Irreversible Damage to Irreplaceable Habitat

“No irreplaceable habitats will be lost as a result of the Onshore Project.” (White Cross 2023)

Habitats identified via Phase 1 Habitats Survey and created by Ecologic Consultant Ecologists LLP in 2022 are listed below, those underlined are classed as “irreplaceable habitats” (DEFRA (1) 2024);

- Mixed scrub
- Coastal sand dunes
- Fens (upland and lowland)
- Floodplain Wetland Mosaic (CFGM)
- Modified grassland
- Ponds
- Floodplain Wetland Mosaic (CFGM)
- Other neutral grassland
- Other woodland; broadleaved
- Ruderal/Ephemeral
- Wet woodland

Along the route, Coastal Dunes are indeed worked through via drilling, so cannot be deemed to be ‘lost’ under that method, however “lowland fens” are indeed to be lost; several parcels exist on the “route” all within the Coastal Floodplain and Grazing Marsh fields. Parcels are identified in the Phase 1 Habitat Maps (Images 1 and 2).

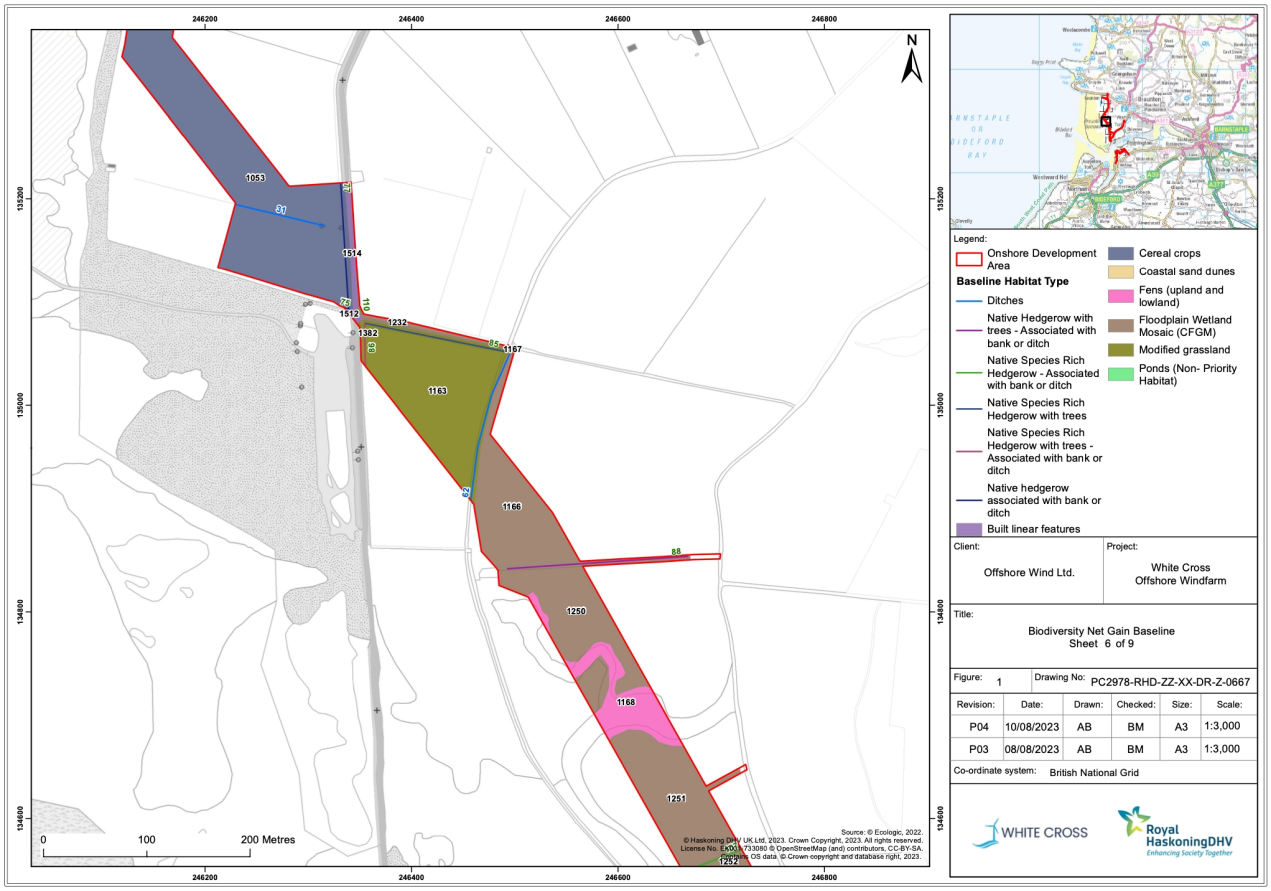


Image 1 “Fens (upland and lowland)” in pink classified by White Cross’s ecologists as being along the route planned to be open trenched. (White Cross 2023).

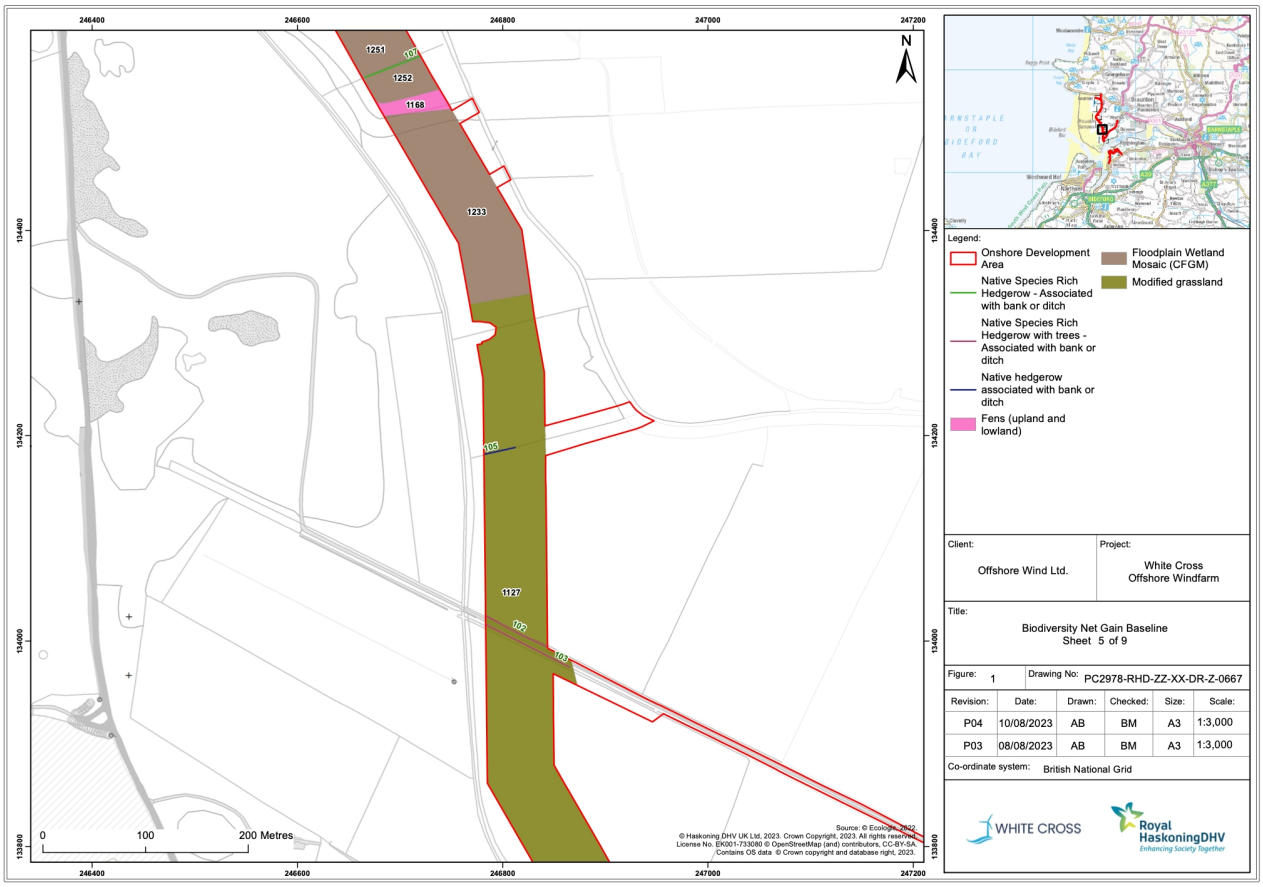


Image 2 "Lowland fens" in pink, identified along the route.

A description of the fen vegetation which informs its designation as "Lowland Fen" is found on page 247 of Chapter 16 (White Cross 2023);

"Fen habitat included horsetail, yellow iris, club rush, hard rush, common reed, typha, meadowsweet, lesser celandine, cuckoo flower, brooklime, common figwort, marsh marigold, creeping willow, grey willow, goat willow and water dropwort."

Lowland fens are one of just 8 habitat types classed as "Irreplaceable" for BNG calculations (JNCC 2008). The proposed plan is to open trench within this area for one (or two cables), insert stabilised sand (a 14% cement to sand mix), in addition to pouring concrete to create "link & joint bays" that measure 20m by 8m in size, buried under the earth with a concrete hatch for access at the top, these are at intervals along the route, locations of which are not within the plans for anyone to give attention to (Whitecross 2023). The result, is that actual space taken up by the proposed route, and the scale of impact on **irreplaceable** habitat cannot be ascertained by this submitted proposal.

Loss of 'irreplaceable habitat' must be avoided where alternatives exist; "development resulting in the loss or deterioration of irreplaceable habitats… should be refused, unless there are wholly exceptional reasons" (National Planning Policy Framework 2012).

It is our opinion that viable alternative routes do indeed exist of a similar length to this one, these alternative routes do not traverse highly distinctive habitats such as those found within the marsh nor result in the loss of "irreplaceable habitat", which could be a contributing feature to habitat ascribed an SAC or SSSI designation.

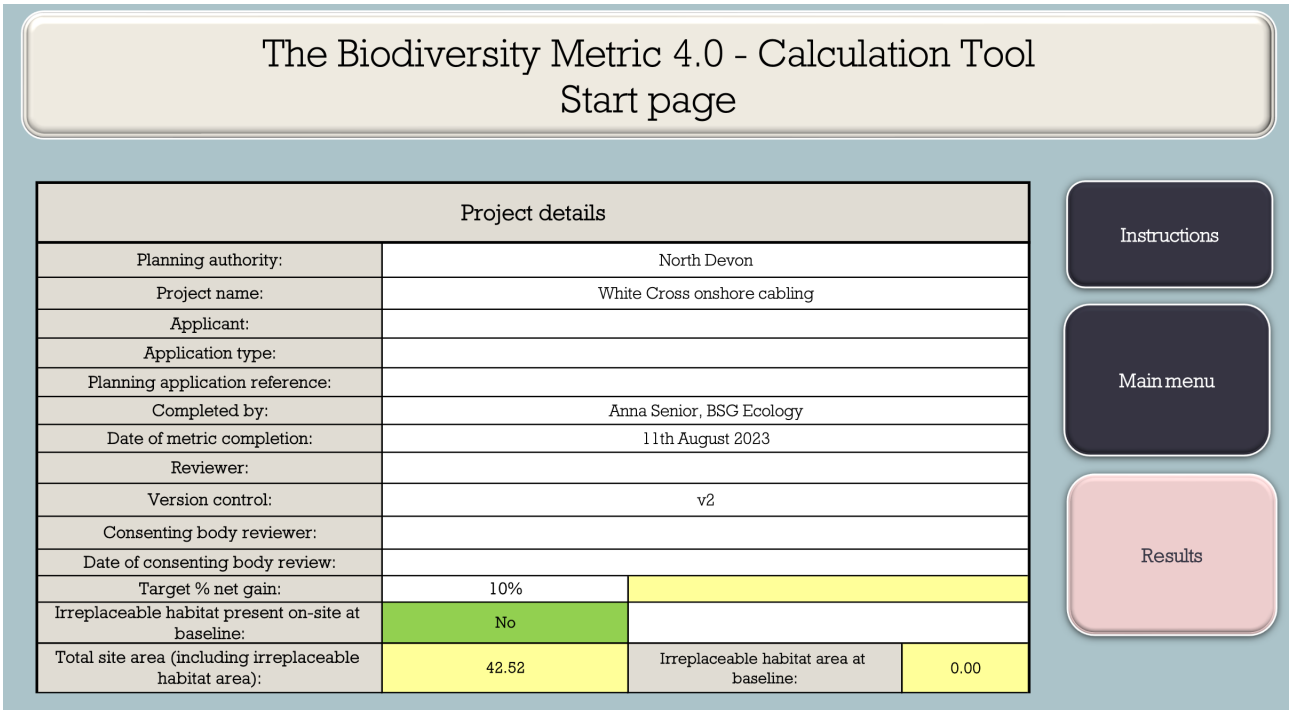
Further to the introduction of mandatory BNG targets within Schedule 7A the following information is given;

“Schedule 7A to the Town and Country Planning Act 1990 (“Schedule 7A”) makes provision for grants of planning permission in England to be subject to a condition to secure that a biodiversity gain objective is met. These Regulations define “irreplaceable habitat” for the purposes of Schedule 7A and modify its application in respect of habitat falling within the definition. The effect of the modifications is that the requirement applicable to developments for which planning permission is granted to increase the biodiversity value of the development by a specified percentage is disapplied. Instead alternative arrangements must be made for the purpose of minimising the adverse effect of the development on the biodiversity of the onsite habitat where that habitat is deemed irreplaceable.” (Biodiversity Gain Regulations, 2024)

Missing “Fens” when determining BNG Calculations

Irreplaceable habitat “Fens” do not feature within the Bio Net Gain Calculations for this proposal and it is not explained why this habitat is excluded from summary or calculations within any document supplied by Whitecross to date. This information should have appeared at the very least in the Chapter 16 ‘Onshore Ecology and Ornithology’ paper from 2023.

“Irreplaceable habitat” is not inputted in the first section of the Metric tool presented in Whitecross’s Chapter 16 paper, (Image 3).


The Biodiversity Metric 4.0 - Calculation Tool
Start page

Project details			
Planning authority:	North Devon		
Project name:	White Cross onshore cabling		
Applicant:			
Application type:			
Planning application reference:			
Completed by:	Anna Senior, BSG Ecology		
Date of metric completion:	11th August 2023		
Reviewer:			
Version control:	v2		
Consenting body reviewer:			
Date of consenting body review:			
Target % net gain:	10%		
Irreplaceable habitat present on-site at baseline:	No		
Total site area (including irreplaceable habitat area):	42.52	Irreplaceable habitat area at baseline:	0.00

Instructions

Main menu

Results

Image 3 The primary page on the BNG calculation tool with “No” inputted into the table to declare that no “Irreplaceable habitat” is present on site prior to development (Whitecross 2023).

In excluding “fens” from the BNG calculation the reader of the proposal does not gain an accurate insight into the baseline habitats present, which is the purpose of the ecological surveys, and the purpose of BNG and survey reports. This exclusion of irreplaceable habitat is contrary to guidance from DEFRA (2) (2024);

You must record all on-site irreplaceable habitats within the biodiversity metric tool by selecting 'yes' on the irreplaceable habitat column. When you do:

- *open the irreplaceable habitats tab*
- *specify which irreplaceable habitat is present*

In the end, BNG calculations cannot be applied to irreplaceable habitat, but the habitat is still required to be recorded. If habitat is not to be lost through the activity on site, it can be shown within the calculations, indeed Whitecross only calculate for a 60% of their working width as being a driver of habitat impact/loss.

"Irreplaceable habitats (as provided for in BNG regulations) are technically very difficult to recreate once destroyed (or recreation would take a significant amount of time). As such, the BNG requirement is disapplied for these habitats." (DEFRA (2) 2024).

The quote directly above has to be taken in to consideration simultaneously with the use of the quote preceding it, these are not exclusive statements but contain advice for ecologists to fairly and accurately represent the baseline habitats found on site. Following this accurate reporting it is up to the LPA, DEFRA and Natural England to negotiate and calculate BNG with the proposer, if its suitable, but in the case of this proposal how can they do this if they are not given accurate representation of the habitats to begin with? It is *only* upon these factual habitat features and the resultant predicted damage/loss calculated that offsetting and mitigation can be considered and discussed.

Conclusion

As "irreplaceable habitat" is excluded at this early stage the site cannot be considered in its real context. The real context of this area is one of highly distinctive and connected coastal marsh habitat, featuring areas of rare and irreplaceable habitat. Habitats are not parcels or units in real life, and the metric tool should not be used to discredit or exclude existing areas of habitat which border others, especially when no discussion or attention is given to those excluded areas that exist within the other areas that have been calculated. This is especially unrealistic when the proposed works is a connected single line, -not parcels of unconnected activity. It is an unbroken line of physical activity moving through a solid connected habitat of varying features, some of which are very rare and thus need representation.

In light of this, we would recommend readers utilise caution and apply great scrutiny to the proposers written text as given in all papers. Further we would like to raise queries of the credulity and the professionalism of the paperwork submitted. Countless errors and contradictions exist within the most basic of sections that need to be accurate and detailed representations of both baseline data and proposed methods of work. There is clearly a misunderstanding of BNG metric tools and the advice from Natural England for its use, and also as evidenced in this paper an inability to deduce information from Phase 1 Habitat Maps, which should be fairly easy for the proposers at Flotation Energy who claim their "entrepreneurial spirit…. provides a space for agile and critical thinking to thrive." (Flotation Energy 2024).

References

Biodiversity Gain Regulations (2024) available here; https://www.legislation.gov.uk/uksi/2024/50/introduction/made (Last accessed 9/8/2024)

DEFRA (1) (2024) *Guidance Irreplaceable Habitats* available here*;* https://www.gov.uk/guidance/irreplaceable-habitats (Last Accessed 9/8/2024)

DEFRA (2) (2024) *The Statutory Biodiversity Metric User Guide* available here; https://assets.publishing.service.gov.uk/media/65c60e0514b83c000ca715f3/The_Statutory_Biodiversity_Metric_-_User_Guide_.pdf (last accessed 9/8/2024)

Flotation Energy (2024) *Our Purpose* available here; https://flotationenergy.com/our-purpose/ (last accessed 9/8/24)

Ministry for Housing Communities and Local Government, (2012) *National Planning Policy Framework* available here*; https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment (Last accessed 9/8/2024)*

Whitecross (2023) Chapter 16 Onshore Ecology and Ornithology - Version 00(1)