

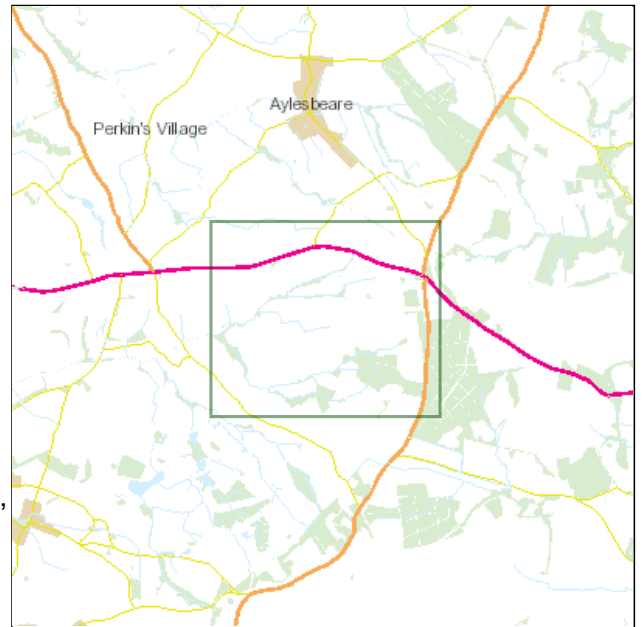
**Ward** Budleigh And Raleigh

**Reference** 22/2409/MFUL

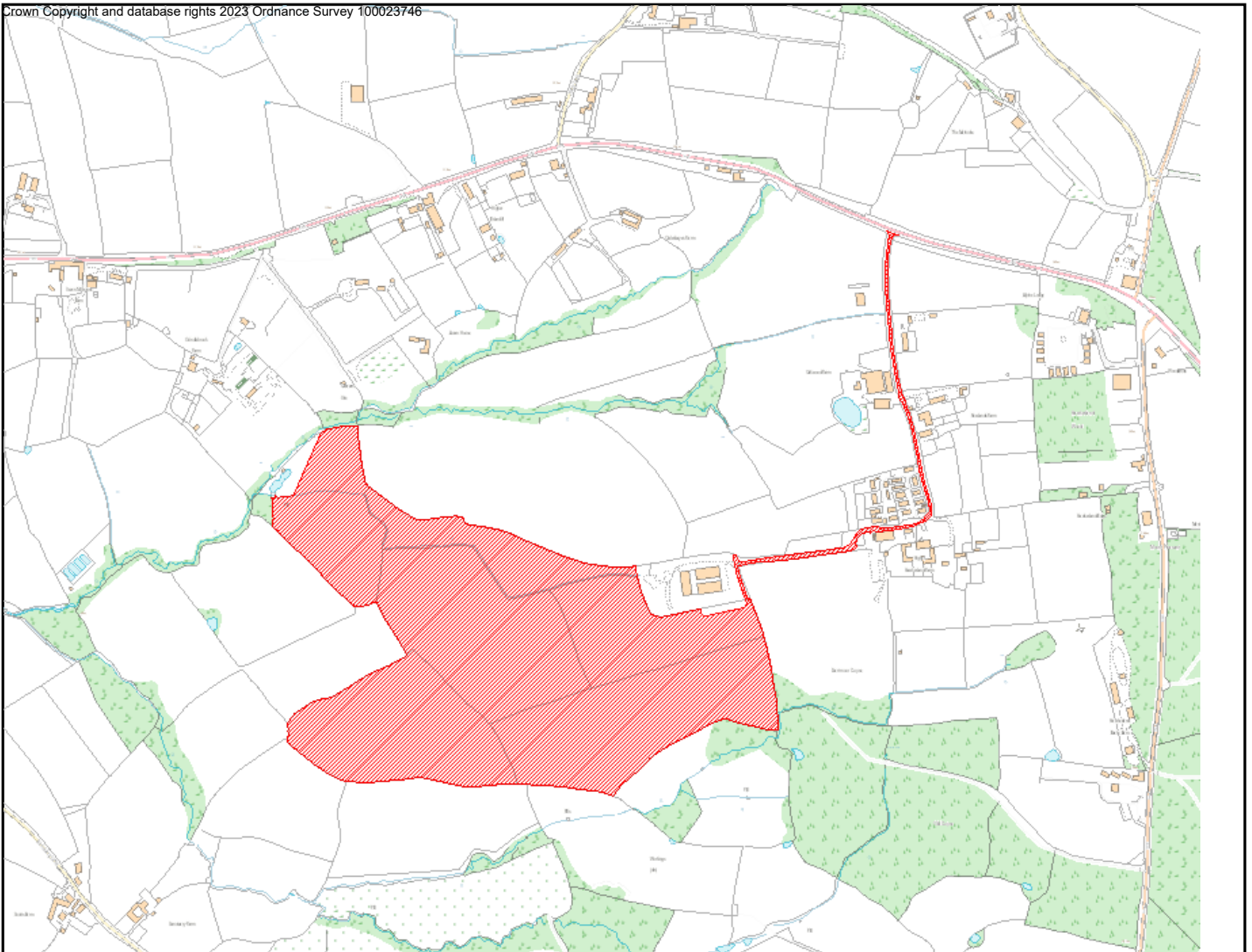
**Applicant** Mrs Mari Webster

**Location** Higher Hawkerland Farm Sidmouth Road  
Aylesbeare Devon EX5 2JW

**Proposal** Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 25.04.2023</b>
<b>Budleigh And Raleigh (Colaton Raleigh)</b>	<b>22/2409/MFUL</b>	<b>Target Date: 27.01.2023</b>
<b>Applicant:</b>	<b>Mrs Mari Webster</b>	
<b>Location:</b>	<b>Higher Hawkerland Farm Sidmouth Road</b>	
<b>Proposal:</b>	<b>Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The proposal seeks planning consent for the creation of solar farm, and associated equipment on the basis of a temporary consent for 40 years. This is a major category of development and as there is a parish objection to this proposal this application is referred to members of the Development Management Committee for determination.

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'.

The application is accompanied by a series of reports detailing the impact on the landscape, ecology, trees, highways and method of construction amongst other matters.

The proposal, by the introduction of utilitarian features, would have an intrinsic change in the character and appearance of the current agricultural parcels of land. However, for the most part this resulting impact would be contained and additional landscaping would help soften this. The resulting impact is considered to fall within the moderate and low-moderate ranges.

On balance the proposal would aid the UKs aim to be net carbon zero by 2050. The local plan supports the principle of development subject to site specific constraints. Recognising that there could be some impact to the character and

appearance of the landscape the renewable benefits of the proposal are considered to outweigh this. Especially as the impact on the landscaping can be mitigated with additional landscaping measures.

Therefore a recommendation of approval is made.

## CONSULTATIONS

### Local Consultations

#### Parish/Town Council

Prior to making this application Spring attended a meeting of Colaton Raleigh Parish Council at which they presented their proposals for the solar farm at Higher Hawkerland Farm. Councillors had the benefit of this information to assist in determining their response and conclude that they are unable to support the application.

Concerns arise surrounding the following issues:

#### Visual impact

- Security fencing
- Infrastructure required for CCTV
- Impact of any lighting that may be necessary

#### Impact to wildlife

- Damage to wildlife habitats caused by the development and associated infrastructure
- Security fencing surrounding the site removes traditional pathways for transitory animals.
- Injury to animals (deer) who may be diverted onto the nearby A3052.
- Bird deaths are a common occurrence as large areas of glass are mistaken for water.
- Impact of any lighting on the site, particularly to bats

#### Decommissioning and reinstatement plan

- The cost of decommissioning and recycling will be an expensive process and could result in leaving an abandoned and derelict site if not managed properly
- A Method of Statement for Decommissioning should be provided clearly setting out who will be responsible for financing this process at the end of the 40-year project, particularly how panels and batteries will be recycled or disposed of without leaving a legacy for future generations
- Further degradation to the soil as large areas will be shaded from the sunlight. A Land Management Plan is required to ensure that the land can be reinstated agricultural use at the end of the 40-year project.

Other matters of concern arise from

- Potential fire hazard from battery storage systems that use lithium-ion batteries requiring specialist treatment in the event of fire and can cause highly noxious fumes
- Wider environmental impact of solar energy installations associated with the manufacture of photo-voltaic panels and batteries including the transportation of materials likely to be from China
- Promise of energy production for 40 years and dependence on China for the rare earth elements that are critical to such technology
- Will there be additional costs to DCC Highways (and thereby taxpayers) linked to the wear and tear given the increase in heavy lorries approaching the site?
- Noise from the generators. Councillors noted the noise study report but continue to have reservations.
- Whilst the application offers much nationally/internationally, there appears to be little local benefit to be derived. The application refers to 'Community Benefit' but no further details have been supplied as to how this might be applied

AMENDED INFORMATION -  
No further comments.

Budleigh and Raleigh - Cllr Alan Dent  
HIGHER HAWKERLAND SOLAR FARM  
22/2409/MFUL

As a basic premise, I support this application for a solar farm. Green energy is fundamental to future energy requirements especially when cheaply generated.

The application for Higher Hawkerland Farm has been extensively researched and meets Government and EDDC Policy (Strategy 39) requirements.

Some aspects which I feel deserve highlighting are:

- o 22.78 hectares of Grade 3b agricultural land currently used for grazing sheep.
- o Peak generation of 18 megawatts from 31,600 solar voltaic panels creating a saving of 3,557 tonnes of CO2 per annum
- o Sufficient to power 5,926 homes within the South West.
- o Comprehensive Traffic and Construction plan submitted
- o Flood Risk assessment indicates that virtually all the site is within Flood Zone 1
- o Additional hedging as well as medium/high level security fencing to surround the site with overall minimal environmental impact.
- o Little traffic movement once operational phase underway
- o Net gain in biodiversity
- o 40 year operational period plus 6 months for decommissioning and reinstatement.
- o Solar panels contain high percentage of recyclable materials

For me this application meets the criteria for green energy production; utilises low grade agricultural land and will be of great long term benefit for the south west.

The application therefore has my support.

### **Technical Consultations**

DCC Historic Environment Officer

Dear Sir/Madam,

Application No. 22/2409/MFUL

Higher Hawkerland Farm Sidmouth Road Aylesbeare Devon EX5 2JW - Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements: Historic Environment

My ref: ARCH/DM/ED/38115a

I refer to the above application. The proposed solar farm lies in a landscape where little in the way of formal archaeological work has been undertaken but where in the wider landscape there is evidence of prehistoric activity, particularly to the east where there is a concentration of funerary monuments on the higher ground. The area occupied by the proposed solar farm may contain evidence associated with prehistoric or Romano-British settlement and agricultural activity on the lower part of this landscape that may be affected by groundworks for the construction of the proposed development. The potential impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

#### Reason

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

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

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

#### Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with (i) a geophysical a survey of the proposed solar farm site, followed - if required by the results of the geophysical survey - by (ii) the excavation of a series of evaluative trenches to investigate any anomalies identified by the geophysical survey to determine the significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

## ADDITIONAL INFORMATION

I refer to the above application and your recent re-consultation.

The Historic Environment Team has no additional comments to make to those already made

### Environment Agency

PROPOSED SOLAR FARM DEVELOPMENT WITH PERMISSION BEING REQUIRED FOR 40 YEARS, COMPRISING SOLAR ARRAYS, EQUIPMENT HOUSING, SUB-STATION, FENCING, CCTV, ANCILLARY EQUIPMENT, LANDSCAPE AND BIODIVERSITY ENHANCEMENTS. PROPOSED SOLAR FARM DEVELOPMENT WITH PERMISSION BEING REQUIRED FOR 40 YEARS, COMPRISING SOLAR ARRAYS, EQUIPMENT HOUSING, SUB-STATION, FENCING, CCTV, ANCILLARY EQUIPMENT, LANDSCAPE AND BIODIVERSITY ENHANCEMENTS.

HIGHER HAWKERLAND FARM SIDMOUTH ROAD AYLESBEARE DEVON EX5 2JW

Thank you for consulting us on the above planning application.

### Environment Agency position

We have no objections to this proposal based on the information submitted with the planning application.

Whilst the flood map indicates that a small area of flood zone 2 and 3 encroaches within the red line boundary, there does not appear to be any development taking place within that area or within 5m of the watercourse. However, if there is to be any development or land raising within the area at risk of flooding please reconsult us for further comment.

### Advice to applicant - Pollution Prevention

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and a Construction Environment Management Plan (CEMP) should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:  
Pollution prevention for businesses - GOV.UK ([www.gov.uk](http://www.gov.uk))

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

#### AMMENDED PLANS

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

Environment Agency position  
Our position is unchanged following our previous response on the 14/12/2022.

Please contact us again if you require any further advice.

#### DCC Flood Risk Management Team

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

#### Observations:

The applicant has proposed to manage surface water within the areas of the substations, transformers and access tracks. The applicant has also discussed the planned grazing regime and biodiversity goals for the site. However, swales should be included along the contours of the site to manage potential overland flows.

#### AMMENDED PLANS

Following my previous consultation response (FRM/ED/2409/2022; dated 19th December 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has proposed to construct swales and scrapes where possible due to the constraints of the site.

The applicant has also proposed to construct these swales and scrapes first to allow surface water to be managed during the construction stage. The applicant should monitor these features and clear them out (if required) at the end of the construction stage.

#### Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework or the



requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

The comments provided below are based on a Preliminary Ecological Appraisal produced by Western Ecology (July 2021). We consider that insufficient evidence has been provided because:

1. The report falls far short of the level of detail which is required as part of an application for full planning permission as it is a preliminary assessment only. A full Ecological Appraisal is required to detail and assess impacts of the scheme. The report does not adequately assess the impact of the proposals on protected species identified with the site. The extent of habitat loss has not been quantified, and an assessment of the impact of this loss or proposals for subsequent mitigation have not been included within the report.

Mitigation measures for dormice have been provided. This is inappropriate as the extent of hedgerow removal has not been quantified in the report. The measures outlined within the report are only acceptable for use in situations where minimal habitat loss is proposed and where the location of works does not result in the severance of habitat connectivity.

The lack of detail regarding the extent and location of hedgerow removal also means that it is not possible to ascertain whether bat activity surveys are required. A bat activity survey will be required if hedgerow removal works exceed minimal habitat loss or if proposals result in the severance of potential connectivity routes.

The report must confirm whether any trees require removal or arboricultural management works in order to accommodate the scheme. The suitability of each tree for roosting bats must be assessed prior to determination of the application for the site.

The report must provide details of how each protected species which is identified within the site (using up-to-date survey information) will be affected by the proposed works, with detailed proposals for how these impacts will be adequately mitigated/compensated.

2. Detailed proposals are required to confirm how badgers, hedgehogs and other small mammals will continue to move through the site following completion of the scheme. The Site Fence Plan does not appear to include any such mitigation.

3. Restoration - detailed proposals for restoration of the site should be included within the planning application. This should include a 10 year management plan as a minimum.

- o Restoration ecologist - the success of the restoration proposals will depend on the skills and knowledge of the ecologist employed to oversee the preparation works. An ecologist with proven experience in this area should be utilised.

- o Grassland preparation works - Restoration should include stripping nutrients, potentially over two seasons, and may include the addition of nitrate to help remove phosphorus. The use of over-sowing or tilling should be considered for individual

areas. Over-sowing is generally better for weed limitation. No spraying should be carried out.

- o Grassland seeding - large areas of habitat creation should consider variations of spring, summer and autumn flowerings and different habitats (damp, acid, neutral etc.). Multiple fields should be set aside to suit each habitat type. Seed should be harvested (preferably locally). If this is not feasible seed should be sourced from a reputable wildflower seed merchant e.g. Emorsgate) for each habitat/timing.

- o Grassland management - management activities should be implemented to allow minimum 3 month resting-up period for each habitat in appropriate season (i.e. spring, summer, autumn). Solar panels/frames/wiring should be designed to allow grazing stock to access site without damage to equipment. This is usually easier with sheep, but cattle should be considered where possible. Graze extensively with no inputs of fertilizer/manure. Do not supplementary feed (except minerals). If grazing is not feasible, grassland should be cut as a hay crop (single cut only in one season) with arisings removed. Aftermath and winter grazing should be implemented where possible. No spraying should be carried out.

- o Hedges (and copses) - should be planted (using species-rich mix) and managed to become mature, wide features with a minimum height of 3m. Trees should be selected every 10m to remain uncut and allowed to develop into standards. Where required, cutting should be carried out on rotation every three years. Gaps in existing hedgerow habitat should be planted to create a robust network. Consider hedge-laying and/or coppicing to enhance existing hedges - this must be done on rotation maintaining landscape connectivity.

- o Wetlands - should be created where opportunities exist, for example riparian damp habitats.

- o Heathland - consideration of creation of this habitat type should be given where appropriate and is particularly suitable for this site given the proximity of the East Devon Pebblebed Heaths Special Area of Conservation. This habitat type develops well alongside solar panels. This habitat would require grazing.

- o Overall design - links to further habitat connectivity throughout the wider landscape should be provided wherever possible through the creation of new and buffering of existing habitats.

For the reasons given above, we object to the planning application and recommend that it is refused.

Devon Wildlife Trust

NPPF para. 174

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

- 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;"

NPPF para. 175

"When determining planning applications, local planning authorities should apply the following principles:

d) ..... opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

ODPM Circular 06/2005 para. 99

Paragraph 99 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before a planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In cases where there is a reasonable likelihood of a protected species being present and affected by the development, surveys should be undertaken and any necessary measures to protect the species should be in place (through conditions and/or planning obligations), before a permission is granted

### EDDC Trees

No objection to the principle of the proposed scheme.

I do have a couple of queries on the layout of the proposed scheme and would welcome some additional comments from the applicant, as follows:

Will construction process require the installation of a permanent or temporary, access track access track and construction compound? If so, where and to what specification?

How will the proposed security/deer fencing be installed, where they cross existing hedgerows at a perpendicular angle?

The scheme looks to have addressed most areas of conflict with adjacent hedgerows and trees, there are however a couple of points, I would welcome additional comments from the applicant.

i) The proposed scheme has a life span of 40 years, semi and early mature trees have capacity to put on considerable growth in this time, where trees have the potential to shade the PV panels, how will this impact on their efficiency and what management steps would you need to be taken to address this?

ii) Using the measuring tool on uniform, the gap between the PV panels and the Hedgerow (H2) appears to be approximately 2.5m. Is there sufficient space to allow mechanised management post installation of the PV panels?

Should the scheme be approved, we will require an updated arboricultural method statement and tree protection plan, which includes the location of the underground service installations, any permanent or temporary hard surfacing, has the construction exclusion zones clearly marked (including hedgerows). This should include provision for the following arboricultural site monitoring visits:

i) Inspection of and signing off, of the correctly installed tree protection (or security fencing) measures prior to the commencement of works.

- ii) Submission of a ground protection specification designed by a engineer, appropriate to the anticipated loading.
- iii) Ad-hock monthly site inspection be project arboricultural consultant during the construction phase of the project.
- iv) Arboricultural sign off, of the completion of construction works, prior to the final removal of the tree protection measures.

### Environmental Health

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.

### Natural England

Thank you for your consultation on the above dated 1st November 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Based on the information provided we have the following comments to make.

This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2017 and the EIA Regulations 2017. 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 Environmental 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.
- The details for the delivery, management and monitoring of the net gain
- A requirement to safeguard soil resources and agricultural land, and for 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 development site is situated approximately 800m to the west of the East Devon Heaths Special Protection Area (SPA), 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 agree that there is unlikely to be a pathway by which impacts from the development would affect the interest features of the aforementioned sites.

Natural England notes that the Habitats Regulations Assessment (HRA) screening report has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make

We provide the following advice, on the content of the Habitats Regulations Assessment report submitted by the applicant, on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

### Protected Species

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

- A Construction Environmental 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.
  - The details for the delivery, management and monitoring of the net gain
  - A requirement to safeguard soil resources and agricultural land, and for 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.

Natural England has published Standing Advice on protected species and wild birds to help planning authorities understand the impact of particular developments on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. Natural England will only provide bespoke advice on protected species where they form part of a designated site or in exceptional circumstances.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted. Please see Annex 1 for information regarding licensing for European Protected Species.

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 Lighting<sup>5</sup>. 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 to allow the continued movement of species through the wider landscape. Where relevant, the Construction Environmental Management Plan (CEMP) should include details of the measures secured to provide ecological enhancements for protected species.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).  
Local sites and priority habitats and species

Natural England notes that the applicant has prepared a Preliminary Ecological Appraisal (July 2021) to support the application. The appraisal recommends the retention and protection of hedgerows, and mitigation where it is necessary to remove

hedgebank habitat. The report also recommends a 5m buffer to protect retained hedgerows from accidental damage during construction, and mitigation to prevent construction activities harming the freshwater habitat associated with Pond C.

We would advise your authority to apply conditions to secure the following measures:

Protected species and development: advice for local planning authorities - GOV.UK ([www.gov.uk](http://www.gov.uk))

Duty to provide and protect habitat for wild birds - GOV.UK ([www.gov.uk](http://www.gov.uk))

Wild birds: surveys and mitigation for development projects - GOV.UK ([www.gov.uk](http://www.gov.uk)).  
<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

- A Landscape and Ecological Management Plan (LEMP) to ensure retained and created habitats are managed favourably, and to ensure the long-term management of the trees and hedgerow, to maximise their benefit to wildlife.
- A Construction Environmental Management Plan will also be necessary to provide details on how hedgerows and trees will be protected, and to ensure no impacts on the quality of water courses or bodies and to detail how dust will be controlled during construction.

#### Biodiversity net gain

Natural England welcomes the commitment from the applicant to provide net gains for biodiversity. Whilst it is not Natural England's role to comment on the metric calculations or to provide detailed advice on biodiversity net gain at the planning application stage, we do advise and encourage the LPA to determine the application in accordance with Local Plan policy, and to check the calculations and supporting information to ensure the applicant has provided a clear narrative, and accurate assessment of condition, that enables the LPA to understand what has been factored into the calculations and how gains have been determined, in accordance with the mitigation hierarchy. The LPA are advised to secure the details for the delivery, management and monitoring of the net gain through planning condition or obligation.

This site offers the potential to enhance hedgerows and tree lines and to create new wildlife habitats which link to existing valuable habitats (e.g. PHI Deciduous Woodland). Providing 'stepping stones' between wildlife habitats supports adaptation to climate change and delivers wider ecosystem services. New native planting to enhance the existing hedgerows/tree line along the NW and SE boundaries in particular should be considered in the landscape scheme.

#### Protected Landscapes

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

Your decision should be guided by paragraph 176 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.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. 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.

We also advise that you consult the relevant East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of 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.

Best & Most Versatile Agricultural Land and Soil 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 27ha with 100% of the land being subgrade 3b land, as a result of the site being limited by Wetness to ALC Grade 3b and also in a few places by Gradient to Grade 3b.

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.

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.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy<sup>7</sup> (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

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<sup>9</sup> 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.

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

## Solar Parks

For additional information relating to Solar Parks please refer to the archived Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. Solar parks: maximising environmental benefits (TIN101)

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

## Annex 1

### European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's 'How to get a licence' publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's guidance on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on Natural England's website.

### ADDITIONAL INFORMATION

Thank you for your email regarding the above proposal and additional information submitted. Natural England does not have any detailed comment to make further to our advice of 25th November 2022 (ref: 412295).

We would note briefly that the ecological survey (January 2023) recommends absence/presence surveys for great crested newt and our advice is that these should be complete before determination and not left to condition. We would also advise that

the CEMP includes reference to soil management during construction as per the documents cited in our original advice.

Please don't hesitate to contact me if you wish to discuss this further.

## EDDC Ecology Consultation - Julian Perrett BSc MSc MCIEEM CEnv

**Ecological Comments** – Planning reference 22/2409/MFUL – Proposed solar farm development with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV, ancillary equipment, landscape and biodiversity enhancements. Higher Hawkerland Farm Sidmouth Road Aylesbeare Devon EX5 2JW

### **Consultee Qualifications and Experience**

The comments enclosed have been provided by Julian Perrett BSc. MSc. MCIEEM CEnv, director at Encompass Ecology Ltd. Julian has been a professional ecologist since 1997 and specialises in general site assessment of development sites, impact assessment, licensed species works and mitigation design and has gained extensive experience on many extensive solar farm projects in the south west.

### **Information presented to support 22/2409/MFUL**

In relation to the current full application, the following ecological information has been presented to support the proposal, (all provided by Western Ecology), supported by other landscaping details (Amalgam Landscape) and site layout arrangement details (Spring).

- *Habitat Regulations Assessment – October 2022*
- *Preliminary Ecological Assessment - July 2021*
- *Great Crested Newt Surveys – July 2021*
- *Biodiversity Net Gain Plan – February 2023*
- *Preliminary Ecological Appraisal – January 2023*
- *Landscape and Ecology Management Plan (draft) – February 2023*
- *Construction and Environmental Management Plan (draft) – February 2023*
- *Biodiversity Metric (v. 3.1)*
- *Preliminary Ecological Appraisal (amended) – March 2023*
- *Response to additional queries – March 2023*

I have reviewed the ecological information presented, in terms of Best Practice, timings and extent of surveys undertaken, their appropriateness, and in light of the statutory consultee comments received. Further to the application submitted I can make the following comments;

### **Ecological reporting – Western Ecology**

The supporting ecological assessment documents are found to be precise and of good quality and generally accords with Best Practice, with an external data search having been undertaken through Devon Biodiversity Records Centre (DBRC) to support the application process. The ecology reporting has also been updated to ensure the validity of the baseline assessment remains valid, however the ground-truthing survey element of works to confirm baseline conditions is nearing its 2 years limit of validity but still considered valid at this time.

Consultee concerns have been raised over the format of the principal report, with the current assessment supported by a preliminary ecological appraisal (PEA) rather than a full ecological impact assessment. However due to the nature of the inert scheme proposed without either significant habitat removal or species impacts, then the PEA report submitted is considered fit for purpose and assigns value to habitat and species interest applicable to the site, akin to an impact assessment process and hence is considered appropriate in this case.

### **Impacts on Designated Sites**

The ecological reporting takes into account any perceived impacts on locally designated sites and a separate Habitat Regulations Assessment report has been produced assessing both individual and cumulative impacts for which no impacts have been determined.

This has been assessed by Natural England within their consultee response and my views are concurrent with those expressed by Natural England in this regard, without any significant detriment likely.

### **Habitat and Species Impacts**

The scheme proposed is largely inert and will not involve any significant habitat removal. Access to field plots will utilise existing field gateways with only minor widening of such, if at all required, any such works to be undertaken under a RAMS approach. The applicant has responded and confirmed this in their latest communication that there will not be any enlargement/amalgamations of existing fields proposed and associated removal of hedgerow corridors and hence there is no requirement for additional species surveys (bat activity and dormouse) to fully establish any associated species implications of such.

The possibility of Great Crested Newt presence has been investigated in accordance with current Best Practice techniques (eDNA analysis) and all results obtained gave no indication of likely presence.

I am therefore content with the level of species surveys and habitat impacts envisaged.

### **BNG and Wildlife Policy**

The application has been supported by a Biodiversity Net Gain calculation which appears from inspection to be valid and applicable to the habitats on site and those anticipated habitat conditions to be achieved through management.

Currently, the application will deliver +63.64% HABU (habitat area biodiversity unit) gain and a +13.51% HBU (hedgerow biodiversity unit) gain. This is acceptable to current planning policy and in excess of the +10% gains required under the incoming Environment Act legislation later this year.

It is also considered that the above increase in biodiversity, in association with the hedgerow and woodland planting propose as part of the scheme proposals is sufficient to deliver a biodiversity benefit *pers se*, concurrent with paragraphs 174 and 175 of the NPPF, a point also raised by consultees within the planning process. As such the plan is consistent with EDDC Local Plan Strategy 5: Environment and Policy EN5: Wildlife Habitats and Features.

### **Site management**

Draft CEMP and LEMP documents have been presented to support the application.

We would recommend that these should be presented as final documents to be secured through planning condition to ensure the commitments made can be enforced.

With particular reference to the draft LEMP, further details should be included within section 4.5 - *Grassland Buffers adjacent to Hedgerows* to include an Ecological Constraint and Opportunities Plan (ECOP), consistent with BS2020:2013 to show the locations of these 'improved' areas on plan. Specific commitments to be made include the width of buffer strip (a 5 metre width is stated within the LEMP but only a 4 metre width within the LVIA document. This plan should also indicate the exact locations of where gaps under perimeter fences will be located to allow the continued free flow of wildlife (principally badgers) through the site area. If the perimeter fences are also to be raised off of ground level (as mentioned within the LVIA document), this distance should be stated on plan.

A commitment to the Emorsgate EM10 species mix (or other) to be used within the hedgerow buffers needs to be stated on plan and a clearer management strategy stated within the LEMP document such that sheep grazing will be maintained beneath the solar panels but possibly not within the fenced buffer strips (and wayleaves across the site) which for example will also not be subject to any management prior to July each year to benefit biodiverse growth, ground nesting birds, and complement the grazing management elsewhere on site. Again, this will serve to satisfy NPPF requirements. These are suggestions for the applicant to consider for approval.

### **Restoration**

The applicant will have a commitment to maintain the site in good agricultural order so that it can be reverted to agriculture after the 40 year period. The information note from Natural England (TIN 101) gives more advice on this matter. Currently, the proposal would allow such a future reversion and hence we have no objection to the current proposal.

### **Other**

I note that the local Parish Council have raised concerns over the possibility of the scheme proposed including a lighting element to the site which may deter wildlife usage of the site. The lighting arrangements should be confirmed with the applicant and if there is an artificial lighting regime required (other than infra-red security), then this may lead to the requirement for bat activity and dormouse surveys, subject to the degree of lighting anticipated. Currently, it is not considered that lighting will be a requirement.

The off-site cable/grid connection may need to be considered through the current or a future planning application and the ecological implications for such a proposed routing. This is not considered within the current consultation process.

Overall, on the basis of those amendments identified being made, I do not see on the basis of ecological grounds, why the proposal could not be approved.

EDDC Landscape Architect

## **1 INTRODUCTION**

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

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

## **2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT**

### **2.1 Location and brief description of proposals and means of access**

The site is situated to the west of Higher Hawkerland Farm with access from an existing private drive off the A3052 to the north.

### **2.2 Site description and context**

The site comprises a cluster of six medium sized, irregularly shaped fields extending to 20ha overall, set on the mid-slope of an outlier ridge, with a westerly aspect, ranging in height from 85 to 125m AOD.

The fields comprise improved grassland bounded by generally thick, close cut hedgerows with occasional trees, but trees are numerous along the southern and southeastern site boundaries.

Surrounding landscape is generally pastoral with frequent trees and blocks of woodland and a few scattered dwellings. A group of large industrial sheds is situated adjacent to the northeastern boundary to the northeast of which is a static home park. A touring campsite is situated just beyond the northwestern boundary, separated from it by a narrow strip of woodland fringing the Gribble Brook.

The site is outside of the East Devon AONB, the boundary of which runs to the east and south of the site some 600m away at its nearest point.

There is no public access within the site and the surrounding public rights of way network is limited to a couple of short footpaths (Colaton Raleigh FP 18 and Colaton Raleigh FP 17).

The A3052 to the north and the B3180 to the east and southeast form the visual horizon to views from the site in those directions. Views to the south are contained by woodland to the southern boundary. A low ridgeline beyond Sanctuary Lane contains views to the southwest. There are extensive distant views to the Haldon ridge to the west, with the large sheds of Greendale Business Park and Hogsbrook Farm visible in the mid-distance.

Due to the local landform and tree and hedgerow cover there are limited opportunities for views into the site. Principal visual receptors are:

- Motorists and pedestrians using Sanctuary Lane who will have occasional partial/filtered views of the site over a short distance most clearly from a field gate to the north of Sanctuary Farm (LVIA viewpoint 4 – refer Appendix A fig. 3).
- Walkers on Colaton Raleigh footpath 18 between Scotts Farm and Winkliegh Farm will have partial heavily filtered views of the site.
- Users of the caravan site to the north – who will have clear views over the application site from higher parts of the campsite.
- Residents of a few isolated dwellings to the north and west and the static home site adjacent Hawkerland Farm.

There is a clear view over much of the site from a single gateway adjacent to the A3052 entrance to Greendale Business Park (LVIA viewpoint 7 – refer Appendix A figs. 1 and 2). The site is also partially visible from a short length of the A3052 to the north in glimpse heavily filtered views through trees and hedgerow. Additionally some residents on higher ground to the northeast edge of Woodbury Salterton may have long distance, partial views over the site.

### **3 REVIEW OF SUBMITTED INFORMATION**

#### **3.1 Landscape and visual impact assessment (LVIA)**

##### **3.1.1 Methodology and general presentation**

The LVIA is clearly set out and the methodology generally follows industry standard guidance. However, in respect of the sensitivity criteria for visual receptors, being a holiday route the sensitivity of motorists on the A3052 should be considered to be at least low-medium rather than low as stated. For minor roads, as these are frequently used by pedestrians and cyclists, sensitivity for these receptors should be considered to be medium rather than medium-low.

The proposed development phases are clearly described

##### **3.1.2 Baseline assessment**

The baseline landscape assessment is comprehensive and the assessment of sensitivity of the relevant landscape character types to the proposed development is accepted (LCT Pebble bed heaths sensitivity **high** in AONB and **medium-high** elsewhere; LCT Lower rolling farmed and settled slopes sensitivity **high** in AONB, **medium** elsewhere).

The visual baseline assessment is generally comprehensive but at para. 3.40 it should be noted that the site is visible from the northeast edge of Woodbury Salterton (grid ref. SX 001 893).

Viewpoint photographs are presented as panoramas in accordance with best practice guidance but, it should be noted that, to reflect actual viewing experience, they need to be printed at A1 and held at arms-length in an arc. For the key viewpoints, VP1 and VP7, single frame baseline images in appendix A to this report provide equivalent realistic viewing experience when printed at A3.

### 3.1.3 Design and mitigation measures

Design and mitigation measures are generally appropriate but further tree planting is required within existing internal hedgerows following a north-south and northwest-southeast orientation

(refer Appendix B) in order to help screen views from the west and provide further landscape character enhancement.

The existing industrial buildings immediately to the northeast of the site are visually intrusive in the wider landscape. There is opportunity as part of the proposed scheme to include native woodland and tree planting within the field where the substation is proposed, which would provide screening of the buildings and substation in views from the west and southwest.

Further details are required of proposed overhead and underground cabling to enable any landscape and visual effects to be identified. If details are not currently available then their submission could be conditioned.

Further detail of landscape mitigation and enhancement measures would be required by condition should the application be approved.

### 3.1.4 Assessment of effects

Aside from the gradual appearance of the solar panels themselves and associated infrastructure it is accepted that the construction and decommissioning impacts and effects of the development are likely to be **negligible**.

The assessment of operational impacts and effects on landscape designations including the East Devon AONB as **no change/ neutral** is accepted.

In respect of effects on landscape character, at para. 6.20 the LVIA describes the development as being contained within relatively enclosed fields and further enclosed through proposed landscape mitigation measures. However, due to the elevated location and ground slope, the site is relatively open to the west and the potential for mitigation through enhanced hedgerow management and localised tree planting is



somewhat limited, as can be seen in comparing the photomontage images for viewpoint 7 at years 1 and 15.

The proposals will inevitably have a high level of effect on the character of the site itself, introducing industrial type infrastructure into a rural landscape setting and ,contrary to the LVIA assessment, it is considered that the effects on local landscape character are likely to be **moderate adverse** initially where, in accordance with table 4 of the LVIA methodology, 'proposed development would be noticeable and/ or partially alter a recognised landscape or landscape feature'. This effect is likely to reduce in time as landscape mitigation measures establish to **moderate-minor adverse** (where 'proposed development would have a discernible effect on the landscape character and /or landscape elements').

Further afield, towards the fringes of the LVIA study area, it is accepted that the level of effect on landscape character will be **neutral**.

For visual amenity receptors it is accepted that the effects of the proposed development on most potential receptors are **minor/ neutral**. The most significant visual effects identified in the LVIA would be **moderate adverse** experienced by occupants of a few dwellings on Sanctuary Lane to the west and users of the campsite to the north. Travellers on Sanctuary Lane and footpath 18 to the west would be likely to experience **minor adverse** effects over a short distance.

A **minor adverse** visual effect not identified in the LVIA is also likely for some occupants of one or two dwellings on higher ground on the northeast edge of Woodbury Salterton. Page 4 of 13

For viewpoint 7 at the entrance to Greendale Business Park which provides a commanding view over attractive rural landscape rising to the boundaries of the AONB the effect of the development is more likely to be **moderate adverse** initially, reducing to **moderate-low adverse** as landscape mitigation measures establish.

### 3.1.5 Cumulative effects

Assessment of cumulative effects is appropriate. The conclusion that the scheme will not give rise to cumulative effects is accepted.

## 3.2 Site layout and associated landscape related details and reports

3.2.1 Planning site layout dwg. no. SP-RL-D09-PL rev. R11 - The indicated drawing scale of 1:250 is wrong and should be corrected to 1:2500.

For ease of reference the field parcels should be individually numbered.

The arrangement of solar panels in some instances appears too close to existing or proposed hedges, particularly in the case of the central field to the north of the FAB link easement. In accordance with the submitted details on dwg. no. SP-SCD09-PL approximately five metres should be kept clear between the panels and fence/ hedge. Panel arrangements should be checked and amended accordingly.

The locations of proposed CCTV cameras should be added to the plan.

3.2.2 Elevations (solar panels) dwg. no. SP-ELD09-PL

The max. 3.5m height of panels and 4.5m aisle widths between arrays is acceptable.

### 3.2.3 Site clearances (field margins) dwg. no. SPSCD09-PL R02

The proposed 5m clearances between field hedges and the security fence and the security fence and solar arrays is acceptable.

### 3.2.4 Site fence dwg. no. SP-SF-D09-PL rev R02

A minimum 200mm gap should be provided under the security fence to allow the passage of small animals.

Fence posts should generally be driven or set in augured holes backfilled with excavated soil if suitable or stone aggregate.

### 3.2.5 Indicative Landscape Masterplan fig. 18 rev B

The section of existing hedge which appears to be omitted where it crosses the FAB link easement should be shown as retained.

Additional tree planting should be indicated to internal hedgerows (refer Appendix B) Additional woodland/ tree planting should be shown to the substation field and the north side of the proposed access track to help screen the existing industrial buildings beyond in views from the west and southwest (refer Appendix B). Page 5 of 13

### 3.2.6 Tree survey, impact assessment and protection

The submitted tree survey plans show a different layout of the solar arrays compared to the planning site layout and the drawings should be checked and co-ordinated to provide consistency and clarity.

### 3.2.7 Management and maintenance

No details provided. A 40 year Landscape and Ecology Management Plan should be provided by condition should the application be approved.

## **4 CONCLUSIONS & RECOMMENDATIONS**

### **4.1 Acceptability of proposals**

It is accepted that the scheme will not give rise to cumulative effects in relation to existing and consented sites within the District by virtue of distance and visual separation due primarily to topography.

The proposed development is likely to give rise to a few moderate and moderate-low landscape and visual impacts as discussed above. However, overall these are localised and by virtue of its siting and surrounding topography and vegetation cover, the visual and landscape impacts of the scheme are considered acceptable subject to the incorporation of additional landscape mitigation measures as noted above which will improve visual screening of the development, and also the existing industrial buildings to the northeast, in views from the west.

There are a number of issues with the submitted plans and details raised at section 3.2 above which require satisfactory amendments/ further detail to be submitted prior to determination of the application

## **4.2 Landscape conditions**

In the event that amended information as noted at section 3.2 above is secured and approval is granted, the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) 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 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) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

2) 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 and cover the implementation, 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.

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 for the duration of the operational phase of the development.

3) No site works shall begin until 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. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

4) The works 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.

(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 Page 7 of 13

D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

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

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

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

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

ADDITIONAL INFORMATION –

We acknowledge receipt of the above planning application for the Installation of PV solar panels at the above location.

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

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

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

ADDITIONAL INFORMATION – 23/02/23

### **Updated site layout and landscape plan**

The amended plans are acceptable in terms of landscape design.

### **Draft LEMP**

#### Existing hedgerow

A survey of existing hedgerow condition should be included in the LEMP. This is required to assess and quantify the extent of initial remedial works and gapping up required and to provide a baseline for future monitoring is required. The survey should note the overall condition of each hedge and its position on the hedge management cycle and include a schedule of required works to bring to good condition. A plan should be provide showing the numbering of each hedge section.

It is likely that within the 40 year duration of the development existing hedges will require laying as part of the natural hedge management cycle. Provision should be made for this within the LEMP. Laying should be undertaken in a phased to help maintain overall screening of the site. Laying to be undertaken by appropriately skilled and experienced contractors in accordance with recommendations of Devon Hedge Group.

#### Planting details for hedges, copses and trees

In all instances planting details should include for weed/ vegetation clearance prior to planting either by application of systemic herbicide or scraping and removal of surface cover. As a minimum clearance should extend to 1m diameter around each tree/ shrub planting station for individual trees and copses and minimum 2m width strip for new hedgerow plantings.

Transplants shall be fitted with biodegradable spiral guards supported on canes or stakes, except tree species which will be provided with 1.2m high staked tree tubes.

On completion of planting and watering a 75mm depth organic mulch or biodegradable mulch mat should be laid and pegged extending 1m diameter around each tree/ shrub planting station and 1.5m width for new hedgerows.

Mulched areas to be kept clear of weeds by hand weeding/ application of chemical herbicide three times during growing season years 1-3 and annually years 4-5.

#### Proposed native species copse mixes

Proposed trees should be supplied as 900-1200mm whips rather than as 2-2.5m featherds.

For native species woodland and stream edge copse mix (page 14) include 10% *Quercus robur* supplied as 60-90cm transplants.

#### 4.4 Scattered trees within existing hedgerows

The tree schedule only includes for 18 trees. Additional trees indicated to the perimeter of the barns and the eastern site boundary are not included and should be added in. Proposed species around the barns should include species such as hornbeam, oak and field maple.

#### Grassland establishment and maintenance.

Reference is made to detail management plan to be provided by condition. Could this detail be confirmed at this stage to avoid the need for this?

#### Maintenance schedule

A landscape maintenance schedule covering existing and new planting and grassland management for minimum 20 year period should be included.

#### 5 Monitoring

Monitoring should include for practical completion inspection of planting works by consultant landscape architect and submission of sign off sheet to LPA.

Annual monitoring by ecologist and landscape architect should be undertaken in late autumn, years 1-5 and production of report setting out any remedial works required. Required works to be completed in following winter.

Table 6 – needs to be amended to include for above and other habitats/ trees to be managed and also for 5 yearly monitoring and review thereafter.

#### Environmental Health

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

#### National Gas Transmission – Asset Protection

National Gas Transmission has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.

I have enclosed a location map to show the location of National Gas Transmission high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below.

No Objection – see email for comments.

Following a meeting with the Customer, we are happy to issue a No Objection with the following Conditions;

- Subject to the receipt of an Earthing Report
- Subject to the completion of a Deed of Consent

- Subject to receipt and approval of Detailed Designs, which reflect a minimum cover as specified by National Grid, likely to be 600mm, but can be more based on the cable voltage and the pipeline depth.

National Grid reserve the right to issue a further Objection should these conditions not be met.

### The Health & Safety Executive

Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.

This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate. Their contact email is [Explosives.planning@hse.gov.uk](mailto:Explosives.planning@hse.gov.uk).

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines).

If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator.

If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then, please consult the operator of the COMAH establishment.

If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site, the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals. They can be contacted on [ONR-Land.Use-Planning@onr.gov.uk](mailto:ONR-Land.Use-Planning@onr.gov.uk)

### Other Representations

Five representations of support and one 'neutral' representation have been received.

Summary of Grounds of Support;

1. Helps to fulfill the strategy of COP27 aiming to reduce emissions and global temperature rise.
2. There will be no significant impact with regard to noise, traffic and the surrounding environment

3. The proposal for a solar farm at Higher Hawkerland which could potentially save over 3500 tonnes of carbon emissions annually as well as preserving the natural habitat of the area.
4. Improvements to habitat and hedgerows and note that the applicants have a long-term plan to revitalise the land and reduce the reliance on high-polluting fossil fuels.
5. Will not have a negative impact on the current farming enterprise, as sheep will continue to graze under the panels.
6. There is growing evidence to show that sheep utilize these panels as shelter, reducing lamb fatality by up to 10% as newborns and weaker lambs are not exposed to the elements of a bare field.
7. This project will be invaluable to support further residential development in the area
8. The scientific community has made it clear that a 1.5°C world is going to be too hard to achieve due to inaction from world leaders, but that every 0.1°C rise that is avoided will make a huge difference - therefore supporting the consent of renewable energy projects.

Summary of 'Neutral' Representations;

1. Potential for degradation to existing access road through construction traffic use.
2. Noise and disturbance during construction phase – suggest restriction on hours of delivery.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
21/1990/FUL	Retention of 1-bed temporary mobile home dwelling for farm worker (retrospective)	Approved	04.01.2023



20/1582/FUL	Change of use and subdivision of Barns 1 and 2 and part of Barn 3 from agricultural use to form 10no. storage and distribution units (Use Class B8), including external alterations to provide a roller shutter door and a by-pass door to each unit, provision of infill cladding to the existing hit & miss boarding to the external walls and provision of a gravel finish to the existing earth hardstanding to form Yard 1 and Yard 2 to be used for additional external storage associated with the units (retrospective)	Allowed at Appeal	16.11.2021
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## **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)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN17 (Notifiable Installations)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### Neighbourhood Plans

There is no neighbourhood plan in force for Colaton Raleigh parish.

### Site Location and Description

The site is approximately 7.5 km east of the eastern edge of Exeter. Immediately to the east of the site, is the Higher Hawkerland farm complex and a development of approximately 15 dwellings/static homes adjacent to the north. These buildings together with some scattered farm buildings and associated dwellings are accessed via a track from the A3052 to the north, while 600m to the east of the site is the B3108.

Sanctuary Lane runs 500m to the south-west of the site between the A3052 and B3108 forming a rough triangular area that the application site sits within.

The main portion of the red line application site area (excluding the cable routes extending to the north-east) measures approximately 22 hectares and is comprised of a number of adjacent irregularly shaped fields of differing sizes that slope down to the west. The fields have previously been under a range of agricultural uses including crop land and grazing land. The application site boundary excludes a complex of farm buildings within the easternmost field.

In terms of statutory designations in relation to the site;

- East Devon AONB – located 600m east of the site (east of the B3180)
- East Devon Pebblebed Heaths SSSI – located approximately 1km east of the site (east of the B3180 and north-east of the A3052).
- East Devon Pebblebed Heaths SAC – located 800m east of the site (east of the B3180 and north-east of the A3052); and
- East Devon Heaths SPA – located 1km east of the site (east of the B3180 and north-east of the A3052).

In terms of heritage assets the following are worthy of mention;

- AA Box No.456, A3052 – Grade II Listed – 750m north-east of the site
- Higher Greendale Farmhouse and Greendale Barton, Whitecross Road – both Grade II Listed –
- 1.3km west of the site;
- Nutwalls and Nutwalls Cottage, Harp Lane – both Grade II Listed – 900m north of the site; and
- Withen Farmhouse, Withen Lane – Grade II Listed – 850m north-west of the site;

### Proposed Development

The proposal seeks planning consent for the creation of PV solar farm, with associated infrastructure. The proposal would have the capacity to generate 18 megawatt at peak, which according to the applicant, would equate to a saving of approximately 3,557 tonnes of Co2 per annum. This consent is sought on a temporary basis of 40 years. Alongside necessary infrastructure and housing for equipment the main components of this planning application are the following;

- Approximately 31,600 solar photovoltaic (PV) panels, mounted to frames;
- Approximately 166 string inverters mounted behind the panels
- Five transformer stations;
- Access via an existing farm access from the A3052;
- Perimeter security deer fencing; and
- CCTV mounted on posts within each field.

The panels themselves would be situated at a 20 degree angle arranged in rows to face south in order to gain maximum exposure. The height of these panels when erected on the mounted farm would be approximately 3.05m in height. Surrounding the arrays around the periphery of the fields would be a buffer area to allow for a wildlife corridor and in some area enhanced planting.

An LVIA has accompanied this proposal taking into account the impact on the landscape. Additional landscaping measures in the form thickening of hedgerows and additional planting. These details are contained within a Landscape Masterplan.

A Construction Traffic Management Plan has been submitted with this planning application. This document aims to take into account traffic generation and type associated with the construction phase.

A landscaping masterplan has been submitted which provides the broad strokes of compensatory planting and mitigating screening.

### **ANALYSIS**

The main issues concerning this planning application are the following;

- Principle of the development
- Impact on the character and appearance of the landscape
- Impact on ecology
- Impact on neighbour amenity
- Impact on heritage assets
- Impact on trees
- Loss of agricultural land
- Impact of gas pipeline
- Impact on Highways
- Flood risk and drainage

These shall be addressed in turn before proceeding to the planning balance.

### Principle of the development

The Planning and Compulsory Purchase Act 2004, s38(6)) 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 if regards to renewable energy.

The National Planning Policy Framework (NPPF) states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. Indeed, it is a core planning principle of the framework to support the transition to a low carbon future in a changing climate and to encourage the use of renewable resources.

It was the objectives of the European Union and UK law such as the UK Government Climate Change Programme, the Energy White Paper 2007 and the Climate Change Act 2008 to combat climate change. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12. Under the Copenhagen Accord (2010) the UK, then part of the EU, agreed to make further emissions cuts of between 20 and 30% by 2020 on 1990 levels. This agreement was based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C. The 2009 UK Renewable Energy Strategy provides a series of measures to meet the legally-binding target set in the above Renewable Energy Directive. Key to achieving a targeted reduction in carbon dioxide emission by 60% from current levels by 2050 is the provision of renewable energy at least 30-40% of energy generation.

More recently the UK government published the paper Net Zero Strategy: Build Back Greener in October 2021 within which it is stated 'The science could not be clearer: by the middle of this century the world has to reduce emissions to as close to zero as possible, with the small amount of remaining emissions absorbed through natural carbon sinks like forests, and new technologies like carbon capture'. This was followed by the Carbon Reduction Policy (last updated February 2023) which aims to reduce

its Green House Gas emissions by 78% by 2035 in order to meet the overall goal of being carbon net zero by 2050.

The National Planning Policy Guidance at paragraph 5-003-20140306 states that whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the local plan has to deliver.

The Council itself has declared a climate emergency. The council has created a ten point action plan with the aim of being carbon natural by 2040. It is the council's ambition to reduce our carbon use at every opportunity and work towards the Think Globally – Act Locally aspiration. Within this action plan it is stated that the council should;

‘Support and encourage both commercial and domestic renewable and low carbon energy projects through the granting of planning permission for developments such as solar panels, wind turbines and other renewable energy solutions where they comply with Strategy 39 of the Local Plan’.

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 local plan 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.

Pursuant to the wider government aims of the UK government 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’ (authors’ emphasis).

This support is subject to 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.

Officers are content with the site selection process, which takes into account the availability of a grid connection, 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. Each of these issues shall be looked at in depth within this report with the proposal considered in detail against all other relevant policies and potential impacts.

The wider context of other solar installations benefiting from recent planning consent;

- 19/2832/MFUL – Land to the south of Rockbeare Hill, Marsh Green (3.5km north of the application site, to the south-west of West Hill village) – Proposed 15MW solar farm, including solar arrays, equipment housing, sub-station, fencing, CCTV, and ancillary equipment for a period of 40 years. Approved July 2020.
- 19/1510/VAR – Great Houndbeare Farm, Aylesbeare, EX5 2DB (3km north of the application site to the south-west of West Hill village) – Variation of condition 3 of planning permission 17/0011/VAR (solar farm) to extend the operational lifetime of the solar farm from 25 years to 40 years. Approved December 2019.

The following solar farm has been refused planning permission with an appeal lodged;

- 22/0990/MFUL - 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) – Land at Marsh Green Farm, Marsh Green

The following solar farm is currently pending determination;

- 22/0783/MFUL - Construction and operation of a ground mounted solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development – Land East of Rutton Farm, Whimple

There is no intervisibility between this application site and with these other approved solar farms. This is due to the rolling topography and sheer distance. When taking into account the surrounding highway network and main destinations within the wider area it is unlikely that the majority of road users would travel between the above and already previously constructed solar farms (situated mostly within the west of the district) to then result in a harmful experience in terms of the overall cumulative impact of solar farms.

Therefore given the policies of the local plan and aims of government level there is not an objection against the principle of such development within the countryside. Indeed there is an emphasis to support such projects with site constraints can be satisfactorily mitigated.

### The impact on the character and appearance of the landscape

The site comprises a cluster of six medium sized, irregularly shaped fields extending to 20ha overall, set on the mid-slope of an outlier ridge, with a westerly aspect, ranging in height from 85 to 125m AOD.

The A3052 is to the north with the B3180 to the east. The views from southeast form the visual horizon to views from the site in those directions. Views to the south are contained by woodland to the southern boundary. A low ridgeline beyond Sanctuary Lane contains views to the southwest. There are extensive distant views to the Haldon ridge to the west, with the large sheds of Greendale Business Park and Hogsbrook Farm visible in the mid-distance.

The fields comprise improved grassland bounded by generally thick, close cut hedgerows with occasional trees. There are numerous trees along the southern and southeastern site boundaries. The surrounding landscape is generally pastoral with frequent trees and blocks of woodland and a few scattered dwellings. A group of large industrial sheds is situated adjacent to the northeastern boundary, to the northeast of which is a static home park.

The proposal is situated within the rural context and as such the proposal would result in an intrinsic change to the character and appearance of these field parcels. The development would cover an extensive area of land with rows of above ground panels, metal support and security paraphernalia. This would occupy currently undeveloped land and as such this development would result in an intrinsic change to the agricultural character. Whilst aspects such as the security fencing could be constructed under permitted development rights the scheme would nevertheless produce the perception of an enclosed compound on what is open land free of development. Solar panels by nature and design require a sizable area which, in this case, would represent a sprawl of built form in a countryside location.

The above noted the impact on the character of the landscape only a slightly adverse impact would occur. The solar panels would, for the most part, not interrupt the ground conditions or topography and any alteration to landscape character would only be limited to the confines of the site. Agricultural activity could continue on site and this would mean that there would only be slightly adverse impact on the agricultural character of the land.

Of more concern is the visual impact on the appearance of the landscape. The solar panels themselves would have a utilitarian, industrial and engineered appearance alien to the countryside location. The panels by virtue of their colours and smooth texture would contrast with the natural pallet of the rural surrounds.

The immediate visual experience for users of surrounding highway network is currently that of attractive rural views. Motorist and pedestrians using sanctuary lane would have partial/filtered views of the site. Sensitivity from these views have been considered low-medium. This experience would be, no doubt, detracted by the harsh industrial appearance of the solar panels. Whilst any harm would only be experienced for a short stretch that does not detract from either the degree of visual harm or harmful experience to the countryside setting. The most significant visual effects identified in the submitted LVIA would be **moderate adverse** experienced by occupants of a few dwellings on Sanctuary Lane to the west and users of the campsite to the north.

Medium range views of the proposal could be glimpsed from the wider footpath and wider road network. In particular walkers using footpath 18 between Scotts Farm and Winkleigh Farm would have heavily filtered views. If the panels were surrounded by suitable planting this would filter and soften the visual impact from these medium range views.

There would have be only moderate visual impact significance from long range views given the separation distance and topography. In the wider public views of the overall landscape the development would be read largely in the context of the overall holding and activities surrounding the site. In particular existing industrial buildings to the northeast of the site are visually intrusive and the scheme could provide for an opportunity to include native woodland where the substation is proposed. This would provide appropriate screening of views from the west and southwest.

The LVIA describes the development as being contained within relatively enclosed fields and further enclosed through proposed landscape mitigation measures. However, due to the elevated location and ground slope, the site is relatively open to the west and the potential for mitigation through enhanced hedgerow management and localised tree planting is somewhat limited, it is considered that the effects on local landscape character are likely to be **moderate adverse** initially. In time as landscape mitigation measures establish to **moderate-minor adverse** (where 'proposed development would have a discernible effect on the landscape character and /or landscape elements'). Further afield, towards the fringes of the LVIA study area, it is accepted that the level of effect on landscape character will be **neutral**.

While the proposal would have slight localised adverse impacts on the character of the landscape there would be moderate and low-moderate adverse impact to the character and visual appearance of the countryside. Given that this recognised impact would soften over time, with additional landscaping conditioned, means that this is attributed limited weight against the scheme.

## Ecology

During the processing of this planning application the original ecology assessment was updated. As submitted originally the proposal drew objection from the Devon Wildlife Trust, however, no objections raised from Natural England. In response to the ecology issues raised by this proposal the Council procured the services of an independent Ecologist to review the submitted information. This independent review also raised no objection to the proposal providing the view that there are no ecological



grounds for resisting the development. The supporting ecological assessment documents was found to be precise, of good quality and generally in accordance with Best Practice.

The proposed main site is located approximately 800m to the east 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 raised any objections in regards to this. Whilst an Appropriate Assessment is sometimes required for development in 10k of these designated sites the proposed development in this instance would clearly not give rise to recreation activity. This means that there are not likely to be significant effects on the designated SAC and so an Appropriate Assessment does not need to be conducted.

A site specific survey of the site has been conducted. This looked at the site with regards to potential for habitats and protected species;

#### Devon Hedges

The Devon hedges would qualify as a Habitat of Principal Importance. No habitat loss is predicted, although construction activities have potential to adversely impact hedges through accidental damage and pollution. It is a recommendation that all retained hedgerow should also be protected from accidental damage during the construction phase by a suitable buffer of at least 5 metres. Amended plans have been received which would secure this and so there is no requirement for additional species surveys (bat activity and dormouse)

#### Standing water: pond

Mitigation is recommended to prevent construction activities harming the fresh water habitat associated with Pond C, particularly as it feeds into a stream which runs off-site. A Construction Environmental Management Plan (CEMP) should be produced prior to the construction phase of the development, with specific regard to the waterbody within the north-west margin of the Site and the raised situation of the Site in relation to this waterbody.

#### Amphibians

It was recognised that there is potential for Great Crested Newt to be utilise aquatic and terrestrial habitats associated with the Site. This element is returned to below within the reptile section.

#### Badgers & Hedgehogs

The submitted draft LEMP appears to confirm the presence of badgers.

There is potential that Badgers, Hedgehogs and other mammals to become trapped within the construction site during the development phase, while any permanent security fencing may also prevent animals from dispersing through the site. Mitigation

measures to allow movement through the site and provision for means of escape should therefore be secured.

## Birds

This report acknowledges that the Devon hedges are likely to be used by a variety of common bird species for nesting. If any activities are likely to impact these nesting habitats, they should be completed during the period September to February inclusive, outside the accepted bird nesting season. If not practicable, these habitats should be thoroughly inspected by a suitably qualified person prior to disturbance or removal. If nesting birds are found, all activities likely to damage the immediate area should be delayed until chicks have fledged.

## Hazel Dormice

Mitigation work is required to minimise the risk of cable trenching and general construction works impacting Dormice.

## Reptiles

Pond C with its associated rough grassland provide some potential for reptiles. Sympathetic site clearance involving RAMS should be implemented to avoid killing or injuring individual reptiles.

A survey with specific regard to Great Crested Newt has been conducted (July 2021) for potential sites within 500 metres of the proposed development. The results of this survey revealed negative eDNA results from all 6 ponds surveyed suggesting a likely absence of Great Crested Newts. It can be reasoned from the lack of eDNA in the ponds/ditches associated with this site, as well as the dominance of suboptimal terrestrial habitat in the surrounding area, that there are no local Great Crested Newt populations associated with these waterbodies/ditches. It is also reasonable to conclude from this survey that Great Crest Newts are unlikely to be active within the terrestrial habitat associated with the site.

In addition to the above a Biodiveristy Net gain Plan has been submitted. This predicts 63.64% net gain in habitat area and 13.51% net gain in hedgerow units. This is acceptable to current planning policy and in excess of the +10% gains required under the forthcoming Environment Act legislation later this year. It is also considered that the above increase in biodiversity, in association with the hedgerow and woodland planting propose as part of the scheme proposals is sufficient to deliver a biodiversity benefit *pers se*, concurrent with paragraphs 174 and 175 of the NPPF

The ecology information, as updated, has taken into account the ecological context of the site and made an assessment of its potential in this regard. Furthermore where the report highlights the needs for an additional survey on Great Crested Newts this has been carried out. The submitted plan indicates appropriate wildlife corridors and additional planting to the benefit of biodiversity net gain (although not a policy requirement at the time of writing). External lighting would be the subject of a condition to ensure the wildlife are not deterred from using the site.

Without an objection from Natural England or the independent ecologist the proposal is considered to comply with policy EN4 of the local plan and guidance contained within the National Planning Policy Framework.

### Impact on Neighbour Amenity

The site is located in comparative isolation from any residential properties. Indeed, the nearest properties, at Grindlebrook Farm to the north west and Acorn House to the north, are around 200 metres away while the cluster of properties around Higher Hawkerland Farm itself and the nearer of the park homes at Newlands Park are approximately 300 metres and 250 metres to the east respectively.

It is therefore not anticipated that the solar farm would give rise to any harmful effects upon the living conditions of residents in the vicinity of the site. Whilst there may well be views from some residential properties towards the site and development, the distances involved are considered to be sufficient to mitigate these to a large degree.

The proposal could result in some glint and glare from the panels themselves. The applicant has conducted a 'Glint and Glare' Study to account for the potential impact of this. In summary this found no significant predicted impact on road users, dwelling observers, and aviation activity connected with Exeter Airport. However, as their purposes is to absorb light rather than reflect this is unlikely to be harmful. Further the panels themselves would be pointed in a southerly direction to maximise solar gain – away from the neighbours mentioned above.

### Impact on Heritage Assets

There are no listed buildings or designated conservation areas either within, or in close proximity of, the application site.

However, the County Council's Historic Environment Team (HET) advise that, whilst there has been little in the way of archaeological work within the immediate area within which the application site lies, within the wider landscape - and particularly on the higher ground to the east - there is evidence of prehistoric activity in the form of a concentration of funerary monuments. As such, the site may contain evidence of prehistoric or Romano-British settlement and agricultural activity that may potentially be affected by ground works connected to the proposed development.

The HET therefore advise that such impacts should be mitigated by a programme of archaeological work, supported by a Written Scheme of Investigation (WSI), that should investigate, record and analyse evidence that might otherwise be destroyed and result in the loss of heritage assets with archaeological interest.

In line with the HET's comments, therefore, a pre-commencement condition to this effect (the wording of which has been agreed with the applicants) is recommended. It is required to ensure that the archaeological works are agreed and implemented prior

to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

The HET also recommend that a second condition be attached to any grant of permission to ensure that the development is not brought into use until post-excavation works set out in the agreed WSI have been completed to an approved timescale and provision made for the analysis, publication and dissemination of results, and archive deposition, for the authority's approval.

It is envisaged that a suitable staged programme of archaeological works would take the form of, first, a geophysical survey of the site followed, if necessary, by the excavation of a series of evaluative trenches to investigate any anomalies identified by the survey to determine the significance of any heritage assets with archaeological interest that may be affected by the development. This will, in turn, determine the requirement for, and scope of, any further archaeological mitigation, either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of ground works or the monitoring and recording of ground works associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report and the finds and archive deposited in accordance with relevant national and local guidelines.

### Impact on Trees

In response to the consultation comments of the Council's Arboricultural Officer regarding the scheme layout, the applicant has highlighted the intended location of a proposed temporary construction compound at the eastern end of the site together with the laying of a comparatively short length of access track from an existing farm track to serve a proposed Distribution Network Operator substation. Both would be surfaced with permeable crushed stone similar to an ordinary unmade agricultural track.

Security/deer fencing would be constructed to stop short of, and avoid crossing, any hedge.

In terms of addressing potential long term issues with shade from maturing trees, given the intended 40-year term of any permission, the applicant advises that the layout details consider this and therefore the likelihood of overshadowing of the panels would be limited. In any event, it would be intended that any pruning back that may be required would be carried out by a qualified tree surgeon to the appropriate standard at a suitable time of year so as to avoid the bird nesting season.

In relation to the query concerning the ability to mechanically manage the panels where a 2.5 metre margin between them and one of the hedgerows has been identified, it has been advised that it is common practice to attend to such areas with hand tools. Nevertheless, the detailed layout of the panels within this part of the site has been slightly amended to show greater separation from the hedge.

It is recommended that the suggested condition regarding the submission of an updated arboricultural method statement and tree protection plan, including provision for site monitoring visits, be attached to any grant of permission. The applicant has indicated an acceptance to such a condition going forward.

At the time of writing further comments sought from the Arboricultural Officer in response to the additional information provided by the applicant remain awaited. However, it is considered that the additional information provides the necessary details to address the initial consultation comments to the extent that it can be concluded that the development would present no ongoing issues of concern in regard to trees, subject to the recommended condition being imposed.

#### 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 classification 3b. Through testing the wetness of soils throughout the site and its associated colouration, the report concludes that 100% of the site is composed of Grade 3b soils (a wet medium or heavy Clay Loam). Grade 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.

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.

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 the land is classified as 3b which is not protected under the policy provisions of Policy EN13. In any case, the first criterion of the policy requires that land of a lower grade such as grade 3b is used in preference to land within classes 1, 2 or 3a. As this is the case it is not considered that there will be a loss high quality agricultural land.

### Impact upon gas pipeline

The site is dissected by the major gas pipeline and contains the inner and outer zones of the pipe. Policy EN17 (Notifiable Installations) states that proposals for development within a notified consultation zone around a hazardous installation will be permitted only if there is no health and safety risk to that development. The inner and outer zones are considered to be a consultation zone and, therefore, there must be no health and safety risk for the development to be acceptable.

Comments from the Health and Safety Executive have stated solar farms are not considered to be relevant development in relation to the vicinity of major hazard pipeline sites. This is because the development in itself would not involve the introduction of people into the area. These comments also recommend consultation with the pipeline operator, consultation has been made with the Nation Grid and WWU but at the time of writing there has not been any response.

Consequently, it is considered that the proposed solar farm would not have a health and safety risk due to the fact that it would not result in people being introduced to the site and residing for significant time which would represent a hazard. Therefore the application is considered to comply with Policy EN17 (Notifiable Installations) of the East Devon Local Plan.

### Impact on the Local Highway Network

In respect of assessing the impact of the proposals on the highway network, there are considered to be two principle issues; that of the impact of the development on the strategic highway network and; on highway safety during the construction phase. The application is supported by an outline Construction Traffic Management Plan (CTMP) and a Construction Environmental Management Plan (CEMP).

The application site is served by a private track that stems off of the A3052. The existing access arrangements have previously been reviewed and considered acceptable by the County Highway Authority during the assessment of 20/1582/FUL for conversion and subdivision of a number of barns to 10 units of storage. All construction vehicles would utilise this route which has historically been used for agricultural purposes, occupants of Newlands Park and those using the storage facilities at Higher Hawkerland Farm.

The junction, which widens to 6.0 metres allows sufficient width for vehicles to pass one another and considered to have adequate visibility. Speed warnings are also present along the private track that advise speeds of 10 – 15 mph and a number of speed bumps.

In general, the footfall of traffic attracted to solar farm is considered to be low and limited to maintenance vehicles. The CTMP details that a transit van would visit the site approximately twice a month for this purpose. The proposal does however have the potential to impact upon traffic and highway safety during the construction and de-commissioning phases of the development.

The CTMP details that approximately 25 – 30 construction workers shall be required on site during a standard working day. Majority of the non-local work force is expected to be transported to the site to minimise impact on the local and strategic highway network.

Table 5.1 of the CTMP provides a schedule of works during the construction phase and number of two-way traffic movements, these are summarised below;

- Solar Modules and Mounting Structures – 145 deliveries (290 two way movements)
- Inverters/Transformer – 5 deliveries (10 two-way movements)
- Substation – 2 deliveries (4 two way movements)
- Internal Access Tracks – 90 deliveries (180 two-way movements)
- Other, sand, gravel, waste – 100 deliveries (200 two way movements)

The majority of deliveries shall be made by articulated and rigid lorries. The private track is a typical rural lane with a width of 2.5 – 3.0 metres and therefore fairly narrow. Notwithstanding this, a Swept Path Analysis is included within the CTMP to demonstrate that the articulated lorries, the target form of delivery vehicle, would be able to navigate themselves down the private track to the application site.

The applicant acknowledges that the delivery of materials could also have adverse impacts on nearby neighbours at Newlands Park. As such, the CEMP specifies that deliveries shall be organised through a booking system and only take place between 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays and shall be restricted to 10 deliveries on any given day. All parking for contractors shall be provided on site.

Colaton Parish Council have queried whether there be additional costs to DCC Highways as a result of wear and tear from construction traffic. It is assumed that the Parish are referring to the A3052 which is the main arterial route to the site and is adopted by the County Highway Authority. Despite the absence of any comments from the County Highway Authority with regards to this matter, the A3052 is already heavily trafficked by a wide range of commercial and domestic forms of transport. Furthermore, it is considered that disaggregating the impacts of the construction traffic, during a relatively short period, against the impact of existing traffic on the A3052 would be an onerous requirement and an exercise likely to conclude that the impact is negligible.

### Flood Risk and Drainage

The north-western boundary shared with Grindlebrook Farm is located within Flood Zones 2 & 3. A modest part of the south-westernmost parcel is also location within Flood Zone 2. Both these areas and their respective risk have been identified within the Flood Risk Assessment (FRA). The FRA asserts that the risk associated with these areas are not as a result of their proximity to nearby watercourses but from overland flows.

The Environment Agency have reviewed the FRA and have raised no objections despite flood mapping within the FRA indicating that a small area of flood zone 2 and 3 encroach within the boundary. Their comments acknowledge that the application site is not within 5 metres of a watercourse and that no development or infrastructure deemed 'vulnerable' is located within the areas at risk.

The EA are to be consulted on any works that would raise ground levels within these areas as this could displace water during a flooding event. However, from the information that accompanies the application, the areas of land concerned are either outside the proximity of the fencing or, where levels are to be altered, these would be lowered to form scrapes or a swale.

With regards to surface water drainage and attenuation, the provision of solar arrays has the potential to increase runoff rates. Original comments from the County Council's Flood Risk Management Team requested further information to demonstrate how the applicant intends to manage overland flows. In response a Surface Water Drainage Addendum was submitted to the Local Planning Authority, the document has been produced by Calibro and is dated 7.02.23.

Grassland buffers are to be established along existing hedgerows and ditches. All grassland shall be kept at <50mm to act as a buffer strip to intercept surface water. A series of scrapes and a network of swales are proposed throughout the site and these are shown on Drawing 60-101. The plans depict swales of various widths that follow the contours of the site to intercept any overland flows that will inevitably run across the site in a south-westerly and westerly direction. The central strip reserved for Fablink and a building exclusion zone owing to the proximity of an underground gas pipeline shall be managed as rough grassland to act as a further buffer.

The Environment Agency, whilst in support of the principle of development, advise that run off from exposed ground and soils can pose a significant risk of pollution to nearby watercourses, particularly through soil and sediment run off. Therefore, as detailed within paragraph 22 of The Construction Environment Management Plan (CEMP), all surface water attenuation features should be constructed in advance of works uphill from them.

After considering the flood risk of the site and the surface water attenuation measures, it is considered that the development would meet the objectives of Policy EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan. In light of support from the Environment Agency, and in the absence of further comments from the County Flood Risk Management Team, it is considered that the application is acceptable on flood risk grounds. If permission is to be granted it will be conditional on grounds that the recommendations within the FRA are adhered to and that the Surface Water Drainage Scheme is implemented prior to installation of any units of the PV array are installed.

### *Other Matters*

#### Airfield Operations



Exeter and Devon Airfield operations have been consulted on this proposal. This proposal has been examined from an Aerodrome Safeguarding aspect and they have confirmed that it does not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

## Noise

The closest residence to any sound-emitting equipment is approximately 200m as confirmed by an independent noise assessment (which is conducted on a 'worst-case scenario' basis and in accordance with British Standard 4142:2014). According to this noise report the noise levels at the nearest receptor will be below the existing ambient background noise levels thereby not resulting in harm to adjacent occupiers. It is noted that the EH officer has not raised an objection in this regard.

## CCTV

For security and monitoring purposes CCTV will be used within the site and details for the design of these have been illustrated on the plans. However, the location and angle of view needs to be secured via condition to ensure that this is reasonable for a countryside location.

## Gas Asset Protection

The comments of the National Grid are noted and this features several conditions attached to their formal response of 'no objection'. However, these conditions do not have a planning basis and would instead be for the applicant to agree with the National Grid separately.

## Planning Balance

There are competing interests involved in the consideration of this planning application.

The council's landscape architect considered that the scheme would not give rise to cumulative effects in relation to proposed, existing and consented sites within the District by virtue of distance and visual separation, due primarily to topography. In summary the proposed development is likely to give rise to a few moderate and moderate-low adverse character and visual impacts. The potential cumulative impact in the event that any other solar farm proposals are approved/ implemented have also been considered and this proposal would not lead to any harmful cumulative impact.

Satisfactory ecology reports have been submitted which have not raised objections by Natural England or from an independent ecologist. Although additional CEMP,

LEMP and Landscaping information has been submitted, which have provided enough information to be able to recommend approval, specific elements of these require further details to be submitted. It is therefore reasonable and necessary to request finalised versions of these via condition. Overall these issues do not weigh against the scheme.

In line with the development plan and NPPF significant weight should be placed on the environmental, social and economic benefits which this solar farm could bring. The renewable energy generated would be a benefit which would outweigh the moderate localised moderate and low moderate adverse impacts identified to the landscape. Mitigation measures would significantly reduce the resulting moderate adverse effects through imposed conditions. In doing so the proposal would reach an appropriate balance between the harm and benefits of the scheme, as required by local plan policy 39.

Within the UK renewable energy potential currently lies principally with solar or wind based development; under current policy guidelines it is very challenging to deliver on shore wind turbines. This means that within East Devon it can be reasonably argued that Solar PV is the only realistic means of delivering significant renewable energy. Any such development will inevitably have some landscape impact. Whilst siting solar PV on existing buildings is to be encouraged it is not possible to enforce this and as such this is very unlikely to deliver the quantum of renewable energy proposed by this and other solar PV farms. It is necessary therefore to weigh in the balance the importance of the loss of a view versus the policy aim of meeting targets to prevent irreversible climate change.

It is concluded that the public benefit arising from this renewable energy proposal would support the government's national strategy and policy requirement to be carbon net zero by 2050 and East Devon Council's aim to be carbon neutral by 2040 and so should be afforded a significant amount of weight within the overall planning balance. Furthermore, short term economic benefits would arise during the construction period and a modest form of energy security would be provided by this proposal.

It is therefore recommended that this proposal 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 Local Planning Authority shall be notified 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. Such details shall include 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. Additionally a plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme. 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 Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such as wildflower margins, hedgerow and tree maintenance, and conservation grazing. (Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013- 2031.)
5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.  
(Reason - To ensure, in accordance with Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development prior to the construction phase to prevent any archaeological loss throughout the construction period.)

6. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

(Reason - To comply with paragraph 205 of the National Planning Policy Framework (2021), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

7. Prior to the commencement of development, an updated arboricultural method statement and tree protection plan shall be submitted for the written approval of the Local Planning Authority. This shall include the location of the proposed underground service installations and any permanent or temporary hard surfacing, and shall also define construction exclusion zones (including hedgerows). It shall also include provision for the following arboricultural site monitoring visits:

- i) Inspection of and signing off, of the correctly installed tree protection (or security fencing) measures prior to the commencement of works.

- ii) Submission of a ground protection specification designed by a engineer, appropriate to the anticipated loading.

- iii) Monthly site inspections by an arboricultural consultant during the construction phase of the project.

- iv) Arboricultural sign-off of the completion of construction works prior to the final removal of the tree protection measures.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees and hedges on the site during and after construction. The condition is required 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 East Devon Local Plan 2013-2031.)

8. The development hereby approved shall be carried out in accordance with the recommendations within the Flood Risk Assessment prepared by Calibro, issue date 06/09/22.

(Reason: To protect the local environment and water courses and ensure that suitable means of controlling surface water drainage exists in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan 2013 - 2031).

9. Prior to the installation of any solar arrays all swales and scrapes as detailed within the Surface Water Drainage Addendum and the drawing titled 'Proposed Swales & Scrapes', prepared by Calibro and dated 07/02/2023, shall be constructed and thereafter maintained to allow the disposal of surface water for the lifetime of the development.

(Reason: To protect the local environment and water courses and ensure that suitable means of controlling surface water drainage exists in accordance with

Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan).

10. The development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) prepared by Western Ecology dated February 2023. 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, 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.)
11. Prior to commencement of development of any part of the site, the Planning Authority shall have received and approved a fully detailed Construction Transport Management Plan (CTMP) 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
  - (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) Details of the amount and location of construction worker parking.

(m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

12. Notwithstanding the submitted landscape details, no development shall begin until a final site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall follow the principles established in the submitted indicative landscape masterplan and 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 final 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 schedule and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(Reason – This condition is pre commencement to prevent any harm occurring during the construction phase, 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. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within the Preliminary Ecological Appraisal, prepared by Western Ecology and dated July 2021 (updated March 2023).

(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).

14. No 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.)

15. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their exact siting, angle of direction and operational monitoring requirement 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.)

16. 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).

Plans relating to this application:

SP-CT-D09-PL R02 : CCTV	Other Plans	28.10.22
SP-EL-D09-PL R03 : existing site	Layout	28.10.22
SP-EL-D09-PL R02	Proposed Elevation	28.10.22
SP-IN-D09-PL R02	Other Plans :	28.10.22

transformer/inverter housing

SP-LP-D09-PL R01	Location Plan	28.10.22
SP-SCDP09-PL R02 : site clearances	Other Plans	28.10.22
SP-SF-D09-PL R02 : site fence	Other Plans	28.10.22
SP-SSD9-PL R02 : 33kv substation	Other Plans	28.10.22
SP-AL-D09-PL R04 : PV array	Layout	08.02.23
SP-RL-D09-PL R06: proposed site	Layout	16.03.23

List of Background Papers

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