

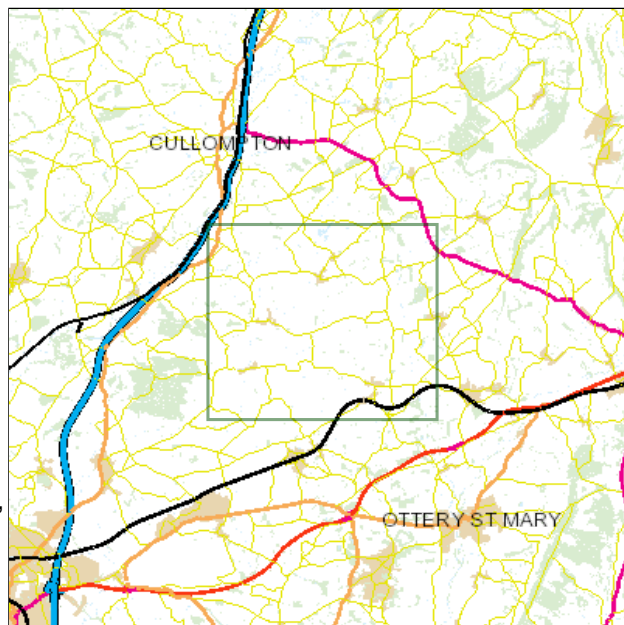
Ward Tale Vale

Reference 21/3120/MFUL

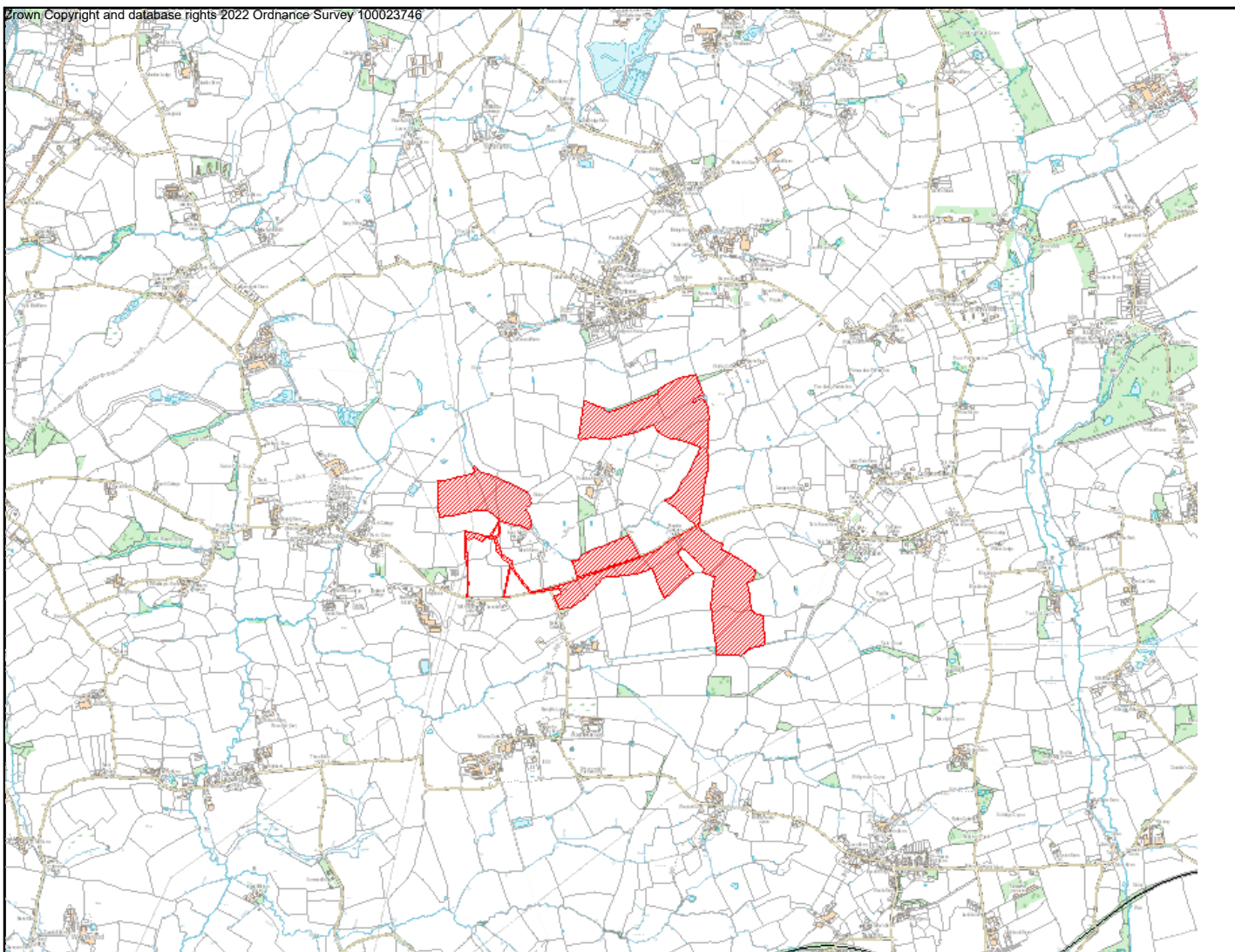
Applicant Lightrock Power Ltd (Mr Christopher Sowerbutts)

Location Land Adjacent To Peradon Farm Clyst Hydon

Proposal Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.



RECOMMENDATION: Approval with conditions



		Committee Date: 26th July 2022
Tale Vale (Plymtree) & Broadclyst	21/3120/MFUL	Target Date: 15.03.2022
Applicant:	Lightrock Power Ltd (Mr Christopher Sowerbutts)	
Location:	Land Adjacent To Peradon Farm Clyst Hydon	
Proposal:	Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as it is a major application, where a view contrary to the recommendation has been expressed by the Ward Member and Parish Council.

Planning permission is sought for the construction of a 49MW solar farm comprising of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 40 years.

This proposal is one of four solar development currently under consideration in this part of Devon, all currently at different stages of consideration. Clearly though, whilst the cumulative impact, if one or more of the other developments was approved alongside this application, is for consideration, the key focus of this report is on the impacts from the proposal at Peradon Farm, and the recommendation relates only to that application.

The application relates an area of land to the east of Clyst Hydon, which is centred around Peradon Farm. The land is agricultural in nature, and the fields are, on the whole, bounded by hedges. There are some copses in the area, in addition to some individual trees. The majority of the land within the site is relatively flat or gently undulating, contained within the Clyst watershed. Although there are some parts of the site which are on modest slopes. Some of the areas closest to water courses within the site are designated as flood zones by the Environment Agency (EA). There are no landscape designations which impact the site. A public footpath and a C Class Road run through the site. The area is sparsely populated, although there are some dwellings in the vicinity of the site, including some listed

buildings. However, these properties do not immediately adjoin the site boundary; on all sides, the site adjoins fields or woodland.

The site was chosen due to the availability of, and an agreed connection to, the grid and due to its accessibility, the agricultural classification of the land, and as the land is not subject to and land designations.

The submitted Land Classification report shows that proposal site consists of land which falls within agricultural land classifications 3a, 3b or 4; with 17% of the site being grade 3a, 69% falling in grade 3b, and 13% classed as grade 4. 1% of the site area was not surveyed in the submitted report, but this constitutes just 0.5 hectare of a 71 hectare site. Grade 3a land is considered to be 'good', 3b land is deemed to be 'moderate', and grade 4 land is poor quality. Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031 (EDLP) states that land within classes 1, 2 and 3a shall be protected, and may only be developed where lower grade land is not available, or where the benefits of a scheme outweigh the loss. The combination of land usage is echoed across the other sites also currently being considered; where the majority of the land in the application boundaries is grade 3b or below.

Some fields contain a mixture of grade 3a and grade 3b land. In the past - most specifically in the approval of application 19/2832/MFUL - the Council's Development Management Committee has been of the view that, it would be impracticable to only develop the 3b areas of a field, but that it is also unreasonable to only allow development on grade 3b land downwards. The same argument is made again, given the small amount of grade 3a land within the application site.

Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. The submitted Design and Access Statement confirms that it is intended to continue using the land for agricultural purposes.

Additionally, as the proposal is to retain the panels for 40 years, it is feasible that the land can be returned for full agricultural use following removal of them. Especially so, as it is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England supports this view in its comments to the Council regarding this proposal.

A critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels. This is recognised in the EDLP, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. Clearly, this does lend some support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether the benefits of the scheme outweigh the temporary and partial loss of the land to agriculture.

The National Planning Policy Framework 2021 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy, with some paragraphs supporting agriculture and others supporting renewable energy. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land and would comply with the NPPF.

Therefore, it is considered that, on balance, there is sufficient policy support for the proposal.

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property. The distance between the various solar developments currently under consideration is such that there would be few, if any, properties, from which clear views of a substantial amount of one or more solar development will be possible.

In terms of the visual impact of the proposal, the existing landscaping, which would be enhanced, is sufficient to ensure that the scheme would not be visually harmful to the area, or users of the public highways and footpaths within the vicinity of the site. From wider views at higher altitudes, it is accepted that it will not be possible to completely screen the development. However, the nature of the proposal layout, and the surrounding landscape, is such that any longer distance views of the development would not be of the whole site at any time. Given that, and balancing the proposal against issues such as the climate emergency, the cost of living crisis and the use of lower grade land, it is considered that the proposal is acceptable in terms of its visual impact.

Similar arguments are made with regard to the potential for a cumulative impact with other proposed solar farms in the area. The nearest of those would be 1 kilometre from the site to which this report relates, so harmful inter-visibility between the sites is unlikely when at any of the sites. From higher locations, the landscape would ensure that developments would be seen within the context of a rural setting.

It is considered that the proposed landscaping, and the distance of the site from them, is sufficient to ensure that the development would result in a less than substantial harm to listed building in the vicinity of the site.

Natural England has confirmed that the site and proposal is acceptable in terms of its impact upon the area and biodiversity.

The proposal is considered acceptable in terms of its impact on heritage, as there are no listed buildings located immediately adjacent to the site. Furthermore, there are none which are close to more than one of the solar developments currently being considered.

The County Highway Authority has considered the proposal to be acceptable from a highway safety impact. Also, there would be limited overlap between the access routes used by construction traffic should more than one of the solar developments currently being considered eventually be approved. This can be controlled through a CEMP.

A CO2 report submitted indicates that the development would offset the carbon emissions caused by it within the first one to three years of operation.

With regards to other key considerations, the relevant consultees have indicated that the proposal is acceptable in terms of:

- Flood risk.**
- Aviation safety.**
- Arboricultural impact.**
- Archaeological impact.**

Given the above factors, which are reported in full detail in the main report, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Clerk To Clyst Hydon Parish Council

Background Information

Clyst Hydon is a small parish situated in East Devon. It is mentioned in the Domesday Book along with the hamlet of Aunk which indicates that it has been a settlement for over 2000 years. The field boundaries within the Parish have fundamentally been the same for hundreds of years. Farming and working of the fertile land has up until now been the main occupation within the Parish, should the planning proposal be constructed this will end. The parish will become mainly an industrial site producing electricity for the cities.

If this planning application is imposed on the parish it will impose the biggest change within the parish since the ice age. Although the actual planning application spans three parishes, Payhembury, Plymtree, and Clyst Hydon all the construction and maintenance traffic, storage and services will be served through the centre of Clyst Hydon parish and not the other two parishes.

The recent planning application is of an industrial scale in terms of size, 70.4ha. The majority of parishioners are supportive of the principal of solar energy but are strongly opposed to the destruction of fertile farmland to install the Solar panels instead of using local Industrial or Agriculture buildings. Government policy seems to be out of step with public demand and the change in lifestyle induced by the Covid 19 pandemic;

where green areas have been shown to be vitally important to improve mental health and wellbeing.

The Parish Council Concerns

Clyst Hydon Parish Council has consulted with its Parishioners and as a result has a number of major objections to and concerns about this Planning Application.

Production Efficiency

We question the validity of the calculations to estimate the number of houses that can be served from this one 174 acre Solar Farm. In winter and at night when it is dark the Solar farm will not produce any or much energy. Using formulae supplied by Dr Phil Bratby of CPRE it can be shown that the developers claim an exaggerated figure and they report their supply as a number of homes to end up with a higher number, for the proposed site 15,000 homes. This is a theoretical maximum for the size of the solar arrays. However using the correct equation to calculate capacity the figure comes to 8,874 homes.

Capacity Calculation

Total capacity (power) is 49MW. The typical capacity factor for a solar farm in the SW is about 10%, so the average power is about 4.9MW. Over a year (8,760hours) the electricity (energy) produced is therefore 42,924MWh. The latest data I have to hand for homes in East Devon (2019) is an average consumption of 4,837kWh per year. This would then mean that the solar farm could supply the equivalent of 8,874 homes. Using this practical capacity figure means that the overall CO2 saving is reduced by 41%.

Clyst Hydon Parish Council request that the developers produce a full carbon (CO2) saving assessment before agreeing to the development based on the actual production figures not the theoretical maximum yield.

So to be clear the 15,000 home claim is materially inaccurate due partly to the capacity factor.

For example: On January 3rd 2022 a private solar array based in the village produce zero electricity all day due to the thick cloud cover.

Although for the purposes of planning financial capability is not our concern we would argue that the benefit to the community at large is.

We believe the data supporting this application is flawed and over optimistic. It is not simply that this solar Installation will produce energy at the times when it is least required, summer and middle of the day but the fact that the energy production forecasts are based on an unachievable theoretical maximum.

The parish Council therefore object to the planning proposal on the grounds that the green credentials (CO2) reduction has not been adequately calculated to prove the project is carbon saving.

Traffic

Within the planning application all the construction traffic, delivery lorries, quarry lorries will be directed through the centre of Clyst Hydon village. This will mean they will have to pass over our listed single track grade 2 listed bridge over the river Clyst and right past our primary school. Where there has always been congestion at the beginning and end of the school day and the pupils regularly walk across and along the road over the narrow bridge to access the cricket pitch for games, during school hours. There is also a school coach that takes students to and from Cullompton every day, turning just beyond the Old Post Office and almost opposite to one of the proposed site entrances. It is not just school student that regularly walk the route proposed by the contactors for all their vehicles, but there is also regular pedestrian traffic through the full length of the village, from Marsh Cross to the Village Hall and pub. The route is very popular with cycle clubs from as far away as Sidmouth and horse riders use the route from the stables based in the centre of the village.

The road condition is currently poor with many pot holes and local repairs. The proposed massive increase in usage by heavy weight lorries can only increase the speed of the roads deterioration.

If this planning application is imposed on the parish we would request that due to potential Health and safety concerns that the 20mph speed limit that the Parish Council had previously requested is imposed. At least for the duration of the solar farm build. It is simply a neglect of responsibility to wait for a fatality before imposition.

The parish Council therefore object to the planning proposal on the grounds that the increased traffic volume, mainly of large HGVs, is

- 1) A danger to the village primary school students and other pedestrians, cyclists and horse riders.
- 2) The damage to the road surface throughout the village.
- 3) Potential damage to the villages Grade 2 listed bridge.

Listed buildings

The proposed site is close to several listed buildings namely Marsh Farm, Inner Marsh Farm, Barretts Cottage, Half Acre Cottage, Farranthayes Farm and are of significant important to both their Owners and the Nation. In neighbouring Mid Devon a similar planning application has recently been refused and 1 of the reasons stated was the visual impact the development would have on a single listed building, namely Langford Court. The proposed site would surround 2 listed buildings Marsh farm and Inner marsh farm and be close to 3 other listed properties.

Should the solar farm be constructed it is imperative that the views from these properties must be preserved at all cost. Any intrusion on their amenities would be against national planning provision. We therefore ask the planning department to ensure that any development has an agreed screening proposal in place as a legal standalone document. The Parish Council would ask that it was involved in the legal process.

The parish Council therefore object to the planning proposal on the grounds that the proposed development is detrimental to the maintenance of 5 listed dwellings.

Access

There are two specified points of entry from the council road to the construction area. If this planning application is imposed on the parish; the Parish Council would insist that the entry point near the Old Post Office and close to Irelands have a pre agreed time window of operation. After which the contractor returns the entry sites to as they were before their conversion for site access; as both entry points are close to residential properties.

Impact on the Landscape

Section 15 of the NPPF-2021 is titled 'Conserving and enhancing the natural environment'. It states that " Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes....
- b) recognising the intrinsic character and beauty of the countryside...."

The East Devon Local Plan 2013-2031 conforms to the NPPF-2021. It states that East Devon will "conserve and enhance its outstanding natural environment". Strategy 46 (Landscape Conservation and Enhancement and AONBs) states that "development will only be permitted where it conserves and enhances the landscape character of the area and does not undermine the landscape quality". Strategy 7 (Development in the Countryside) states that "Development in the countryside will only be permitted where it would not harm the distinctive landscape". Strategy 39 (Renewable and Low Carbon Energy Projects) states that renewable energy or low-carbon energy schemes will be supported where the applicant has "taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm"

The proposed solar farm, of area of 70.4ha (174 acres), is over four times the minimum size of a Very Large solar farm and thus the proposal would have a huge impact on the key characteristics and qualities of the landscape.

The proposal would not conserve or enhance the local areas valued landscape, nor would it recognise the intrinsic character and beauty of the countryside. Thus the proposal conflicts with the NPPF-2021, and with Strategy 7 (Development in the Countryside), Strategy 39(Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013- 2031.

A comment from a parishioner should make those making the decision take time for reflection; "What would councillors in the centre of a city think if there was a planning proposal to remove 174 acres of houses, shops, offices, roads etc., and turn it in to agricultural land?"

He thought they would think someone was having a laugh. This development is proposing to turn an area larger than the combined built up area in the parish and turn it in to an industrial site. So what is the difference?

The parish Council therefore object to the planning proposal on the grounds that the scale of the proposed development is contra to EDDC and National planning guidelines.

Footpaths

To ensure there is no potential contrivance of Public access due to this planned development the Parish Council request a full written report from the Devon Country Footpath Officer. As custodians of public rights of way, the Parish Council, ask that suitable screening such as coppices of trees are planted to ensure the foot paths keep their rural nature.

Community Fund

There is currently no proposal for the developers to contribute to a local community fund. However, in a recent approved planning application at Litchardon Cross near Barnstable in North Devon a community Fund was offered, supported by a legally binding contract, for monies to be paid, index linked, for the duration of the operation of the site. The capacities of the North Devon and the one proposed here in East Devon is identical. The Parish Council would ask EDDC Planning Dept. to assist the Parish of Clyst Hydon and the two adjoining Parishes to help set up this type of Community Fund. It would require the Community Fund to be Legal condition of planning enforceable by Law.
https://www.solarpowerportal.co.uk/news/aura_power_gains_planning_permission_for_50m_w_north_devon_solar_farm

Request for Section 106

Should EDDC planning department approve planning application 21/3120/MFUL for a Solar farm the Parish Council request that EDDC prepare a section 106 to be attached to the planning permit covering the following items:- If the planning application 21/3120/MFUL is granted the parish council request that a section 106 is produced for the developers to undertake at their expense covering the following points:-

- Before commencement of work a comprehensive carbon assessment is prepared taking in to account the following points:-
 - “ The CO2 released during production and transport of the panels
 - “ The CO2 released during the production of the required infrastructure, e.g.; steel production of frames and fences, aggregate mining, concrete production etc.
 - “ The CO2 released during construction, mainly from the large number of diesel journeys.
 - “ The CO2 released during decommissioning of the site.
- Before commencement of work a comprehensive traffic management schedule is prepared by Devon Highways, to take into account of
 - “ Village Primary School drop off and collection times

- “ Agricultural vehicle requirements at peak harvesting times
 - “ Parking for residents in the centre of the village
- Following erection of the Solar Farm the roads on the route of the construction traffic are inspected by Devon highways and made good of all potholes and other wear and tear created by the construction traffic.
- Ditches alongside the roads are cleaned from any debris/ land fill caused by construction traffic. · All biodiversity proposals are fulfilled.
- Screening of the Solar Farm and all related structures is implemented to minimise visual impact from roads, footpaths and residential properties.
- Construction is undertaken using methods that minimise impact on soil, water and vegetation.
- Wildlife corridors are provided where continuity of historic hedgerows are broken.
- After the time of the project (40 years) all the land is returned to agricultural use and not converted to a brownfield site, by:-
 - “ Removing all site components, including but not exclusive to; solar panels, frames of the solar farm, all hard core, sunken piles, fencing, lighting and CCTV posts and equipment, substation buildings and foundations.
 - “ Replacement of soil with agricultural grade top soil.
 - “ Make good all land drains.
 - “ Replant any breaks in hedgerows created during construction or maintenance of the farm.
 - “ Following removal of the Solar Farm the roads on the route of the construction traffic are inspected by Devon Highways and made good of all potholes and other wear and tear created by the construction traffic.
 - “ Ditches alongside the roads are cleaned from any debris/land fill caused by construction traffic.

Irony

EDDC have insisted that the Village of Cyst Hydon is unsustainable, yet the Parish now finds itself having to defend itself against industrialisation of its rural landscape.

Footnote

Clyst Hydon Parish Council would like to appeal directly to its elected Councillors and East Devon District Council. It cannot be fair, by any measurement, for a developer to spend many months preparing an application on 150 acres of Agricultural Farmland to then submit a Full planning application just before Christmas leaving a matter of weeks over a national Bank holiday for Full perusal and comments. Fortunately an extension was applied for and granted by EDDC.

Conclusion

Clyst Hydon Parish Council Strongly objects to the proposal to build a 49MW Solar Farm in the Parish on the following grounds.

1. The development will destroy the rural community that has evolved in the Parish over more than 2000 years.
2. The green credentials (CO₂) reduction has not been adequately calculated to prove the project is carbon saving.

3. The electricity production has not been calculated so the benefit analysis cannot be determined.
4. The parish Council therefore object to the planning proposal on the grounds that the increased traffic volume, mainly of large HGVs, is
 - a) A danger to the village primary school students and other pedestrians, cyclists and Horse riders.
 - b) The damage to the road surface throughout the village
 - c) Potential damage to the villages Grade 2 listed bridge
5. The parish Council therefore object to the planning proposal on the grounds that the proposed development is detrimental to the maintenance of 5 listed dwellings.
6. The parish Council therefore object to the planning proposal on the grounds that the scale of the proposed development is contra to EDDC and National planning guidelines

Clerk To Payhembury Parish Council

Payhembury Parish Council have arranged a public meeting with LightRock Power to take place on 21st January. LightRock Power will be presenting and explaining their planning application to the people of Payhembury parish and answering questions.

Therefore, please can we request an extension to the end of January to respond to this planning application to give us time to hold this public meeting and to process the feedback from it.

Payhembury Parish Council object to planning application 21/3120/MFUL for the construction of 49W solar farm on land adjacent to Peradon Farm, Clyst Hydon and ask East Devon District Council Planning to refuse permission for the planning application.

The key areas of concern are:

- o Loss of quality agricultural land
- o Lack of demonstrable socio-economic benefit and impact on existing businesses and tourism
- o Misleading figures for production efficiency and site capacity
- o Contrary to guidelines
- o Scale of this proposal and the other two proposals very nearby
- o Likelihood and scale of further potential developments in the wider Clyst Valley if these developments are permitted

Loss of quality agricultural land

According to the applicant's own agricultural survey 17% of the land earmarked is grade 3a (good quality), 69% is grade 3b (medium quality) and only 13% is grade 4 (poor quality). 87% of the land is therefore acknowledged by the applicant to be land of an agricultural standard capable of producing moderate to high yields of a wide range of crops. The recent pandemic and the effects of Brexit have shown that the UK needs to ensure its ability to continue to produce sufficient food and crops. It therefore makes no sense to remove quality agricultural land from food production just to enable the production of green energy, when alternative sites are available. The production

of solar power is better served by placing solar panels in areas that are not valuable for other purposes, eg on rooftops of buildings.

Lack of demonstrable socio-economic benefit and impact on existing businesses and tourism

The development of a solar farm on this site will lead to the loss of local farming jobs and their associated skills. Although a few new jobs to support the solar farm may be created these are unlikely to be suitable for local people. The result will be an increase in unemployment in the parishes affected and an increase in the number of car journeys for people travelling to work at the solar farm from outside the area (which is against EDDC guidelines). The solar farm will bring no income to the parishes, but lead to a reduction in income to business already there, for example in the reduction in tourism. Holiday lets, B&B's, local pubs etc will suffer as fewer people will want to visit or holiday in an area overlooking a solar farm. The impact of potentially three solar farms in close proximity is likely to have a very serious impact on the appeal of the area for holiday makers and the outcome will be that local businesses see a reduction in visitors and therefore these businesses may eventually fail and increase local unemployment further.

Misleading figures for production efficiency and site capacity

1) the proposal states the solar farm has a capacity of 'up to 49MW', suggesting that this is considered the peak generation rate, which is assumed to be at midday in mid-summer with cloudless skies. Therefore, at all other times the production would be less than this. It is therefore misleading to use this figure of 49MW to calculate any quantities of carbon dioxide offset or number of houses to be powered. The applicant should be requested to provide more meaningful 'average' production figures to be used in these calculations and to show how that varies across an annual cycle. It would also be useful for the applicant to provide projections for what proportion of the year would fall below 10% of peak production and when that would occur, so that it can be demonstrated whether the power is being produced when it is needed.

2) A full lifecycle carbon audit, including manufacture, transport, installation, use and disposal of the solar panels and associated infrastructure and support needs to be provided by the applicant, together with a validated estimate of total energy production over the lifetime of the facility, taking into account degradation of the panels over time and the anticipated climatic conditions over the next forty years. It is anticipated that this will show that the true figures will be substantially less than the unsubstantiated carbon offsetting claims included in the current proposal.

Contrary to guidelines

1) The development of this site as a solar farm would encourage travel from place of residence to place of work for any new jobs created, which would be in contradiction to EDDC sustainability objectives.

2) The proposal would not conserve or enhance the local areas valued landscape, nor would it recognise the intrinsic character and beauty of the countryside. The proposal therefore conflicts with the National Planning Policy Framework (NPPF) 2021

and with Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013- 2031.

3) Recent Government papers including, but not limited to, the Energy White Paper (2020), The 10-point plan for a Green Industrial Revolution (2020) and the Net Zero Strategy: Build Back Greener (2021) all stress the need for renewable green energy but not at the expense of the environment they are trying to protect. Solar power from roof-tops is encouraged by the Government.

Scale of this proposal and the other two proposals very nearby

Three separate solar farms are being proposed by different developers all within a few miles of each other. Each of these proposals is huge, in each case just below the size required for it to be considered as a Nationally Significant Infrastructure Project (NSIP) within England and Wales. Combined the three proposals cover an area of more than 450 acres, all within a small area of East Devon. The close proximity of these three proposals will multiply the adverse impact on the local area and its economy.

Likelihood and scale of further potential developments in the wider Clyst Valley if these developments are permitted

The three current solar farm proposals have all selected land that is close to a specific high-capacity line with links into the sub-station at Broadclyst. The Parish Council has the following questions for EDDC Planning:

- 1) what is the total capacity of the sub-station at Broadclyst?
- 2) what is the current capacity used at the sub-station at Broadclyst (ie how much spare capacity is there)?
- 3) how many more ~50MW solar farms could the sub-station support?

If any or all of the current proposals are given the go-ahead and there is spare capacity at the Broadclyst sub-station, then it would seem likely that other solar farm proposals would also be given the go-ahead if they were applied for. Consideration needs to be given to the precedent that would be set by approving any of these three applications with regard to future applications and the impact on the wider Clyst Valley.

Payhembury Parish Council support green renewable energy sources, but believe that this proposal will not deliver what has been claimed, will have an overall detrimental effect to the area and that there are better alternatives for producing the green renewable energy that is required. The Parish Council asks that East Devon District Council Planning refuse permission for this planning application.

Clerk To Payhembury Parish Council

Payhembury Parish Council's comments on the amended planning application 21/3120/MFUL

There are now four solar farm planning applications being submitted in close proximity to each other, covering an area approaching 600 acres of farmland - Langford,

Paytherden, Horton and Half Moon. Three of these are in the East Devon and one in Mid Devon and each of these is being submitted by a different applicant. Each will be considered as a stand-alone application, however the impact of all four, so close together, will be huge.

Only two of the planning applications have so far been submitted formally, but East Devon District Council planning department will be aware of the other impending two applications. Payhembury Parish Council ask that East Devon and Mid Devon planning departments work together to assess the overall impact of all four applications before making a decision on any of them. Allowing any one of the applications would set a precedence to allow others to be approved and the impact of so many potential solar farms in such a small area would be immense. The loss of so much good-quality farmland, the impact on tourism, the impact on local job opportunities in farming, tourism and other areas would be devastating. The parishes of Payhembury, Clyst Hydon, Plymtree, Talaton and Whimble are small and would be hugely adversely affected by these proposed developments.

With regard to the amendments put forward by LightRock Power to planning application 21/3120/MFUL, Payhembury Parish Council feel that these amendments are only minor cosmetic tweaks to the original planning application and that they do not address the fundamental concerns that the Parish Council raised back in January 2022.

Payhembury Parish Council therefore continue to object strongly to this planning application.

Parish/Town Council

Plymtree Parish Council submits the following response to the planning application 21/3120/MFUL - Land Adjacent To Peradon Farm Clyst Hydon

With apologies for the lateness of the response due to the Parish Council not being quorate and then needing to seek local feedback.

PC response: Object

The Plymtree Councillors are aware that there are strong feelings against this development in the village. In particular

1. It is not in a development area as defined in the local plan;
2. There are concerns with the electricity generation figures quoted with the 10% load factor;
3. There are several similar applications in the area, which if approved would have a significant negative visual impact;
4. Loss of farmland and impact on biodiversity;
5. The potential for considerable disruption to the local area with poor roads, which already suffer from mud, potholes and flooding.

Should the Planning Authority be minded to grant the application the following comments should be noted:

1. Permission should only be granted for the stipulated duration, i.e. 40 years and only for the express purpose stated, in the application;
2. No permanent change of use should be considered. At the end of the stated period the land should automatically revert to its current status of agricultural land and all equipment suitably removed without detriment the land;
3. No additional land owned by either the current applicants or other landowners be considered for future development with respect to ground-mounted solar pv panels or similar technologies;
4. That wildlife is considered and prioritised when deciding whether to grant or deny the applicant permission;
5. This application does not set a precedent for future, similar developments.

Clerk To Talaton Parish Council

Talaton Parish Council objects to proposal 21/3120/MFUL Construction of 49 MW solar farm on land adjacent to Peradon Farm, Clyst Hydon.

Comprehensive reasons for objection have been laid out eloquently and succinctly in other responses. In particular, we associate with and support the objections laid out by CPRE Devon and Tom Devine amongst others. Rather than repeat those arguments in our submission we shall emphasise the specific concerns raised at our Parish Council meeting on the 5th January 2021 when this proposal was discussed, with many local residents present.

1. Access of Construction Traffic To The Site

The initial routing plans via Talaton were demonstrated to be completely unfeasible as recognised in the applicant's proposal. The alternative proposed routing via Clyst Hydon is similarly completely unfeasible with the same challenges as presented for large industrial vehicles driving through Talaton present for those same vehicles driving through Clyst Hydon. We are concerned that if the proposal is approved then there will no way of enforcing the routing of vehicles which will still attempt to come through our village especially if, as we suspect, the route through Clyst Hydon will prove to be equally impractical. There is also no routing plan for the staff mini-buses which are planned to make a large number of journeys.

It must be recognised and accepted that the transport infrastructure in ours and adjoining Parishes of narrow lanes which are in constant need of repair with existing traffic loads cannot cope with the traffic associated with the construction of, what would be, a major industrial facility in the middle of the Devon countryside. If this proposal is approved we can expect this traffic will cause further damage to our local roads leading, ultimately, to increased costs to the local taxpayer.

2. Loss of Quality Agricultural Land

Food security is as important as energy security for the UK. Energy generation can occur in a wide range of environments - food can only be produced on quality farmland. For every acre of farmland that is taken out of production, more food will need to be imported into the UK with the associated transport carbon emissions. The site in question is, according to the applicant's own commissioned agricultural survey, 69% Grade 3b land and 17% Grade 3a land. Only 13% of the land in question is classified as Grade 4. The applicant's statement in section 3.1.1 of their Design and Access Statement that the land "is of lower agricultural land quality...predominantly Grade 3b (moderate quality) and 4 (poor quality) soil" is completely misleading and counter to their own submitted agricultural survey. This leads us to question the veracity of all other information presented in the applicant's proposal.

3. Scale of Proposal and Impact on Countryside

This is not a "solar farm" - this is a proposal to construct a major industrial facility in the middle of the Devon countryside covering 70 hectares of which over 40 hectares will be covered in 2.5m high solar panels, alongside 21 inverters, substation facilities, access tracks, fencing and "temporary" storage compound. The topography of the site and local area means this will be visible from our Parish. It is notable that the application states that there will be "limited or negligible views into the Site from Plymtree, Clyst Hydon, and Higher and Lower Tale" but does not mention Talaton in this regard.

4. Lack of Demonstrable Benefit

The only "benefits" associated with this proposal is the generation of "up to 49MW" of renewable electricity. Noting that the proposal specifies only a generation rate, rather than a generation quantity in MWh, suggests that the 49MW is the peak generation rate at midday in mid-summer in cloudless skies. It both misleading and meaningless to apply that figure to suggest any quantity of carbon dioxide would be offset or any number of homes would be powered by this facility. As has been pointed out in other submissions, the applicant needs to provide a full lifecycle carbon audit including manufacture, transport and disposal of the solar panels and associated infrastructure; and provide a validated estimate of total energy production over the lifetime of the facility taking into account degradation of the panels over time and the anticipated climatic conditions over the next forty years. Once that assessment has been done we suspect that the true figure will be far short of the unsubstantiated carbon offsetting claims included in the proposal.

Clerk To Clyst St Lawrence Parish Meeting

As a consultee Clyst St Lawrence Parish Meeting objects to proposal 21/3120/MFUL Construction of 49MW solar farm on land adjacent to Peradon Farm Clyst Hydon.

Key areas of concern put forward by local residents include:

1. Loss of farmland. This country needs to maximise its green spaces in terms of food production. There is a concern that any loss of farmland would have an incremental negative effect on other land use.

2. Visual amenity impacts: in particular in conjunction with the Clyst Valley Regional Park. Quoting from the Clyst Valley report <https://eastdevon.gov.uk/media/3722704/cvrp-masterplan.pdf> "The landscape around the villages of Clyst Hydon, Clyst St Lawrence, Aunk and Westwood is very intimate. There are thatched cottages and Barton farms, and beautiful, tranquil river valleys. There is great potential for more natural habitat here and throughout the river system, and for greater public access along the footpaths that link up the villages." Also "The master plan will be a material consideration in assessing planning applications within the Clyst Valley Regional Park policy boundary." Part of the plan is to provide spaces for nature to thrive and move. Given its proximity to Ashclyst Forest and other plan areas there is concern that this proposal could have a detrimental impact on the aims of the Clyst Valley Regional Park.

3. Construction traffic. Construction traffic is an issue that needs wider consideration and would require an extensive mitigation plan as the proposal would disrupt local traffic over a long period and will increase the use of other less suitable roads as existing traffic will seek alternative routes or be diverted. The impact on Clyst St Lawrence - and increased danger from traffic to residents - is evident from recent road closures in Clyst Hydon for utility repairs. Mitigation should also take into account that the same roads may be used for similar construction traffic for another Solar scheme near Whimble for which planning is expected to be sought imminently.

4. Archaeology. This has largely been covered in the county archaeologist report but there is a concern that the installation of deep piles to support photovoltaic units in the areas of the site where there were finds, especially around the exploratory trenches 8, 9, 10 and 13,14,15 could damage/destroy valuable archaeology. Deep pilings in these areas of the site should be avoided.

5. Impact on wildlife. There is a concern that the installation of deer fencing would have an adverse impact on wildlife corridors - for example the herd of deer lead by a locally-well-known white stag which roams the area.

Further comments:

I refer to your recent communication relating to a revised application in respect of proposal 21/3120/MFUL Construction of 49MW solar farm on land adjacent to Peradon Farm Clyst Hydon. As a consultee Clyst St Lawrence Parish Meeting objects to the proposal. Key areas of concern as put forward in our earlier response of January 14th still remain.

Broadclyst - Cllr Eleanor Rylance

I am in two minds about this application.

On the one hand, with a looming climate crisis and growing uncertainty of fuel supplies, it is imperative that as a country we produce as much power from renewables as we possibly can. On that basis I utterly support renewables per se.

However, Clyst Hydon is a very small community that lives on farming, hospitality and tourism, and being a rural idyll for people working from home and those who commute alike.

There are very real concerns among the people of Clyst Hydon that a solar farm on such a scale would completely dwarf their community and produce only negative effects for them.

-Traffic is one such concern. How would construction site traffic access the site along tiny medieval sunken roads bordered by hedges, round very tight bends, and over weak bridges? What controls would be in place to stop such traffic from passing the village primary school? There are no street lighting and no pavements in Clyst Hydon- people walk everywhere on the road. Many cyclists and runners use the roads about the village because they are relatively quiet and free from traffic.

-Another concern is the loss of visual amenity. People are concerned at the visual effect on them and on their businesses of very tall fencing and ugly site offices in the landscape.

-A third concern is the loss of good farmland in a village economy that relies very heavily on farming. They do not think that traditional farming is possible beneath PV arrays and that the farmland would suffer badly, and degrade. They believe that PV arrays should be fitted to every roof of every new house in East Devon- effectively not removing twice as much good farming land from the food chain as is strictly necessary to produce the houses needed.

-A fourth concern is the loss of habitat and damage to the environment that covering tens of acres of farmland would represent. In particular people are concerned about damage to trees and hedgerows, and disruption caused to existing wild animal habitats.

In summary, much of the community of Clyst Hydon, whilst being generally supportive of renewables, feels very threatened by this project. They perceive that they will have little to no say in shaping any such scheme, endure only negative effects from its construction and presence, the loss of the peace and enjoyment of their environment that brings tourists to Clyst Hydon's various holiday lets, B&Bs and pub and absolutely no benefits would come to them. These are very real and legitimate concerns which I believe should form part of your decision-making.

20/01/2022

Tale Vale – Councillor P Skinner

Dear Planning West Team

I am responding to the planning application of the solar farm application at Peradon Farm, Clyst Hydon.

Where do we start.....

I have followed this application now for several months and seen and been aware of the views of many.

I feel I need to be proactive in my response to pull in the understanding of many whom feel this application is going to be a blight on the landscape v the green energy agenda of which I believe we all 'buy in to' its just a case as to where and on what scale.

This is a huge subject of which there is lots of information culminating from both sides of the debate.

Rather than fall in to the trap of each and every argument I feel I am going to be brief.

The conclusion I have come to is to ask for a DEFERMENT of this application for the very simple reason that I cannot support this application in isolation to the other applications in this relatively small area.

We have (including the Mid Devon application, which has just gone to the planning Inspectorate on the 14th, June) which is adjacent to this site and the other 2 sites which have now been validated as I speak, approximately 600 acres of farmland...with more potentially on the way, this cannot be either right or proper without a considered opinion of discussing these sites as a collective and not as individual sites on a first past the post system....I cannot except this as an acceptable approach to planning.

I firmly believe that the reasoning behind this approach is that we face an impasse between I and many others wanting to very much support green energy but we must take on the size and scale of what is for all intense and purposes the industrialisation of green farmland in the countryside.

I am convinced that we as a planning authority must consider all of these applications viewed through the prism of the collective, so as to manage the size and scale from a 'best option' outcome.

The other huge issue and why I have left my deliberations so late in the day is the 'ever moving' political sand as to which these planning policies are built.

Since the inception of this scheme Russia has invaded the Ukraine and food security is 'punching its weight' on the political spectrum again....we need to understand the ever emerging food strategy so as our decisions are well informed and we deliver the long term outcomes for the benefit of all.

I am fully aware of a letter that has been sent to Michael Gove's office to ask for some guidance just at a time when I do believe the sand is likely to shift again...but we must have the overarching strategy and I will not support an application by application approach when quite clearly we need to just draw breath with an overall green energy plan.

I will have much more to add to the planning meeting, so my comments are 'just for starters'.

Technical Consultees

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 BACKGROUND

2.1 Location and access

The site is situated south of Plymtree and east of Clyst Hydon in East Devon and is centred around Peradon Farm. Proposed access is from various points off Tale Lane, a minor county road which crosses the site in an east-west direction, via existing field gates or access tracks.

2.2 Proposals

The proposal is for the construction of a very large scale solar farm and associated infrastructure including solar arrays, inverters, substation, access tracks, security fencing and cameras and mitigation planting. The application site extends to 74Ha over 20 fields of which, 42.4 Ha will be covered with solar panels over 18 field parcels. Of the remaining two fields, one (to the south of field 1) will accommodate the proposed substation in its northwest corner and the other (field 19) will be used as a construction phase compound.

Solar panels will be mounted on screw or mini piles orientated to the south at a fixed angle of 20 degrees to the horizontal. They will be arranged in rows 3.2m apart and will stand some 2.5m high at their highest side.

The substation will contain plant up to 6m high and the surrounding fenced compound will have an overall footprint of 25x62m (refer application dwg. GCS0019-1 Rev 3). An inverter will be provided within each field parcel. These are to be housed in shipping style containers measuring 6x2.4x2.6m high, standing on concrete plinths.

Security fencing will generally comprise 2m high deer netting mounted on timber posts. Security cameras mounted on 2.5m high columns are proposed at 70m intervals around the perimeter of fields containing solar arrays. 2.4m high welded mesh panels are proposed around the substation.

Electrical connections from the outlying fields to the substation are proposed to be undergrounded.

2.3 Site description and context

The site comprises agricultural land, predominantly improved grassland with some arable, within a gently rolling landform ranging between 44 and 65m AOD. A knoll to the east of the main farm complex, topped with pines along its southwest-northeast running ridge, is a prominent local landmark. The application site is somewhat dispersed and forms three distinct groupings comprising fields 4-11 to the northeast, fields 12-20 to the south and southeast and fields 1-3 to the west. These are arranged in a broken circle around the main farm complex and adjacent knoll in a wide arc extending clockwise from the north through to the northwest.

Landform varies within some field parcels and generally across the site. Field parcels 11, 15, 17, 18 19 and 20 are essentially flat. A low ridge runs north-south through the middle of fields 1 and 5 with ground sloping gently to east and west either side. Field parcels 2 and 3 have a gentle northeasterly slope. Field parcel 6 slopes gently to the northwest, while field parcels 8 and 10 have a relatively steep slope in the form of a natural amphitheatre with an overall southeasterly aspect. Field 16 rises gently to a

central highpoint. Ground levels drop relatively steeply to the northwest and southwest from a high point mid-way along the eastern boundary of field 13.

Local landscape character and scenic quality.

The western field parcels and land to the north and south have a more open and intensively farmed character, while the eastern field parcels are more enclosed by landform and vegetation.

Fields within the site and surrounding landscape generally range in size from medium to large with a mix of irregular and straight boundaries, mostly comprising mature hedgebanks or hedgerows. Hedges are generally dense and close cut to about 2m height. Many of the hedges have trees growing within them including mature oak with some ash and there are several tree lines and scattered copses around the site which include, poplars, non-native pines and other conifers. These provide a degree of screening and help to define the site extent within the surrounding landscape.

Apart from the small villages of Plymtree and Clyst Hydon, nearby settlement is limited to the hamlets of Lower and Higher Tale to the east, Little Silver and Aunk to the south and occasional scattered dwellings and farms. The village of Talaton is situated on a low ridge 1.5m to the south. Two overhead 132kV power lines cross the western part of the site in a north-south direction. Otherwise the site and surrounding landscape is undeveloped and tranquil with a strong rural character.

Scenic quality varies across the site with the knoll to the east of Peradon Farm being particularly attractive. Scenic quality is lower in the western part of the site due to the more open and intensively farmed landscape and the prominence of HV power lines.

There are views from the site southwards to Talaton, (particularly from fields 8, 13, 14 and 16) and extending to high ground at Rockbeare Quarry 5.5km distant. Lower and Higher Tale are visible from the eastern and southern field parcels situated on a low ridge 600m to the east, with the Blackdown Hills AONB visible beyond on the far horizon 4.5km distant. The southeastern edge of Plymtree is just visible from field 6, 400m to the north. To the west, a north-south running ridge from Ashclyst Forest to Langford, 2.5-3.5km distant, is visible from most of the site and forms the western horizon. There is a clear view southwards across the western site area from the Langford Plymtree road down to Little Silver.

The knoll at Peradon Farm which is publically accessible affords views over much of the site to the east and southeast as well as fields 4 and 5 to the north.

There is no public access within the site application area apart from Plymtree/ Clyst Honiton footpath 8 which crosses fields 4 and 5 (currently a single large field). However, a number of surrounding footpaths provide opportunities for views over some of the field parcels, particularly Plymtree/ Clyst Hydon footpath 8, which passes over the knoll to the east of Peradon Farm affording views over field parcels to the northwest, east and south. Clyst Hydon footpaths 7 and 8 afford views over the southern field parcels and the proposed substation. There is a view over the southern site fields from a very short stretch of Clyst Hydon footpath 12 (refer Appendix A, fig. 1).

Tale Lane affords views over the southern fields to either side of the road on the approaches in both directions, through adjacent field gates and occasional glimpsed views over/ through adjacent hedgebanks. Fields 8 and 10 are also likely to be visible in glimpsed views from the eastern approach due to their sloping southeasterly aspect.

There are a number of residential properties which have views over parts of the site particularly properties at Higher and Lower Tale, Little Silver and Peradon Cottages. A limited number of properties on the northeastern edge of Clyst Hydon may have views over field parcel 1 and similarly few to the southeast side of Plymtree over field 6.

While it is difficult to pick out the site from publically accessible locations within Talaton, it is likely that the solar arrays will be visible from a number of dwellings within the village.

There are also occasional longer distance views from higher ground below the ridge to the west, such as the minor road leading down from Paradise Copse to Clyst Hydon in which fields 1, 4, 5, 13, 14, 18 and 20 are visible. (refer Appendix A fig. 2).

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and Visual Impact Assessment (LVIA)

Methodology

The methodology at section 3 is appropriate and clearly described.

At section 3.7.1 it is noted that desk study and field work were undertaken in September 2020 and July 2021. At these times trees and hedgerow would have been in full leaf. There does not appear to be any reference in the LVIA to, or allowance for, increased scale of visual effect during the 5-6 month winter period when vegetation is not in leaf. Contrary to GLVIA 31 guidance (para. 6.28) and EDDC pre-application advice, the assessment of visual effects appears to be based on a best case summer-time scenario. Consequently during the winter months effects are likely to be more severe than stated.

Planning policy and guidance

Section 4 sets out relevant planning policy and guidance. The list of relevant EDDC Local Plan Policies at section 4.2.1 should have included policy TC4 - Footpaths, Bridleways and Cycleways which states

'Development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Footways and routes for pedestrians and cyclists within and through new development schemes will be encouraged. These measures may include both shared and exclusive surfaces to provide safe, convenient and attractive routes, and must be designed to take account of the needs of persons with restricted mobility. Wherever possible the opportunity should be taken to join, upgrade and extend existing or proposed networks.

Development which would result in the loss, or reduce the convenience or attractiveness of an existing or proposed footpath, cycleway or bridleway, will not be permitted unless an acceptable alternative route is provided.'

The list of references at section 4.3 - Local Guidance - should have included Devon Landscape Policy Group Advice Note 2 Accommodating Wind and Solar PV Developments in Devon's Landscape, LUC 2013. Also of relevance are Mid Devon DC SPD- Solar PV developments in the Landscape, LUC 2016 which covers. Although the site lies outside the study area 50% of landscape character type 3E, which is assessed in detail in the study lies within East Devon and covers the entirety of the site. The Killerton Setting Study, LUC 2013 is also of relevance, although this confirms that the site lies outside of the landscape setting of the Killerton Estate.

Baseline assessment

Section 5.3 describes the review process of the computer generated zone of theoretical visibility (ZTV) where development may be visible and the establishment of an actual zone of visual Influence (ZVI) around the site where development would be visible. Both are illustrated in figure 4 of the Assessment. This shows the ZVI tightly drawn to within some 300m of the site boundaries and excluding Clyst Hydon and Plymtree. My winter field visits suggest that this should be extended to the eastern edge of Clyst Hydon and southeastern edge of Plymtree. Furthermore there is likely to be a second band of visual influence particularly from the Talaton/ Westcott ridge to the south and higher ground below the Ashclyst to Langford ridge to the west from which noticeable visual effects may arise.

In view of comments above regarding winter assessment and the limitations of the ZVI, further consideration is needed in respect of visual effects on receptors on the edge of Clyst Hydon and Talaton, and on high ground towards Ashclyst/ White Down, which are dismissed at section 5.6 as being negligible.

Section 5.4 of the LVIA deals with landscape character by reference to published National, county and district character areas/ types. However, in accordance with GLVIA 3 para. 5.16 a local landscape appraisal and analysis of the site and its immediate surroundings should have been included, noting any variations across the site and variance from published assessments.

Proposed development

Section 6.1 states that the solar panels are non-reflective. However, this is contradicted at section 6.3.1 which quotes reflectance values of 5-30%. Reflection effects of solar panels are considered in DLPG advice note 2 which states at para. iii) p36 - 'Solar panels on mass tend to reflect the sky - for example on a sunny day they can appear blue while on a cloudy day they can appear a metallic grey - this can make them stand out from their landscape context.' Clarification should be provided based on manufacturer's data for typical percentage reflectivity of the proposed solar panels. It would also be helpful to know whether panel reflectivity is likely to be comparable to nearby pv installations such as Winham Farm.

The fourth paragraph of section 6.1 states that a 2m high welded steel mesh with steel posts will be provided around the perimeter of the solar farm. This is contrary to what

is stated in the DAS and the submitted fencing detail which is for 2m high deer netting on timber posts and this apparent contradiction should be clarified.

Effects on Landscape Character

The assessment of effects on landscape character identifies large scale adverse impacts on the application site itself and medium scale adverse effects within the identified ZVI.

At para. 7.2, the overall assessment of effect on the Clyst Lowland Farmlands DCA and LCT 3E is stated as moderate to slight. This is based on an assessment of sensitivity as medium to low contrary to advice in 'Solar PV developments in the Landscape' which assesses the sensitivity of LCT 3E as at least medium and potentially high for very large PV schemes. In considering the magnitude of effect on this DCA and LCT, the assessment of extent is based on a range of 300-600m between the site boundaries and the identified ZVI. However, this overlooks the fact that the site is very extensive and should itself be included in the calculation of extent. On this basis the extent of effects covers an area approximately 2.48 x 2.7km, and in accordance with the given methodology should be considered intermediate, resulting in at least a medium magnitude of effect. Allowing for a medium sensitivity and medium magnitude of effect, the overall effect of the development for this LCA and LCT should be considered to be at least moderate adverse on completion.

The LVIA considers that effects on other LCAs/ LCTs are negligible, however, there is likely to be some adverse effect on LCT 1E: wooded ridges and hill tops to the west of the site which should have been considered further.

Effects on visual receptors

The assessment of visual effects considers effects on residents, road and rights of way users within a number of receptor group areas. This approach misses a number of receptors outside of these areas such as residents of Little Silver and users of Clyst Hydon footpath 7 to the north of this who will have views of the proposed substation area which have not been considered.

As noted above, the ZVI appears to have been drawn too tightly. Figures 1- 3 in Appendix A of this report provide a better indication of the extent and degree of visual impact on likely visual receptors.

Additionally visual receptors should be considered on higher ground to the west and south west of Clyst Hydon for example in the vicinity of Hoop Farm and on the minor road to the southeast of Sherway Farm.

In a number of instances I consider the scale of visual effects will be greater than stated in the LVIA. This is likely to be due at least in part to my wintertime site observations. Differences in the scale of visual effect between the LVIA and my field observations are summarised in the table below:

****See scanned document on documents tab for table****

Viewpoint photography

Contrary to advice in GLVIA3, LI Technical Guidance Note 06/19 and EDDC pre-app advice, all photography has been taken in summer with trees and hedgerow in full leaf. It is likely that in most instances winter conditions will reveal more of the site than visible in the summer photographs. Examples of corresponding winter photographs taken during my field visits are given in Appendix B.

A 28-80mm zoom lens was used for LVIA photography. Technical Note 06/19 advises that a fixed lens should be used with 50mm (or equivalent) focal length. This may explain some of the apparent differences in scale between the LVIA photographs and my photographs at Appendix B.

Photographs accompanying the LVIA are presented in a variety of formats with horizontal field of views ranging from 40-270 degrees. Panoramic views are presented on separate A3 sheets with up to four sheets per view. In most instances this is unnecessary. The range of image formats and number of pages generated makes reviewing cumbersome and particularly difficult for those without training or the necessary printing equipment to comprehend. For example the essence of the view from VP2 could easily be captured in a single frame image as shown in Appendix B fig. 3, possibly supported by a smaller panoramic image to provide context. Similarly with VP 7.

For viewpoint E the photograph occupies only a quarter of an A3 page which greatly underrepresents the likely scale of the site. This together with the poor image quality makes it difficult to pick out any detail such as the many pylons in the scene. A winter time view at A3 size is included for comparison at Appendix B together with an illustration of the potential visibility of the proposed solar farm, which could be extensive from this location.

Visualisations

Visualisations are helpful in understanding the extent of infrastructure in selected views. A concern in the representations is that in all instances panels are rendered a uniform dark grey. The reality is likely to be that there will be a variation of colour and reflection across the arrays and that they will frequently appear much brighter and more conspicuous in the landscape. The visualisation rendering should be adjusted to better illustrate this.

Cumulative effects

The cumulative assessment notes that there is very limited potential for inter-visibility between the application site and proposed PV sites at Langford solar farm to the north or Horton solar farm to the south. This is accepted but there is some scope for both the application site and Horton solar farm to be seen together from viewpoints on high ground to the southwest and similarly to the northwest in respect of Langford solar farm. In accordance with guidance given on DLPG advice note 2: Accommodating Wind and Solar PV developments in Devon's Landscape a cumulative ZTV should have been provided. It is, however, accepted that these other sites may not come forward and their consideration is somewhat speculative.

Mitigation

Proposed mitigation measures are considered as part of the overall scheme proposals and described in general terms at section 6.3 of the assessment. Mitigation proposals

are indicated on the LEEP plan. However, further consideration should be given to field specific measures to address particular effects identified. In a number of instances there is scope for additional mitigation that would help to reduce the visual impact of the proposals, such as appropriate planting along the boundaries and within the field containing the proposed substation, and closing off the field access gate to field 20 with hedging to screen views in from Tale Lane.

Proposed orchard planting to the west of field 20 would provide only limited screening of the developed fields to the east. A woodland planting mix would provide a better screening effect that is arguably more in keeping with landscape character in this instance.

Due to limited space allowed, proposed mitigation orchard planting along the right of way between fields 4 and 5 is more likely to end up as a fruit tree avenue than a traditional orchard.

Some consideration should have been given to the impact of mitigation measures on the wider landscape and views, particularly from the increase in hedge heights which are characteristically maintained low as noted in relevant LCA/ LCT descriptions.

It should also be noted that successful establishment of mitigation measures is dependent on good implementation and subsequent management as well as various environmental factors, and as such there is always some uncertainty as to their effectiveness.

3.2 Landscape and Ecology Management Plan (LEMP)

At section 3 management objectives - Objective 1 should include for additional tree planting within or adjacent to existing hedgerow to enhance biodiversity value and improve screening. Objective 2 references the creation of new permissive access routes. Details of these should be provided.

The 3rd bullet point of objective 6 states the retention of at least 20m wide footpath corridors either side of PROW to minimise any perceived channelling. This is contradicted at the 2nd para. of section 4.3.1 which stated the PROW corridor between fields 4 and 5 will be 15 to 20m wide. The PROW corridor shown in the Landscape and ecology enhancement plan (LEEP) scales 20m wide between proposed fence lines. The intended width should be checked and amended as necessary so as to be consistent.

Para. 4.3.2.1 describes woodland creation measures. Stated planting densities are considered to be too low and should be increased to 2.5m centres for large tree species and 1.5m centres for woodland edge mix planting.

At para. 4.3.2.2 Structure planting and hedgerow enhancement – management prescription for existing hedges are to cut on a 3-5 year rotation. However, notes on the Landscape and Ecology Enhancement Plan (LEEP) shows most hedgerow is to be maintained at 2-3m height which, given the existing cut height of approximately 2m, would require them to be cut annually.

Hedgerow management should be based on a detailed hedgerow condition survey and management plan identifying areas for gapping up and providing a rotational cutting sequence and indication of maximum intended size and cutting height/ width for each hedgerow. Where necessary cutting frequency (eg along road frontages) may need to increase to prevent encroachment over the highway. Management should be in accordance with the Hedgeline - hedge management cycle and include for cyclical laying where basal growth becomes leggy.

In para. 4.3.2.3 - Traditional Orchards - proposed fruit trees are stated to be planted as half standards on MM106/ St Julien A rootstocks. These typically result in bush trees with a mature height of 2.5 -4.5 metres which is uncharacteristic of traditional Devon orchards and unlikely to provide adequate screening of adjacent solar arrays. Where proposed, fruit trees should be supplied as full standards on traditional, vigorous rootstock.

It is noted in the LEMP that there will be three orchard areas between fields 4 and 5. These appear on the LEEP to be limited to narrow, short strips within the margins to the north and south of field 4 where they will have limited impact.

In para. 4.3.2.4 proposals for establishment of 48Ha neutral grassland within fields 'under and around solar arrays' appears unrealistic. It is unclear if this is intended to be carried out prior to erection of the panels or after. If the former, the ground will be subject to disturbance during construction, if the latter it will be very difficult to access beneath the panels to undertake ground preparation and seeding. In any case it is most unlikely that any grass type will develop a good sward in the heavy shade and dry conditions beneath the panels. As noted at section 3.3 below, successful species rich grassland establishment also requires low soil fertility and this also needs consideration. If, as seems likely, establishing neutral grassland is not possible beneath the solar arrays this is likely to have a significant reduction in the bio-diversity net gain calculation for the development.

Further detail is required of proposed species rich grassland establishment methods to demonstrate that they are viable.

Section 5 - Management programme

Management operations should include mulching and weed control during the establishment period. Allowance should also be made for annual replacement of new planting and grass areas that dies, is diseased or failing to make satisfactory growth within the first five years following completion of planting works.

Checking of fencing should include ensuring that proposed small mammal gates are clear of obstruction and working effectively.

Detailed planting plans, schedules and specifications for ground preparation, plant supply, sowing and establishment of wildflower/ tussock grassland areas, mulching, means of tree/ shrub staking, protection and 5 year maintenance schedules should be required by condition should the application be approved.

Proposals in the LEMP for provision of interpretation boards around the site seem unnecessary given that PV farms have been around for some time now and are

familiar to most people, while existing and proposed habitat adjacent to public rights of way is of rather limited biodiversity interest.

Consideration should be given to transferring management responsibilities for the LEMP, together with an appropriate commuted sum to cover the cost, to the parish council, wildlife trust or other locally accountable body, as experience of other sites suggest that management prescriptions are not followed with a resulting failure to achieve the expected outcomes.

3.3 Ecological assessment

The ecological assessment states that the development proposals will result in a 22.9% biodiversity net gain for area habitats and 1.79% for hedgerows based on DEFRA Biodiversity Metric 3.0. However, this includes the establishment of 48.1 Ha of neutral grassland for the entire area within fenced solar array enclosures. As noted at section 3.2 above, ground beneath the solar panels is likely to be too shady and dry to support healthy plant growth and a dense sward can only realistically be expected to develop in the aisles between panels. On this basis, as the panels themselves occupy 52% of available field area the maximum area of neutral grassland that can be expected to be created would be 23Ha.

Details should be provided of phosphate testing results within each field parcel, as species rich grassland is unlikely to develop in soils with a phosphate index greater than 1, due to competition from more vigorous grasses. In areas where the phosphate index exceeds 1 the area of species diverse grassland creation used in the net gain calculations should be further reduced accordingly.

3.4 Detail Plans

3.4.1 Landscape and ecology enhancement plan

The western boundary of field 1 is presently open and will require new hedgerow and tree planting rather than management of existing as indicated on the plan. Similarly the southwestern boundary of field 11.

The proposed orchard area to the western end of field 20 will provide limited screening in views from the west and would be better planted as woodland.

Mitigation planting is required in/ around the field hosting the substation. This would be a better location for orchard planting within the field with additional native tree planting within the southern boundary hedge to help screen the substation from the footpath and properties at Little Silver to the south.

A typical field planting plan should be provided to show in detail the extent of reseeded within the perimeter enclosure and proposed marginal tussock seeding, location of security fence in relation to field boundary hedgerow and means of access for maintenance.

Detailed planting plan(s) and specifications will be required to cover new tree, hedgerow and scrub planting and wildflower/ tussock grassland.

3.4.2 Access tracks

Detail construction drawings are provided for new access tracks. Dwg SD-09 rev. 01 shows a tarmac roadway and dwg. SD-06 rev. 01 shows a self-binding gravel track. It is not clear from the site layout plan where the two different surfacings will be provided and this should be clarified.

Both drawings give minimum path width dimensions. Maximum widths should also be confirmed.

Discharge of surface water run-off from paved surfaces also needs to be considered, particularly in respect of proposed tarmac surfacing, and details should be provided by condition should the application be approved.

If the plans were to be approved as proposed then the route of the existing PROW between fields 4 and 5 should be surfaced, as the confined path corridor will concentrate footfall to a narrow line that is otherwise likely to become poached and muddy in winter, much as the adjoining path section to the north.

3.4.3 Security fencing

It is not clear what the minimum offset will be between the proposed field security fencing and the adjacent boundary hedges. This should be confirmed.

Details of proposed access gates including location and design and any associated signage should also be provided.

3.4.4 Cable routing

Proposed underground cable routing is indicated to some degree on the Site Layout and Landscape and Ecology Enhancement plans but the information is too faint to be fully legible. A separate plan showing all cable routing should be provided. Details should also be provided of how cables will be taken through hedgebanks and any associated hedge/ tree impacts. Cabling details could be provided by condition should the application be approved.

4 LANDSCAPE AND VISUAL EFFECTS

As noted at section 3.1 above the assessment of landscape and visual effects are considered to be greater in a number of instances than indicated in the submitted LVIA particularly in respect of the impact on the host Landscape character area and type and also in relation to identified viewpoints.

Overall the proposals are likely to cause some harm to local landscape character and to views from local rights of way which could be reduced by reducing the extent of proposed development.

As indicated in figs. 1-3 in Appendix A below, landscape and visual effects are likely to be much greater for some fields than others. Field 4 and the western side of field 5 are of particular concern due to their proximity to and visibility from footpath 8 and also in the wider landscape. Field 8 has particular prominence in views from Higher and Lower Tale and Tale Lane and development on the higher parts of field 13 will be difficult to screen. These areas should be removed the scheme and further consideration given to mitigation measures that could reduce landscape and visual effects on the remainder of the scheme.

5 GREEN INFRASTRUCTURE CONSIDERATIONS

Overall the habitat enhancement proposals appear rather piecemeal and poorly thought through with regards to establishment of species diverse grassland.

There is an opportunity to create a significant wildlife corridor along the watercourse between the northeast corner of field 1 and northeast corner of field 20 utilising leaky dams, and where possible natural regeneration, to create a mosaic wetland habitat which could greatly increase biodiversity and provide landscape character enhancement. It may be better to focus on this and elsewhere to limit species diverse grassland creation to field margins.

There is also opportunity for improvement of existing woodland/ copses particularly the low quality coniferous plantation to the south of Peradon Farm.

The limited extent and location of proposed orchards in vicinity of fields 4 and 5 will make an insignificant contribution to landscape character or mitigation of development impacts and should be further considered. The proposed orchard to the west of field 20 would be better planted as a native copse. As noted above, the field in which the substation is proposed would be a good location for a new orchard which would screen it from receptors identified to the south.

Consideration should be given to creation of a permissive footpath route linking Clyst Hydon footpaths 5 and 7, following the water course between, to provide community benefit and help compensate for adverse impacts on rights of way elsewhere.

In a number of places where narrow gates or styles provide access for path users between fields eg along Clyst Hydon footpaths 7/8, ground in winter is very muddy and localised surfacing/ drainage improvements should be carried out to improve accessibility.

6 CONCLUSIONS & RECOMMENDATIONS

6.1 Acceptability of proposals

On the basis of the details submitted the scheme is likely to give rise to adverse landscape and visual effects that will harm local landscape character and adversely affect amenity of local public rights of way. As such the proposals should be considered contrary to following local plan policies:

Strategy 39 - Renewable Energy, item 1 due to the harm it will cause to local landscape character

Strategy 46 - Landscape Conservation and Enhancement – item 2 due to undermining of landscape quality

Policy TC4 – Bridleways footpaths and cycle routes – due to a loss of amenity particularly in respect of Plymtree footpath 8.

However, subject to a reduction in the scale of development by removal of those parts that have highest landscape and visual impact and better provision for mitigation as outlined above, proposals could be considered acceptable.

6.2 Landscape conditions

In the event that satisfactory amended information as noted at section 3 above is secured and approval is granted, the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:
 - a) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - b) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland habitats.
 - c) Details of proposed colour finishes to inverter housings.
 - d) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - e) Details of proposed drainage to deal with surface water discharge from proposed trackways and hardstandings.
 - f) Notwithstanding the submitted LEEP a detailed hedgerow management plan shall be provided. This shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgelink - hedge management cycle ,any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency.
 - g) A detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation and any tracks and hardstandings which are to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.
- 2) The works and subsequent management shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan.

See scanned document under documents tab for appendices

Further comments:

There is no intervisibility between any of the sites that I have been able to identify.

I think Marsh Green is too far to the west and separated by landform and vegetation to be visible in any views with any of the other sites.

It may be possible that the Horton and Peradon sites can be seen in glimpse views from some locations on the eastern edge of Ashclyst and the minor road running between Clyst St Lawrence and Paradise Copse. Both sites may be visible also in a gateway view from the minor road to the north side of Rockbeare quarry.

There is also a point on the northwestern edge of Plymtree where a glimpse view of both the Peradon and MDDC site may be obtained.

Historic England

Thank you for your letter of 25 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The application is for a solar farm located around Peradon Farm, situated to the east of Clyst Hydon and to the south of Plymtree. To the north of the site is Plymtree Manor. Built in the early 18th century, it has a substantial seven bay brick façade with classical detailing including two striking ionic pilasters extending 2 floors articulating the central bay. Due to Plymtree Manor's more than special architectural and historic interest the property is listed at grade II*.

Plymtree Manor falls within the ZTV of the proposed solar, is located approximately 600m from the site's boundary, and as shown from VP4, on elevated ground above the site.

The house is set within formal gardens to the east and although this appears to be relatively contained, its wider landscape setting is defined by its strong agricultural character.

The site has not been the subject of a thorough assessment through the Heritage Impact Assessment, being scoped out at an initial stage due to intervening trees, buildings and topography. The council need to ensure that they are confident that the proposed development will not result in harm to the significance Plymtree Manor derives through its setting. The council may wish to seek further information to support the assessment, such as visualisations and viewpoints, to satisfy themselves of the potential impact of the proposals, fulfilling the requirements of Para 194, NPPF. If any impact is identified then the council will need to consider whether there are any opportunities by which this impact can be avoided or minimised (Para 195, NPPF) and any remaining harm should be consider in line with Chapter 16, NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the solar array on the significance of the grade II* listed Plymtree Manor as derived from its setting. The council need to be confident that the impact on Plymtree Manor is fully understood in order to satisfying the requirements of Para 194, NPPF and where necessary ensure that opportunities are taken to avoid and minimise any harm that may be identified (NPPF, Para 195).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Reference: Historic England (2015) Farmstead Assessment Framework Informing sustainable development and the conservation of traditional farmsteads.

Further comments:

Thank you for your letter of 7 April 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England provided advice on the proposed solar farm around Peradon Farm in a letter dated 14th February 2022. This set out concerns regarding the impact of the development on the grade II* listed Plymtree Manor, which is only 600m away from the boundary of the proposed site and falls within the ZTV. In our response, we highlighted that the council needed to be confident that sufficient assessment had been undertaken to ensure that the proposed development would not result in harm to the significance of the asset as derived from its setting. The amended information has provided no further assessment on Plymtree Manor and therefore it is not clear what the level of impact might be and if there are opportunities by which to avoid and minimise any potential harm (NPPF, Para 194 and 195). Therefore, the points raised in our previous response remain extant and this letter should be read in conjunction with that earlier correspondence.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the solar array on the significance of the grade II* listed Plymtree Manor as derived from its setting. The council need to be

confident that the impact on Plymtree Manor is fully understood in order to satisfying the requirements of Para 194, NPPF and where necessary ensure that opportunities are taken to avoid and minimise any harm that may be identified (NPPF, Para 195).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Conservation

CONSULTATION REPLY TO

PLANNING APPLICATION AFFECTING HERITAGE ASSETS SETTING.

21/3120/MFUL

Land Adjacent To Peradon Farm, Clyst Hydon

Proposal: Construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development.

Background

An archaeology and heritage desk-based assessment (DBA) was prepared in November 2021 by AB Heritage Archaeology Consultancy (AB) to support the application which comprises a site that covers a total area of 64.6 hectares. The identified site is split into three areas encompassing pastoral fields, located south and west of Peradon Farm, straddling either side of Tale Lane.

Due to the character of the landscape and potential for built heritage within the area, a scoping exercise within a 5km radius of the site was undertaken, which identified 247 designated heritage assets within the study area. However the majority of these heritage assets are not inter-visible from the site and their settings will remain unaltered as a result of the proposal, these assets have therefore not been considered as part of the assessment.

Those heritage assets that do have inter-visibility and considered at risk of potential harm as a result of the development have been identified as;

- o The non-designated Inner Marsh Farm, located c. 300m to the west of the site of the proposed substation;
- o The Grade II Listed Outer Marsh Farmhouse, located immediately to the south of the cable route and c. 200m from the west end of Area 3;
- o The Grade II Listed Farrantshayes Farmhouse & Courtyard of Farm Buildings c.250m to the south;
- o The Grade II Listed Cottage called 'Barrats', situated c. 110m to the south of Area 3; and

- o The non-designated Peradon Farm c. 180m to the south-west of Area 1.
Assessment of Harm

Due to the nature of the proposal there will be no physical intervention into the built fabric of the identified buildings. The following assessment of harm has therefore focused on setting and the contribution this makes to the significance of the identified assets, this includes the context in which they are experienced.

In this respect Policy 206 of The National Planning Policy Framework (NPPF21) has been identified and provides the criteria on which the potential harm to the identified settings have been assessed; Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

For ease of reference the identified heritage assets have been addressed in turn, following a similar sequence to the accompanying AB report.

Inner Marsh Farm - non designated heritage asset

Inner Marsh Farm is identified as a non-designated heritage asset, that has been subject to much reconstruction work following a fire in the 1980's (AB report), which has resulted in the loss historic fabric that contributes to the built significance. Notwithstanding these restoration works, the historic footprint which is identified as a loose courtyard planform continues to contribute to the significance of the asset through setting, as it allows for an understanding of the historic relationship between the farmhouse and the visual character of the wider landscape.

The identified historic footprint is primarily characterised by single or double yards flanked by buildings and is mostly associated with arable farming which in this instance, is supported by the surrounding character and appearance of the agricultural landscape and to the understanding of the context in which Inner Marsh Farm as a non-designated heritage asset is experienced.

In this respect, the inter-visibility between the farmstead and wider landscape is of value. However wider views of the landscape are limited to the confines of the farmsteads immediate setting, as a result of the presence of dense vegetation within the surround.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal is mostly indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Inner Marsh Farmstead.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Marsh Farm - Grade II listed (Outer Marsh Farmhouse)

Marsh Farm is a Grade II listed building of high aesthetic, historic (illustrative and associative) value, once associated with a regular courtyard planform footprint arrangement commonly associated with livestock farming. However the historic farm buildings that supported the farmsteads historic function within the landscape have subsequently been removed, which has resulted in the heritage asset now representing itself as a farmhouse with little built context.

The inter-visibility between the farm and wider landscape, in a similar manner to Inner Marsh Farm is limited to the confines of the immediate setting as a result of the presence of dense vegetation within the surround. Although there would be inter-visibility with the solar panels in views south-east of the farmhouse this visual harm is proposed to be mitigated through a planting scheme to provide additional screening. In conclusion, the impact of harm on the setting of Marsh Farm as a result of the proposal would be mitigated by additional planting.

Farranthayes Farmhouse & Courtyard of Farm Buildings - Grade II listed

Farranthayes Farmhouse and stead is Grade II listed of high aesthetic, historic (illustrative and associative) value. The planform originally associated with the stead was a double yard rectangular courtyard, the eastern part of the yard now removed. However the remaining footprint continues to hold value in that it contributes to the understanding of the historic functional relationship between the built form and the wider landscape.

The historic footprint is primarily characterised by formal courtyard layouts, where the barns, stables, feed stores and cattle shelters are arranged around a yard and carefully placed in relation to each other. Further supported by the surrounding character and appearance of the landscape, which is considered to make a valuable contribution to the understanding of the context in which Farranthayes Farmhouse and Courtyard as a designated heritage asset is experienced.

The inter-visibility between the historic courtyard and wider landscape and proposal, is limited as a result of a linear arrangement of later buildings sited to the north within the immediate setting.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal in a similar manner to Inner Marsh Farm is indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Farranthayes Farmhouse and Courtyard.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Barratts Cottage - Grade II

Originally two cottages now amalgamated. A standalone dwelling not directly associated with a historic farmstead or agricultural planform, its aesthetic and historic

value is therefore mostly found in its vernacular construction and appearance set within a domestic curtilage within a wider agricultural landscape.

The inter-visibility between the cottage and the development, in a similar manner to identified farmhouses and associated steads, is limited to the confines of the immediate setting, as a result of the presence of dense vegetation within the surround. Although there would be inter-visibility with the solar panels in views from the cottage, these views are proposed to be mitigated by a planting scheme to provide additional screening.

In conclusion, the impact of harm on the setting of Barratt Cottages as a result of the proposal would be mitigated by additional planting.

Peradon Farm - Non Designated

Peradon Farm is identified as a non-designated heritage asset, which has been subject to substantial re-building following a fire in 1908. The significance of the building is found in a building appraisal of its structural condition undertaken by Martin Watts in 2019. In respect of its setting this retains the historic loose courtyard planform footprint located to the north and identified through the siting and orientation of the farm buildings their historic relationship with the farmhouse and function with the wider landscape.

As already identified this planform is primarily characterised by single or double yards flanked by buildings and is mostly associated with arable farming which in this instance is supported by the surrounding agricultural landscape that is considered to make a valuable contribution to the understanding of the context in which the non-designated heritage asset is experienced.

Therefore the impact of harm on the significance of the non-designated heritage asset through setting as a result of the proposal in a similar manner to Inner Marsh Farm and Farranthayes Farmhouse and Courtyard is indirect, as the visual change in landscape will mostly be experienced through glimpsed, elevated (first floor windows) and longer views of the agricultural landscape that supports the context in which the historic setting is experienced and makes a contribution to the significance of Peradon Farm as a non-designated heritage asset.

In conclusion the experience of the aesthetic connection between the farmstead and visual experience of the surrounding landscape, as a result of proposed change of use, will be compromised by the development.

Conclusion

In conclusion any potential harm associated with the development on views from within the immediate setting of the identified heritage assets, will be reduced through mitigation proposals to provide additional planting, which will assist with preserving the contribution the settings make to the significance of the individual heritage assets.

However as a result of the scale of the development, the cumulative impact of the solar panels on the character and appearance of the wider agricultural landscape and the contribution this makes to the setting of the heritage assets, would inevitably result

in visual harm when experienced from elevated, glimpsed and longer views. In this respect the proposed change of use of the agricultural landscape fails to enhance, preserve or better reveal the significance of the identified heritage assets through setting.

On balance the agricultural landscape which provides the context in which the significance of the identified heritage assets is understood and experienced, would be visually compromised by the proposed development as a result of its scale. Resulting in a High Magnitude of Impact on the wider setting when considered against the Medium Level of Significance attached to the identified heritage assets and in turn provides a Moderate Level of Harm to the wider setting when considered against the Magnitudes of Effects used to measure the degree of impact.

Recommend refusal

Reasons for refusal

The development proposed for the construction of 49 MW solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development, results in a Medium Level of Impact and in turn a Moderate Level of Harm to the wider setting and fails to satisfy Policy 206 of NPPF21.

Devon County Archaeologist

. The archaeological investigations undertaken in support of this application have demonstrated the presence of Neolithic archaeological deposits within Areas 18 and 24 - as annotated in the geophysical survey and field evaluation reports prepared by AB Heritage and submitted in support of this planning application. As such, the setting out of solar panels in these area have the potential to impact upon buried archaeological and artefactual deposits associated with the known prehistoric activity here. The impact of development upon the archaeological resource should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be affected by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of archaeological work as taking the form of the targeted area excavation of the two areas shown to contain Neolithic archaeological deposits to ensure an appropriate record is made of these heritage assets. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Natural England

Thank you for your consultation on the above dated 15 December 2021.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The following measures should be secured through appropriate conditions or obligations:

- o A Construction Management Plan (CEMP) to safeguard soil resources, detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies during construction.

- o A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.

o To require the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

We advise that impacts on national and international protected sites can be screened out from Habitats Regulations Assessment.

Protected Landscapes

The proposed development is for a site near nationally designated landscapes, namely the Blackdown Hills and East Devon AONB's. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 of the National Planning Policy Framework 2021 (NPPF) which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 of the NPPF sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy, you should also apply landscape policies set out in the East Devon Local Plan.

We also advise that you consult the Blackdown Hills and East Devon AONB Partnerships. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of AONBs is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

Natural England has updated it's standing advice for protected species which includes links to guidance on survey and mitigation.

Net Gain

We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site

can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with paragraphs 174 & 179 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly, and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. In July 2021, Natural England released the updated and improved Biodiversity Metric 3.0 and accompanying guidance.

Solar Parks

For additional information relating to Solar Parks please refer to the archived Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment.

Solar parks: maximising environmental benefits (TIN101)

Climate Change and solar

Natural England recognises that climate change represents the most serious long-term threat to the natural environment because of the damage it will cause to ecosystems, the biodiversity, landscape value, and services to society which they support. Solar energy developments have an important role to play in meeting national targets to reduce UK contributions to greenhouse gases. The present challenge is to move to a low carbon economy without unacceptable impacts on the natural environment (NPPF para 155).

Best and Most Versatile Agricultural Land

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the information contained in the submitted Agricultural Land Classification report the site contains 12.5 ha of subgrade 3a land, with the remainder at subgrade 3b or 4.

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land.

For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. e.g. in relation to handling or trafficking on soils in wet weather.

Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.

We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

We would also draw to your attention to guidance on Renewable and Low Carbon Energy (June 2015) and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Suggested conditions

We would advise your authority to apply conditions to secure appropriate agricultural land management and biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to agriculture when planning permission expires.

The following measures may need to be conditioned in the planning permission:

- o A Construction Management Plan (CEMP) to detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies.

- o A Landscape and Ecology Management Plan (LEMP).

If you have any queries relating to the advice in this letter, please contact me on Alison.Slade@naturalengland.org.uk.

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Please note that for EIA planning applications, we give responses within 30 days, or longer if agreed in writing.

Our offices are closed between the 24 December and 4th January. We will advise you if we will need to respond later than the 14th January.

Further to my comments above, having checked, I note the proposal is not an EIA development. However we will still require additional time to respond because of our office closure.

Further comments:

Thank you for your email received 7 April 2022, requesting Natural England's consultation on an amendment to the above application.

We have considered the amended documents submitted since our January response (attached again for information) and advise we have no additional comments to make on the amendments.

Environment Agency

Thank you for consulting us on this application.

Environment Agency position

In the absence of an adequate flood risk assessment (FRA), we object to the proposed development. Specifically, the FRA does not account for the effect of climate change over the lifetime of the development. The reason for this position and advice is provided below, following advice regarding the Sequential and Exception Tests.

Sequential test - advice to LPA

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (NPPF) (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- o Householder developments such as residential extensions, conservatories or loft conversions
- o Small non-residential extensions with a footprint of less than 250sqm
- o Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)

o Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

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, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Exception test - advice to LPA

The 2021 revision to the NPPF identified Solar Farms to be considered as Essential Infrastructure and, in accordance to Table 3 of the Flood Risk and Coastal Change section of the Planning Practice Guidance, the Exception Test is required. The application is partly located within Flood Zone 3 and must therefore demonstrate that the proposal is designed and constructed to remain operational and safe in times of flood. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Reason for position - The proposal site is located partially in Flood Zone 3, identified by Environment Agency flood maps as having a high probability of flooding. Whilst we do not raise an in-principle objection to the proposal, the currently submitted FRA does not adequately consider all of the flood risks posed to the site. There are areas within the site boundary which are currently mapped as Flood Zone 1 (low risk) but which would be at higher risk of flooding by the end of the development's lifetime. It is therefore important that the future risk is assessed, including the existence, position and size of the areas at risk in the future, to be able to fully consider the Sequential and Exception Tests. The assessment of future flood risk may also influence whether there is a more appropriate layout for the development.

The NPPF is quite explicit in that development should take into account the impacts of climate change of their lifetimes. Of note is section 2.4.4 of the submitted FRA which states that 'Due to the nature of the proposals and the development areas being outside of the current flood zones, no climate change has been accounted for in fluvial flood levels.' In this instance, the sensitivity of land outside the current published flood maps for planning, namely Flood Zone 2 'Medium' risk and Flood Zone 3 'High' risk, to increased fluvial flows, has not been appraised. This is important because whilst

the majority of the areas of floodplain at 'high' and 'medium' risk are well defined, there are low lying areas adjacent to Flood Zone 2 and 3 that may fall within such at the end of the lifetime of the development proposed.

Overcoming our objection

The applicant may overcome our objection by submitting further information to cover the issues raised in this letter. Specifically, the applicant should provide clarification on the effects of climate change on the risk of flooding to the areas outside the published extents of Flood Zone 2 and 3 within which built development is proposed, and that the FRA be revised to demonstrate such, before determination of the application. We advise that this additional information does not necessarily require detailed modelling and could, for example, be demonstrated by reference to topographical survey and a site walkover.

Please contact us again if you require any further advice.

Further comments:

Thank you for your consultation of 07 April 2022 following submission of further information in respect of this planning application.

Environment Agency position

We have reviewed the Flood Risk Assessment and Drainage Strategy (FRA) dated February 2022 and we are satisfied that the consequences of climate change on the proposed development over its potential lifetime have now been adequately addressed and demonstrated. We are therefore able to withdraw our objection.

Reason

The findings of the revised FRA identify that the areas proposed for the location of panels would primarily be within the low probability Flood Zone 1 even when consideration is given to predicted climate change allowances on fluvial flows after the 2080s. However, we note that a sizable part of Plot 20 will be sensitive to flooding from higher flows as a consequence of climate change later in its lifetime. This is shown in Appendix H of the applicant's revised FRA (February 2022).

In light of the above we consider that your authority is now in a position to make a fully informed decision about the proposal. Given the future risks your authority may be mindful to seek a minor revision to plot 20 (in accordance with the spirit of the sequential approach). However, we are satisfied that the proposal is broadly in accordance with the requirements of the National Planning Policy Framework. For example, the proposal will not increase flood risks elsewhere and all transformers are to be located on higher ground as detailed in para 2.4.6 of the revised FRA.

DCC Flood Risk SuDS Consultation

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed swales with filter drains in places. However, these features should cover the downslope areas across the site.

Within the Flood Risk Assessment and Drainage Strategy (Rev. P5; dated 5th November 2021), the applicant has discussed the use of gravel trenches around buildings. The applicant should depict these trenches on a plan.

The applicant has noted that the works to install the photovoltaic panels could compact the soil. The applicant should clarify whether this could be avoided. If this cannot be avoided, will the applicant be able to remediate the soil?

The applicant should design an appropriate easement along the existing watercourses (this includes field ditches).

Any works within any of the Ordinary Watercourses (including field ditches), such as to provide access, will require Land Drainage Consent from Devon County Council's Flood and Coastal Risk Management Team.

The proposals to form a connection into an Ordinary Watercourse, including the connection from the proposed Tale Lane surface water storage area, may require Land Drainage Consent.

Concentrated runoff from the panels is likely to lead to erosion of the ground surface below, contributing significantly to water quality issues downstream/downslope.

Tussock grasses should dominate around and beneath the photovoltaic panels to limit soil erosion caused by runoff from the panels. Allowing the site to naturally colonise is likely to leave the soil surface significantly vulnerable to erosion, particularly during intense precipitation events. It is also imperative that these grasses are maintained regularly when the site is operational as the soil structure and the quality of the downstream watercourse or agricultural land will greatly depend on this.

It is strongly advisable that the reader consults Natural England's Technical Information Note (TIN101), 'Solar Parks: Maximising Environmental Benefits', for further information on the vegetation and soil quality issues associated with these developments. The above document can be accessed through the National Archives at the following address: <http://publications.naturalengland.org.uk/publication/32027>.

Further comments:

Recommendation:

At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Observations:

Following my previous consultation response (FRM/ED/3120/2021; dated 21st January 2021), the applicant has submitted additional information in relation to the

surface water drainage aspects of the above planning application, for which I am grateful.

The applicant could consider swales, instead of filter trenches, for managing surface water flows across the site. Unlined swales could provide opportunities for biodiversity and still allow infiltration into the ground. These swales could be designed as 'cut-off ditches' and contain check dams to 'slow the flow'.

The applicant should discuss the proposed drain beneath Tale Lane with Devon County Council's Highways Team. The applicant will need to consider how the existing highway ditches along Tale Lane will be affected by the construction of this drain. Erosion control should be considered at the outlet of this drain.

The applicant should confirm where soakaway tests could be conducted after construction has been completed. The applicant could aerate soils after construction has finished.

Devon County Highway Authority

This project was presented to the County Highway Authority (CHA) in pre-application form in 2020, where we recommended a Construction and Environment plan (CEMP), swept path analysis and route plan was submitted as part of any formal planning application. I do not have a record of seeing a suggested route plan at that stage.

Reviewing the planning application, I am pleased to see mitigation measures such as a pre and post highway condition survey of the bend prior to Clyst Hydon, reinforcing the major run-over point in the delivery route and the banksmen at the Tale Lane crossing point.

The ultimate point for the CHA is that for the 26 weeks of construction, an average of 6 construction deliveries (12 trips) is expected per day, there is nothing to stop these journeys being taken up by any member of public, as long as they are adhering to weight restrictions.

Once constructed solar farms require minimal maintenance trips during their life. I believe the CEMP could provide a few more details to be clearer, which can easily be resolved, the mini-bus of employee transport is appreciated, however it was not made clear if these trips would be using the same route as the construction traffic and where the mini-bus will be travelling from. Additionally, the working hours are described as 'Expected to be between 8:00-18:00', we would hope to ensure this, to avoid untimely traffic movements.

Finally, the CEMP aims to avoid deliveries during peak hours, I propose a delivery booking system, so that the Clyst Hydon Primary school commute times can be avoided, especially for pedestrians.

In summary, I believe with some essential adjustments to the CEMP and conditioning of the construction routing plan, a safe and amenable delivery of this planning application can be undertaken.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Further comments:

Addendum 28/01/2022

The client for this planning application has sent me details of the routeing to be used for the mini-bus contractor transportation and has ensured that the working hours on the site will be stipulated between 08:00-18:00.

Additionally, the applicant has agreed to instil a delivery booking system in which Clyst Hydon primary school commuter times will be avoided.

Therefore, with the above information in mind, the County Highway Authority is now happy to drop its stance of objection.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments:

Addendum 11/05/2022

The CHA has been re-consulted upon amended plans for this application and has no further comments to add.

Environmental Health

Due to a risk of low frequency noise further plans/information is required on the locations of all the sub-stations. This information is required before I can make any recommendation.

I have reviewed the submitted documentation together with the locations of the inverters/transformers and main substation and I have no Environmental Health concerns. These comments update my comments made on the 21st December.

Further comments:

I have considered the application and do not anticipate any environmental health concerns.

EDDC Trees

The application is supported by an arboricultural report prepared by Aspect Tree Consultancy (10.11.2021) including an Arboricultural Impact Assessment and Tree Protection Plan. Together this information demonstrates that the proposal will have

minimal impact on the trees at the site and therefore I have no objection to this development with the following pre-commencement condition:

No works will take place at the application site, until a detailed AMS has been submitted to the LPA and approved in writing. The AMS will include all relevant details to protect the retained trees, including a detailed TPP. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

Due to the somewhat isolated nature of the location, the risk of theft and damage is significant given that a determined effort can be made to gain access to the site with little chance of detection. Therefore, it is important that crime prevention measures are considered and embedded into the design.

I note that 'The Proposed development will be enclosed by deer fencing attached to wooden posts, with CCTV and trigger lighting providing security.'

1. I am unsure whether such fencing is security rated? Unless it is certificated to a nationally recognised security standard such as LPS 1175, it will offer little protection to prevent unauthorised access.
2. Will the CCTV system be monitored? Without any form of active monitoring or a monitored intruder detection system, in my view CCTV will not be effective at

preventing unauthorised access or crime. A monitoring capability enabling a proactive response to incidents as they occur would be more beneficial.

I would appreciate it if further information on the two points above could be provided.

Further comments:

Good morning,

Thank you for further consultation in relation to this planning application.

I note and appreciate the comments from the applicant with regards to the queries I raised in my initial response.

I have no further comments at this time.

Other Representations

At the time of writing this report, a total of 488 third party representations have been received. Of those, 144 are in support of the proposal, and 344 are objections.

The planning matters raised in support of the proposal are:

- Production of renewable energy.
- Any disruption during construction will be short term and can be managed.
- Would not be visually obtrusive.
- The land could still be farmed.
- Wildlife benefits.
- Insufficient brownfield land available.

A considerable number of the comments in support have been submitted via an online form/via the applicant's website and are of a very similar nature and format. Whilst this method of submitting comments is less commonly used, it is considered to be legitimate and this form of commenting is valid.

Officers are however aware that some of the authors of these comments in support have subsequently advised various parties that they have not written in support of the proposal. This adds some considerable doubt to the validity of a number of those representations in support of the proposal.

Many of the objections are in the form of a standard template letter. The planning considerations detailed in that are:

- Detrimental impact on the countryside.
- Cumulative impact.
- Use of best and most versatile farm land.
- Flood risk.
- Impact on heritage assets.
- Ecological harm.
- Highway safety implications.
- Contrary to the NPPG

- Contrary to the Local Plan.

The objections which are not in the form of the template letter raise the following additional planning considerations:

- Pollution of the land.
- Loss of amenity/disruption during construction.
- Negative impact on tourism.
- Detrimental to public footpaths.
- Noise and light pollution.
- The scale of the proposal.
- Impact on trees.

PLANNING HISTORY

None.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN6 (Nationally and Locally Important Archaeological Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

This application relates an area of land to the east of Clyst Hydon, which is centred on Peradon Farm. The land is agricultural in nature, and the fields are, on the whole, bounded by hedges. There are some copses in the area, as well as some individual trees in the aforementioned hedgerows - none of which are the subject of a Tree Preservation Order. The majority of the land within the site is relatively flat or gently undulating, contained within the Clyst watershed. Although there are some parts of the site which are on modest slopes, with fields 4, 5, and 6 being on a spur, and fields 8 and 9 being reasonably steeply sloping. Some of the areas closest to water courses within the site are designated as flood zones by the Environment Agency (EA). There are no landscape designations which impact the site.

The C class road between March Cross and Higher Tale runs through the site, with some fields to the north of this, and others to the south. There are some public footpaths which run through, or close to the site. In particular, Clyst Hydon footpath 8, which links Marsh Cross with Plymtree, runs through part of the site, between fields 4 and 5. Clyst Hydon footpath 7 crosses over the proposed access to the substation.

Although the area is sparsely populated, there are some dwellings close to the application site. A small number of those are listed buildings.

Proposal

Planning permission is sought for the construction of a 49 MW solar farm. The development would include solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, and associated development, such as access roads/tracks for maintenance. It is proposed that the development would remain in place for 40 years.

This proposal is one of four solar development currently under consideration in this part of Devon, with application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area, all currently at different stages of consideration.

Clearly though, whilst the cumulative impact, if one or more of the other developments was approved alongside this application is for consideration and assessed below, the key focus of this report is the proposal at Peradon Farm. The recommendation made in this report relates only to the proposed development at Peradon Farm.

The farm has been the subject of farm diversification projects with the farm being modernised over the last 15 years with new dairy facilities, repair to cottages, letting for AIRBNB, running catering at shows and the proposal is to now diversify further through the solar farm which will help to support the farm going forward through the extra income.

ANALYSIS

The key considerations in the determination of this application are:

1. Principle and justification for site selection;
2. Impact on agricultural land;
3. Visual impact;
4. Highway safety;
5. Impact on public footpaths;
6. Impact upon heritage assets;
7. Impact upon residential amenity;
8. Impact upon trees;
9. Flood Risk/Drainage;
10. Aviation impacts;
11. Ecological impacts;
12. Cumulative impacts;
13. Carbon impacts;
14. Grid connections.

Principle and justification for site selection.

Strategy 39 (Renewable and Low Carbon Energy Projects) of the adopted Local Plan supports and encourages renewable energy projects. This provides support for the proposal with the reason justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

Strategy 39 states that such support is subject to there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being satisfactorily addressed. It further states that applicants should demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through mitigation.

The applicant has addressed this through paragraph 3.1.1 of the submitted Design and Access Statement states that:

" the decision to position the Proposed Development in the location identified has been informed by a balanced approach to minimising the impact of the proposals upon local receptors and constraints with wider and longer range impacts. The following factors have been taken into account:

- Proximity of the Site to a point of connection to the electricity grid - 132kV overhead lines (OHL) cross the Site allowing direct connection to the grid via an existing tower;
- Proximity of the Site to roads and points of access - the Site benefits from direct access to Tale Lane via a series of existing gates;
- Potential landscape and visual impact - the Site does not fall within an Area of Outstanding Beauty (AONB) or other landscape designation;
- Identification of land that is of lower agricultural land quality - the Site is predominantly Grade 3b (moderate quality) and 4 (poor quality) soil;
- Impact on the amenity of local residents - the Site is rural and the Proposed Development has been designed in such a way to minimise visual impacts on surrounding settlements and PRow; and

- Ecological suitability - the Site is outside and not close to environmental designations."

On the basis of the above, it is considered that the applicants have sought to address Strategy 39 by assessing and choosing the site in terms of its suitability for solar development and need to avoid and mitigate any impacts.

Officers are satisfied with the process undertaken to select the site to which this application relates. However, it is noted that some objectors feel that the site is not appropriate, or have indicated a preference for the development to take place elsewhere. Those comments are understood, but it is the job of the Local Planning Authority to assess planning applications as submitted, rather than to direct development to alternative sites.

Officers are content with the site selection process, which takes into account the availability of a grid connection, agricultural land grading, accessibility, visual impact, and the avoidance of designated landscapes and is sound in its approach. Notwithstanding this, and notwithstanding the support in principle provided by Strategy 39, the proposal must be considered in detail against all other relevant policies and potential impacts. The remainder of this report will focus on assessing those areas.

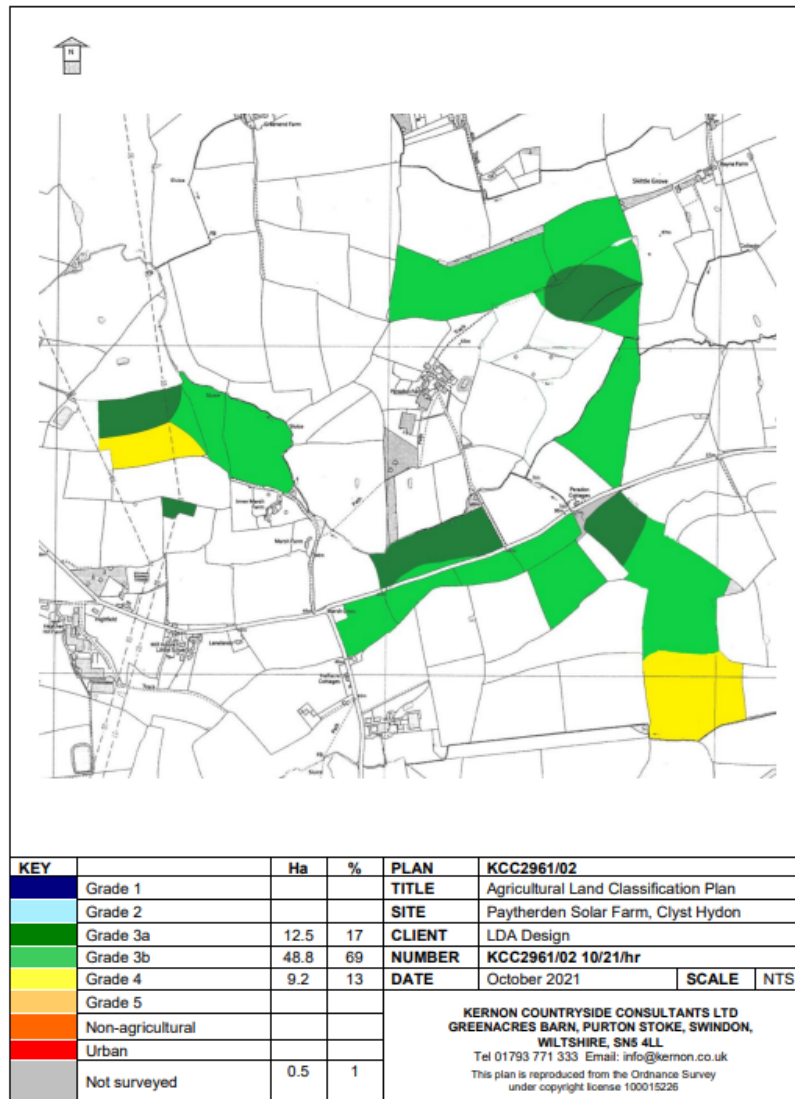
Impact on agricultural land

The submitted Land Classification report shows that proposal site consists of land which falls within agricultural land classifications 3a, 3b or 4; with 17% of the site being grade 3a, 69% falling in grade 3b, and 13% classed as grade 4. 1% of the site area was not surveyed in the submitted report, but this constitutes just 0.5 hectare of a 71 hectare site. Grade 3a land is considered to be 'good', 3b land is deemed to be 'moderate', and grade 4 land is poor quality.

Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031 (EDLP) states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

- Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
- The benefits of the development justify the loss of high quality agricultural land.

In this instance, the submitted report indicates that the site is a mixture of grades 3a, 3b and 4, and some fields within the proposed site contain areas of more than one class, as shown below:



The land classifications shown above broadly concur with the information owned by the Council relating to that matter. Given that, it is considered that there is no reason to doubt the findings of the submitted land classification report.

The fact that some fields contain land of more than one class presents a minor issue. This being, if it is considered that the grade 3a area cannot be developed in any way, it is necessary to question whether it would be practicable to develop only the grade 3b or 4 areas within those fields, or whether the two classes can be farmed differently when they are in the same field. Certainly, in the past, it has been considered that dividing a field by its land classification would not be a practical way to farm. Indeed, the Council's Development Management Committee approved application 19/2832/MFUL, which also related to a solar development, when that argument was made. It is considered that no strong case has been made to alter that view. Therefore, given that 82% of the site is not the Best and Most Versatile (BMV) land, with the 17% in Grade 3a within part of existing fields, it is considered that it would be difficult for the Council to refuse the proposal on the grounds that a small amount of grade 3a land is proposed to be developed

Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of growing crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. This argument is supported by section 4.1 of the Design and Access Statement which says:

"Peradon Farm will continue to operate as a working farm while the solar farm is in place. The Site, including the areas between panels, will be used for sheep grazing for conservation purposes."

Additionally, as the proposal is to retain the panels for 40 years, it is feasible that the land can be returned for full agricultural use following removal of them. Especially so, as it is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England supports this view where, in its comments to the Council, it states:

"We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas."

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the EDLP. It is considered that the justification for the site is sufficient to meet criteria 1 of that policy, but criteria 2 remains unanswered in terms of whether the benefits from the development outweigh the loss of grade 3a agricultural land.

However, a critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels; renewable energy has a vital role to play in that. This is recognised in the EDLP, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. The pre-amble to that strategy states that:

"significant weight will be given to the wider environmental, social and economic benefits of renewable or low carbon energy projects, whatever their scale".

Clearly, this does lend some significant support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether criteria 2 of policy EN13 has been met.

In this instance, planning permission is sought for 40 years. This would mean that, whilst, the land would be lost to all agricultural activity other than grazing for that period of time, it could be used again for agriculture upon expiry of the permission. Information supplied indicates that the presence of the solar panels would not be detrimental to the quality of the land. Consequently, taking into account those factors, as well as the

climate emergency and the environmental benefits offered by solar parks, it is considered, on balance, that the proposal would meet criteria 2 of policy EN13, as there is sufficient justification for the partial and temporary loss of the land for agricultural purposes.

The National Planning Policy Framework 2021 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy. In paragraph 174 the NPPF states that planning decisions should take into account the impact of development upon BMV. However, in paragraphs 152 to 158, the NPPF recognises the challenges posed by climate change and seeks to encourage planning decisions which allow renewable energy projects. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land, would comply with the NPPF. This is on the basis that it retains the quality of the land, and would also provide renewable energy.

Natural England, in their comments about this proposal, states that the Council should consider whether the development is an effective use of the land. It is acknowledged that, Natural England, notwithstanding their quoted comment above, highlights that it is "likely" a reduction in agricultural productivity would arise during the lifetime of the development. However, given all the comments above, it is considered, on balance, that the proposal is a suitable use for the land; the use would be temporary, would not completely prevent the site being used for agricultural purposes, and would produce renewable energy.

Notwithstanding the above, it is also important to consider the cumulative impact on agricultural land in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates, application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area). The agricultural land classification reports for those developments in East Devon show the land involved to be as follows:

Agricultural Land Grade	Area of land in hectares		
	21/3120/MFUL (Peradon Farm)	22/0783/MFUL (East of Talaton)	22/0990/MFUL (Marsh Green)
1	0	0	0
2	0	0	0
3a	12.5	7.9	7
3b	48.8	46.1	80
4	9.2	2.7	0
5	0	0.4	0
Other/unsurveyed	0.5	0	0

The application within Mid Devon District Council does not give the hectares in any classification, but it does clearly state that no field has a grade above 3b.

Given the above, it is clear that the majority of the land to which these applications relate is 3b or below. Land above grade 3b is generally considered to be of higher quality and, therefore, not suitable for development. However, as described earlier in this report, the use of some land of a higher grade, provided it is a small amount, can

be considered acceptable if excluding it from the site would not be practicable. The same principle can be used when considering the cumulative impact in the event that all four of the current applications were approved. Therefore, given the details above, it is considered that the cumulative impact of this proposal on the loss of higher quality agricultural land would be limited, and would be acceptable given the renewable energy benefits proposed.

Finally it is pertinent to note that whilst there are extensive areas of agricultural land available across the district and across the country that can be farmed, and farmed more productively to address current food prices, there is a need to transition to renewable energy production and this necessitates the use of undesignated landscapes that are near to grid connections and which do involve the loss of significant amounts of BMV agricultural land.

The visual impact of the proposal

The proposal has been considered by the Council's Landscape Architect, who questioned the visibility of some parts of the site. In response, the applicants have supplied amended details. The updated information includes enhanced landscaping, such as growing hedges to a greater height to improve screening and expanded areas of planting; both on and off site. It is considered that these changes are sufficient to ensure that the proposal would not be overly visually harmful in the immediate setting of it.

The Landscape Architect identified that the site may be visible from wider views on higher ground. The highway between Clyst Hydon and Paradise Copse is one such place. The amendments to the proposal would not completely remove this impact, but it is considered that they would result in some reduction on the visibility of the site from such locations. Furthermore, the layout of the site is such that from longer views it would be seen as a number of smaller solar developments set among the wider landscape. With the enhanced landscaping now proposed, it is considered that the impact of the development from higher viewpoints would be at a level where, when the benefits of the proposal are considered - in particular the production of renewable energy during the climate crisis - the modest visual impact is considered acceptable on balance.

It is recognised that some concerns have been expressed regarding the proposal changing the nature of the landscape and countryside, but solar farms in rural areas are now more common and will likely become even more common as we switch to energy production from renewable energy and address high energy prices. Whilst there will be some impact from construction, this is short term and following this solar farms are quiet generating little activity and if well screened can be assimilated into the countryside to an acceptable degree.

Given the distance between the application site the other proposed solar developments, it is considered that there would be limited locations where parts of more than one development could be seen if they were all approved. Certainly, closer to the sites, the nature of the highways, often with high hedges beside them, and the patchwork of hedges crossed by public footpaths, the view of more than one site would be very limited.

From higher locations, any views of more than one site would be distant and broken by the topography and other landscape features. The Council's Landscape Architect considers that there are few locations where any harmful view of one or more solar farm would be possible, and has stated:

"There is no intervisibility between any of the sites that I have been able to identify.

I think Marsh Green is too far to the west and separated by landform and vegetation to be visible in any views with any of the other sites.

It may be possible that the Horton and Peradon sites can be seen in glimpse views from some locations on the eastern edge of Ashclyst and the minor road running between Clyst St Lawrence and Paradise Copse. Both sites may be visible also in a gateway view from the minor road to the north side of Rockbeare quarry.

There is also a point on the northwestern edge of Plymtree where a glimpse view of both the Peradon and MDDC site may be obtained."

Officers have visited the above-mentioned gateway, and are satisfied that any views of the proposed solar developments to the north would be screened by trees.

Therefore, given the above comments, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the level of impact would be at a level where it is outweighed by the benefits of the scheme, even if more than one of the proposed solar schemes was approved. Consequently, the proposal is considered acceptable in terms of its visual impact on the countryside.

The impact of the proposal on highway safety

It is clear that the impact of the proposal upon local highways is an area of concern for local residents. The times at which the proposal would have the greatest impact upon the highways would be during the construction and decommissioning stages. Outside of those times, vehicle movements to/from the site would be limited.

A Construction Traffic Management Plan has been submitted with the proposal. This details the route which vehicles would travel to the site, the type of vehicles to be used, when they can travel and other related matters. Adherence to this document can be secured by condition in the event that this application is approved.

The County Highway Authority has assessed the proposal and is satisfied that the development can take place without causing harm to the highway network, or the safety of those using it. Given this, it is considered that the proposal is acceptable in terms of its impact on the highway network.

Notwithstanding the above, it is also important to consider the cumulative impact on highways in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates,

application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area).

The Marsh Green site is some distance from the location of the other sites. The details submitted with the Marsh Green application show that the traffic generated by the proposal would only share routes with any of the other proposed developments whilst on the A30, M5 and for a very short section of the former A30, close to Daisymount junction, where a small amount of Marsh Green related traffic would use the same road as the main access to the 22/0783/MFUL (Horton) proposal. Therefore, it is considered that if the Marsh Green site were approved, it would not have a detrimental impact on the highway if another of the developments in question was also approved.

The submitted traffic details relating to the Peradon Farm site, to which this report relates, show that the main access to the development would not overlap with the access to the site in Mid Devon. However, there would be an overlap with part of the access route to the 22/0783/MFUL (Horton) site. It is noteworthy though, that the overlap is with the route to the connection compound for the Horton site, rather than to the main area of development. The traffic plan for the Horton proposal shows that there would be a total of 16 vehicle movements which would overlap with the proposed access into the Peradon Farm site. A short section of the access route to the Horton connection compound would also overlap with the proposed route into the Mid Devon site.

Despite this overlap, given the small number of vehicle movements associated with the Horton site which would overlap with another development, it is considered that the additional impact if a combination of, or all of, the Peradon, Horton and Mid Devon sites were approved, would be negligible.

Aside from the above, as none of the main routes to the sites overlap, it is considered that the cumulative impact on highways, if the Peradon Farm site was approved alongside the sites at Horton, Marsh Green and in Mid Devon, would be minimal.

The impact of the proposal on public footpaths

There is one public footpath which runs directly through the site, as well as a small number of others in the vicinity. Clearly, the path which runs directly through the site would be the one most impacted by the proposal. The submitted plans show that a buffer would be left either side of the path, and that the land within that would be landscaped to reduce the visibility to the site from that path. Despite this, the character of that area of path would change, and it is possible that solar panels may be visible from the path. This, however, would not impact upon the ability to use the path. Given that, with the visual impact of the proposal considered to be acceptable, and noting that the County Council Rights of Way Officer has not objected to the proposal, it is the view of the Local Planning Authority that the proposal is acceptable in terms of its impact on public footpaths.

Conservation and Archaeology impact

The proposal has the potential to impact upon a number of designated and non-designated heritage assets that are proximate to the application site, in such

circumstances the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 199) by stating:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise.

The proposal has been assessed by Historic England (HE) and the Council's Conservation Officers.

The latter of those has raised concerns about the cumulative impact of the development on the setting of listed buildings within the vicinity of the site. This is on the basis that the original setting of those buildings is that of agricultural land. However, the Conservation Officer does concede that some of this impact can be mitigated through enhancements to the proposed landscaping. It is acknowledged that the change in landscape would have a degree of impact on the setting of some of the designated heritage assets surrounding the site, however, the setting in the majority of circumstances is not the significance of the asset or why that asset was designated in the first place, the architectural or historic form of the assets are their most significant factor. With that in mind, the amended proposals for the development included enhancements to the landscaping, including allowing hedges to grow higher, in order to reduce the visual impact of the development as a whole. In turn, these changes would reduce the impact on the listed buildings and their wider landscape setting.

However, it is notable that Historic England has provided comments on the amended plans, but has not objected to the proposal. Rather, they have drawn the Council's attention to the potential impact of the proposal on Plymtree Manor, a grade II* listed building (one of the more important assets in the local landscape) located around 500 metres north of the site.

With regard to Plymtree Manor, the Council notes the distance between the property and the northern edge of the application site. It is also noteworthy that Plymtree Manor is situated in a wooded curtilage, and has its main elevation facing east, not south towards the proposed development. Furthermore, there would be three hedgerows between the asset and proposed development, which contain trees, the last of which forms the boundary of the site, so it is proposed that this hedge will be allowed to grow higher (up to 5-6 metres, according to the updated Landscape and Ecology Management Plan). Given these factors, and as it would be the rear of the panels which would face in the direction of Plymtree Manor, it is considered that the impact

of the proposal on the significance of the asset will be sufficiently mitigated to ensure that no harm is caused to the setting of that property.

With reference to other listed buildings in the vicinity of the site, it is again noted that there would be a degree of separation between them and the proposed development, as none of them immediately adjoin the red line. In all instances, the boundary treatment facing toward a listed property would consist of either a hedge (shown on the landscaping plan to be either 2-3 metres high, or 5-6 metres high), or an area of new woodland.

Given the above comments, and noting the lack of formal objection from Historic England, it is considered that should the proposed development take place, it would have a less than substantial harm on the listed buildings in the vicinity of the site. This is on the basis that no listed building immediately adjoins the site, consideration of the significance of each individual asset, and that the proposed landscaping would overcome the concerns relating to the overall landscape setting which were raised by the Council's Conservation Officer. Accordingly, it is considered that the public and environmental benefits (explained in more detail elsewhere in this report) of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 202 of the NPPF.

The proposal is therefore considered acceptable in relation to Policy EN9 of the EDDC Local Plan, Paragraphs 195, 199 and 202 of the NPPF and the duty under Section 66 of the Town and Country Planning (listed Buildings and Conservation Areas) Act 1990 (as amended).

Notwithstanding the above, it is also important to consider the cumulative impact on listed buildings in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates, application 22/0783/MFUL to the east of Talaton, application 22/0990/MFUL near Marsh Green, and a site near Langford in Mid Devon District Councils area).

The site at Marsh Green is considered to be significantly detached from the other sites, to ensure that there would be no cumulative impact if that site was approved alongside one or more of the others. With regard to the other site, which are situated closer to each other, the sparsely populated nature of the area results in there being a small number of buildings located close to each of the sites. Of those, only some are listed, or are other heritage assets, and none are located in close proximity to more than one site. Consequently, the cumulative impact on listed buildings or heritage assets, should all the above-mentioned developments be approved, would be negligible or non-existent.

With regard to archaeology, the County Archaeologist has observed that the setting out solar panels in some parts of the proposal site has "the potential to impact upon buried archaeological and artefactual deposits associated with the known prehistoric activity here". With that in mind, the County Archaeologist has recommended that, should the application be approved, a condition requiring a Written Scheme of Investigation is imposed. With such a condition in place, and as the County

Archaeologist has not objected to the proposal, it is considered that the proposal can be undertaken in accordance with relevant policies relating to archaeology.

Residential amenity

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property. In terms of the visual impact on residential properties, it is possible that parts of the site may be visible from some dwellings. However, the loss of, or impact on, a view cannot be taken into account when determining a planning application. Furthermore, it has been established earlier in this report that the landscape impact of the proposal is acceptable.

With regard to lighting around the site, only infra-red cameras/lighting would be used. The light from these is not visible to the human eye.

In terms of other possible impacts on neighbours, the Council's Environmental Health Department has confirmed that the proposal is acceptable from their perspective. Furthermore, the County Highway Authority has also found the proposal to be acceptable to them.

Given the above, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policy D1 (Design and Local Distinctiveness) of the EDLP as well as other related policies.

Arboricultural impact

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the development is acceptable in terms of its impact upon trees. However, the Arboriculturalist has recommended a condition to be imposed in the event that this application is approved. The condition would relate to the submission of an Arboricultural Method Statement (AMS), and a Tree Protection Plan (TPP) which would be required before any works take place on site.

It is considered that such a condition is reasonable to ensure that trees are retained, in order to preserve the character and appearance of the area, and also accord with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan.

Flood Risk/Drainage.

There are flood zones, designated by the Environment Agency (EA) within the red line for the proposed development. However, no solar panels would be installed in those areas, and very few other elements of the development would be located in those zones. Nevertheless, the EA and the County Council Flood Risk Department have assessed the application and provided comments.

The EA initially had concerns about the proposal, as they considered that the submitted Flood Risk Assessment (FRA) did not *"account for the effect of climate change over the lifetime of the development"*. Given those concerns, the applicants supplied an amended FRA. Following examination of the amended FRA, the EA confirmed that they were *"satisfied that the consequences of climate change on the proposed development over its potential lifetime have now been adequately addressed and demonstrated"* and, consequently, withdraw their objection to the proposal.

Despite the above, the EA did observe that a part of field 20 may be vulnerable to flooding later in the lifetime of the development, when climate change is taken into account. This observation did not result in an EA objection to the proposal. The Council notes that during consideration of application 19/2832/MFUL, for a solar development near Rockbeare, the EA was content that some solar panels can be positioned in a flood zone without leading to an increased flood risk. Given that, and the lack of EA objection to this proposal, whilst the observation regarding field 20 is noted, it is not considered that any further amendments to the proposal are required.

With regard to drainage, the County Flood Risk Department has never had an in principle objection to the proposal. In response to the initial submission, they requested some additional detail. This was provided and, consequently, the County Council has confirmed that it is content with the proposal from a drainage perspective. However, that is subject to the provision of additional information relating to the provision of swales, rather than filter trenches, and confirmation of where soakaway tests will be carried out. It is considered that this information can be adequately obtained through a condition, in the event that this proposal is approved.

It is also noted that the County Flood Risk Department refers to a section of road which could flood. However, given the lack of objection to the proposal from the County Highway Authority, it is considered that it would not be reasonable to seek amendments which may impact upon the highway where no concern has been raised by the Highway Authority.

Given the comments above, it is considered that the proposal could proceed without giving rise to flooding or drainage concerns, in accordance with the relevant planning policy.

Aviation impact

A Glint and Glare report was submitted with the application. That report, any other relevant parts of the proposal, have been assessed by Exeter Airport Safeguarding, which has confirmed the following:

"The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application."

Therefore, it is considered that the proposal is acceptable with regard to the impact upon aviation safety.

Ecology

There is no evidence submitted with the application, or available to the planning department, to demonstrate that the proposal would have an adverse impact upon wildlife, particularly given the retention of trees and hedges on the site. In addition, there is the possibility of enhancement through the landscaping proposed. Indeed, the submitted Ecological Assessment, on pages 21 and 22, highlights that the proposal would result in a 22.9% biodiversity net gain, and a hedgerow gain of 1.7%. The 22.9% Biodiversity net gain will be achieved through the introduction of, amongst other things, the planting of 602m of new hedgerows, 10,245m of boundary hedgerow enhancement, 0.4 ha of new orchard, 2 ha of new traditional and wetland woodland, and 8.4ha of tussocky grassland with wildflowers. These features should provide improved foraging habitat for barn owl and kestrel, a winter food source for farmland birds, and in areas of enhanced grassland where there is only light or no grazing and are away from panels, space for skylark to potentially colonise. Other features being installed to benefit biodiversity will include 10 bat boxes to increase roosting opportunities and 4 reptile and amphibian hibernation sites. Gaps in deer fencing will be created for mammals. Furthermore, no trees will be felled as a result of the development. This is a significant environmental gain.

Natural England have been consulted on the application, and have confirmed that they have no objection, subject to the imposition of conditions relating to a CEMP, LEMP and decommissioning, in the event that the application is approved. Such conditions are considered reasonable, to ensure that the proposal is not harmful to ecology.

Furthermore, Natural England has confirmed that, in this instance, an Appropriate Assessment is not required. This is on the basis that the impacts of the proposal on any European protected site can be screened out.

Given these comments, and the lack of objection of Natural England, it is considered that the proposal can be undertaken without harm to ecology.

Cumulative impact

Whilst the main focus of this report has been the development to which it relates, it is a relevant consideration that other solar developments in the vicinity of the site are proposed; most notably, an application to the north of the development in question (in the Mid Devon District) was recently refused, which is now the subject of an appeal, and an application to the south of site to which this report relates has recently been submitted to EDDC and is under consideration. Furthermore, a solar development at Marsh Green has now also been submitted and is under consideration by EDDC.

The Marsh Green site is a considerable distance from the area where the other sites are located, so it is considered that the cumulative impact of this in comparison to the others is limited. The sites at Horton and in Mid Devon are at least 1 kilometre from the site to which this report relates. Given the landscaping proposed, and the nature

of the existing landscape, it is considered that it would be unlikely that views between the sites, when in close proximity to the developments, would be possible.

When viewed from higher vantage points, it is possible that there may be some vantage points where it is possible to see more than one of the proposed solar developments. However, the Council's Landscape Architect has indicated that the nature of the existing landscape (being undulating with hedgerows trees and buildings), and with landscaping proposed, is such that it is unlikely that the whole of any of the development would be visible from any such vantage point. This would serve to minimise the cumulative impact in the event that all three of the proposals are granted permission as, even though it is not reasonable expect such a development to be completely screened, the landscape would soften and obscure any views which are possible.

Other cumulative impacts are discussed in detail elsewhere in this report.

Carbon Impact

Some objectors to the scheme have questioned the extent to which solar developments are sustainable. With that in mind, the applicants commissioned a report to assess the impact. That report notes that, unsurprisingly, carbon emissions are produced during all phases of the development (construction, operation and decommissioning). However, the report clearly demonstrates that the operation of the development would offset the carbon impacts of it – concluding that the development would offset the carbon emissions produced by it in the first one to three years.

Some objectors have also questioned the applicant's statement that the development could power some 15,000 homes stating that this is incorrect and unlikely to power much more than half of this. In any case, the benefits from energy production, even for 7,500 homes is significant and weighs in favour of the proposal.

Grid Connections

Details of the confirmed grid connection for this proposal have been provided to the Council. Although some detail in that is confidential (due to commercial sensitivities), the details provided are sufficient for Officers to be sure that a grid connection is confirmed for the development to which this report relates. This means that, should this development be approved, it would be able to connect to the grid and contribute to energy production.

Furthermore, it is understood that each of the other currently proposed solar developments have agreed/confirmed grid connections.

Community Fund

The lack of any direct benefits for those local residents most affected by the proposal has been raised.

From a planning perspective there is a wider national benefit from renewable energy production and no requirement for any local benefits to be provided. The planning

system cannot secure any financial benefits for the local community as this would be akin to buying a planning permission and as such is unlawful. Any such agreement would need to be outside of the planning process between the applicant and the local community.

CONCLUSION

This proposal is one of a number of solar developments currently under consideration in East Devon and close-by within Mid Devon. Clearly, this report relates primarily to the application at Peradon Farm. However, the potential cumulative impact in the event that any other proposal are approved has also been considered.

A detailed in the main body of the report, the proposal has been considered with regard to many aspects and, following amendments to the proposals, the development is now considered to be acceptable in terms of all of those proposals.

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (12.5ha);
- The visual impacts, although limited;
- Temporary impacts during construction and de-commissioning;

the following weigh in favour of the proposal:

- Environmental benefits from renewable energy production and support from Strategy 39 of the Local Plan;
- Environmental benefits from biodiversity net gain;
- Lack of landscape designation and availability of a grid connection;
- Benefits to the future of the farm.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh the harm created by the proposal. Particularly bearing in mind given that the harm identified can be mitigated through conditions related to planting and the control of construction, and as the Grade 3A agricultural land will still be available for grazing and could be returned to agricultural use in the future.

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts and lack of other harm, it is considered that the proposal complies with policy, and it is recommended that this application is approved.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.
(Reason -To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such as wildflower margins, hedgerow and tree maintenance, and conservation grazing. (Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013- 2031.)
5. No lighting, other than the infrared lighting detailed in the approved documents, shall be installed without a grant of express planning permission from the Local Planning Authority.
(In order to retain the rural character of the area and to prevent light pollution, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
6. No works will take place at the application site, until a detailed AMS has been submitted to the LPA and approved in writing. The AMS will include all relevant details to protect the retained trees, including a detailed TPP. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the

development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA. (Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted New East Devon Local Plan 2013-2031).

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'
(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development).
8. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, delivery routes and booking system, contractor mini-bus transport, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)
9. No development work shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
 - a) Measures for protection of existing perimeter trees/undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
 - b) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

v) Method statement for creation and maintenance of species rich grassland habitats

c) Details of proposed colour finishes to inverter housings.

d) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.

e) Details of proposed drainage to deal with surface water discharge from proposed trackways and hardstandings.

f) Notwithstanding the submitted LEEP a detailed hedgerow management plan shall be provided. This shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle ,any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency.

The works and subsequent management shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan 2013 - 2031).

10. No development shall take place until a landscape and ecology management plan (LEMP) has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Inspection and management arrangements for existing and proposed trees and hedgerows and proposed bio-diversity measures
- Initial establishment of new planting and species rich grassland
- A schedule of existing hedgerows and supporting plans identifying each length and noting location, species composition, current condition and hedge management cycle stage together with any initial work required to bring into good order.
- 25 year hedgerow maintenance schedule covering each length of hedge
- 25 year woodland management schedule
- Proposals for management of biodiversity features, species rich grassland and further enhancement of bio-diversity value including wildlife corridors.

Management and maintenance shall be carried out in accordance with the approved plan.

(Reason: In the interest of amenity and to enhance the landscape character and biodiversity value of the site and surrounding areas in accordance with Strategies 3 (Sustainable Development) and Strategy 47 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031.)

11. Prior to the commencement of the development hereby approved, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:

- The locations where soakaway tests will be undertaken following completion of the development.
- Details of swales within the site.
- Details of drainage to prevent flooding and erosion in the vicinity of Tale Lane.

Work shall be undertaken in accordance with the approved details.

(Reason - To ensure suitable drainage measures are in place, in accordance with Policy En22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031).

12. The development hereby approved shall be carried out in accordance with the Ecological Assessment, produced by BSG Ecology, dated 12th November 2021, and the Bat Assessment, also produced by BSG Ecology, and dated 1st December 2021.

(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

bat report	Protected Species	02.12.21
	Report	

landscape/ecological mgt	General Correspondence	29.11.21
7451_007	Location Plan	29.11.21
SD-03 REV 01 : indicative CCTV	Other Plans	10.12.21
SD-05 REV 01 : cable trench	Sections	10.12.21
SD-06 REV 01 : access track	Sections	10.12.21
SD-07 REV 01 : deer fencing with mammal gates	Other Plans	10.12.21
SD-08 REV 01 : updated inverter elevations/dimensions	Other Plans	10.12.21
SD-09 REV 01 : DNO track	Sections	10.12.21
SD-12 REV 03 : panel	Sections	10.12.21
DBA/heritage impact	Archaeological Report	29.11.21
	Ecological Assessment	29.11.21
APPENDIX 4 : confidential badger results	Protected Species Report	29.11.21
4398-DR-PRE- 0002 REV 0 : indicative site	Layout	06.04.22
Feb 2022	Flood Risk Assessment	04.04.22
summary addendum : APRIL 2022	Landscape Visual Impact Appraisal	04.04.22
05574.TPP REV E : 1 of 6	Tree Protection Plan	04.04.22

05574.TPP REV E : 2 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 3 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 4 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 5 of 6	Tree Protection Plan	04.04.22
05574.TPP REV E : 6 of 6	Tree Protection Plan	04.04.22
05574.AIA.Rev E : arb impact assessment	Arboriculturist Report	04.04.22
05574.LIP. 1 OF 1 : layout impact plan	Layout	04.04.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.