



XLINKS MOROCCO-UK POWER PROJECT

Preliminary Environmental Information Report

Volume 2, Appendix 1.12: Natural England's Discretionary Advice Service Meeting Notes



FOR ISSUE
April 2024

[xlinks.co](https://www.xlinks.co)

1 INTRODUCTION

1.1 Purpose and Scope of This Report

- 1.1.1 This document forms Volume 2, Appendix 1.12 of the Preliminary Environmental Information Report (PEIR) prepared for the UK elements of the Xlinks Morocco-UK Power Project (referred to hereafter as ‘the Proposed Development’). The PEIR presents the preliminary findings of the Environmental Impact Assessment (EIA) process for the Proposed Development.
- 1.1.2 This document provides copies of meeting notes of Discretionary Advice Service meetings with Natural England, which were held on the following dates:
- 3 August 2021: Introducing the Proposed Development to Natural England; and
 - 9 November 2023: providing updates on the progress of the Proposed Development design.
- 1.1.3 The meeting notes were provided by Natural England and represent their views and are presented below.

Date: 03 August 2021
Our ref: DAS 17671 - 358612
Your ref: Abbotsham to Alverdiscott HV cable route



Brian Chilcott
Principal Ecologist
RPS

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

c.c. David Kelly X-Links; Mark Barrett RPS.

Dear Brian,

Discretionary Advice Service (Charged Advice) DAS 17671 - 358612
Development proposal and location: Abbotsham to Alverdiscott HV cable route

Thank you for your consultation on the above project dated 29 June 2021.

This advice is being provided as part of Natural England's Discretionary Advice Service. Natural England has been asked to provide advice on:

- potential impacts on designated sites,
- the scope for biological surveys,
- the ecological mitigation plan,
- whether a Habitat Regulations Assessment is required.

This advice is provided in accordance with the Quotation and Agreement dated 14th July 2021 and is based upon:

- the discussion at the MS Teams meeting of 29th July,
- the X-Links survey scope 12th July 2021,
- the AL1-PA-001 General Arrangement pdf.

SUMMARY OF NATURAL ENGLAND'S ADVICE

- The proposal to HDD the cables under the **Mermaid's Pool to Rowden Gut Site of Special Scientific Interest (SSSI)** and the **Taw Torridge Estuary SSSI** will avoid / reduce the impact of the scheme on the SSSI interest.
- A full assessment of the impacts on the special interest features and mitigation proposed should be included in the EIA.
- The scope of biological survey is acceptable.

Details are provided below.

Potential Impacts on designated sites

Mermaid's pool to Rowden Gut Site of Special Scientific Interest (SSSI) is notified for its geological interest. Further detail about SSSI interest features can be found at www.magic.gov.uk

The approach for the cable route landfall at the coast which has been previously found acceptable by Natural England at this site is to use Horizontal Directional Drilling (HDD) to take the cables from the cliff top to the seabed. As HDD doesn't involve surface excavation across the foreshore or surface laying of cables Natural England consider the impact on the 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.

I have attached the advice Natural England gave in 2011 and 2013 regarding the Atlantic Array onshore cable as promised which considers geological investigations and erosion rates.

A method statement should form part of the Environmental Statement and we would recommend employing a geological watching brief.

The route of the cable corridor will result in temporary trenching along its entire length. This provides an opportunity for recording and sampling temporary sections as the trench cuts through shallow superficial deposits and potentially into the underlying Bideford, Bude and Crackington Formations. Should the project go ahead we would recommend that provision should be made to provide access to appropriately qualified geologists during the construction phase of the cable corridor.

Our recommendation is that the results of any ground investigation you undertake and Natural England's advice should be included as part of the Environmental Statement.

The Tav 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 river crossing is outside the SSSI but is designated as the Torridge Estuary County Wildlife Site and the Kynoch's Foreshore Local Nature Reserve and includes coastal saltmarsh and mudflat priority habitats. We would recommend contacting Devon County Council and the North Devon Biosphere Reserve for the detail of these sites.

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.

Ecological mitigation plan

The cable route has been designed to minimise ecological impacts by, for example, utilising existing gaps in hedgerows, avoiding key trees and avoiding natural springs.

The sub-station at Alverdiscott will involve habitat loss given the large footprint proposed and consideration will be given to mitigation and biodiversity net gain through the creation of new hedgerows / hedgerow strengthening and tree planting at scale.

I am not aware of a local landscape scale ecological mitigation plan for the area at Alverdiscott. However, the North Devon Biosphere Reserve is currently consulting on a [Nature Recovery Plan](#) which may identify opportunities that this proposal could support.

In addition to the NPPF and the Defra 25-year Environment Plan, Policy ST14 of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity.

As you have done for the cable route, we advise you first to follow the mitigation hierarchy and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

[Biodiversity metrics](#) are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Bill currently proposes a 10% threshold.

Requirement for a Habitat Regulations Assessment

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.

However, there is likely to be a requirement for HRA in terms of marine sites and I understand you will be consulting Natural England again regarding impacts on intertidal and marine habitats.

For clarification of any points in this letter, please contact me on 0208 0267393 or 07771838551.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 14th July 2021.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Clare Guthrie
Lead Adviser Devon Cornwall & Isles of Scilly Team
clare.guthrie@naturalengland.org.uk
c.c. commercialservices@naturalengland.org.uk

Date: 09 November 2023
Our ref: DAS 17671 - 452447
Your ref: Abbotsham to Alverdiscott HV cable route



Mr. Brian Chilcott
Principal Ecologist
RPS

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

BY EMAIL ONLY

c.c. Matthew Rose X-Links; Mark Barrett RPS.

Dear Brian,

Discretionary Advice Service (Charged Advice) DAS 17671 - 452447
Development proposal and location: Abbotsham to Alverdiscott HV cable route

Thank you for your consultation on the above project dated 05 October 2023.

This advice is being provided as part of Natural England's Discretionary Advice Service. Natural England was asked to provide advice on:

- Biodiversity Net Gain and the ecological mitigation plan / protected species

This advice is provided in accordance with the Quotation and Agreement dated 30th October 2023 and is based upon:

- the wider discussion at the MS Teams meeting of 2nd November 2023
- follow up emails from Brian Chilcott re protected species.

SUMMARY OF NATURAL ENGLAND'S ADVICE

- We welcome the ambition and commitment to biodiversity net gain.
- The proposed cable route is unlikely to have a significant effect on terrestrial European sites.
- Where you consider a protected species licence is required, you will need to submit a full draft licence application to Natural England prior to applying for the Development consent order.
- We welcome the proposal for a community fund, with connecting people with nature at its heart.
- Include the North Devon Coast AONB in the pre-application conversations.
- Consider setting up an undefined scope contract.

Details are provided below.

Biodiversity Net Gain (BNG)

Natural England welcomes the ambition and commitment to delivering landscape scale BNG as part of this project. We appreciate that the plans are at a very early stage and dependent on the outcome of negotiations with landowners.

Although BNG for Nationally Significant Infrastructure Projects (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 landscape scale approach to delivering BNG and increasing the area and connectivity of wet woodland in the locality. This may also provide you with an opportunity to create a habitat bank and sell biodiversity units to support a business case to acquire land for BNG delivery.

It is considered best practice to submit the completed [metric](#) / BNG plan with the NSIP application with enhancements being secured by requirements in the development consent order (DCO). Defra have just released their BNG plan draft template and guidance: [The biodiversity gain plan: draft template and guidance - Land use: policies and framework \(blog.gov.uk\)](#).

The British Standard for BNG good practice principles and guidance can be found here: [British Standards Institution - Project \(bsigroup.com\)](#) Government advice regarding nature markets including stacking and bundling can be found here: [Nature markets: \(publishing.service.gov.uk\)](#)

We have asked our network for examples of deliverable BNG at the DCO stage and have this example [Welcome to our website - Welcome \(clevehillsolar.com\)](#) and [Cleve Hill Solar Park | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#). This doesn't directly address the question you asked about examples of delivery of BNG outside the 'red line' development boundary but we will continue to engage with colleagues about this and will share and relevant cases with you.

Requirement for a Habitat Regulations Assessment

I can confirm that 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.

There is a requirement for HRA in terms of marine sites and I understand WPS are in contact with Natural England regarding impacts on intertidal and marine habitats. I have made contact with my colleague Chloe Honess in the marine team and we will coordinate attendance at meetings etc where appropriate.

Protected species

Following the meeting, a summary of the surveys conducted to date was provided to Natural England which included birds (summer and winter), otters, bats, dormice, reptiles, aquatic invertebrates, badgers and water voles.

We don't have any detailed comments to make on the survey effort at this point.

In response to a question about the age of surveys, the [protected species standing advice](#) has a link to the CIEEM guidance note [Advice-Note.pdf \(cieem.net\)](#) which suggests anything more than three years old is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist).

The Planning Inspectorate guidance note [Part 2 of IPC advice Note 11 \(Draft 3 July 29 2011\) \(planninginspectorate.gov.uk\)](#) should be helpful for the licensing side of things. You will need to submit a full draft licence application to Natural England and subject to everything being acceptable we will issue a 'letter of no impediment' which can be used to support the DCO application. If detailed pre-licence application advice is requested this will be provided through our discretionary advice service (DAS).

Connecting people with nature /Community fund

Consideration has been given to setting up a community fund around Bideford with a view to improving access to nature. Natural England has advisers working on connecting people with nature (CPwN) and we can link up as and when required. In the meantime we would point you to the One Northern Devon Group <https://onenortherndevon.co.uk/about-us/> They play a strategic role in building partnerships for health and wellbeing and tackling inequalities and would be best placed to advise on the local need and connections to shape this.

Protected Landscapes

The cable will make landfall within the North Devon Coast Area of Outstanding Beauty (AONB) and it was confirmed that it will now come ashore at the lowest point of the cliffs at Cornborough, as advised by the AONB team.

There will inevitably be landscape and visual impacts, including cumulative impacts with other schemes such as White Cross, within the AONB over the lifetime of the project and we would recommend involving the AONB team with the pre-application process. I know they would appreciate a conversation to discuss potential impacts on the AONB.

DAS / Undefined scope contract

Information on Natural England's discretionary advice service can be found on line at <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals> where you can find details of costs and Natural England's Terms and conditions.

There's an advice request form

<https://assets.publishing.service.gov.uk/media/5ee0edffd3bf7f1ec05388dd/charged-advice-request-form.pdf> At question 20 you need to select other and state you would like to set up an undefined scope contract. You will need to set a financial ceiling - at the DAS meeting we discussed starting at £10,000. The most common fee ceilings are £10k - £20k. The contract would run for a maximum of 2 years. A new contract would need to be set if the advice looked likely to exceed the agreed financial ceiling.

Forms should be sent to consultations@naturalengland.org.uk and our Income Enabling Team will set up the contract.

An undefined scope contract is simply a contract where neither Natural England, nor the customer, has defined the scope of works we plan to undertake at the outset. This means that the boundaries of the contract are set only by Natural England's terms and conditions and the fee ceiling for the duration of the project. The contract is managed as a call-off i.e. multiple invoices are issued to cover work delivered throughout the duration of the contract.

For clarification of any points in this letter, please contact me on 0208 0267393 or 07771838551.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 30th October 2023.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Clare Guthrie
Lead Adviser Devon Cornwall & Isles of Scilly Team
clare.guthrie@naturalengland.org.uk
c.c. commercialservices@naturalengland.org.uk