

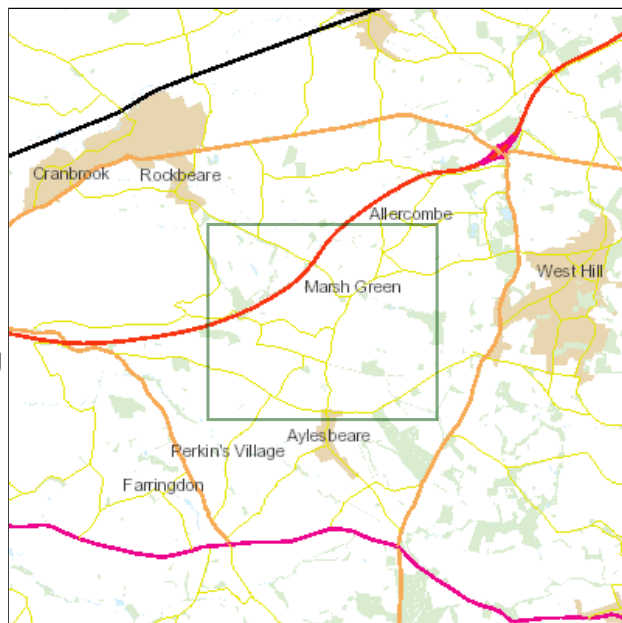
Ward Whimble And Rockbeare

Reference 22/0990/MFUL

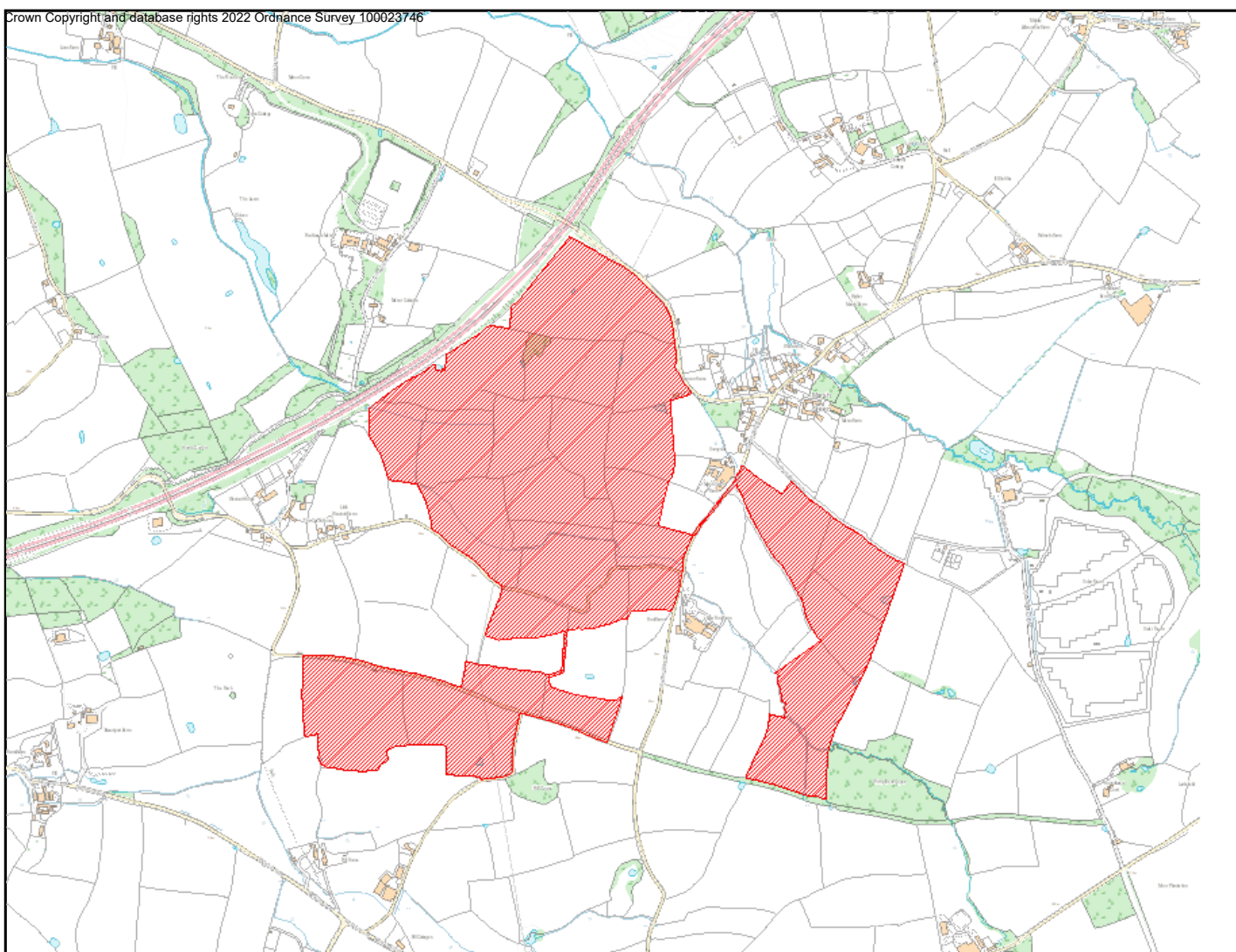
Applicant Mr Phil Cookson (Low Carbon Alliance)

Location Land At Marsh Green Farm Marsh Green EX5 2EU

Proposal Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)



RECOMMENDATION: Approval with conditions



		Committee Date: 29.11.2022
Whimple And Rockbeare (Rockbeare)	22/0990/MFUL	Target Date: 18.08.2022
Applicant:	Mr Phil Cookson (Low Carbon Alliance)	
Location:	Land At Marsh Green Farm Marsh Green	
Proposal:	Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)	

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 30MW 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. The application site also includes a separate agricultural field at Clyst Honiton to provide a temporary construction traffic reception area.

This proposal is one of two solar developments currently under consideration in this part of the District at different stages of consideration. Clearly though, whilst the cumulative impact, if one or more of the other developments were approved and implemented alongside this application, is a material consideration, the key focus of this report is on the impacts from the solar farm proposal at Marsh Green, and the recommendation therefore relates only to this planning application.

Whilst the site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned 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'.

This 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. Applicants are also required to 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 appropriate mitigation.

The application site for the solar farm refers to approximately 74 hectares of 27 individual agricultural field parcels to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. The site is located within the countryside and is not the subject of any national or local landscape designations.

The proposed solar farm would introduce a large scale industrial development into the countryside which would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. However, due to the land form and the topography of the site, this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes. The visual impact can be further mitigated through additional landscaping, ecological enhancements and future management of existing hedgerows and trees.

The proposal would result in the loss of 7 ha of grade 3a agricultural land with the remaining 80 ha classified as grade 3b. Officers are satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of the limited amount of higher quality agricultural land. The proposal would comply with the provisions of policy EN13-Development on High Quality Agricultural Land of the Local Plan.

The proposal would be on the periphery of the setting of a number of grade II listed buildings which would result in less than substantial harm as a result of a change to the surrounding landscape that would be introduced to the setting of these designated heritage assets. The less than substantial harm identified is considered to be outweighed by the public and environmental benefits 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.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts in terms of traffic and highways impacts, ecology, flood risk and drainage and impacts on residential amenity, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan Strategy 39 which supports the principle of development and National policy.

The substantial public benefit to be derived from this significant renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance.

It is therefore recommended that this application is approved for a temporary period of 40 years.

CONSULTATIONS

Local Consultations

Whimble And Rockbeare - Cllr Richard Lawrence

I am extremely concerned that the DCC Flood Risk SuDS Consultation raises objections because the scheme does not conform to EDDC Policy EN22 (Surface Run-off Implications). There are already serious flood risks in this area and this proposal will most certainly exacerbate the problem. The response from the Environmental Consultants employed by the applicant states that the proposed SuDS features "may" reduce the velocity of waters flowing downstream to Rockbeare. I am afraid that the word "may" does precious little to alleviate the very real fears of Residents, particularly in view of the increased propensity of adverse weather conditions predicted for the future.

The combination of proposed filter drains, leaky dams and swales is admirable but needs continuous maintenance in order to operate with any degree of success, but I see no plans a maintenance regime. Building and walking away from responsibility is not acceptable.

The Environment Agency has also requested that the application is not determined until the applicant has provided information to confirm that the proposal be amended to ensure that the development avoids the areas of highest flood risk and do not lead to an increase in flood risk elsewhere.

Devon Highways have approved the Construction Traffic Management Plan but in light of the fact that DCC own some of the land in question there is a very serious financial conflict of interest and I would want to see an Independent TMP. To this end I would propose a site visit in order for the Planning Committee to see first hand the complexity of (in my view and that of Residents) the totally unsuitable lanes proposed to be incorporated in this plan.

I cannot support this application until I have further information and reserve my final decision until I am in possession of all relevant arguments for and against.

Parish/Town Council

On 19th May 2021, Low Carbon Alliance (hereinafter referred to as 'the Applicant'), submitted a planning application for the installation and operation by a Japanese company of a solar farm and associated infrastructure, in accordance with application reference number 22/0990/MFUL.

Rockbeare Parish Council, the appropriate body for the proposed development area, hereby articulates its desire to object to the application, in the strongest terms. The grounds for the objection are set out in the following sections of this document.

The Parish Council's objection is based on many factors, all of which highlight the unsuitability of the area for the proposed development. The reasons are addressed in the following submission.

Policy and Statutory Considerations

In the matter of the Lightsource SVP 114 Ltd and North Hertfordshire Council Application reference 14/02360/1), Secretary of State for Communities and Local Government upheld the decision of the Planning Inspectorate, which overturned the decision of North Hertfordshire Council, which approved the siting of a Solar Farm, and associated infrastructure in the North Hertfordshire area.

Within his summary, the Secretary of State clearly referred the parties to the National Planning Policy Framework (hereinafter referred to as 'the Framework'), which highlights the factors to be considered, when an application for the installation of a Solar Farm, and associated infrastructure, is being considered.

In his written statement, The Right Honourable Sir Eric Pickles, provided that, inter alia, 'any proposal for a solar farm, involving the use of Agricultural land that is capable of growing crops would need to be justified by the most compelling evidence.

The proposed development area falls within Rockbeare Parish. The proposed development area is open country and comprises mainly grades 3a and 3b arable farmland.

Grade 3 agricultural land is classed as being 'good to moderate quality agricultural land' with Grade 3a falling into the classification designated as 'the best and most versatile land' by Government policy guidance. This is the land, which is most flexible, productive, and efficient in response to inputs, and which can best deliver future crops for food and non-food uses such as biomass, fibres, and pharmaceuticals.

Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmlands in England - Subgrade 3a contains a similar amount 20%. Grade 3b 60% of UK productive land.

Natural England (TIN049) states:

'Most of our land area is in agricultural use. How this important natural resource is used is vital to sustainable development. This includes taking the right decisions about protecting it from inappropriate development.'

Policy to Protect Agricultural Land Policy EN13)

Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should consider the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper 'The Natural Choice': securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The proposed development is therefore at odds with Government Policy. 'A Green Future' is the Government's Plan to improve the Environment. This document sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently, the plan aims to:

- o protect the best agricultural land
- o put a value on soils as part of our natural capital
- o manage soils in a sustainable way by 2030

The National Planning Policy Framework (NPPF), Chapter 15, clearly sets out the requirement for Local Planning Authorities (LPA's) to make decisions about the natural and local environment, using the NPPF, to:

- o protect and enhance landscapes, biodiversity, geology, and soils
- o recognise soils as a natural capital asset that provide important ecosystem services
- o consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- o prevent soil, air, water, or noise pollution, or land instability from new and existing development.

The solar farm proposal sets out to remove approximately seventy-five acres of arable farmland from food production purposes, 600 acres in the immediate area . Apart from the fact that, in October 2021, MAFF published a report highlighting the overall loss of land suitable for food production, in recent years (refers).

The current global impact of the Russian invasion of Ukraine, a major producer of grain for Europe, the destruction of crops, farms, and machinery, are all likely to impact further than at present on the ability to produce food. The increased price of grain, [Wheat Futures are £350 in November 2022] resulting from this action is already impacting adversely on food prices in this country, with the poorest sectors of society being hardest hit. Recovery of the market is likely to take a considerable period. It is, therefore, incumbent upon Planners to ensure that arable farmland is not unnecessarily removed from the agricultural land bank.

The proposed development site is a valuable national resource. Research conducted highlights that the site has the potential to provide the following yields
: Crop Yield (Total) Wheat 1400 tonnes Barley 1800 tonnes Potatoes 6600 tonnes
Maize 12000 tonnes

The benefit of Maize production is key. Maize will grow well in poorer (grade 3b) soil and, apart from producing flour, it can be used as cattle feed. Maize in cattle feed had been shown to increase milk yield by up to 25%, it also provides for a substantial (20%) increased growth in beef cattle - thus providing farmers with an option of reducing herd sizes/ carbon emissions without a reduction in yields.

The proposed site is currently surrounded by fields planted to wheat, there is therefore no reason the site cannot be similarly utilised.

It is claimed by Low Carbon Alliance that the land, if developed, will be suitable for the grazing of sheep. That contention is disputed by professionals . Once covered in solar panels, the grass beneath the same will be starved of light and will be unlikely to be nutritious to animals. Further to this, the area is prone to serious flooding. It is the contention of the Environment Agency that where areas are prone to flooding, it is advisable to keep the grass long, to assist with drainage/ ground water dispersal. Long grass disperses water, whereas shortened grass will exacerbate the flooding issues. It is also noted that, although the applicant has stated that sheep could graze, no evidence of a definite agreement for grazing has been provided.

The Parish Council objects to the application made by Low Carbon Alliance, on the grounds that the proposal conflicts with the stated objectives of Government Policy EN13.

Chapter 15 of the NPPF places the following obligations upon LPA's

Conserving and enhancing the natural environment

Paragraphs 174 and 175

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

(b) recognising the intrinsic character and beauty of the countryside, protect the hedgerows and ancient OAK TREES and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (numbered 58) , take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

It is the contention of the Parish Council, and majority of residents, that the proposed development will not enhance and contribute to the natural and local environment.

In the first instance, the proposed development does not enhance the area, which lies mainly to farmland and hedgerows. The proposed mitigation will not detract from an installation that will be incongruous to the area. The topography of the land will ensure that successful screening of the panels will not be meaningfully achieved.

The villages of Marsh Green/ Westcott have been a small rural/ agricultural community for hundreds of years, with no major industrial development having been undertaken in the area. The impact of the proposed development will change the character of the villages indefinitely.

Within the villages are several substantial Grade 2 listed buildings which, in common with building methods many years ago, do not have the benefit of foundations. The proposed transportation of equipment/ materials by road is likely to undermine the stability of at least one of these properties as it is lies within 6 feet of the wheels of HGV vehicles that would use the proposed transportation route. it is possible that the constant vibration could split the brickwork and collapse the dwellings, with RISK TO LIFE , No provision appears to have been made by the applicant to compensate for any such damage.

It is proposed that the Westcott Village Green will be removed to allow the HGVs to pass, Whilst a small area of land, it is nonetheless a village amenity. The proposal has been made without consultation with the owners and village residents.

The proposed development site, and its surrounding area, is rich in wildlife. However, the development of the area, in the manner proposed, will result in the extant wildlife being dispersed and, thus, lost to the community. At present, deer and raptors are seen in the area. Those would likely disappear.

The 'environmental enhancements' vaunted by the developer are minimal and would do little to address the flooding issues currently experienced by the area. Indeed, it is

likely that the proposal, in its entirety, will exacerbate an already fundamental problem.

The Parish Council objects to the proposed development on the grounds that it does not enhance the natural / local environment but, rather, will detract from it. No consideration has been given to the environmental damage that will be sustained to wildlife, the flora and fauna of the area and, potentially, to properties in the area.

The proposals put forward for the transportation of equipment and materials is unacceptable. As previously stated, the proposed development site is rural and served by narrow lanes and roads. At present, the road structure cannot cope with large vehicles and, frequently, it has been necessary for smaller vehicles to reverse for up to a quarter of a mile, when encountering a heavy vehicle. Apart from the dangers faced when reversing for long distances, the time lost to residents caught up in such 'traffic jams' has proved to be substantial over the past few years. In particular, the Planning Officer's attention is drawn to the Parish Council discussions with both EDDC (via Cllr Lawrence) and Devon County Council Highways Department, relating to the congestion in the area. We respectfully invite the Planning Officer to visit the area to inspect the nature of the access roads to the proposed site.

Long Lane / Westcott Road, and the hamlet of Westcott, are unsuitable for HGV vehicles . Devon County Council Highways Department currently has a sign in place, stating that the road is ' NOT SUITABLE FOR HGV' . The road is too narrow and has few passing places. HGV 's will, most likely, encroach onto banks and hedges, damaging/ destroying the same. Walkers are also likely to be at risk due to the lack of footpaths and the narrowness of the lane.

The hamlet has only one way in and out and would be closed for many days / weeks at a time shutting off the residents of Westcott from daily life , children to and from school , adults to and from work and other essential journeys . This situation arguably increases the risk to human life as emergency services would likely be delayed.

Notwithstanding the unsuitability of the access roads/ lanes, the development will result in increased numbers of workers vehicles in an area that has no suitable parking facilities. On road parking is not deemed to be an option as this will result in congested/ blocked access roads to and from the area. Neither is it permissible for workers to park their vehicle on private roads/ driveways/ verges.

The proposed transportation of vehicles/ equipment is a matter for concern. The area is currently used by cyclists and horse riders, who have no off-road tracks available to them. The noise from heavy vehicles, and from the construction site, is highly likely to breach the terms and conditions, as set out in the Environmental Protection Act 1990

In short, the proposed development will damage the character of the area, destroy current wildlife habitats, create a danger to other road users and cause extreme congestion in the area. The propensity for damaging trees on the access route is

also a cause for concern as the character of the area is defined by its indigenous flora and fauna.

The Parish Council objects to the development on the grounds that the area will be irreparably altered, with substantial damage to trees, wildlife, verges, and humans being (on the balance of probabilities) likely.

Other Matters for Consideration

- o Other matters of concern arise from the dubious sustainability of the material to be used in the construction of the solar panels. It has not been proven that these are environmentally acceptable.
- o The decommissioning of the site is unlikely to return it to its original condition, thus rendering it unusable for food production. No method statement for such decommissioning has been provided.
- o The manufacture of the panels is not being undertaken locally/ UK. These are being shipped into the country from China / Japan. Therefore, British Industry will not benefit.
- o The carbon footprint of the mining and manufacturing, plus transportation, of the panels arguably offsets any perceived green energy benefit .
- o No local employment will arise from the development, therefore there is not local benefit to be derived.
- o Proximity to the village of Marsh Green and the dwellings therein is a major issue and , arguably, presents a risk to children, should they manage to gain access to the site . Solar sites previously approved have generally been outlying from dwellings. The proposed development lies in close proximity to the village and dwellings .
- o Constant noise from the generators, estimated at 45dcb, is deemed to have the potential to constitute a noise nuisance (EPA 1990).
- o The application submitted contravenes the Rockbeare Neighbourhood Plan.
- o Solar panels often fail after 5 to 10 years, and cannot be recycled , potentially creating future EDDC landfill issues .

In conclusion, it is hoped that this matter will be placed before the EDDC Planning Committee, and that full and frank discussions and consideration is given to the inappropriate nature of the proposal submitted by Low Carbon Alliance, which is intent on selling the project to another developer, should planning permission be granted.

Adjoining Parish

Aylesbeare Parish Council broadly supports this project because of the need for generation of renewable energy and the need for farms to diversify. Aylesbeare Parish Council also supports the significant level of biodiversity and the amount of land given to wildlife and nature. However, the Council does have significant concerns which it hopes the Planners will address. They are:-

Construction phase

The route planned for the goods to arrive on site follows roads that flood frequently due, in part, to old drains that regularly get damaged. Aylesbeare Parish Council is concerned that road surveys will only address the surface of the route to and from the compound near the airport. The Council believes that a camera survey of the

drains should be required before and after the project to ensure that the drains are left in as good or, hopefully, better condition after the construction has finished. The project will inevitably lead to mud being left on the public highways of the transport route. Aylesbeare Parish Council hopes that the Planners will include a condition that the roads are suitably cleaned immediately after use to avoid this obvious accident risk.

The hard surfaces throughout the project (including the lanes will need drainage that does not rely on percolation as the soil is clay.

The road to be used does have a DCC Highways sign saying "Unsuitable for HGVs". Aylesbeare Parish Council trusts that the roads will be made suitable for the heavy construction traffic without damage to Devon banks and hedgerows leaving a permanent benefit for the community.

Aylesbeare Parish Council hopes that, should the project go ahead, Highways will take the opportunity to impose a sensible speed limit on Marwood Road which is continually used as a high-speed 'rat run' by commuters and delivery drivers.

The Parish Council also hopes that consideration is given to the possibility of a vehicle breakdown during a convoy. This would surely block the road and arrangements for rapid recovery should be made.

Once the construction is complete Aylesbeare Parish Council hopes it will be a condition to restore the area to original conditions wherever possible.

Ongoing

The footpath from which a viewpoint is given in the plans is marked incorrectly on the map - the view in reality will be almost completely of PV panels on the actual path. The tree shielding that is planned will need planting with semi-mature trees rather than whips as it will take a decade or more before the whips provide an acceptable level of shielding.

The water attenuation will be fundamental to the success of the site in a locality where flooding is common. Footpath 7 towards Aylesbeare, Marwood Road, Marsh Green play area and many other smaller areas flood easily.

The Landscape areas in Aylesbeare have been reduced from earlier (unsubmitted) plans. These areas will be needed as the hedgerows are in 3rd party ownership. The fencing of the panelled fields will need to allow wildlife passage between the fields. Aylesbeare Parish Council hopes such fencing is compatible with sheep grazing.

Aylesbeare Parish Council hopes the Planners are satisfied that enough consideration has been given to the SSSI only one field to the east away from the project boundary.

Aylesbeare Parish Council trusts that the Planners will place conditions that, should the PV panels be removed after the 40-year life of the project that the then owners must return the site to agricultural use only.

Aylesbeare Parish Council had hoped that the applicants would give firmer details of the Community Benefit Fund including an approximate amount of funding and specifications of the uses to which it can be put.

Finally, Parish Council is surprised that the RSPB has not been consulted by EDDC on this major project and there are no details of consultation with the gas transmission company as a high-pressure gas main runs directly across the site.

Technical Consultations

Devon County Highway Authority

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site.

I agree with the general consensus that the Long lane/route A option, would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and minimise the impact upon the carriageway.

The acceptance in avoiding through-route traffic in the village of Marsh Green has been established and is appreciated.

I recommend the provision of a Construction and Environment management plan (CEMP) to further mitigate construction disruption with elements such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Exeter & Devon Airport - Airfield Operations+Safeguarding – 22.08.2022

The updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- o The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- o The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- o The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airports Safeguarding objection can now be removed.

Exeter & Devon Airport - Airfield Operations+Safeguarding 24.05.2022

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 it does have the potential to conflict with safeguarding criteria.

There are 2 areas of safeguarding concern that have been raised by the Air Traffic Control department at Exeter Airport in relation to the Pager Power Glint Glare study.

1. There is no mention or regard to aircraft in the circuit or joining left base for runway 26. This would need confirming to ensure there was no adverse effects or issues.
2. Concerning reflections visible by the Visual Control (VCR) room section 8.2.1 of the study states,
"The results of the geometric modelling have shown that solar reflections towards the ATC Tower from the proposed solar development are possible. However,

considering a review from a high-level determination of the zone of theoretical visibility (ZTV) from Google Earth, it appears that views of the reflecting solar panel areas are not possible from the ATC Tower.

Figure 18 14 on the following page shows the areas of the proposed solar development from where the solar reflections originate. The yellow areas show the reflecting solar panel areas from the Pager Power results, the orange and yellow areas combined show the reflecting solar panel areas from the Forge results. The green areas show the land which is theoretically visible from the ATC Tower considering a tower height of 10m above ground level. There appears to be minor overlap between the reflecting solar panel areas and zones of theoretical visibility. No visibility of the ATC Tower from the site was subsequently confirmed by the landscape team. If there is no visibility to the reflecting solar panel areas, then no impact is possible.

8.2.1.1 Overall Conclusions for the ATC Tower In accordance with the methodology presented in Section 4 and Appendix D, no impact upon ATC operations is expected based on this desk-based analysis and a site survey conducted by the landscape team."

The study shows that solar reflections towards the VCR are possible but goes on to state that there is no visibility of the VCR from the site. Figure 18 shows that areas of the site are theoretically visible including yellow and orange reflecting solar panel areas. It is further stated that there is no visibility of the VCR confirmed by the landscape team. Further evidence is required by the airport showing the visibility of the site and whether the site is visible or not as there seems to be a discrepancy. Vegetation would not be a suitable screening as it can be very sparse in the winter months or removed completely when required.

The Air Navigation Order 2016 PART 8 states,
"Aerodromes and lighting CHAPTER 2 Lights and lighting
Lights liable to endanger

224. (1) A person must not exhibit in the United Kingdom any light which
(a) By reason of its glare is liable to endanger aircraft taking off from or landing at an Aerodrome; or
(b) By reason of its liability to be mistaken for an aeronautical ground light is liable to Endanger aircraft.

Lights which dazzle or distract

225. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety, until further evidence is supplied, and suitable mitigation measures if required are proposed and approved.

National Highways

Council's Reference: 22/0990/MFUL

National Highways Ref: 95029

Referring to the notification of a planning application referenced above, for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, EX5 2EU, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

d) recommend that the application be refused (see reasons at Annex A)

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks permission for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, Devon. The 75ha site is located immediately south of the A30 trunk road boundary and approximately 3.5km east of M5 Junction 29. The temporary construction traffic reception Compound covering 1.26ha is located

immediately south of the A30/B3184 Exeter Airport junction and 1.6km east of M5 Junction 29.

Impact on the Strategic Road Network

Traffic Impact

Once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound will be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact we are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage

The drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30.

Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

As set out in Paragraph 50 of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development", National Highways will not accept any water run off arising from any change of use into our highway drainage systems, or any new connections into those systems from third party development drainage systems. We therefore require the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of our highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on our drainage assets. The drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any

adverse impact on our assets. It must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment

The Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development." However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to our estate. It is therefore unclear how glare from the site, and particularly DC02a, will be screened from the A30 eastbound carriageway. We therefore require the submission of a boundary treatment plan which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

It should be emphasised that National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (*Chalara*), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development".

We also require a detailed Landscape Plan and associated Planting Schedule for our review to ensure there will be no adverse impact on our soft estate.

We should advise the developer that the following species must not be planted within 10m of our estate:

1. Blackthorn (*Prunus spinosa*)
2. Goat willow (*Salix caprea*)
3. Crack willow (*Salix fragilis*)
4. Dogwood (*Cornus sanguinea*)
5. Italian alder (*Alnus cordata*)
6. Bird cherry (*Prunus avium*)
7. Quaking Aspen (*Populus tremulans*)
8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset:

9. Silver Birch (*Betula pendula*)
10. Austrian Pine (*Pinus nigra*)
11. Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
12. English Oak (*Quercus robur*)

Recommendation

National Highways has no objection in principle to application 22/0990/MFUL subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Detailed Drainage Strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site. Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset.

2. Prior to the commencement of the development hereby permitted, a Boundary Treatment Plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

3. Prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

EDDC Landscape Officer 14/09/2022

1 INTRODUCTION

This report is an addendum to the previous EDDC landscape response to the full application for the above site following review of further/ amended landscape related information submitted by the applicant.

2 REVIEW OF ADDITIONAL / AMENDED INFORMATION

2.1 Removal of panels

a) The reduction of panels in fields D2b and D3 as recommended in landscape response dated 15.7.22 is noted.

b) Reviewing the amended photomontage for viewpoint 09, mitigation tree planting shown to the southern boundary of field D2 is not included on the Landscape Strategy

Plan (LSP). The LSP should be amended to include for this. Tree planting should extend adjacent to the hedge annotated on the plan as not being in control of the applicant.

c) In respect of field D7 the reduction in panels is not considered sufficient and all arrays in this parcel should be omitted as previously recommended.

2 Field access gates

a) The applicants response to previous concerns raised regarding security gates by replacing the previously proposed 2m high solid gates with 2m high weldmesh gates is not acceptable in terms of landscape and visual impact and does not reflect existing constructed or consented schemes where security gates are set back from the field boundary in line with the security fence, as illustrated in the photograph below taken at the site to the north of Cranbrook.

b) Although the proposed development plan and construction plan keys include symbols for field and security gates, it is very unclear from the actual plans where these are proposed. For the avoidance of doubt the plans should be amended to clearly show gate locations and distinguish between the two types proposed.

c) Additionally the applicant should confirm the following field access arrangements and amend plans accordingly:

DC01 – Applicant to confirm access to be as per fig. 2 of landscape response dated 15.7.22

D2 and D3 – Applicant to confirm from existing entrance to D2. Existing field gate to be retained.

D4 – Applicant to confirm access to be as per fig. 3 of landscape response dated 15.7.22

D5, D6N and D6S – Applicant to confirm to be taken from D4.

D6N – Access to be via D7. Existing field gate to D7 to be retained.

D8 and D9 – Access via existing access off Quarter Mile Lane. Existing field gate retained.

D10-13 – Access off existing green lane via ecological enhancement area. Access to ecological enhancement area off green lane to retain existing field gate.

Details of any proposed gateway amendments should be submitted for approval prior to determination of the application.

3 Additional comments

It is noted that construction details of proposed access tracks have not been submitted. These should be provided for both construction and operational phase prior to determination or by condition prior to commencement of site works.

EDDC Landscape Officer 15/07/2022

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.

The application site extends over an area of up to 2.4x 1.4km which includes a total fenced developed area of some 55Ha and a further 19 Ha to provide ecology enhancement outside of the fenced enclosures.

The proposals comprise arrays of ground mounted solar panels and associated infrastructure including inverters, substations, access roads, fencing and CCTV as described clearly in the DAS p.16. These are arranged in three distinct groupings:

- The main development site has a predominantly southeasterly aspect and comprises 16 fields of PV arrays extending from the A30 on its northwest boundary southwards to Westcott Lane and eastwards towards the edge of Marsh Green.
- The eastern area lies to the east of Marsh Green and comprises four fields of PV arrays (D10-D13) and additional ecology area (D14).
- The southern area comprises four fields of PV arrays (D2-D6) on a ridgetop and south facing upper slope.

Principal access points are taken from Rockbeare Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel is accessed via the entrance to an old drove track off Quarter Mile Lane.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA)

Methodology

The LVIA methodology as described in the appendices is in accordance with industry standard guidance. The methodology, and scope of the LVIA are clear and defined.

The study area, extends to 2.5km which is considered appropriate for the type of development proposed.

There are some discrepancies in sensitivity given for particular receptors in section 3 of the LVIA compared with those given for the same receptors in section 6-Visual impact assessment, notably in respect of Westcott Lane and Aylesbury footpath 7.

Assessment of significance of effect for visual receptors in section 6, table 3, assesses many as **minimal adverse** although a minimal adverse category is not included in the Significance criteria of visual impacts, table F of the methodology. For the purpose of this review such instances shall be taken to be equivalent to **slight adverse**, which is defined in table F.

Landscape Baseline

Published landscape character assessments - The LVIA considers National Character Area assessment and District level Landscape Character Type assessments, but County level Landscape Character Areas (Clyst Lowland Farmlands and Pebble Bed Heaths and Farmlands) are not considered.

The Devon Historic Landscape Characterisation should also have been considered. This indicates that the northern and eastern site areas comprise medieval enclosures based on strip fields with 17% and 24% boundary loss respectively. The southern field parcels are described as post-medieval enclosure based on strip fields with 47% boundary loss.

Landscape character - The LVIA assessments of sensitivity of the host landscape character types (LCT3B and 3E) are questionable. In both instances the LVIA finds them to have **low to medium** value. The landscape comprises rolling farmland in generally good condition with well-maintained hedges and large trees both in hedge lines and within open fields. Published LCA and LCT descriptions recognise its attractive qualities away from large built-up areas. The landscape has a strong structure of hedgerows, many of medieval origin, and mature trees, particularly oaks. There are a few pylons but their visual impact is limited due to landform and the frequency of large trees. The A30 is generally not visible but audible. Accounting for the above, in accordance with the criteria in Table C, LVIA appendix B, landscape sensitivity for both LCT 3B and 3E should be considered to be **medium** – *‘Consisting primarily of valued landscape components combined in an aesthetically pleasing composition with low levels of disruptive visual detractors exhibiting a distinguishable structure. Some landscape elements remain intact and in good repair. Limited potential for substitution.’*

Individual landscape receptors – The assessment of individual receptors (LVIA paras. 3.8-3.13) regarding the AONB, open access land and listed buildings as being unaffected by the proposed development is accepted.

In consideration of site landscape character, Use/ Landcover is assessed in the LVIA as being of **low-medium** Sensitivity. This should be **medium** sensitivity as land use is currently 100% farmland. The A30 has extremely limited visual impact and the few pylons present are not dominant being partially screened by landform and large tree cover. Proposed development would introduce extensive modern infrastructure into the site at odds with the prevailing rural character and which could mask the existing pattern of field hedgerows.

For Landform the LVIA assesses sensitivity as **low**. As the landform comprises both hidden, lower, lying areas and some more visible slopes sensitivity to change should be considered to be **medium**.

The LVIA assesses susceptibility of trees and hedgerow as low. As there is potential for development to adversely impact these important landscape elements sensitivity should be considered at least as **medium**.

Visual baseline

Viewpoints were agreed with EDDC at pre-app stage. Presentation of baseline photographs complies with relevant guidance. Photographs are generally of reasonable quality although photos 3, 4 and 11 a-c are taken in hazy/ misty conditions resulting in some loss of detail. Photography is taken in winter conditions when trees and hedgerows are bare, to represent worst case scenario and in most cases visual

effects can be expected to reduce in summer. Baseline photographs include clear indications of the extent of proposed development in each view.

The LVIA's findings that the effects of the development do not extend beyond the A30 is accepted. There is some intervisibility with Ashclyst Forest and Paradise Copse to the north but these are well beyond the study area boundaries and, particularly as the pv arrays will be facing away from them, it is doubtful whether any effect would be discernible from these locations.

It is accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

In addition to the submitted ZTV, a Zone of Visual Influence (ZVI) plan is also submitted to represent actual visible extent of the development. This does not account for views from the minor lane to the south (Marwood Road), from which fields D2 and D3 in the southern development parcel are visible in glimpse views over a length of some 200m to the west of Rill Corner. Field D5 has some visibility from Westcott Lane and in a glimpse gateway view from Quarter Mile Lane. Additionally, fields D4 and D6, while not visible in the immediate locality except from the access gates into them off Withybed Lane, can be seen from a few locations on higher ground towards West Hill to the northeast, including viewpoints 3 and 4. Notwithstanding the above, it is accepted that visual effects are largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. Apart from viewpoint 11, which affords partial glimpse view of fields D11 and D12, the eastern field parcels are effectively screened from publically accessible locations. As noted in the LVIA the settlement of Marsh Green itself is also unaffected.

The LVIA identification of visual receptors is sufficiently comprehensive, but it's assessment of their sensitivity is too low in the following instances:

- Minor lanes - Only motorists are considered. The assessment of their sensitivity as **low-medium** is accepted but these lanes are frequently used by pedestrians and cyclists for whom sensitivity should be considered **medium**.
- Westcott Lane is something of an anomaly as it is a county road currently closed due to flooding issues. The LVIA assesses receptor sensitivity as **low-medium** on the basis of use by 4WD vehicles. However, as flagged in pre-app advice, the lane is most used as a recreational route by local residents whose sensitivity should be considered **medium**.
- Sensitivity for residents of directly affected dwellings should be considered **medium-high**.

Cumulative effects

In consideration of visual amenity impacts for viewpoint 11 the LVIA should have noted that, albeit at a distance, the existing Strete solar installation would be seen adjacent to the site and will slightly add to the perceived extent of solar arrays. For viewpoint 1 there is a sequential effect with the Strete solar site visible from the A30 over-bridge to the northwest and field DC01 of the proposed development visible to the southeast.

Overall, however, due to the lack of visibility of the existing and consented sites at Great Houndsbeare Farm and Rockbeare Hill, and no intervisibility between them and the proposed development site, the findings of the LVIA that cumulative effects of the development would be **low**, is accepted.

Assessment of proposed development

Design - Design proposals and landscape strategy as set out in the LVIA are generally acceptable. (See detail comments at section 2.2 below.)

Primary mitigation measures listed in the LVIA should include the specification of panels that minimise reflectivity including surrounding framing elements.

Potential effects are generally comprehensively listed but Effects at completion and during operation should include also the closure and restriction of views due to changes in hedgerow management and erection of solid gates at a number of field entrances. The predicted loss of 43m of hedgerow identified in the Ecological assessment should also have been noted in the LVIA.

Landscape Impact Assessment

Section 5 of the LVIA considers Landscape impact. The results are presented in table 1: Summary of predicted effects. There is no explanation of the headings in the table. It appears that the 3rd column, Magnitude of change, is based on assessment of effects at completion and that the 4th column, headed Mitigation, is shorthand for Magnitude of effect after proposed mitigation has been implemented/ established. The explanatory notes should have indicated the expected time for mitigation measures to take full effect.

The LVIA assessment of magnitude of change on land-use/ landcover within the site as **high** initially, reducing to **medium** as mitigation develops with **moderate adverse** significance of effect is accepted.

In respect of landform **moderate adverse** rather than the **slight adverse** effects identified in the LVIA, are likely to occur on the steeper parts of the site (fields DC15 and D2 and D3) due to their greater prominence.

The LVIA assesses significance of effect of the development on the host landscape character types (LCT 3B and 3D) as **slight adverse**, based on a **medium** magnitude of change at completion, reducing to **low adverse** after mitigation establishes. This seems an underestimate and magnitude of change within the site and immediate surrounds is more likely to be **high** initially reducing to **medium** after mitigation establishes, resulting in residual **moderate adverse** significance of effect, defined in the LVIA methodology table D as '*Noticeable direct change to landscape feature/character over localised area.*'

Visual impact assessment

Accompanying photomontages are clear and give a fair representation of the expected visual impact of the proposals for the selected viewpoints at completion and following establishment of mitigation measures.

Para. 6.2 of the LVIA should have noted that there are views of field parcels D2 and D3 from Aylesbeare footpath 7 and Marwood Road and for a short distance from the

minor lane running north from Marwood Road to Withy Bed Lane. Reference should have been made to impact on residents particularly at Westcott and also on Marwood Road.

The LVIA assessment of residual significance of effect for VP1, 2 and 4 as **slight adverse** is appropriate although for VP 2 magnitude of effect at completion is more likely to be **medium** initially, rather than **low-medium** as stated in the LVIA, due to the proximity of development to the viewer.

For VP3 the LVIA identifies residual significance of effect for road users as **slight adverse**. For residents of Houdsbear Farmhouse this is likely to be **slight-moderate** adverse due to higher sensitivity of residential receptors.

For VP5, magnitude of change at completion should be considered to be **high** rather than **low-medium** as stated in the LVIA. This is due to the prominence and proximity of development to the viewer and the loss of an attractive view beyond due to the siting of the panels and new high, solid access gate which is clearly illustrated in the photomontages. This is likely to reduce to **medium** after mitigation with a **medium adverse** residual effect.

VPs 6-8 are representative views along Westcott Lane. For VP6 magnitude of change should be considered **low-medium adverse** on completion reducing to **low adverse** after establishment of mitigation, due to loss of views and sense of openness. Similarly for VP8 the loss of attractive views and sense of openness post mitigation magnitude of effect should be **medium** resulting in **moderate adverse** residual effect.

For Westcott Lane, while in summer development would be well screened along much of the lane, pv arrays and fencing will remain visible in some views especially in the initial few years following completion. There will be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

Visual impact of proposals on residents at Westcott is not assessed in the LVIA. Residents of only two or perhaps three properties are likely to be directly affected. Effects are likely to be similar to those identified for VP 8.

For VP 9 the LVIA assessment of residual significance of effect as **moderate adverse** is considered appropriate.

For VP 10 the magnitude of change post-mitigation should be considered **low**, rather than **negligible** as stated in the LVIA, as an attractive extensive view will be lost due to the proposed infilling of the gateway.

LVIA assessments of visual impact for the A30 and Rag Lane as **slight adverse** are accepted.

The LVIA does not consider visual impact on users of Marwood Road. Receptor sensitivity should be considered **medium** with magnitude of change **medium-high** initially, reducing to **medium** after establishment of mitigation with resultant **moderate adverse** residual effect.

Walkers, cyclists and motorists using the local lanes are likely to experience sequential effects as they will perceive the extent of development behind higher hedges and solid field gates or occasional views to the development site. In Devon, due to high hedgebanks, field gates provide welcome stopping points for walkers to enjoy wider views such as those presently obtainable at VP11 and VP 10 on Withybed Lane and several of the other field gateways that are proposed to be replaced with high solid gates or otherwise blocked up. The cumulative loss or alteration of such views due to development has not been considered in the LVIA but is likely to have **low-moderate adverse** residual effect.

2.2 Review of development plan

For field D7 where a moderate adverse visual effect is considered likely (contrary to LVIA assessment) it is recommended that this parcel is removed entirely from the proposed development as its limited extent is disproportionate to the likely level of visual impact.

For field D2b removal of the relatively narrow strip of panels in the southwest field corner (see fig. 1 below) would help to reduce visual impact from Aylesbeare footpath 7 particularly, as shown in the photomontages the potential for mitigation from perimeter screening is limited.

Figure 1 - Omission of arrays in field D2b to reduce visual impact from footpath 7

2.3 Review of landscape proposals plan

Additional tree planting is required to the southern boundary of fields D2 and D3 to help screen the pv arrays on this prominent part of the site.

Proposed management of hedges to either side of Westcott Lane indicates their general management at a height of 3-4m. This should be changes to leave sections of hedge low where impacts of pv arrays on views beyond are slight or negligible in order to retain views out.

2.4 Field gateway treatments

High solid gates as indicated on drawing no. LOA1001-214 are proposed for security reasons. This treatment is not typical of other pv sites in the district where gates with wire mesh are used instead. A revised detail for at least wire mesh in the upper panels would be less industrial looking, less noticeable and allow some views over.

For the gate at the northern site entrance in to field D001 the existing roadside gate could be retained and a new security gate installed out of sight further along the proposed access track and a short length of new hedge provided in front of the security fence to screen views of the panels from the road (see figure 2 below). Similarly security gates to fields D4 could also be set back from the roadside gateway so as to be less intrusive (figure 3).

High steel gates proposed to field D6S from Withybed Lane and field D5 from Westcott Lane seem unnecessary as access to these fields could be taken from D4. Therefore

it would be better for the existing gateways in these instances to be blocked up by extending hedgerow across them.

For field D3A where it is proposed to block up the existing gateway this would lead to the loss of a fine view. It would be preferable to omit some of the pv arrays in the northeast corner and set back the security fence a bit from the field entrance to enable retention of the view.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

Despite the scale of the proposed development and the proximity of two existing solar sites and a further consented scheme, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited.

Nevertheless the proposed development will have notably greater landscape and visual impact than the existing and consented sites at Strete, Houndsbeare and Rockbeare Hill due to the larger scale of the proposed development, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors.

Identified effects will be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings. Moderate adverse visual effects are likely to occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These will be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape. The omission of field D7 and partial removal of arrays in fields D2, D3 together with reconsideration of security gate design and location as noted above would substantially reduce such perceived effects.

The eastern development area is low set and benefits from existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway (VP11) where there are partial views of field parcels D11 and D12.

Overall subject to minor amendments as noted the scheme could be considered acceptable in terms of landscape and visual impact.

3.2 Conditions

Should the application be approved 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) 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
- b) Details of proposed colour finishes to housings for inverters, storage units and substations.

- c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
- d) Details of the locations of security cameras.
- e) Details of finishes of framing elements of proposed pv panels.
- f) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan 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 and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

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

- 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) of the East Devon Local Plan.

Conservation – 31.08.2022

Case Officer to assess against the previous comments from Conservation and Historic England to ensure that all issues have been resolved.

Conservation – 05.07.2022

The following comments concur with those made from Historic England and are in addition to them. They are as follows;

Overall I concur with the comments submitted by Historic England.

I would disagree with their method of assessment and limiting it to an area of 2km radius. It is made clear within the NPPF that the extent of the setting of a designated asset "is not fixed and may change as the asset and its surroundings evolve". (NPPF 21, Annex 2 Glossary). Although in the heritage assessment, in para 2.2 (method of assessment), makes reference to the "Zone of Theoretical Visibility - (aka ZTV, ref: Historic England GPA Note3, s.21), it is considered that this lacks sufficient evidence and justification.

The highly significant historic, complex of Rockbeare is disregarded due to the distance, the A30 and mature planting. This assessment fails to fully assess that the A30 is at a much lower level to the landscape either side of it and that the "ZTV" is disregarded due to vegetation. There is no assessment of views or settings in relation to impact of the proposed minimal height of the solar panels (approx height minimum of 3.14m & 2.9m, along with the 2m high perimeter security fencing either. There are distinct viewpoints. For example, from the Marsh Green bridge that crosses over the A30, which will also be used for the initial construction traffic.

There has been satisfactory evidence for the archaeological potential and its impact, however, it is strongly recommended that further investigation includes the potential for any buried unexploded ordnance. There are large areas already mapped just to the East of the reception site.

The design and access statement makes reference to the decommissioning of the site, however it does not include how or to what extent all of the proposed materials to be added to the sites, can be recycled or re-used.

In conclusion, there remains insufficient evidence to support the justification of the proposal, against the negative impact on the designated heritage assets. This includes a cumulative impact on the setting with respect to existing solar arrays and associated built form in this area. There is less than substantial harm to the setting of the designated heritage assets, in particular, all those at Rockbeare.

Addendum; the grade II listed buildings and their curtilage listed buildings, in the village of Marsh Green that are immediately to the East of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by

the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Overall the impact on the setting of the significance of these listed buildings of Marsh Green, is considered to be less than substantial harm due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

Historic England – 02.09.2022

Thank you for your letter of 18 August 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

The most recent information included amendments included the Historic Environment Assessment Addendum Ford Oaks Solar and Green Infrastructure Facility, Marsh Green, Devon (Heritage Archaeology). The document was produced in response to advice provided regarding Historic England and EDDC Conservation Officer. This letter should be read in conjunction with our previous advice (dated 7 July 2022).

We are pleased to see a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as as the grade II Registered Park and Garden (RPG)). The documents maintains that the impact of the works will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover. There is the potential for some intervisibility from the northern extent of the RPG.

In the consideration of the application, you, the local Planning Authority, should ensure that you are confident of the proposed impact on the historic environment, and be guided in your advice by your conservation specialist.

Recommendation

In light of the latest information, your authority should ensure you are satisfied of the potential impacts on Rockbeare's diverse historic environment prior to making your determination, and be guided by the advice of your conservation, archaeological and placemaking specialists.

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.

Historic England – 07.06.2022

LAND AT MARSH GREEN FARM, MARSH GREEN, EX5 2EU
Application No. 22/0990/MFUL

Thank you for your letter of 19 May 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 proposed application site is in close proximity to the historic complex of Rockbeare. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings. The assets are set within a designed parkland setting which has been designated as a grade II registered park and garden. The south-eastern boundary of the designated landscape almost abuts the application site, only being separated by the A30.

The application is for a large ground mounted solar farm, covering a substantial area. As part of the scoping exercise, Historic England raised the need for the impact of the development on the historic complex of Rockbeare to be robustly assessed as part of the supporting documentation.

The Landscape Visual Impact Assessment (Steel Landscape Design, May 2022) and the Heritage Impact Assessment report (Heritage Archaeology, April 2022) have drawn the conclusion that the proposed development will not impact on the significance the Rockbeare estate derives from its setting. This is due to the intervening vegetation and the cutting of the A30.

No supporting documentation in terms of photographs, montages or wire frames have been provided to provide absolute confidence that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. The over reliance on tree cover to provide screening is a concern as it has a finite life span and also suffers from seasonal variations. A solution that avoids or minimises the harm rather than relying on mitigation, should be encouraged.

Therefore, in the consideration of the application, you, the local Planning Authority, should ensure that you have sufficient information to be confident of the proposed impact and/or be guided by the advice of your conservation specialist.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the proposed development on the multi and highly designated Rockbeare complex.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs Para 194 and 195 of the NPPF. You should also seek the views of your conservation specialist.

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.

Devon County Archaeologist 18.08.2022

I refer to the above application and your recent re-consultation regarding amended information submitted. Previous archaeological investigations have demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

The Historic Environment Team has no comments to make on this planning application.

Devon County Archaeologist -07.06.2022

Application No. 22/0990/MFUL

Land At Marsh Green Farm, Marsh Green, EX5 2EU - Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site): Historic Environment

My ref: ARCH/DM/ED/37714a

I refer to the above application and your recent consultation. A programme of archaeological work has just been completed within this application area. The Historic Environment Team is awaiting the receipt of the report setting out the results of the fieldwork.

As such, I would advise that this application is not determined until this office has received a copy of the report setting out the results of the archaeological investigations and is able to provide an informed response to the Planning Authority.

Natural England – 12.09.2022

Thank you for your consultation and for agreeing to our requested extension of time.

Natural England has previously commented on this proposal and made comments to your authority in our letter dated 15 June 2022, Reference number 394472.

We have reviewed any new/amended documents available and maintain the advice provided in our previous response where we made no objection to the original proposal, subject to mitigation. The proposed amendments to the original

application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

Natural England – 15.06.2022

Thank you for your consultation email dated and received on 19 May 2022 relating to the above proposal. Based on the information provided we have the following comments

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:

- 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.
- A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.
- To require the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's detailed advice on this and other natural environment issues is set out below.

Designated sites

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. We advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

Protected Landscapes

The proposed development is for a site near to the **Blackdown Hills Area of Outstanding Natural Beauty (AONB)** and the **East Devon AONB**, both nationally designated landscapes, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha.

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 paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 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 your development plan, or appropriate saved policies.

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 their AONB statutory management plans, 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 the AONB 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.

You may also find useful the Devon Landscape Policy Group Advice Note No. 2: 'Accommodating Wind and Solar PV Developments in Devon's Landscape' particularly with reference to cumulative impacts and siting and design.

Biodiversity net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan and the Environment Bill.

We advise you first to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions² (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.

When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Local Nature Recovery Strategies where they are being developed, Green Infrastructure Strategies or biodiversity action plans.

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101)³ includes advice on requirements for safeguarding the natural environment. You may also wish to note the industry guidance 'Solar farms and biodiversity opportunities'⁴

There may also be the potential for the development to have a wider positive impact by financially contributing to local environmental / social initiatives in the Parishes affected to help connect people and wildlife and we note that a community fund is proposed.

Soils and Agricultural Land Quality

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 total development site is approximately 74ha with 8% of the land being subgrade 3a land, and the remainder (92%) at subgrade 3b land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and 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 production 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.

Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice⁵ to help planning authorities understand the impact of particular developments on protected species. We advise

you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting⁶. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

Where security fencing is proposed it should be permeable allow the continued movement of species through the wider landscape.

Local sites and priority habitats and species

Your authority should ensure it has sufficient information to fully understand the impact of the proposal on any Local Sites such as County Wildlife Sites (CWS). Withybed CWS (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation.

Natural England and the Forestry Commission have produced Standing advice⁷ for making planning decisions on developments that may affect ancient woodland on or near a proposed development site. This advice sets out that measures should firstly be taken to avoid negative effects on ancient woodland, and secondly mitigate any harm – by using buffer zones for example. Such buffer zones should contribute to wider ecological networks, and should consist of semi-natural habitats such as woodland, a mix of scrub, grassland, heathland and wetland.

It is noted that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. This buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

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.

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

- A Construction Management Plan (CEMP) which will set out the measures to protect retained features through appropriate fencing and reference best practice measures to avoid impacts to off-site receptors, such as from contaminated run-off.
- A Landscape and Ecology Management Plan (LEMP) to ensure retained and created habitats are managed favourably to maximise their benefit to wildlife
- When planning permission expires the site shall be decommissioned and restored to agriculture

If you have any queries relating to the advice in this letter please contact me on the details below.

EDDC District Ecologist - Rory Chanter

EDDC welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. To this end, in order to maximise the contribution of the proposal to specific local objectives, the applicant is encouraged to explore the potential for creating more woodland on the site. A good potential area for woodland creation would be in place of or surrounding/supplementing the proposed wetland creation. Woodland creation in these areas would be simpler to achieve than wetland, or could simply supplement the wetland through riparian/adjacent planting, which ties in better with specific tree targets in the area. This could also provide more compensatory habitat for dormice in the area if provided in an appropriate location. The Biodiversity Net Gain assessment proposes that the three fields adjacent to the watercourses would be seeded and cut once a year with arisings removed, and that this would result in the creation of lowland meadow in "good" condition. Lowland meadow is very hard to create and requires serious concerted effort, typically involving a regime of soil testing, soil nutrient reduction, careful seeding and aftercare, monitoring, removal of injurious weeds and dominant grasses etc. The proposals for this area would increase the ecological value of these fields, but is not considered to result in creation of lowland meadow of good condition without a nutrient removal regime.

It is recommended that the applicant review the capacity to increase tree canopy cover within the application, as well as reviewing the likelihood of achieving creation of lowland meadow with the current management prescriptions

DCC Flood Risk SuDS Consultation 04/11/2022

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

DCC Flood Risk SuDS Consultation – 08.09.2022

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Our previous consultation response FRM/ED/0990/2022 dated 09th September 2022 remains the same.

The applicant would need to submit the detailed design of the proposed drainage strategy for our consideration.

It is observed that the applicant is currently proposing the watercourse to be culverted next to the A30 at the proposed 4.2ha Ecological Enhancements Area. This is against DCC Cuvlerting Policy and should culverting is necessary, the applicant would need to justify its reason.

DCC Flood Risk SuDS Consultation – 10.06.2022

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

We are pleased to see that a combination of filter drains, leaky dams and swales are proposed to drain the proposed development. Due to the steep nature of the site, we

would require swales to be situated within the areas with gradient 1 in 10 or steeper not just at the downslope end of these areas.

The applicant should submit a plan clearly illustrating a buffer zone of at least 5m adjacent to the ordinary watercourse which flows through the site. We would require information on the proposed drainage for the T junction improvements and would require information on how the transformers and substations will be drained.

We would be happy to provide a further response if additional information is submitted to the local planning authority. We would require information on how the runoff from the transformers, substation and roads will be drained for the design standard event.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

Environment Agency – 02.09.2022

Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of the revised Flood Risk Assessment (FRA), we can remove our objection to this application provided that a condition is included within any permission granted in respect of the detailed design of the scrapes and ecological enhancement areas within Flood Zones 2 and 3.

The suggested wording for this condition and associated advice is set out below.

Condition - Design of scrapes and ecological enhancement areas

No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority.

The scrapes and ecological enhancement areas shall be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.

Reason: To maximise the flood risk management benefits that these intervention measures will provide.

Advice - Flood Risk

We have reviewed the applicants revised Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B. We are satisfied that clarity regarding the issues we raised in our initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

With regard to the proposed location of panel units within Zones D8 and D9 we feel that this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. We consider that the above-mentioned condition is necessary to secure the detailed design and implementation of these scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Please contact us again if you require any further advice.

Environment Agency – 08.06.2022

Environment Agency position

We recommend that the application is not determined until the applicant has provided information to confirm that the proposal can be amended slightly to ensure development avoids the areas of highest flood risk and no increase in flood risk elsewhere. The reasons for our position are set out below.

Reason - Flood risk

The proposal broadly satisfies the overriding flood risk policy aims of the National Policy Framework in terms. However, whilst the majority of the proposed panels and associated infrastructure will be located within Flood Zones 1 and 2 (low and medium probability flood zones respectively) there are some elements proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

It is for this reason that we advise that some minor alterations should be made, and assurances provided. In particular we advise the following:

- o Minor alterations being made to the proposed placing of some of the panelling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- o Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- o There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Notwithstanding our request for amendments to the scheme, we very much support the principle of providing 'scrapes' at strategic locations, and the localised management of land for ecological enhancement. These features have the potential to encourage localised short-term storage of flood waters thus helping reduce downstream flood risk. We note the proposed provision of various measures as shown on plan 'Suds Drainage Features/Betterment Features' (CRM.3025.001 HY D 012 E) which was submitted within the applicant's Flood Risk Assessment. Likewise, we endorse the provision of 'leaky dams' and we note the proposed development includes such. Consideration should also be given to implementing riparian planting and buffer strips, to encourage out of bank flow and thus short-term inundation of the areas of floodplain within the site.

Please reconsult us once the applicant has confirmed the amendments advised above so that we can recommend appropriate conditions. We will seek inclusion of

a condition regarding provision of 'scrapes' and 'ecological enhancement areas' within areas of Flood Zone 3 and Flood Zones 2.

South West Water

I refer to the above application and would advise that South West Water has no objection or comment.

Environmental Health – 13.09.2022

The noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Environmental Health – 26.05.2022

I recommend approval with conditions:

A Construction and Environment Management Plan (CEMP) 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, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

Police Crime Prevention Officer

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.

1. I appreciate that deer fencing will be used for the site boundary which I understand is standard for such a scheme. Can it be confirmed that the security fence and gate to the secure DNO compound will be certificated to a nationally recognised security standard such as LPS 1175?
2. I note that a CCTV system will be installed which is supported. Can it be confirmed if the system will cover the perimeter of the scheme and will it be monitored? Without any form of active monitoring or a monitored intruder detection

system, the site will be vulnerable to unauthorised access, theft, damage etc. A monitoring capability enabling a proactive response to incidents as they occur would be beneficial.

I would appreciate it if further information on the two points above could be provided. Thank you for forwarding on the agent's comments and I am grateful to them for confirming the below. If a planning condition can be included to the effect of point 2 in relation to CCTV to aid in the detection and prevention of crime, I would appreciate it.

Other Representations

70 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Loss of high grade agricultural land
- Harmful visual impact on the countryside
- Impact on highway safety
- Country lanes are unsuitable for construction traffic
- Loss of habitat
- Increased flood risk and surface water run off
- Glare from solar panels
- The benefit does not outweigh the harm
- Impact of solar reflection on residential amenity
- Cumulative impact of solar farms
- Brownfield land and sites has not been considered
- Construction impacts on the community from noise and traffic
- Carbon footprint of the panels offsets green energy benefits
- Heritage impacts
- What are the energy benefits?
- Contravenes Local Plan and Neighbourhood Plan
- Landscaping will be ineffective
- Background noise from equipment
- Industrialisation of the countryside
- Damage to hedgerows and banks
- Impact on archaeology
- Will ring fence the community
- Devaluing property
- Loss of views of the countryside
- No benefits to the community
- No provision of Green Infrastructure
- Danger of death risk
- Impact on privacy from CCTV
- Leaching of chemicals from solar panels
- The agricultural land classification report cannot be relied upon

24 letters of support have also been received at the time of writing this report.

PLANNING HISTORY

None relevant to the determination of this application.

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)

EN6 (Nationally and Locally Important Archaeological Sites)

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)

Rockbeare Neighbourhood Plan

Rock01 Local Woodlands, Trees and Hedgerows

Rock03 Public Rights of Way and Bridleways

Rock04 Flood Defence

Rock 05 Important Views and Vistas

Rock 09 Flood Avoidance

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

NPPG (National Planning Practice Guidance)

Site Location and Description:

The site refers to approximately 74 hectares of individual agricultural field parcels (27) to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. Many of the fields feature hedgerow boundaries interspersed with, mainly oak and ash trees. The land is undulating and is comprised of a shallow valley which rises to north towards the A30 dropping towards a water course to the north of Westcott Lane before rising again to the southern land parcels. The A30 forms the northern and western boundary of the site.

The nearest settlements to the site are the small hamlet of Westcott, located immediately to the west of the site and the village of Marsh Green which borders the site to the northeast. Quarter Mile Lane is orientated north to south through the village of Marsh Green which effectively divides the site into two main areas. Westcott Lane intersects the development site and is accessed from Quarter Mile Lane to the east and connects with Withybed Lane and Rag Lane to the west.

Aylesbeare is located circa 0.75km to the south of the site. To the east, the settlement edge of West Hill is circa 2km from the site boundary beyond which is the larger settlements of Ottery St Mary approximately 6km from the site. Approximately 3.9km to the west of the site is Exeter International Airport.

There are a number of residential dwellings in close proximity to the site, which include a number of grade II listed buildings and an important cluster at Rockbeare Manor, which includes the grade I listed house, the grade II* listed stable and numerous other grade II* and grade II listed buildings as well as the grade II registered park and garden that covers the site.

The application is located within the countryside and is not the subject of any national or local landscape designations. The East Devon Area of Outstanding Natural Beauty is located approximately 1.2km to the east of the development site. Part of the site nearest the watercourse is designated as flood zones 2 and 3 by the Environment Agency. A public footpath runs through a parcel of land to the south west. Immediately west and east of the southern land parcels are County Wildlife Sites at Beautiport Farm and Withybed Copse.

The application site also includes an agricultural field at Clyst Honiton to provide a temporary construction reception area. The construction traffic reception compound is approximately 1.26 hectares and is located adjacent to the south west of runway 08 of Exeter Airport. The site is accessed from the B3184 which crosses the A30 north of the site.

Proposed Development:

Planning permission is sought for the construction of a 30 MW solar farm, comprising circa 60,000 solar panels across 29 hectares of agricultural land which would include solar arrays, transformers, equipment housing and sub-stations, switch rooms, security fencing, CCTV, ancillary equipment, and associated development, such as

access roads/tracks for maintenance. A temporary planning permission sought for a period of 40 years.

In total, the proposed Development consists of 27 field parcels (not all of these are identified for solar array development) which have all been provided by the applicant with a field reference number for identification purposes. Given the extent of site coverage of the solar farm, it is considered that the site can be best understood and assessed by adopting these field parcels numbers and by splitting the application site and development area into three parts as follows:

Northern Area: The main development area has a predominantly south easterly aspect and comprises 16 fields of PV arrays extending from the A30 on its north west boundary, southwards to Westcott Lane and eastwards towards the edge of Marsh Green (labelled as DC01, DC02, DC03, DC04, D8, D9, D14, D15, D16, D17, D18, G4, G5, and G6).

Southern Area: The southern area comprises four fields of PV arrays (D2-D6) on a ridgetop and south facing upper slope on land between Westcott Lane and fields to the North and South of Withybed Lane (labelled as D2, D3, D4, D5, D6 and D7).

Eastern Area: The eastern area lies to the east of Marsh Green and includes land to the east of Quarter Mile Lane comprising four fields of PV arrays (D10, D11, D12 and D13) and additional ecology area (D14).

The proposals also include circa 26 hectares of enhanced species-rich grassland and stream habitats and 19 hectares of woodland, wet meadow, stream and hedgerow ecological habitat.

Principal access points would be taken from Rockbear Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel would be accessed via the entrance to an existing track off Quarter Mile Lane.

The proposal also includes a single field, 4 km to the west of the solar farm site, adjacent to Exeter Airport which would be used during the construction phase of the development as a reception compound for construction traffic. Access into the site would be taken from the existing vehicular entrance, which would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The policy context ;
- The principle of development;
- The landscape and visual impact;
- The loss of agricultural land;
- The impacts on heritage and archaeology;
- The traffic impacts and highway safety;

- The impact on the residential amenity;
- The impact on road network and highway safety;
- The ecological and arboricultural impacts;
- Flood risk and drainage;
- The aviation impact;
- The impact on the gas pipeline;
- Community Benefit Fund; and
- Conclusions and Planning Balance

ANALYSIS

Policy Position:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The site falls within the parish of Rockbeare which has a 'made' Neighbourhood Plan area where the policies within the NP carry full weight alongside the East Devon Local Plan.

Principle of Development:

In planning terms, the site is located in the open countryside, as it is not within a built-up area boundary as defined by the East Devon Local Plan (referred to as the EDLP for the remainder of this letter). Development outside of built-up area boundaries falls to be considered under the provisions of Strategy 7- Development in the Countryside of the EDLP which states the following:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

The principle of development is however supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned 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'.

This support is subject on 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 appropriate mitigation.

The applicant has addressed this in paragraph 3.1.3 of the submitted Design and Access Statement where it is stated:

- *'The site has appropriate solar irradiation levels, is south facing and is free of any buildings or landscape features that could cause overshadowing;*
- *The site lies within close proximity to a suitable and viable point of connection;*
- *It is a relatively enclosed sheltered landscape characterised by fields which are generally surrounded by wide hedgerows, often with mature hedgerow oaks and small woodlands that provide screening from surrounding views (the proposed landscaping plan will further screen and enclose the site);*
- *Encouraging the effective use of land, a greenfield site is necessary and the site has been identified as not being 'best and most versatile' agricultural land;*
- *An access with appropriate highway capacity for the construction phase;*
- *There are a relatively limited number of dwellings in the local area; and*
- *An available and suitable parcel of land of the correct size and orientation to host a 30MWp solar farm'.*

On the basis of the above, whilst 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 the need to avoid and mitigate any impacts, not all of the headline points should be taken at face value and will therefore be examined in detail during this report. Officers are content with the site selection process, which takes into account the availability of a grid connection (which has been secured), agricultural land grading (discussed in detail later within the report), the site's accessibility, visual impact, and the avoidance of designated landscapes and is considered to be sound, in principle, in its approach.

Notwithstanding this, and notwithstanding the support in principle provided by Strategy 39 of the Local Plan, 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.

Landscape and Visual Impact:

Whilst the application site is located in open countryside, it is not the subject of any national or local landscape designations. The proposed site lies within a low lying, undulating rural area south of Rockbeare and the A30 and to the east, south and west of Marsh Green. The predominant land-use is agricultural with scattered isolated farms and small settlements. The site itself is predominantly grazing land with traditional hedgerows and numerous mature trees, predominantly oak, both within hedge-lines and as solitary specimens or small groups within fields.

The proposal, and its various amendments, has been considered by the Council's Landscape Officer who accepts the accompanying Landscape Visual Impact's Assessment findings that the effect of the development would not extend beyond the A30. The Landscape Officer accepts that whilst there is some intervisibility with Ashclyst Forest and Paradise Copse to the north these are well beyond the study area boundaries and, particularly as the pv arrays would be facing away from them, it is doubtful whether any effect would be discernible from these locations. It is also accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

The Council's Landscape Officer accepts that visual effects would be largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. As noted in the LVIA the settlement of Marsh Green would be unaffected.

Notwithstanding the fact that the proposal would not have a wider landscape impact, it is accepted that as a result of the large scale of the proposed solar installation and the extent of its coverage, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors, the identified effects would be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings.

In particular, moderate adverse visual effects would occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These would be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape.

For Westcott Lane, while in the summer development would be well screened along much of the lane, the Landscape Officer notes that the pv arrays and fencing would remain visible in some views especially in the initial few years following completion. There would be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

The eastern development area is low set and benefits from substantial existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway where there would be partial views of field parcels D11 and D12.

Concerns originally expressed by the Landscape Officer in relation to the visibility of certain parts of the site, the design of the security gates, additional planting and landscaping have been addressed through the submission of amended plans which have seen a reduction in the number of panels in the most prominent fields (D7, D2 and D3), the addition of additional mitigation planting and the removal of the solid security gates onto the highway which are to be replaced by agricultural field gates in a design and form to be agreed by the Local Planning Authority. These changes are supported by the Landscape Officer in reducing the perceived visual and landscape effects of the development.

Despite a request from the Landscape Officer to completely remove the arrays from field D7 which occupies a prominent corner plot position at the junction of Westcott Lane, arrays are remain in this field albeit they have been set back further from the road junction which would lessen the prominence and visual impact at this particular public vantage point. Officers are satisfied that the arrays would be set far enough back from the junction when coupled with allowing the existing hedgerows to grow and be maintained so as not to result in significant visual intrusion.

The application is accompanied by a landscape strategy which sets out a number of proposed mitigation measures to reduce the visual impact of the development from local vantage points to include Westcott Lane which includes allowing the poorly managed hedgerows to regenerate and be maintained at a height of 3-4 metres to help screen the PV arrays, the planting of additional trees and hedges to reinforce the existing boundary hedges. This will help to reduce the visual impact of the development over its lifetime.

It is acknowledged that there are already a number of solar schemes constructed or consented to the north of Marsh Green (a 13 ha solar farm at Strete Farm, Whimble) and to the east of Marsh Green (a constructed 10 MW, 22ha solar farm at Great Houndbeare, Aylesbeare ref 17/0011/VAR and a 15MW consented 30 ha solar farm on Land to the south of Rockbeare Hill ref 19/2832/MFUL). The Landscape Officer has considered the potential cumulative impact of this proposal with other solar schemes in close proximity to the site and concludes that despite the scale of the proposed development and the proximity of the two existing solar sites at Great Houndbeare and Strete Farm and a further consented scheme at Rockbeare Hill, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited. It is also acknowledged that a number of other large scale solar schemes have been permitted elsewhere in the District (a consented 71 ha, 49MW solar farm at Peradon Farm ref 21/3120/MFUL and a pending application for a 26ha, 49.9 MW solar farm at land east of Rutton Farm, Whimble and a site near Langford in Mid Devon District Council's area (recently heard at an appeal inquiry, but no formal decision at the time of writing this report) however given the distance of this application site from these consented schemes or those which are still under consideration by the Council, coupled with its separation by

landform and vegetation, it isn't considered that this proposal would result in any significant cumulative visual impacts with these schemes.

To conclude on landscape impact, the proposed solar farm would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. Due to the land form and the topography of the site this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes.

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.

Therefore, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the visual impact from the development 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 being considered by the Council were approved and implemented. On balance, the proposal is considered acceptable in terms of its visual impact on the countryside.

Loss of Agricultural Land:

The submitted Land Classification report carried out by Soil Environmental Services Ltd as part of this application found that the application site consists of land which falls within agricultural land classifications 3a and 3b. Through testing the wetness of soils throughout the site and its associated colouration, the report concludes that 92% of the site is composed of Grade 3b soils (a wet medium or heavy Clay Loam) with the remaining 8% found to be grade 3a, located alongside the stream which runs across the site. Grade 3a land is considered to be 'good' and 3b land is deemed to be 'moderate'.

Annex 2 of the NPPF defines land designated as grades 1, 2 and 3a to be the best and most versatile. The agricultural land classification report that has been submitted with this application demonstrates that there would be no significant loss of BMV agricultural land with 80 hectares on the site being classified as 3b land and 7 ha (within the flood plain) as 3a. It should be noted that this report has been undertaken by testing the soils across the site which found the grade of the land to be limited by wetness due to the inability of the soil to drain water. It is understood that this effects the workability of the soil with machinery getting bogged down and crops not being able to be planted in wetter times of the year. This in-turn effects the quantity and quality of the harvest. It is understood that the depth to what is known as a Slowly Permeable Layer (SPL) is critical as the shallower this is, the worse the waterlogging or wet soil conditions at the surface will be. In order to determine the SPL, it is understood that there are key soil profile features that need to be identified during the ALC assessment, of which soil colour and structure are paramount.

The validity of the ALC report, its findings and the widespread classification of the site as subgrade 3b has however been challenged by Reading Consultants Ltd, as instructed by an occupier of a dwelling in East Devon, who have suggested that the findings of the report should not be accepted as a true statement of the site's agricultural land quality. The report raises concerns regarding the methodology associated with sampling in places (the type of pit used) and also the interpretation of the results particularly associated with the colours of the soil (which is an important indicator for determining the soil profile as explained above).

This matter has been raised with the original consultants who have stated:

'The fundamental point to note is that we have been to the site and carried out a site-specific land classification survey which examined the soils in depth across the site, as we do for all our surveys, to collect the required data as set out in the guidance. Hence the report details a true and accurate reflection of the current conditions at the site. In comparison the third-party reviewer has not been to the site and is using general published data from large scale maps and literature to compare to site specific collected survey information. Given the variability and complexity of soils the use of generic information cannot be compared to site specific gathered data when dealing with the finer point details as we are in this case.'

This is clearly a technical matter however having regard for the fact that the consultants who undertook the examination of the soils in depth across the site it is considered that the results of the survey are based on quantitative data which officers have no reason to dispute. The challenge to the validity of the survey is noted however no quantitative data or additional survey work has been provided by this consultancy to substantiate their claim or that the soil grading has not been undertaken in accordance with the MAFF guidelines and criteria for grading the quality of agricultural land. It is understood that the applicant has commissioned a further independent ALC survey to verify the findings of their report which will be verbally updated to the members of the Planning Committee.

Policy EN13- Development on High Quality Agricultural Land of the East Devon Local Plan 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 case, in respect of the first criterion of the policy, the small amount of grade 3a land that would be lost from this development is land which is located alongside the stream which runs across the site in the flood plain. No part of the installation is proposed on this land which would form part of the drainage plan and ecological and landscape enhancement areas.

Natural England have considered the ALC report and whilst noting that the development would not lead to the loss of over 20ha of BMV agricultural land which would make them a statutory consultee, have advised that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and 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.

Natural England do however acknowledge that during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area and therefore there is a need to 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.

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the Local Plan. It is considered that the justification for the site coupled with the evidence to demonstrate that the proposal would not lead to a significant loss in BMV agricultural land 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 Local Plan, 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.

On balance, officers are therefore satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of high quality agricultural land. The proposal would comply with the provisions of policy EN13- Development on High Quality Agricultural Land of the Local Plan.

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, approved application 21/3120/MFUL at Peradon Farm, 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.

Heritage Impact:

This proposal has the potential to impact upon the a number of designated and non-designated heritage assets that are proximate to the application site, in such circumstances Section 66(1) of 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 site is in close proximity to the historic complex of Rockbeare Manor. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings including the grade II listed Manor Cottages and the Shrubbery Garden Walls. These assets are set within as designed parkland setting which has been designated as a grade II registered park and garden. The south- eastern boundary of the designated landscape is located to the north west of the application site, separated by the A30.

In respect of the assessment of the impact on the setting of Rockbeare Manor and its grade II registered park and garden, Historic England originally raised concern about the supporting documentation that had been submitted in terms of photographs, montages or wire frames which could be provided to provide absolute confidence

that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. Historic England raised concerns about the applicant's over reliance on tree cover to provide screening as it has a finite life span and also suffers from seasonal variations.

In response to these concerns, the applicant submitted a Historic Environment Assessment Addendum which is considered by Historic England to be a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as the grade II Registered Park and Garden (RPG)). The addendum maintains that the impact of the proposed solar installation will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover.

Officers are satisfied that the Heritage Impact Assessment does robustly demonstrate that the proposal solar farm would have no impact on the significance of heritage assets at Rockbeare Manor or its registered parkland and garden on account of the fact that there is very limited inter-visibility between the development site and the heritage assets and the contribution made by the setting of the assets heritage value would be unchanged. The applicant has successfully demonstrated through the submission of additional photographs and assessment that there would be no inter-visibility between Rockbeare Manor or the registered park and garden and that due to intervening topography and mature trees within the parkland and the landscape screening along the A30 that the proposed solar installation would not harm the setting or significance of the identified heritage assets.

The Heritage report submitted with the application also identifies that the proposed solar farm development has the potential to affect the contribution made by setting to the heritage value of six grade II listed buildings within the vicinity of the proposed development. These assets comprise:

- Grade II listed Westcott Farmhouse
- Grade II listed Barn approximately 20m south of Westcott Farmhouse
- Grade II listed The Knoll
- Grade II listed Westcott House
- Grade II listed Rose Cottage
- Grade II listed The Old Post Office

The report provides an assessment of the heritage values of these assets, the contribution made by setting to those values, and the surroundings in which they are experienced and concludes that given the distance of separation, local topography, intervening mature trees and hedgerows and the mitigation measures embedded into the design of the proposed development, there would be no impact on the heritage values of these assets as a result of development within their settings. The grade II listed buildings character, appearance and settings would be preserved. The residual effect is none.

The Council's Conservation Officer has advised that the grade II listed buildings and their curtilage listed buildings, at Marsh Green to the east of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local

materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Having regard for the distance of the solar installation from the heritage assets, coupled with the topography and intervening vegetation, the Conservation Officer concludes that overall the impact on the setting of the significance of these listed buildings at Marsh Green, would be less than substantial due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

It is also accepted the proposal would introduce a solar farm close to the setting of the grade II listed buildings and their curtilage listed buildings, at Westcott to the west of the site. These listed buildings are currently experienced in a rural context in this small hamlet surrounded by enclosed fields.

The listed buildings are set back from the road and set within private gardens with mature trees surrounding providing a strong sense of enclosure. It is accepted that there are limited views of these heritage assets within the wider landscape and that owing to the distance of the solar arrays coupled with existing vegetation and surrounding topography that the degree of inter visibility with the proposed solar installation would be limited. The solar arrays would be separated from the heritage assets by undeveloped field parcels which would provide a buffer of agricultural land and ensure that the heritage assets would continue to be experienced, where visible, in a rural context and that the understanding and appreciation of these as a group of assets associated with the surrounding farmland would be largely unaltered as a result of the proposed landscape mitigation and existing mature trees and hedgerows.

The conclusions of the Heritage Assessment accompanying the application that the heritage asset's aesthetic value would be preserved, as would their illustrative and associative historic value is accepted. However, officers disagree with the conclusion that there would be no harm to the significance of the grade II listed buildings. As a result of the size and scale and relative proximity of the solar farm to the heritage assets and the fact that the solar installation would alter the rural character of the immediate surroundings within which these assets are currently experienced, officers consider that the development would result in 'less than substantial harm' to the significance of the heritage assets.

This conclusion has been reached by officers on the basis that whilst no listed building immediately adjoins the site and the topography and intervening vegetation means there is a general lack of inter visibility between the site and the aforementioned

heritage assets, the proposal would nevertheless introduce a large scale solar installation at the periphery of the rural setting of the aforementioned heritage assets and as such will have a limited degree of impact upon their significance. As acknowledged within the heritage assessment, the understanding and appreciation of the buildings would be 'largely unaltered' which in itself implies that the development would result in some, albeit less than substantial harm to the heritage assets.

In identifying 'less than substantial harm', paragraph 202 of the NPPF is engaged which requires the harm to be weighed against the public benefits of the proposal. 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).

Archaeological Impact:

The County Council's Historic Environment Team has considered the report setting out the results of the archaeological field evaluation undertaken at the site. This has demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

In the light of this information it is not considered that any further archaeological mitigation is required and the Historic Environment Team has raised no objection to the application. Accordingly the proposed development would have no archaeological impact.

Traffic Impacts and Highway Safety:

In respect of assessing the impact of the proposal on highway safety, there are considered to be two principle issues; that of the impact of the development on the strategic road network- noting the proximity of the application site to the A30 and the traffic impacts associated with the construction phases of development on the local highway network. Each will be considered in turn:

Strategic Road Network:

National Highways are satisfied that once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound would be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact, National Highways are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage: In respect of drainage, National Highways have advised that the drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30. Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

National Highways raise no objection on drainage ground subject to the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of their highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on their drainage assets. National Highways have advised that the drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any adverse impact on their assets and must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment: National Highways have note that the Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development."

However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to their estate. It is therefore unclear how glare from the site, and particularly from field DC02a, will be screened from the A30 eastbound carriageway. National Highways have therefore requested the submission of a boundary treatment plan and planting schedule for their review which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

Subject to the imposition of conditions which require the submission of a details drainage strategy, a boundary treatment plan to include details for the site boundary with the A30 trunk road and a revised landscape plan and associated planting schedule, National Highways are satisfied that the development would not adversely affect safe operation of the Strategic Road Network.

Impact on Local Highway Network:

Once operational, solar farms are generally benign in terms of their transport impacts where traffic movements are minimal and generally limited to small maintenance vehicles occasionally visiting the site. The proposal does however have the potential to impact upon traffic and highway safety during the construction and de-commissioning phases of the development.

An important aspect of this application in terms of minimising the traffic impacts from the solar installation is the inclusion of the off-site reception compound located off Bishop's Court Lane to the southwest of the A30, approximately 4.5 km west of the application site.

A Construction Traffic Management Plan has been submitted with the application which 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 construction routes that have been put forward provides a detailed review of the three best routes to provide construction access to the site.

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site detailed as follows:

Route A: The primary construction route approaching the site from the A30 via the B3184, Marwood Lane and Quarter Mile Lane to the onsite construction compound. The route between the reception compound and construction compound would be a one-way system to avoid two HGV's meeting on the narrow lanes. Vehicles would exit the construction compound and return to the reception compound via Wescott, Exeter Airport and the B3184.

Route B: The development would also generate a limited amount of transformer and crane trips to the site and to cater for this, it is proposed to enter and exit the site via the B3180, passing through Marsh Green to the east.

Route C: A limited amount of transformer deliveries and a crane would enter and exit via the B3174 to the north.

Route A is proposed as the main construction route with Routes B and C only required to accommodate the transformer deliveries and a crane. These routes would be two way.

The Transport Statement has been considered by the County Highway Authority who accepts that the route A option (approaching the site from the A30) would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and would minimise the impact upon the carriageway.

The applicant's desire to avoid through-route traffic in the village of Marsh Green is acknowledged and welcomed and with the exception of limited traffic using routes B and C to transport transformers and cranes would reduce the likely impact of construction traffic on the residents within the village. Subject to the imposition of a condition that requires the development to be carried out in accordance with the Construction Traffic Management Plan which includes details traffic routes, the use of signage and banksmen and the temporary widening of some areas of highway, it is considered that the development can take place without causing harm to the highway network, or the safety of those using it.

The applicant has also provided a further Highways Technical note which provides further clarification on the logistics of delivering equipment from the centralised construction compound on the site (field parcel D6) to the wider site. This technical confirms that all deliveries would arrive at the eastern access on Withybed Lane and unload within the centralised construction compound at parcel D6, then depart via the western access onto Withybed Lane, thus adhering to route A- the one way routing strategy between the reception compound and construction compound. It is then proposed to transport the equipment to smaller compounds within the application site by quad bikes and tractors.

The technical note clarifies that the majority of the routes between the on-site construction compound and wider site parcels contained within fields with no additional impact on the local highway network. There will be a limited number of tractor and quad movements on the local highway (Westcott Lane and Quarter Mile Lane) that would be utilised for transporting equipment which would have the potential to impact on traffic and congestion. These are generally short sections of public highway where banksmen at the respective accesses would be in place to control the release of vehicle movements such that it is not considered that it would give rise to any significant highway safety concerns.

Subject to this and the imposition of a condition that requires the submission of a Construction Environment Management Plan to further mitigate construction disruption to include information such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway, 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 and constructed, those applications being the one to which this report relates, the approved solar farm at Rockbeare Hill ref 19/2832/MFUL and at Peradon Farm ref 21/3120/MFUL and pending application 22/0783/MFUL to the east of Talaton.

It should be noted that the Marsh Green site is some distance from the location of the Peradon Farm and Talaton 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 (Bendarroch Road and Rockbeare Hill) as the main access to the approved 19/2382/MFUL (Rockbeare Hill) solar farm.

In the event that the Rockbeare Hill solar farm and Marsh Green solar farm were under construction at the same time, then there is the potential for traffic congestion on a short section of Rockbeare Hill from the B3180 which is the main construction and access route to the Rockbeare Hill site. This route is shared with proposed Route B which would be used for a small number of transformer and crane trips to the site. However given the fact that this is not the primary construction route for the proposed solar farm and given the proposed infrequent use of route B, it isn't considered that in the event that this application is approved, that it would have a detrimental cumulative impact on the highway network.

The proposal is therefore considered to be acceptable in accordance with Policy TC7 of the EDDC Local Plan and advice contained in the NPPF.

Residential Amenity:

There are a number of residential properties that have the potential to be affected by the proposed development and the representations received raising concern about the impacts of the proposed solar farm on residential amenity in respect of noise, glint and glare and construction traffic are noted. It is important to note that the solar arrays and equipment have been positioned on the site so that they do not adjoin or abut any residential property or curtilage. It is however accepted that parts of the solar installation will be visible from residential properties however this in itself does not amount to harm to amenity and in any event, 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.

Concerns in respect of the impacts from glint and glare have been addressed by the applicant who has prepared a Glint and Glare Study which identifies 52 dwelling receptor locations for assessment. The report concludes that at 6 dwelling receptor locations (Marsh Green Farm and Sunnyside the east and Little Westcott Farm, Holly Tree House, Little Westcott Hayes and Westcott Farmhouse to the west) solar reflection is possible. The report concludes that at all six dwelling receptor locations, solar reflections would last for more than three months per year and for less than 60 minutes per day. The resulting impact significance is considered to be moderate which requires consideration to be given to mitigation.

Of the 6 receptors identified, the report concludes that the greatest impact of the development in terms of glint and glare is likely to be on the occupiers of Little Westcott Farm, the nearest of the residential properties to the solar installation where views may be possible from the ground floor of the property. The report concludes that mitigation for the remaining 5 dwellings is not required due to the distance from the panels, views from first floor windows only and solar reflections coinciding with sunlight.

The report acknowledges that whilst there is some existing screening towards the solar panels, this is unlikely to be sufficient owing to the raised elevation of the dwelling relative to the reflecting panel areas. Following a detailed modelling exercise that was undertaken for the two solar panels areas nearest Little Westcott Farm, the mitigation proposed is effectively to alter the angle that the solar panels are facing (known as the Azimuth angle) and the tilt angle of the panels in the nearest fields which demonstrates that it would result in solar reflections that would last for less than 3 months of the year and for less than 60 minutes of the day, with no consideration of existing screening.

Effectively, the report demonstrates that through layout optimisations varying the geometric characteristics of the solar panels it is possible to reduce the duration of solar reflection which would in-turn reduce glint and glare effects to acceptable levels such that no further mitigation will be required. Subject to a condition that requires the development to be carried out in accordance with the layout optimizations contained within the report, it is considered that the impacts from glint and glare on residential amenity will be acceptable.

The proposal has been considered by the Council's Environmental Health Officer who has advised that the noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Given the distance of the installation from residential properties and the lack of objection from the Council's EHO on noise grounds, it isn't considered that the proposal would result in any significant harm to the amenities of the occupiers of surrounding residential properties.

It is accepted that the construction and de-commissioning phases of the development have the potential to impact on amenity through construction noise, traffic, dust etc. and therefore it is considered necessary and reasonable to impose a condition that requires the submission of a Construction Environmental Management Plan to ensure these impacts are minimised. Once the solar farm is operational, its impacts are relatively benign with only a minimal number of traffic movements required for maintenance.

On balance, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the Local Plan.

Ecological Impact:

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have

reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. They advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

The application is accompanied by ecological surveys that have been undertaken which concludes that the site comprises improved and species-poor semi-improved cattle pasture and arable fields bound by hedgerows and woodland habitats.

Further ecological surveys have been undertaken including badger; further botanical assessment; great crested newt; potential bat roosting assessment; bat activity and wintering bird surveys. The surveys reveal that the site is utilised by commuting/foraging and roosting bats, breeding birds and commuting/foraging badgers. The scheme has been designed to retain and protect impacts on habitats which are of higher ecological value. No hedgerow or tree removal is proposed as part of the scheme and a number of construction compliance measures have been put forward to mitigate the potential effects of construction on protected species which can be conditioned.

Natural England note that the Withybed County Wildlife Site (CWS) (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation. Therefore it is important to assess the likely impacts of the development on ancient woodland on or near a proposed development site.

Natural England note that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. Natural England advise that the buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

It is important to note that the scheme has been designed with a number of ecological and biodiversity enhancements across the site which includes the retention, enhancements and buffering of existing woodland, field trees, hedgerows and riparian habitat. The key ecological and biodiversity enhancements and improvement areas are set out as follows:

- Woodland - A new wooded area will be created within the ecological mitigation area to the south of field D13 within the narrow field bordering the Withybed Copse County Wildlife Site.
- Wetlands, Watercourses and Standing Water - Leaky dams will be installed along the length of the Ford Stream. Watercourses will be sown with pond edge seed mix in Fields D9 and G4. Along D9 and G4 a 5m buffer strip of tussocky

grass mix will be sewn. This will reduce pollution entering the stream from the north.

- Scrapes - Small scrapes will be dug in areas nearby the stream to hold excess flood water. These will improve more invertebrate biomass and diversity on site as well as providing breeding opportunities for amphibians.
- Ponds – Several ponds are present on site, the majority of these are heavily shaded. Thinning of vegetation around these will take place to increase light levels and increase perennial diversity via seed sowing. grassland types are currently heavily modified and species poor. A variety of seeding regimes will be undertaken across the site to create a variety of well-connected grassland types.
- Trees – The proposed development does not require the removal of any trees during both the construction or operational phases. Significant enhancement measures proposed will lead to a greater level of protection to the existing trees which will result in a highly beneficial impact on these important landscape and ecological features.

The ecological enhancements have been considered by the Council's ecologist who welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. At the request of the Council's ecologist, further woodland creation has been included within field 13.

Schedule 14 of the Environment Act 2021 requires a minimum 10% Biodiversity Net Gain (BNG) and the current wording in policy EN5- Wildlife Habitats and Features of the Local Plan simply requires 'enhancement where possible'. The ecological improvements offered through this application significantly exceed the 10% requirement and are stated by the applicant to equate to 121% BNG through on site mitigation. It should be noted that Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposal 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. The environmental benefits from biodiversity net gain are considered to weigh in favour of the application within the overall planning balance.

Arboricultural impact:

No comments have been received by the Council's Arboricultural Officer however officers consider that the proposals which propose no felling of mature trees which positively contribute to the rural landscape and character of the area to be acceptable. This is subject to, in the event that this application is approved, a pre-commencement condition that 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 and protected during construction 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 and Drainage:

There are flood zones (2 & 3- high probability of flooding), designated by the Environment Agency (EA) within the red line for the proposed development on land alongside the watercourse which runs through the northern part of the site which the EA have advised has the potential to locally increase flood risk.

The EA originally objected to the development on the basis that some elements were proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

The EA requested some minor revisions to the scheme and assurances provided. In particular they advised the following:

- Minor alterations being made to the proposed placing of some of the panelling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Following receipt of a revised FRA and Drainage Strategy the EA have advised that they are satisfied that clarity regarding the issues raised in their initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

Specifically the EA have advised that with regard to the proposed location of panel units within Zones D8 and D9, this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. The EA consider that the above-mentioned condition is necessary to secure the detailed design and implementation of the scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Following withdrawal of the EA's objection and their support for the revised proposals, the development is considered to be acceptable from a flood risk perspective.

With regards to surface water drainage, the County Council's Flood Risk Management Team originally objected to the application because they did not believe that the

scheme satisfactorily conformed to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. DCC have now withdrawn their objection and advised that the applicant will be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. This can reasonably be secured by an appropriately worded pre-commencement condition for a detailed drainage strategy.

Accordingly, the proposal is considered to accord with Policy EN22 of the EDDC Local Plan.

Aviation impact:

Despite an original objection to the application from Exeter Airport, the updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airport's Safeguarding objection to the application has been removed. Therefore, it is considered that the proposal is acceptable with regard to its impact upon aviation safety.

Reception Compound:

The proposal includes the construction of a traffic reception compound on an agricultural field around 1.26 hectares in size which is bordered by a band of vegetation to the north before leading to the A30. Bishops Court Lane runs along the eastern and southern boundary and is bordered by a farm track to the west and fields beyond. Marlborough Cottages lie to the north west of the site.

This area will act as a reception and holding compound where vehicles will be registered and held awaiting escorted convoys. It is stated that the site will not be used for the storage of construction materials. It is proposed to position a pre-fabricated temporary office and welfare building on the site which would be no greater than 3.0 metres in height.

The existing vehicular access would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal. Ground protection matting would be spread across the relevant parts of the field needed for the access road and parking areas and office and welfare compound.

Whilst using this field would have a degree of visual harm arising from its proposed use, this would be temporary and only required during the construction phase of the solar farm. The removed hedgerow would be reinstated on completion of the works and the site would be restored back to its previous condition with reseeded if necessary.

It is proposed to manage traffic in and out of the site which would include stop and go boards and banksmen who will be used to control vehicles entering and existing the site to minimise the impact on the local highway network, in the interests of highway safety.

Use of the field as a holding compound and vehicle movements on the field would have a degree of impact on the amenities of the occupiers of the nearest properties (1 and 2 Marlborough Cottages) to the north west of the site. This would be for a temporary period and the impacts on amenity can be minimised through the imposition of a condition requiring the submission of a CEMP which covers this part of the site as well as the solar farm.

Impact on Gas Pipeline:

A high pressure gas main runs along Withybed Lane within the site albeit outside of the security fencing. The inner, middle and outer zones of the pipeline do fall within the development site however having regards for the Health and Safety Executive's land use planning methodology and guidance on assessing planning applications for development type's within these zones, on the basis that the proposal is for a solar installation and not therefore a 'sensitive' development type with no visiting members of the public, the advice is to 'do not advise against development'. Accordingly, it is considered that the proposal would cause no harm to the pipeline infrastructure or to any members of the public.

Grid Connections:

Whilst not a material planning consideration, 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 Benefit Fund:

This proposal also puts forward a community fund whereby community groups can apply for funding of community led projects. From a planning perspective there is a wider national benefit from renewable energy production and no requirement for any local benefits to be provided, although officers do recognise the benefits to the local community in such a fund. However the planning system cannot secure such financial

contributions for the local community as officers do not consider that a community fund would meet the tests within the Planning Practice Guidance on planning obligations which states:

Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

A community fund does not meet the aforementioned tests and as such should carry no weight as a material planning consideration in the assessment of this planning application. Any such agreement would need to be made outside of the planning application between the applicant and the local community.

CONCLUSION

This proposal is one of a number of solar developments currently under consideration, together with those already permitted in East Devon and in Mid Devon. Clearly, this report relates primarily to the application at Marsh Green. However, the potential cumulative impact in the event that any other of the proposals are approved/implemented has also been considered and this proposal would not lead to any cumulative impact with other developments.

As detailed in the main body of the report, the proposal has been carefully considered with regard to all relevant material planning considerations and technical issues and, following negotiations with the applicant who has made amendments to the proposals to address some of the original objections that had been received to the proposal, the development is now considered to be acceptable in terms of its impacts.

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (7ha);
- The visual impacts, although localised and limited
- Temporary impacts during construction and de-commissioning;
- The less than substantial harm to the significance of heritage assets

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;
- Insignificant loss of BMV land
- Wider environmental, social and economic public benefits of renewable energy production helping to support the government's national strategy and policy requirement to be net zero by 2050.

- Potential to power up to 18,500 homes

Having regard for the above and the detailed assessment within this report, officers consider that significant weight should be afforded to the wider environmental, social and economic benefits of this particular solar farm proposal which has the potential to power 18,500 homes using 100% renewable energy and that these benefits outweigh the identified limited landscape and heritage harm that would arise from the proposal. The harm identified can be suitably mitigated through the imposition of conditions pertaining to landscaping, planting and hedgerow management, controlling construction traffic and the environmental impacts arising during construction, and as the limited amount of Grade 3a agricultural land that will be lost, will still be available for grazing and could be returned to agricultural use in the future.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts and lack of highway safety impact, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan and National policy. The substantial public benefit from this renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance. It is therefore recommended that this application is approved for a temporary period of 40 years.

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. A Construction and Environment Management Plan shall be submitted and approved by the Local Planning Authority in writing 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, site compound location, extent and expected duration, 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.

In addition, a Soil Resource Plan shall be provided either as part of the CEMP or as a stand-alone document. The Soil Resource Plan shall provide the following information:

- An analysis of the existing soil resource across the site including a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis and an assessment of vulnerability of site soils to loss of structure/ fertility due to construction operations including soil stripping, handling and storage and trafficking by machinery
- A methodology for soil stripping, storage and replacement required for construction of site compound, haul routes, cable trenches and other site excavations.
- Identification of haul routes within the site including those required for the operational life of the development as well as temporary trackways and unsurfaced routes during the construction phase.
- Measures to prevent compaction of soils such during construction such as avoiding working when ground is excessively wet, the use of tracked vehicles, cordoning off areas not required for construction machinery access etc.

- Identification of person responsible for supervising soil management.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, to preserve the integrity and fertility of site soils and support the return of the land to agricultural on the expiry of the consent; to prevent additional surface water run-off due to soil compaction and to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN13(Development Affecting High Quality Agricultural Land) and EN14 (Control of Pollution); of the East Devon Local Plan 2013 - 2031.)

6. In relation to Construction Traffic Management and Construction routing, the development hereby approved shall be carried out in accordance with the Construction Traffic Management Plan Rev C prepared by Sustainable Development and Delivery dated August 2022 and the Technical note prepared by Sustainable Development and Delivery ref DV5045PD-TN01 dated September 2022. The approved Construction Traffic Management Plan and construction routing contained therein shall be adhered to throughout the development.

(Reason: in the interest of the safe and efficient operation of the local road network in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

7. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site.

(Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

8. Prior to the commencement of the development hereby permitted, a boundary treatment plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

9. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

10. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted a detailed AMS shall be submitted to and approved in writing by the Local Planning Authority. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. 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).
11. Notwithstanding the submitted details, no development shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
 - a) A full set of soft and hard 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 and wetland habitats
 - b) Details of proposed colour finishes to housings for inverters, storage units and substations.
 - c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - d) Details of the locations of security cameras.
 - e) Details of finishes of framing elements of proposed pv panels.
 - f) Details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided.
 - g) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

The development shall thereafter be carried out in accordance with the approved details. In relation to the soft landscaping, 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 Local Planning Authority.

(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) of the East Devon Local Plan 2013-2031).

12. Notwithstanding the submitted landscape details, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan 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 and expected number of trees to be let up within each identified section. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives. Management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(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) of the East Devon Local Plan.

13. Prior to the commencement of the development hereby permitted a detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation/ planting and any tracks and hardstandings which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme. The development shall thereafter be carried out in accordance with the approved details.

(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) of the East Devon Local Plan 2013-2031).

14. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within Section 4 of the Ecological Appraisal, prepared by Devon Wildlife Consultants, dated May 2022 ref 21/3754.01.
(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).
15. No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority. The scrapes and ecological enhancement areas shall thereafter be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.
(Reason: To maximise the flood risk management benefits that these intervention measures will provide in accordance with policy EN22- Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).
16. No permanent external lighting shall be installed on the site until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details and no further lighting 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.)
17. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.
(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).

19. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance with policy EN22- Surface Water Implications of New Development of the East Devon Local Plan 2013-2031).

20. In accordance Section 8.5.3 of the Solar Photovoltaic Glint and Glare Study prepared by Pager Power ref 10705A-C dated May 2022, the solar panels in field parcels DC04 and G5 hereby approved shall be installed in accordance with the mitigation and layout optimisation measures/ conclusions listed. These layout optimisation measures shall thereafter remain in place in perpetuity for the lifetime of the development.

(Reason: To protect the occupiers of residential dwellings from unacceptable levels of glint and glare in the interests of residential amenity in accordance with the provisions of policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the East Devon Local Plan 2013-2031).

Plans relating to this application:

DV5045PD-R1 rev C	Transport Statement	12.08.22
DV5045PD-R2 rev C :	General Correspondence	12.08.22
construction traffic management plan		

archaeological trenching evaluation (2097 June 2022)	Archaeological Report	12.08.22
historic environment assessment - addendum (P00100.04.0 1)	General Correspondence	12.08.22
glint + glare assessment addendum (10705 D)	General Correspondence	12.08.22
glint + glare assessment : (10705 A-C)	General Correspondence	12.08.22
TPS FO-001-005 I : propped construction phase (northern fields)	Other Plans	12.08.22
TPS FO-001-006 I : propped construction phase (southern fields)	Other Plans	12.08.22
TPS FO-001-007 I : propped construction phase (eastern fields)	Other Plans	12.08.22
TPS FO-001-008 I : propped construction plan complete site	Other Plans	12.08.22
DV5045PD-001 G : review of existing local highway network	Other Plans	12.08.22

DV5045PD-002 F : proposed construction routing on local roads	Other Plans	12.08.22
21/3574 01-17: EMMS east (May 2022)	Other Plans	12.08.22
21/3574 01-15 : EMMS north (May 2022)	Other Plans	12.08.22
21/3574 01-16 : EMMS south(May 2022)	Other Plans	12.08.22
TPS FO 001 004 REV I : Eastern Fields	Other Plans	20.09.22
DV5045PD-003 D L consturction routing to principal road network	Other Plans	12.08.22
TPS FO 001 001 REV I : Complete Site	Other Plans	20.09.22
TPS FO 001 002 REV I : Northern Fields	Other Plans	20.09.22
TPS FO 001 003 REV I : Southern Fields	Other Plans	20.09.22
DV5045PD-TN01	Other Plans	13.09.22
LOA1001-209 C : substation details	Other Plans	16.05.22
PL.D.010 : reception site	Layout	16.05.22

10705A-C : glint+glare study	General Correspondence	16.05.22
21/3754.01	Ecological Assessment	16.05.22
LOA1001-200.1 C : PV array (2 portrait) details	Other Plans	06.05.22
LOA1001-200.2 C : PV array (3 portrait) details	Other Plans	06.05.22
LOA1001-208 C : transformer details	Other Plans	06.05.22
LOA1001-212 C : spare parts container details	Other Plans	06.05.22
LOA1001-215 C : CCTV details	Other Plans	06.05.22
PL.D.001	Location Plan	06.05.22
PL.D.002 : planning boundary (reception site)	Other Plans	06.05.22
PL.D.003 : planning boundary (main site)	Other Plans	06.05.22
PL.D.004 : field reference	Other Plans	06.05.22

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.