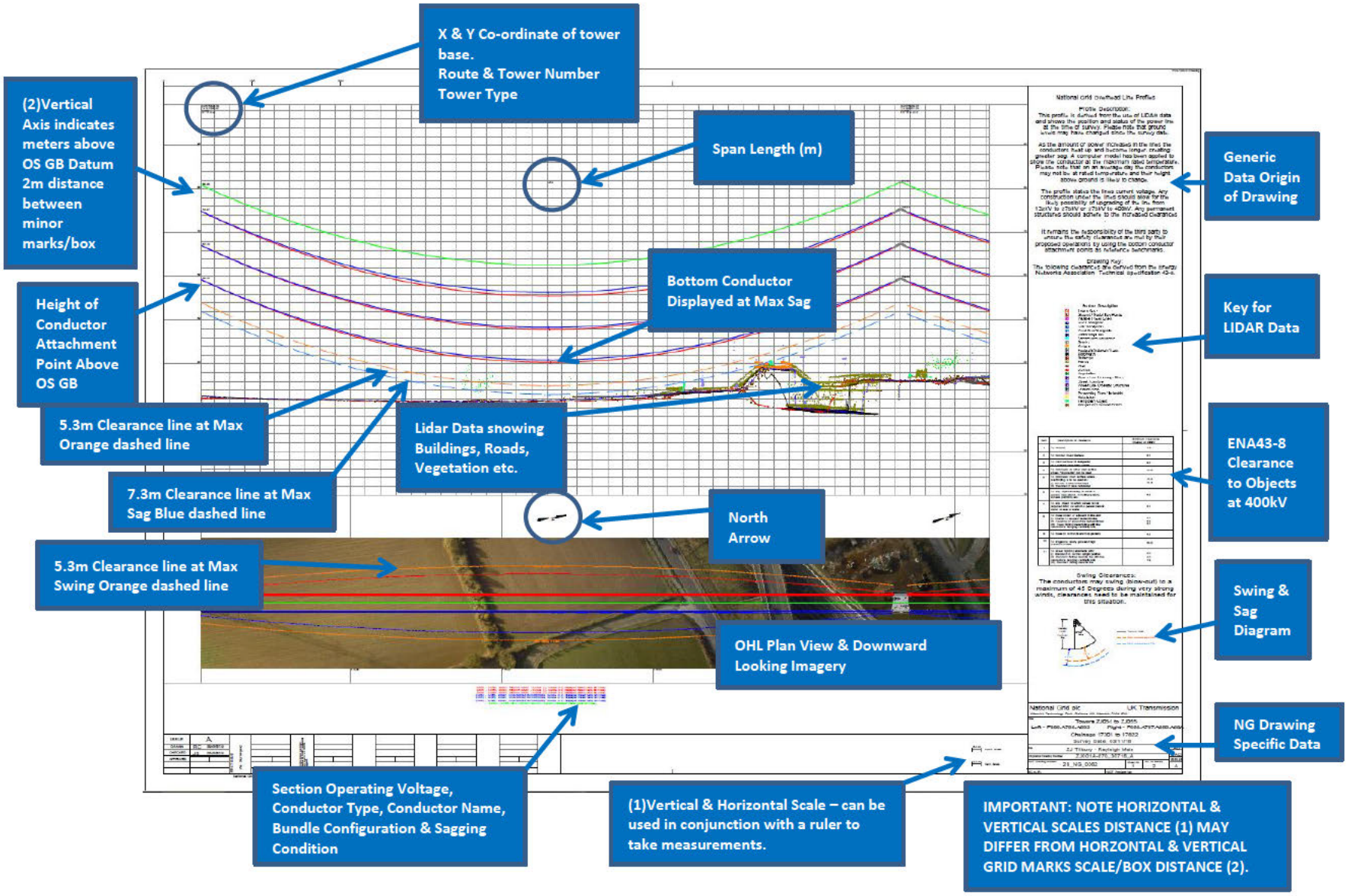
Email:
assetprotection@nationalgrid.com

Call Asset Protection on:
0800 0014282

Opening hours:
Monday to Friday 08:00-16:00

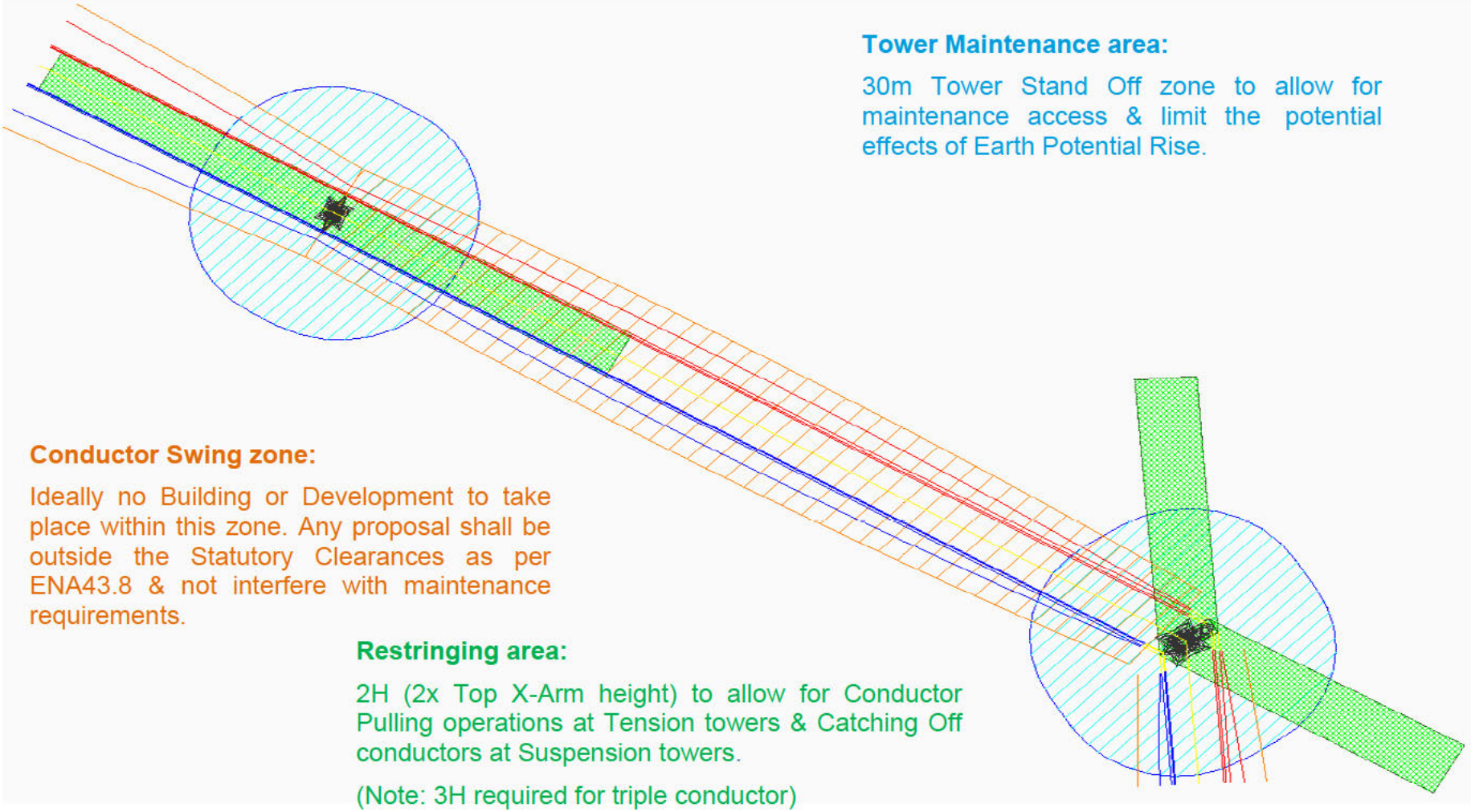
14 APPENDIX A

OHL Profile Drawing Guide



15 APPENDIX B

OHL Tower Stand Off & Reconductoring Area



Tower Maintenance area:

30m Tower Stand Off zone to allow for maintenance access & limit the potential effects of Earth Potential Rise.

Conductor Swing zone:

Ideally no Building or Development to take place within this zone. Any proposal shall be outside the Statutory Clearances as per ENA43.8 & not interfere with maintenance requirements.

Restringing area:

2H (2x Top X-Arm height) to allow for Conductor Pulling operations at Tension towers & Catching Off conductors at Suspension towers.

(Note: 3H required for triple conductor)

NORTH DEVON COUNCIL
Planning, Housing and Health
Lynton House
Commercial Road
Barnstaple
EX31 1DG

TOWN AND COUNTY PLANNING ACT 1990

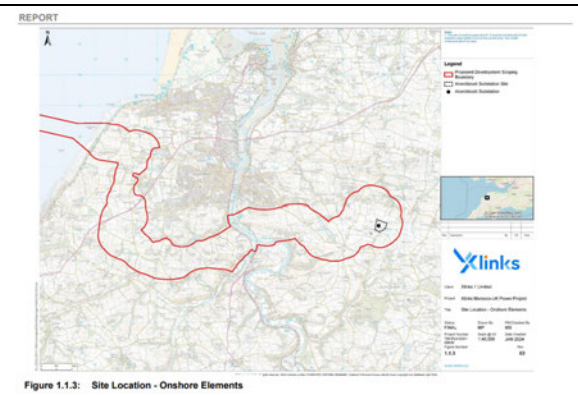
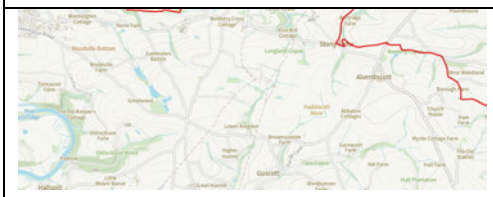
PRE-APPLICATION ENQUIRY RESPONSE

Applicant:	C/O Marie Shoesmith - Senior EIA Advisor	**Application No:**	ENQ/0889/2024
Address:		**Application Type:**	Pre Application Enquiry
Agent:	C/O Marie Shoesmith - Senior EIA Advisor	**Date of Registration:**	30 January 2024
Address:		**Date of Decision:**	21 February 2024
Proposal:	EIA Scoping consultation (reference EN010163-000014)		
Location:	XLinks Morocco-UK Power Project		

Thank you for your enquiry which was received on the 30 January 2024

In the determination of a Scoping Response, the process is carried out to assess and identify any specific areas of concern which require addressing at application stage or before. The EIA Regulations require that every ES must include, as a minimum the information required at Part I and II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) regulations, as is reasonably required to assess the environmental effects of the development. The applicant can then have regard to this through the submission. The relevant Authority is principally Torridge District Council as the determining Authority, with North Devon District Council as a Consultee to the process.

This is a consultation response in respect of a Scoping Report on behalf of Xlinks LtD for the relevant Planning Authorities to examine the scope of the Environmental Impact Assessment (EIA) process for the scheme.

Proposal site location and substation location at Alverdiscott	
	

The proposal is to develop renewable energy generation facility in Morocco which will then connect via sub-sea electricity cables to a new UK converter station at Alverdiscott. The scheme requires the following elements:

- *A converter site to the west of the Alverdiscot Substation site and associated infrastructure*
- *A new 400kV substation to be constructed by National Grid Electricity Transmission (NGET)*
- *Associated inclusion of High Voltage Alternating Current below ground cabling connecting the converter stations and Alverdiscottt Substation*
- *A High Voltage Direct Current (HVDC) underground cable connection of approximately 14.5 km between the proposed converter stations and the Transition Joint Bay (TJB) at the Cornborough Range, Devon.*
- *Approximately 370 km of subsea HVDC cable, which would be routed from the landfall location at Cornborough Range to the UK Exclusive Economic Zone (EEZ) boundary. The offshore cable infrastructure would continue beyond the UK EEZ, however, this does not form part of the Proposed Development.*
- *Other works to facilitate the development, including, but not limited to, permanent road improvement works, temporary and permanent utility connections, permanent utility diversions and temporary construction compounds, drainage and access.*
- *There would also be opportunities for environmental mitigation, offsetting and enhancement (which may include hedgerow enhancement and planting proposals). The construction phase would also include temporary construction works, including construction compounds, drainage, and haul roads.*

Principally North Devon District Council would wish to support the development of Renewable Energy within or adjoining the North Devon District, in line with Strategic *Policy ST16: Delivering Renewable Energy and Heat* and in accordance with all other relevant National Planning Policies and Local Plan Policies which are listed in this response.

The NPPF is clear at paragraph 157 that:

The planning system should support the transition to a low carbon future in a changing climate…..and support renewable and low carbon energy and associated infrastructure.

And at 162 that:

In determining planning applications, local planning authorities should expect new development *to b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

Paragraph 6.21 of the NDTLP sets out a clear strategy for delivery of renewable energy:

Policy ST16: Delivering Renewable Energy and Heat, relates to all forms of renewable energy and renewable heat development other than wind energy. Northern Devon's contribution towards mitigating the impact of climate change and reducing carbon dioxide emissions will include reducing energy consumption through energy conservation measures and the increasing use of renewable energy and heat. The Councils will seek to prioritise reduced carbon dioxide emissions from new development through energy efficient design.

The delivery of renewable energy must principally be in accordance with policy ST16 set out below:

Policy ST16: Delivering Renewable Energy and Heat

(1) Proposals for development incorporating on-site provision of renewable energy (other than wind energy) or renewable heat and/or low carbon technologies will be supported and encouraged where appropriate.

(2) Proposals by community-led enterprises and schemes that meet the needs of local communities to offset their energy and heat demand from renewable and low carbon sources (other than wind energy) will be supported where appropriate.

(3) Renewable and low carbon energy and heat generating development (other than wind energy) will be supported in the landscape character types where:

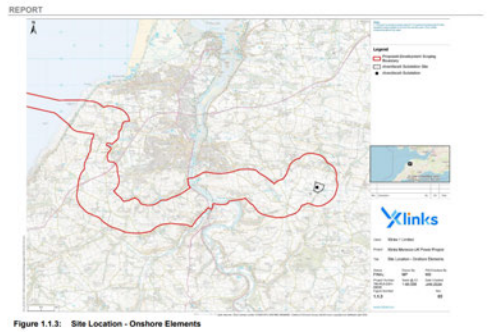
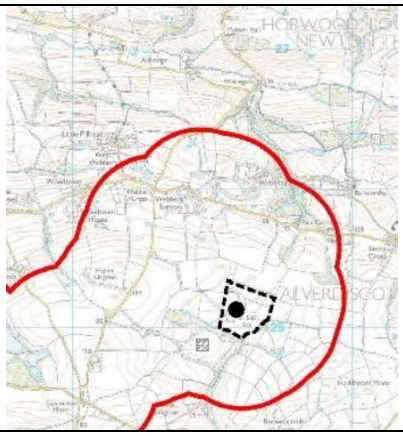
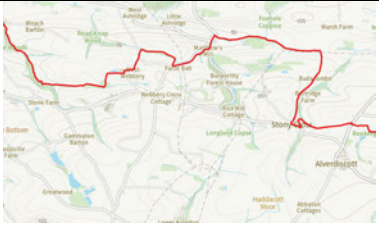
(a) landscape sensitivity is best able to accommodate them, assessed in accordance with the Councils' Landscape Sensitivity Assessments and by the landscape's sensitivity to accommodate the scale of development;

(b) there is no significant impact on local amenities; and

(c) the special qualities of nationally important landscape, biodiversity and heritage designations and their settings are conserved or enhanced.

(4) Renewable and low carbon energy development (other than wind energy) will be supported where it can demonstrate that the cumulative impact of operational, consented and proposed development on landscape character does not become a significant or defining characteristic of the wider fabric, character and quality of the landscape.

The aim at this stage is to establish if the information relating to the the Scope of the assessment and areas which may need addressing is suitable. The Scoping area covers principally the areas within TDC district, as the development and scoping area affects the Torridge District.

Proposed development Scoping Boundary	*Close up of Scoping area around Alverdiscott Substation site*	*NDDC development boundary.*
		

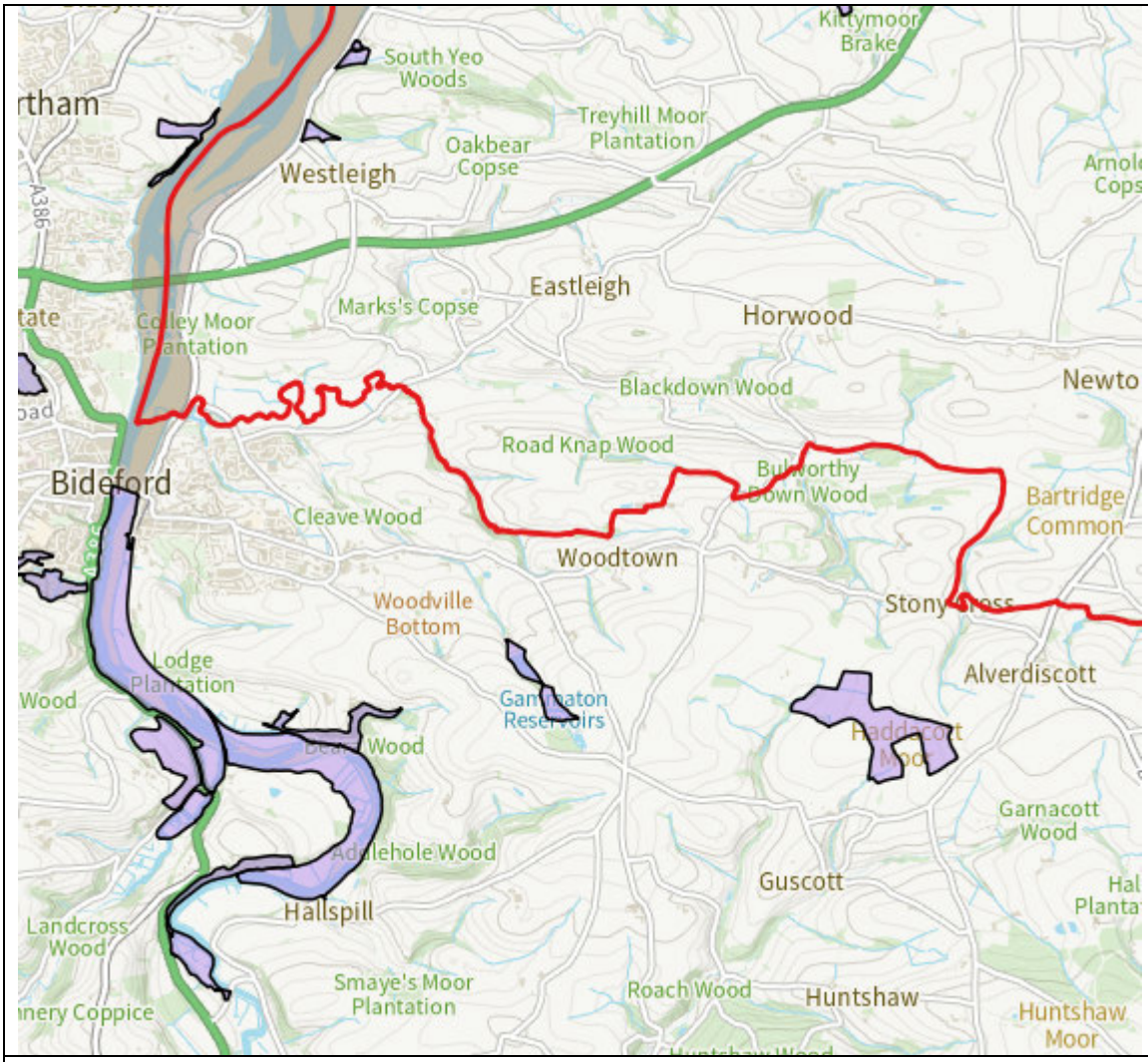
Although the development falls to be considered by Torridge District Council, given the scoping zone is in close proximity to the North Devon District Council (NDDC) border, there is moderate probability that the substation building may be viewed within NDDC district, with subsequent landscape impact, and effect on any public receptors within the zone or beyond, as identified below.

There is moderate to high potential for cumulative impacts with other renewable projects in NDDC, which must be either discounted or taken into account in the determination. It is necessary to examine the transboundary and cumulative effects of the substation when/if seen within the NDDC area, and cumulating with any existing or approved renewable projects within the NDDC area (as well as those in TDC).

North Devon District Council would therefore ask for the following suggested cumulative impacts, viewpoints and properties to be taken into consideration in informing the EA:

Statutory protected areas:

List of protected areas within NDDC area to take into consideration:

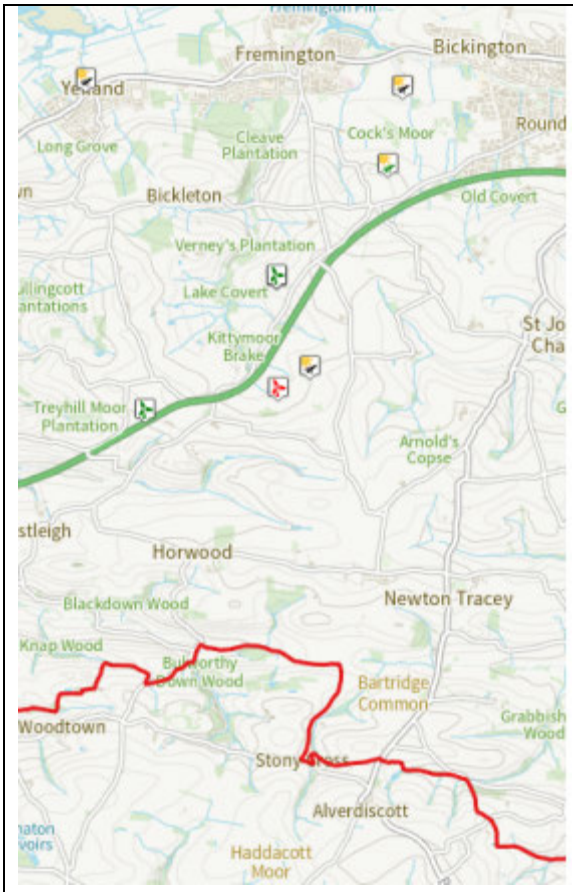


- Brown – Taw and Torridge SSSI
- Purple County Wildlife sites

Cumulative impacts to consider within NDDC area:

In terms of cumulative impacts with established renewable projects within the NDDC area these are:

List of established renewable energy projects in NDDC area:

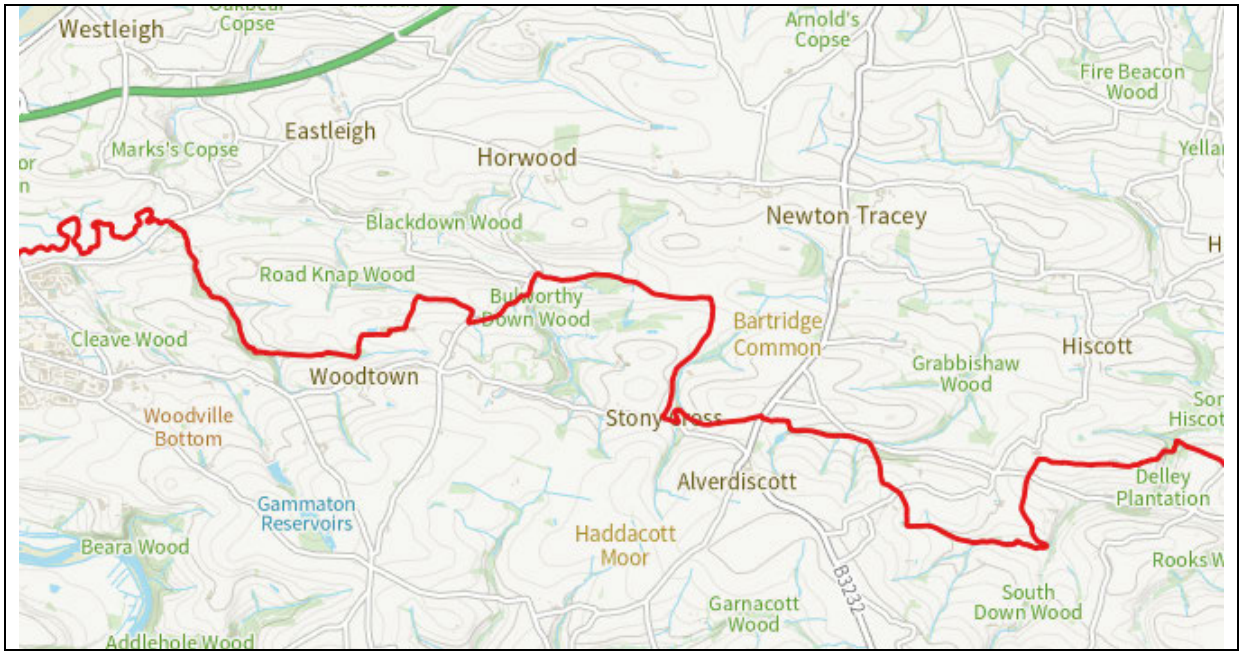


-Application 71708 - Land at Litchardon Cross Newton Tracey EX31 3QE
- Application 54884 – Land at Hollamoor Farm Eastacombe EX31 3NY
- Application 54349 – Horsacott Farm Lydacott EX31 2PD
- Application 58715 – Collacott Farm Newton Tracey EX31 3QF

Localised viewpoints within the NDDC area in relative close proximity to the Substation site and the edge of the scoping zone:

Suggested Localised viewpoints are from:

Suggested Localised viewpoints:

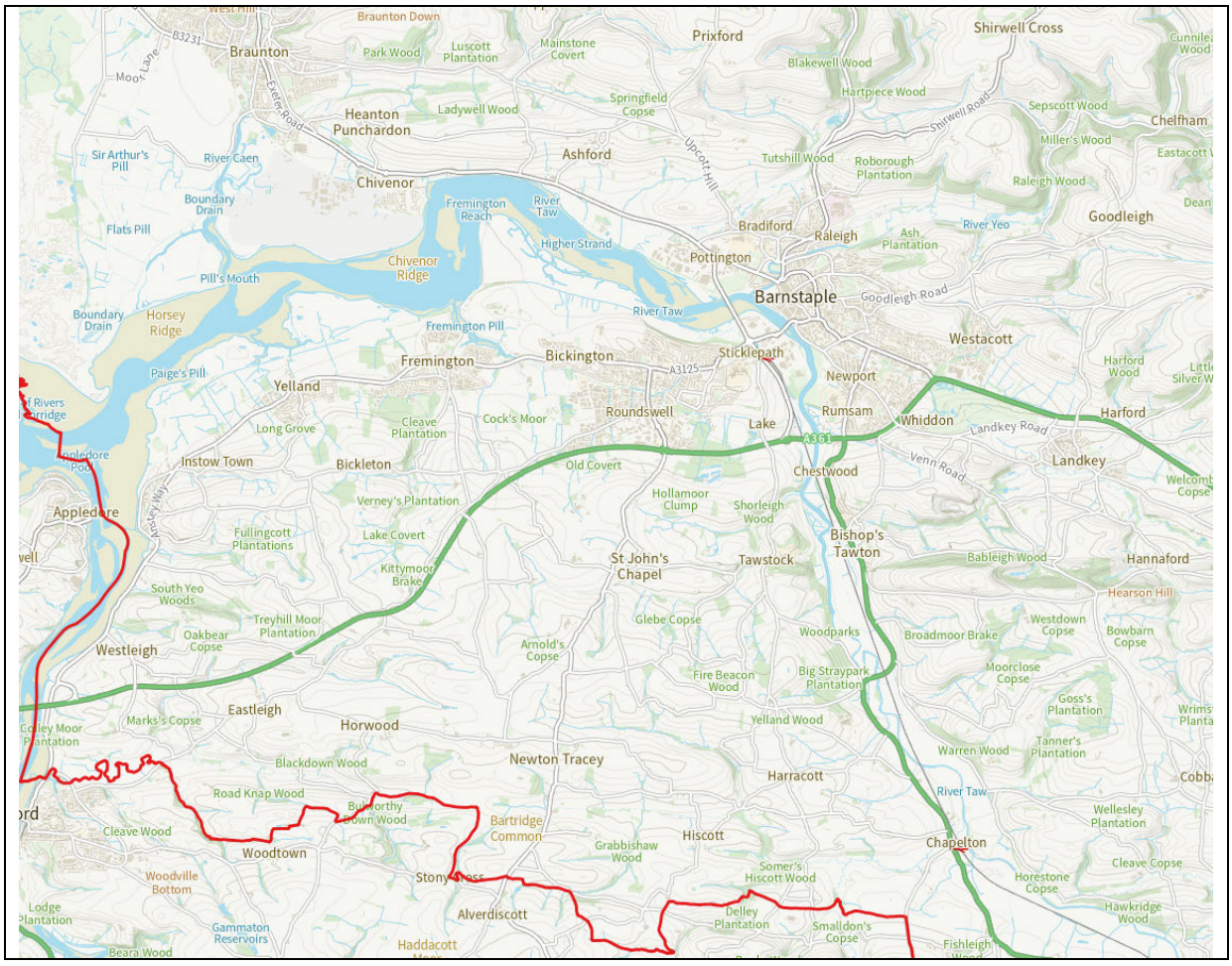


- Hiscott,
- Newton Tracey,
- Horwood/Lovacott,
- Eastleigh

Wider elevated viewpoints within NDDC area:

Suggested wider elevated viewpoints are:

Suggested wider elevated viewpoints:



- Codden Hill (east) - Ashford (North)

<u>Suggested localised properties to take into consideration at consultation phase: within NDDC area:</u>

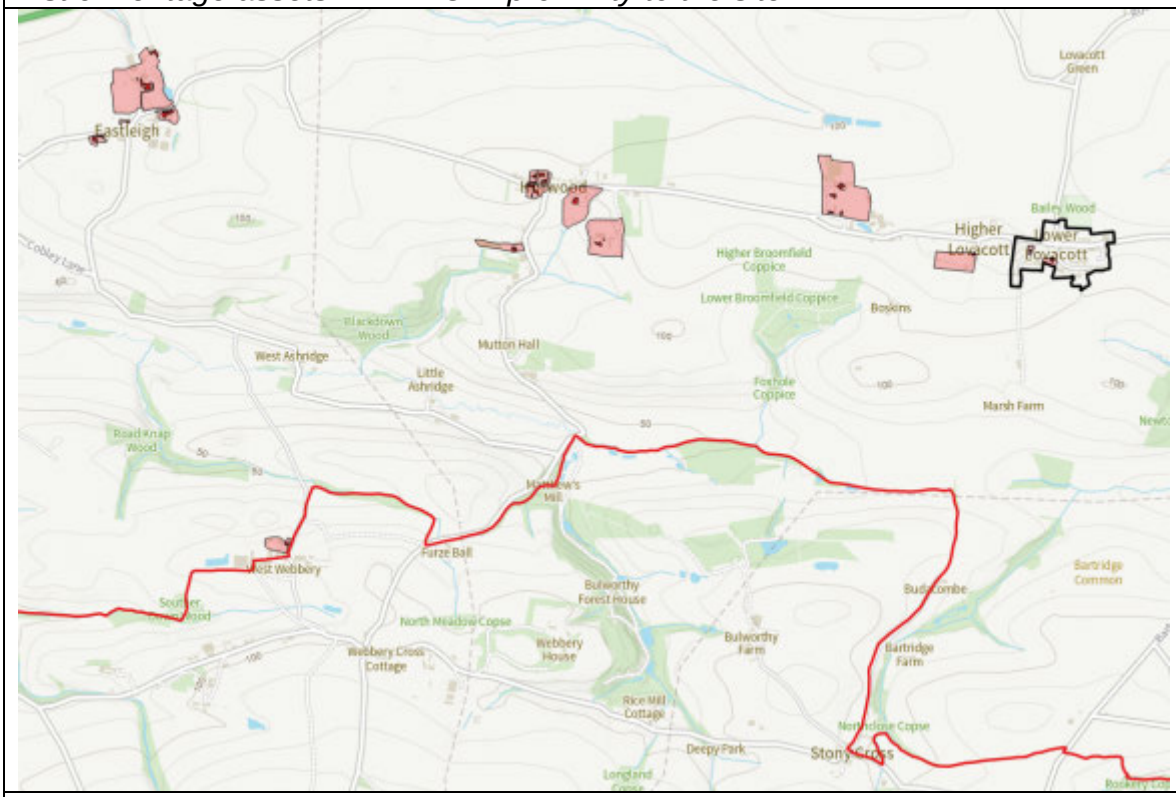
- West Ashridge
- Little Ashridge
  - Mutton Hall
- Eastleigh
  - Oxenpark
  - Horwood
- Newton Tracey (west)
  - Higher Lovacott
  - Lower Lovacott
- Higher Broomfield Coppice
  - East Barton
  - Properties around Potters Nod
- Harefield
- Marsh Farm
- Boskins
  - West Barton House
  - Park Farmhouse
  - The Granary

- West Barton Barn
- The Orchard
- Parsonage Farm
- Old Parsonage

Setting of heritage assets:

There are many designated heritage assets within the vicinity of the site boundary, part of which lies within North Devon Council's area. These include the highly graded listed buildings at Eastleigh, Crosspark farmhouse at Higher Lovacott, and various listed buildings in Horwood. The proposed PV farm may or may not affect the setting of these heritage assets, it would depend on the siting, this factor should be included.

List of heritage assets in NDDC in proximity to the site



- Tapeley Park (Registered Park and Garden) Grade II - Church of St Michael Horwood Grade I - The Courtledge Horwood Grade II - Church Farm Cottage Horwood Grade II - The Forge Horwood Grade II Lynton House, Commercial Road, Barnstaple EX31 1DG | www.northdevon.gov.uk - Hoopers Cottage Horwood Grade II* - Horwood house Grade II - West Barton Farmhouse Grade II - The Old Parsonage Grade II - East Barton Grade II - Stable block at east Barton Grade II - Barns at east Barton Grade II - Crosspark farmhouse Grade II - Bradavin Farm Grade II - Eastleigh Manor Grade II* - Eastleigh Manor House Grade II* - Eastleigh Manor Granary Grade II - Eastleigh Manor Barn with attached roundhouse Grade II - Shippons at Eastleigh Manor Grade II - The Pines Eastleigh Grade II - Barn at The Pines Eastleigh Grade II - 1 Rock Cottage Eastleigh Grade II - Little Pillhead Farmhouse (Webbery) Grade II.

This should be presented in an appropriate Heritage Statement and it will be assessed against Policies ST15 and DM07 of the NDTLP, chapter 16 of the NPPF

and the statutory duties in Section 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

DECISION:

In the opinion of the North Devon Local Planning Authority, having taken into account the Scoping criteria presented the Scoping report generally covers the requirements for a Scoping report in terms of the EIA Regulations, summarised as:

- A description of the project with ancillary features and associated mapping and plans
- Feasible alternatives have been discounted (there are no alternatives)
- Strategic Background information and use of correct legislation at the time of the Scoping report
- List of Stakeholders and involvement in the EIA process
- Methodologies to be adopted in the EIA process
- The extent of the study areas for each part of the development
- Time horizons for the development
- Key environmental constraints identified with the scoping zone
- Likely impacts positive and negative as well as cumulative effect
- Proposed further surveys
- Preliminary mitigation and enhancement measures

It is clear that the proposal would be likely to have significant effects on the environment. The project requires and EIA and in respect of this Scoping exercise the Scoping report has addressed the majority of Scoping requirements within the Zone of Scoping set out above.

Therefore, North Devon District Council would wish to support the inclusion of approrpate renewable energy resources to accord with the aforementioned National and Local Policies. The Scoping report appears comprehensive in dealing with the off-shore matters and matters within the Scoping Zone of Influence within the TDC area. North Devon District Council have no objection to the adoption of the Scoping Report on this basis.

Such that NDDC can comment further as a consultee at application stage, it is the opinion of the LPA that the above matters outlined should inform any ES submitted with the application, to offer a full consideration of the wider landscape and amenity impacts. This additional information required through the Scoping report can be used in the subsequent review of the ES to check that all issues have been addressed.

There are other legislative requirements outside of the planning process which need to be adhered to throughout the development process such as Building Regulations and The Party Wall Act. These are not a consideration in the planning process however you should make yourself familiar with the requirements as this may affect your proposal. Further information can be found at the following websites:
https://www.nmdbuildingcontrol.co.uk/
https://www.gov.uk/party-walls-building-works.

DCC Flood & Coastal Risk Team charge for pre-application advice. If you require such assistance please contact them directly. The following link provides details of this and

other useful advise in respect of sustainable drainage.
https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/

You should note that the above advice is an informal opinion given without the benefit of formal consultation and public advertisement and would not prejudice any decision which may be made by the Local Planning Authority in determining any subsequently submitted application, which can only be obtained by the submission of a formal application.

Mr R. Bagley
Case Officer

Torridge – a great place to live, work and visit
Riverbank House, Bideford, Devon, EX39 2QG

Please reply to:
Planning Officer: Ryan Steppel
Direct Dial: 01237 428736
Email: ryan.steppel@torridge.gov.uk

The Planning Inspectorate

Our Ref: GE/0067/2024
Date: 26th February 2024
Enquiry: Consultation request for Xlinks project- respond by 27/02
Location: Land At Grid Reference 249722 123624, Weare Giffard, Devon,

Dear Sir/Madam

Thank you for your letter which was received 30th January 2024.

In the determination of a Scoping Response, the process is carried out to assess and identify any specific areas of concern which require addressing at application stage or before. The EIA Regulations require that every ES must include, as a minimum the information required at Part I and II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) regulations, as is reasonably required to assess the environmental effects of the development. Torridge District Council (TDC) are a host authority in respect to this process.

This response should be read as a consultation response to the Scoping Report submitted on behalf of X Links Ltd. The scope of the response should be to examine the scope of the Environmental Impact Assessment (EIA) process for the scheme.

TDC was not directly consulted regarding the scoping exercise. Instead, TDC were made aware of the submitted scoping exercise via correspondence from Devon County Council, rather than being formally consulted by PINS at the outset. Both TDC and Devon County Council are considered host authorities. Therefore, TDC merely wishes to express the importance of being formally consulted in relation to further key stages associated with the NSIP process.

The terrestrial part of the development is entirely capsulated within the district of Torridge. Paragraph 4.2.3 of the Scoping Report states:

'The onshore elements of the Proposed Development Scoping Boundary are proposed to be located within the local authority area of Torridge District Council, in north Devon (see Figure 1.1.3). This would include the Converter Site and connection to the national grid, utility connections and diversions, permanent highways improvements as well as short-term highways alterations during construction, Onshore HVDC Cable Corridor, HVAC cables, temporary compounds and haul roads, and landfall.'

In July 2019, TDC declared a 'climate emergency'. The Council has committed to a target of net zero carbon emissions from our operations by 2030 and recognises the impact its operations have on the residents, businesses and communities of Torridge. Resolving the causes and impacts of climate change needs a joined-up approach where everyone from the Government, businesses and local residents all play their part. It is understood that the Council is in a position to promote effective partnership working in Torridge, and have recently published the 'Carbon, Environment and Biodiversity Plan'. The second Annual Review of this plan was published in September 2023.

Chapter 14 of the NPPF promotes meeting the challenges of climate change, promoting the use and supply of renewable technologies. The Council acknowledges its role with regards to the climate emergency and seeks to support development which contributes towards these aims, where possible.

Paragraph 160 of the NPPF states:
To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Policy ST16 of the North Devon and Torridge Local Plan promotes proposals for renewable energy, consistent with the obligations set out above. Sections (3) and (4) of Policy ST16 place significant focus on the protection of landscapes as included below.

'Renewable and low carbon energy and heat generating development (other than wind energy) will be supported in the landscape character types where:

(a) Landscape sensitivity is best able to accommodate them, assessed in accordance with the Council's Landscape Sensitivity Assessments and by the landscape's sensitivity to accommodate the scale of development;
(b) There is no significant impact on local amenities; and
(c) The special qualities of nationally important landscape, biodiversity and heritage designations and their settings are conserved or enhanced.'

Section (4) of Policy ST16 further notes: *'Renewable and low carbon energy development (other than wind energy) will be supported where it can be demonstrated that the cumulative impact of operational, consented and proposed development on landscape character does not become a significant or defining characteristic of the wider fabric, character and quality of the landscape.'*

In this respect, Table 9.3.2 of the Scoping Report identifies the impacts proposed to be scoped into assessment for landscape, seascape and visual resources. Overall, the Scoping Report includes a broad and reasonable approach to landscape considerations, particularly those likely to occur within the construction and operational phases.

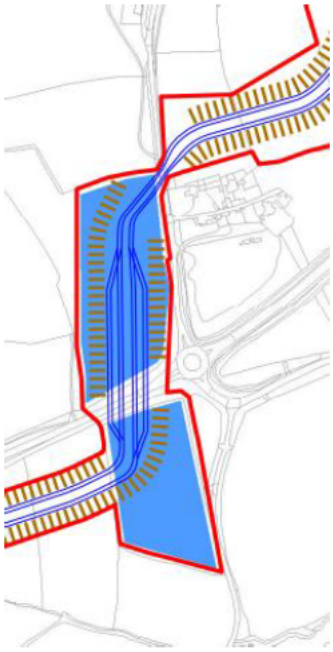
The site is elevated within the local landscape and is therefore subject to long-distance views. In addition, there could be moderate to high cumulative impacts due to the proposals relationship with other consented and implemented renewable projects in TDC. Furthermore, the consultation response by North Devon Council (NDC) is noted which argues for greater consideration of longer-distance landscape impacts (i.e. from areas within NDC parishes). In this regard, it is suggested that the suggested 10km ZTV / study area may not be extensive enough to take into consideration the sensitive landscape receptors identified by NDC given some of these sit just outside of the ZTV.

In terms of Heritage, Figure 7.3.1 identifies nearby heritage assets, scheduled monuments, and conservation areas. Devon County Council's Historic Environment Team remain the primary consultee for archaeological matters. Notwithstanding this, the following comments provided by the TDC Conservation Officer require consideration for the submitted ES:

'The non- designated are most likely to be found on below ground features which will be addressed more correctly by Colleagues from Devon County.

There is potential in the long and short term for the proposal to harm the setting of heritage assets both by proximity and by visual intrusion into the landscape. The long term is the fixed maintenance areas and the works for the converter station. The Scoping Report currently precludes operational and maintenance of some of the compounds and routing areas. In terms of the short term, it would be considered the temporary disturbance within the landscape for installation but then the land reverts to agricultural.

In this location the compound area at Abbotsham cross covers the site of a windmill identified in a heritage appraisal on the Clovelly Road South site and this will need to be recorded before any site disturbance.



The routing and compounds where the cable crosses the river has potential to impact on the view into Bideford, and the views from Landcross-Tennacott are visible from the A388. The level of visual harm to the views into Bideford will need to be assessed as part of a wider heritage assessment.'

The impacts proposed to be scoped into the assessment for socio-economics and tourism are broadly supported, as identified in Table 9.4.2. Paragraph 9.4.6 of the Scoping Report defines the district council area as defining the Torridge tourism economy. It is important to note that given the proximity to North Devon District, impacts on a wider northern Devon tourism economy should also be considered through the Environmental Statement. The impacts scoped in for housing and economic impacts are broadly supported however TDC is concerned that there is a lack of detail in regard to these points within the 'Assessment of Socio-Economic Effects' Section (paragraphs 9.4.25-9.4.31). This Section seems to have a narrow focus on economic measures without setting out how wider impacts on local labour force, the construction industry, access to housing etc will be assessed. Given this, it is considered that the Socio-Economic scope needs to be better defined and should consider effects beyond Torridge District, given the close relationship with North Devon District, and should more accurately reflect wider socio-economic components of housing and employment.

Conclusion:
Torridge District Council considers that the proposal would be likely to have significant effects on the environment. Therefore, the project requires a comprehensive Environmental Statement in accordance with the EIA regulations. Torridge District Council has no objection to the Scoping Report, and the issues it raises. Notwithstanding this, it is requested that the matters raised above which relate to landscape, heritage and socio-economic impacts should also be scoped into the Environmental Statement.

Your faithfully,

Ryan Steppel
Principal Planning Officer
Torridge District Council

[redacted]

Helen Smith
Planning Manager
Torridge District Council

[redacted]

From: Stephen Vanstone
To: XLinks
Cc: Trevor Harris
Subject: RE: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024
Date: 27 February 2024 10:50:45
Attachments: image003.jpg
image006.png
image007.png
image009.png
image012.jpg
image014.png
image016.png
EN010164 - Statutory consultation letter.pdf

You don't often get email from [redacted]@trinityhouse.co.uk. Learn why this is important

Good morning Ian/Marie,

I can confirm that Trinity House is content with the Scoping Report and will have particular interest in the Navigation Risk Assessment and Cable Burial Risk Assessment documentation once finalised.

Kind regards,

Stephen Vanstone
Navigation Services Manager | Navigation Directorate | Trinity House
[redacted]@trinityhouse.co.uk | [redacted]
www.trinityhouse.co.uk

From: XLinks <XLinks@planninginspectorate.gov.uk>
Sent: Tuesday, January 30, 2024 2:23 PM
To: Navigation <navigation.directorate@trinityhouse.co.uk>
Cc: Thomas Arculus [redacted]@trinityhouse.co.uk>
Subject: EN010164 - Xlinks Morocco-UK Power Project - EIA Scoping consultation and notification. Deadline: 27 February 2024

FAO Steve Vanstone
Navigation Services Officer

Please see attached correspondence on the proposed Xlinks Morocco-UK Power Project.

Please note the deadline for consultation responses is **27 February 2024**, which is a statutory requirement that cannot be extended.

Kind regards

Ian Wallis
EIA Advisor
Environmental Services
Operations Directorate
The Planning Inspectorate
T 0303 444 5000

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk