

BRAUNTON PARISH COUNCIL



Minutes of the Braunton Parish Council meeting held on Monday 27 January 2025 at 7pm in the Council Chamber, Chaloners Road, Braunton.

<u>Present</u>	Cllrs: M Shapland in the Chair, R Shapland, V Cann, E Blackmore, M Cann, L Childs, T Kirby, R Byrom, G Bell and A Bryant.
<u>In attendance</u>	Officers: T Lovell, Parish Clerk & RFO District Cllr Simon Maddocks 39 members of the public.

Part 1 – Admission of Press and Public

256/2024/25	<u>Apologies</u>	Received from: Cllr Derrick Spear – personal reasons Cllr Liz Spear – personal reasons Cllr David Relph – away
257/2024/25	<u>Items not on the agenda, which in the opinion of the Chairman should be brought to the attention of the Council</u>	The Chairman reminded members that the next Council community drop-in surgery would be held on Saturday 1 February 2025 from 10.30am to 12pm in the Parish Hall.
258/2024/25	<u>Declarations of Interest</u>	Cllr M Cann declared an Other Registrable Interest (ORI) in Minute Ref: 266/2024/25(c), as he is a member of the Saunton Golf Club
259/2024/25	<u>Public Participation</u>	The Chairman proposed and it was unanimously agreed that public participation would be deferred until later in the meeting prior to the Council considering planning application 77576.
260/2024/25	<u>Request for Dispensation</u>	None received.
261/2024/25	<u>Planning</u>	The Chairman proposed and it was unanimously agreed to defer consideration of planning application 77576 to allow discussion to place in the Parish Hall to accommodate the members of the public who may

wish to attend.

(a) 79611

Proposed: Retrospective erection of an agricultural shed and adjacent hard landscaping
Location: Land at Gallowell Lane Braunton Burrows
Braunton Devon
Applicant: Mr Benedict Faulkner

Moved by the Chairman and unanimously agreed to suspend Standing Orders to allow District Cllr Maddocks to speak.

Cllr Maddocks explained that he sits on the Marsh Drainage Board and that it had come to his attention that development had taken place on this land. The Local Planning Authority Enforcement had intervened and the applicant was made to remove one building and a horse box being used as storage.

The retrospective application for the agriculture shed is to reintroduce native birds, grey partridges. These are ground nesting birds and the ground management measures currently carried out by Braunton Marsh landowners will not support ground nesting birds.

Members noted these concerns but as the reintroduction of native birds is not a material consideration in terms of planning it could not be considered.

Moved by Cllr T Kirby, seconded by Cllr G Bell to recommend approval.

RESOLVED: That the Council recommends approval as the agricultural shed is in keeping with other buildings in the area and will be tied to the agricultural use of the land.

(NC)

(b) 79294

Proposed: Variation of condition 2 (approved plans) attached to planning permission 76830 (Variation of condition 2 (plans) attached to planning permission 70637 (conversion of barn to create 5 dwellings and associated parking and garaging) to modify: plot 1 & 2 accommodation, garaging to all plots and site layout)) to allow various design amendments.
Location: Park Farm Lower Park Road Braunton
Devon EX33 2LQ
Applicant: Mrs Caroline Chugg

The Clerk explained that she had contacted the Case Officer for further clarity regarding the reason for the variation and also to request why new information had been posted by the applicant post consultation. At the time of the meeting the Case

Officer had not responded.

RESOLVED: To defer this planning application until a response had been received from the Case Officer.
(NC)

262/2024/25

**North Devon
Council
Planning
Decisions**

79526

Description: Demolish single storey garage and conservatory, and erection of a single storey side and rear extension

Site Address: Vai Hiva Colley Park Road Braunton Devon EX33 2AR

Applicant: Mr and Mrs J Taylor

Decision: APPROVED

Decision Date: 09/01/2025

79513

Description: Notification of works to trees in a conservation area in respect of pollarding back to previous pollard point to reduce overall size together with selective branch reduction of 1x Tullip Tree (T1), pollarding back to previous pollard points to reduce overall size of 1x Ash Tree (T4), crown lifting of 1x Willow Tree and 1x Griselinia Tree.

Site Address: Hills Court North Down Road Braunton Devon EX33 2EE

Applicant: Kathy King

Decision: APPROVED

Decision Date: 10/01/2025

263/2024/25

**Exclusion of
Press and
Public**

RESOLVED that, in view of the confidential nature of the business to be transacted, the following matters be taken in the absence of press and public (Public (Admissions to Meetings) Act 1960) as the items contain exempt information as defined by the Local Government Act 1972 Sch. 12a Pt. (3).

Part II – Exclusion of Press and Public

264/2024/25

**Right of Access
onto Caen Street
Car Park**

Members considered advice from its solicitor who confirmed that the adjacent land owner had no right of access on to Caen Street Car Park.

RESOLVED: That the

- a. Clerk to instruct the Council's solicitor to write to the landowner explaining that they had no right of access on to Caen Street Car Park and request that they remove the opening that they had created.
- b. Council to reinstate its fence which was removed by the adjacent landowner.

- c. The Clerk to email the Local Planning Authority expressing the Council's disappointment that the Case Officer had not taken into consideration the Parish Council's comments when determining planning application 79167.

(NC)

The meeting was adjourned at 7.30pm.

The meeting was re-adjourned at 7.45pm in the Parish Hall.

Part I – Admission of Press and Public

Cllr M Cann declared an ORI as he is a member of the Saunton Golf Club and left the meeting.

The Chairman proposed and it was unanimously agreed to suspend Standing Orders to allow members of the public to speak in relation to planning application 77576.

(NC)

A member of the public continued to express their objections to planning application 77576.

- The proposed application will negatively impact on the North Devon Coast and cross two Marine Conservation Sites.
- It will cause 6km of destructions through the Braunton Marshes using both Horizontal Direct Drilling (HDD) and open-trench methods along the onshore cable corridor route.
- The applicant has concluded that their proposed project will not impact the surf break at Saunton but it will have a significant impact on Braunton.
- The information provided by the applicant is not easy to understand with numerous documents cross referenced. It would appear that the developer is trying to make it difficult for the public to follow.
- The developer is now saying that they don't have to provide Biodiversity Net Gain. The ND UNESCO Biosphere Coordinator will be meeting with the applicant in response to the Biosphere's representation.
- Concerns regarding using the HDD technique in the estuary due to its shallow gravel subterranean.
- The proposal will impact 26 water bodies over a 2km area on the Braunton Marshes which will be at risk of collapsing. The water bodies have

been there for 200 years and are integral to the biodiversity of the Marsh.

- The developer cannot be trusted throughout this whole process they have not taken the development or community seriously.

This is the third round of consultation. The consultation process from the start has been a shambles. The Parish Council were not even consulted during this third round which resulted in the consultation period being extended. The applicant could learn from the Buttercombe Solar Project and treat the community with respect. The developers for the Whitecross Offshore Windfarm has drip fed information to the public instead of being open and transparent like the Xlinks project.

The last consultation resulted in 1,000 objections, 28 in support and 23 comments.

Flotation Energy's Public Engagement Officer when analysing the last round of consultation responses gave a lot spin on the public response. Since this third round of consultation has opened there have been 450 new responses.

This is a poor-quality application, poorly executed with no respect for the community.

How do members of the public apply to speak at the North Devon Council Planning Committee?

We continue to object strongly to this proposal for the onshore cable route. With the exception of bat survey reports for 2024, confirmation that they will not fund an ecology warden and the biodiversity net gain will come with caveats - the additional documentation submitted by the applicant on the 2nd January 2025 does not provide the requested further detail or address concerns about the proposed onshore cable route.

There are numerous and insurmountable issues that this flawed application raises, yet the applicant continues to respond by either cross referencing to previous documents or stating that issues will be addressed post consent. The applicant's responses continue to avoid detailing how their proposals are compliant with planning policies – particularly those in Braunton Parish Neighbourhood Plan.

This current round of consultation is in respect of the applicant's response to specific consultees who are subject matter experts - some of whom have local

knowledge, in respect of environment, landscape and ecology, and whose detailed objections to date are material considerations in the planning decision.

What is clear from reading the applicant's responses is that they are intent on managing away the issues that this proposal raises by stating details will follow post consent, that they will agree to have conditions attached if permission is granted or refer the reader back to the original Environmental Statement documents which prompted the objections.

Provision of detailed documentation post consent will not enable full consideration of the proposed mitigation activities by the individual consultative bodies, nor the considerable cumulative effects that development will have on the landscape and its ecology. These matters cannot be appropriately managed and enforced by planning conditions. The lack of detail needs to be addressed pre determination in order that it can be properly examined by the subject matter experts.

We are very concerned that this lack of detail may have been promoted as acceptable due to the use of the Rochdale Envelope approach that the applicant has justified as being "agreed with NDC during pre-application engagement".

The Rochdale Envelope is designed to allow developers to have greater flexibility in providing detail in respect of designated Nationally Significant Infrastructure Projects. This White Cross application is not.

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

This apparent agreement may account for why this proposal is in effect an outline application establishing the principle of development.

Given the potential impact of this proposal on the Parish an outline application is not acceptable nor is the applicant's stated intent to agree to have conditions that will require them to produce the detailed documentation that they currently have not provided. Without the detail the applicant cannot demonstrate compliance with the Parish Neighbourhood Plan which gives the specificity to the associated Local Plan policies. This application must be refused.

A member of the public questioned why NDC allowed the use of the Rochdale Envelope when this is not a Nationally Significant Infrastructure Project. Were the planners hoodwinked by the developer? Have NDC followed the right procedures to engage this approach.

All operation and maintenance of the project will be in South Wales there are no economic benefits to our local area.

The applicant has been in discussions with Natural England and issues that were a red flag appear to be gradually disappearing. Removing red flag issues one by one does not take into account the cumulative effect across the entire project development area.

Flotation Energy have merged with Tepco Japan's largest utility company worth 940 billion pounds. How can communities fight such large corporations? The community would need to fund a QC/Barrister.

The public thanked the Parish Council for the opportunity to speak.

The Council reinstated Standing Orders.

265/2024/25

Planning

(NC)

(c) 77576

Proposed: Full planning permission for the construction and installation of onshore electrical infrastructure required to export electricity from the White Cross Offshore Wind Farm to the national distribution network; including installation of 132kV underground electricity transmission cable(s) from landfall at Saunton Sands Car park to a new substation at East Yelland. Construction of temporary facilities required during construction to include haul road, vehicular access, compounds, associated works areas and a permanent substation access road. Construction of a new substation under the Rochdale Envelope Approach with additional information regarding architectural form and silhouette, design code, scale and layout, landscaping, lighting, and appearance and materials. Location: White Cross Offshore Windfarm (Onshore Project)
Applicant: White Cross Offshore Windfarm Ltd

Cllr M Shapland thanked the public for their engagement regarding this planning application and asked if any members of the Council wished to speak.

Cllr A Bryant echoed the Chairmans thanks for the public coming along to the meeting. Communities can make change which can have a ripple effect around the World. It's the new Gold Rush out in the Celtic Sea, it should be amazing for local area providing training for future generations but instead its all the corporate people that will benefit. They will wreck our economy and profits from the project will not stay locally. Why can't components be brought by sea why disrupt our ecology and protected areas?

Cllr G Bell predicted that the application would be considered at the North Devon Council Planning Committee in either May or June 2025.

Cllr M Shapland stressed the importance of the Environment Agency's objections including the bat surveys, cable route corridor and loss of habitat. The applicant had disregarded many of these objections including the impact on wintering birds. Once disturbed wintering birds will not come back to the area. The applicant had previously committed to delivering 10% uplift BNG offsite but they now claim they don't need to. The Marsh bank protects Braunton from flooding if this is compromised, we will lose our flood defences. There is no new substantive information provided and the Parish Council's previous reasons for refusal still stand.

Cllr L Childs expressed her gratitude that the Parish Council is lucky to have people in the community with knowledge and expertise in these areas.

Proposed by Cllr M Shapland, seconded by Cllr G Bell to recommend refusal.

RESOLVED: That the Council recommends refusals on the grounds as follows:

There is no substantive new information provided by the applicant in their latest submitted documents on the 2 January 2025.

As previously stated, Braunton Parish Council is fully supportive of renewable energy technology but as this application stands it cannot support the proposed onshore export cable corridor route. It wishes to reiterate its previous reasons for refusal attached as – **appendix one**.

In additional to the Council's previous areas of concern it would also like to make the following representation in relation to this third round of consultation.

The applicant has not provided clear assurances that mitigation measures to reduce the impact of construction lighting on protected species such as the GHB will be sufficient. The applicant in its response to DWT states “Detailed lighting mitigation measures will need to be developed in conjunction with the contractor prior to construction to ensure the above principles are followed. Further details would be submitted to the planning authority for approval.” The Parish Council also raised concerns regarding the inadequate lighting mitigation measures in Appendix O – Lighting impact Assessment. Without this information the Parish Council is unable to assess whether the proposed artificial lighting in these sensitive areas would be harmful to wildlife as set out in Policy BE13 in the BNP and 7(g) in the Parish Design Guide.

The applicant states, “The presence of Birds and Conservation Concern within and adjacent to the Cable Route Corridor will be resurveyed in the pre-construction surveys, as habitat usages may change, and appropriate mitigations managed through application of the CEMP. The applicant claims to be currently engaged in discussions with landowners to develop the mitigation approach and that further details will be provided to NDC in due course. The Parish Council have previously raised concerns regarding the applicant’s failure to demonstrate satisfactory mitigation measures to maintain lapwing and other migratory birds’ important habitat. This latest submission by the applicant still provides no details. The Parish Council is therefore unable to assess whether the proposal would have an adverse impact on the habitat and biodiversity as per Policy NE7 in the BNP.

The Parish Council would like to express its concerns that it is impossible for the Local Planning Authority to consult on this application with the lack of detail submitted by the applicant. The reason for this lack of detail is because at pre-planning stage the LPA agreed with the applicant that it could use the Rochdale Envelope.

The proposed Whitecross Offshore Windfarm project will deliver 97MW which narrowly just missing the threshold to be classed as a Nationally Significant Infrastructure Project (NSIP). This precludes the National Policy Statements from being a material consideration as usually the Rochdale Envelope is only used for NSIP where they will produce more than 100MW.

Regardless of this, UK Government Guidance, Advice Note Nine: Rochdale Envelope (published July 2018) states, “If flexibility is sought then it is

essential that Applicants ensure the following is achieved: that the approach is explained clearly for the purpose of consultation and publicity at the Pre-application stage". The Parish Council would argue that this was not achieved by the applicant. The project description is misleading as it implies that the Rochdale Envelope Approach will only be used for the construction of a new substation and not the entire project development area. Chapter 6 section 6.4 explains that the applicant intends to use the Rochdale Envelopment Approach for all onshore components of their proposal. As this was omitted from the project description the Parish Council would question if the Local Planning Authority were aware of this when it agreed the use of the Rochdale Envelope Approach at the pre-application stage.

How can the applicant sufficiently address the material considerations relating to the environment, ecology and landscape previously raised by statutory consultees when they state throughout their documents "details will be submitted post consent".

The applicant has failed to demonstrate how its proposals comply with planning policy and in particular with the Braunton Neighbourhood Plan.
(NC)

The meeting closed at 9.05pm.

Signed by the Chair:
(Cllr M Shapland)

Date: