

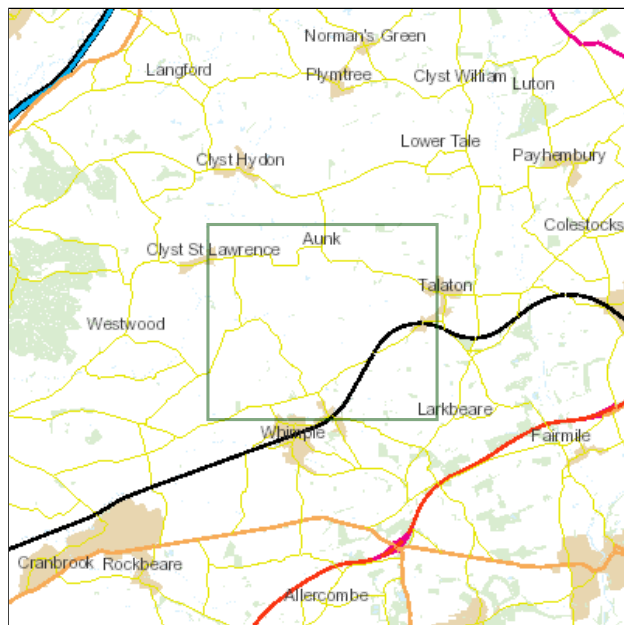
**Ward** Whimble And Rockbeare

**Reference** 22/0783/MFUL

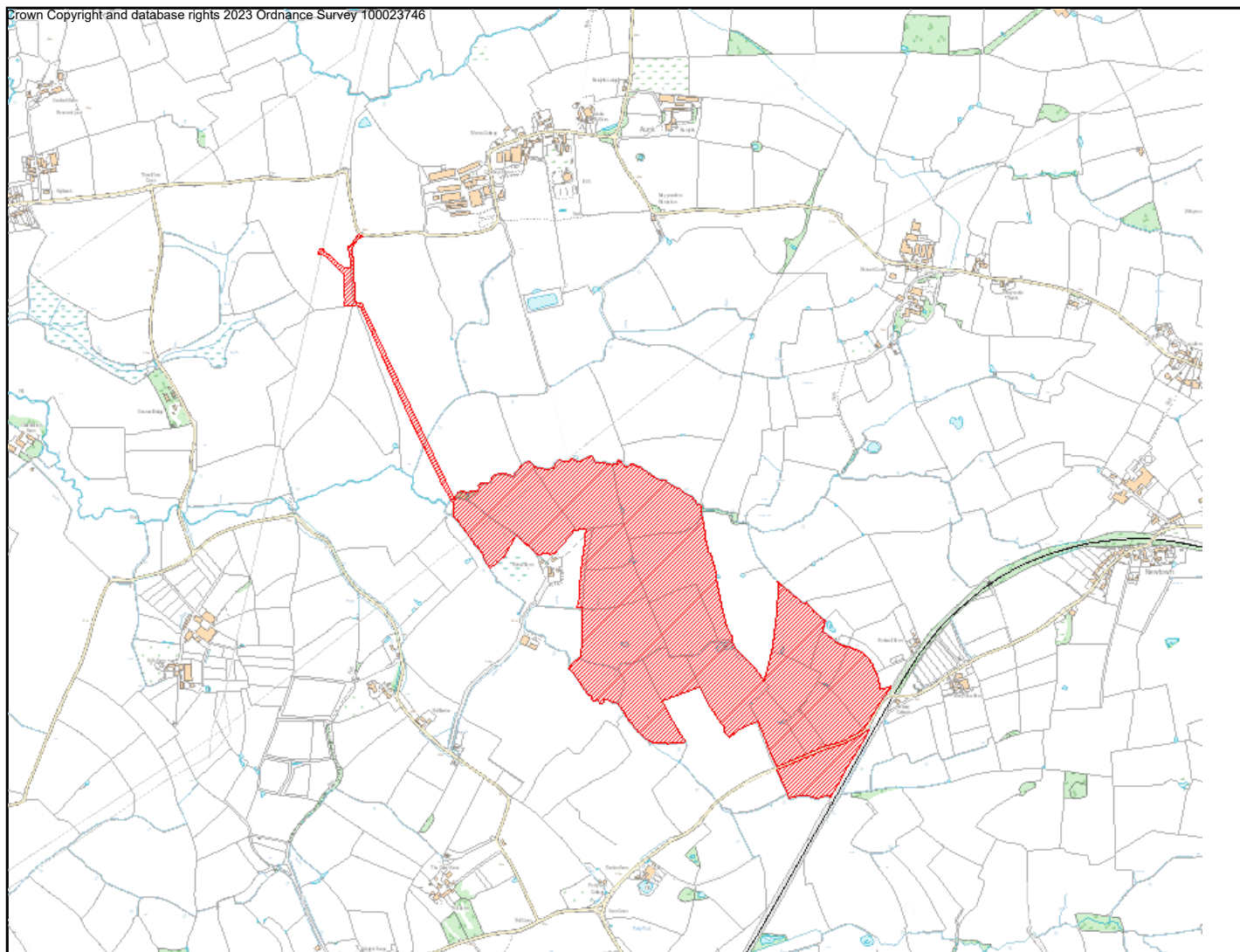
**Applicant** Aura Power Developments Limited

**Location** Land East Of Rutton Farm Rull Lane Whimble EX5 2NX

**Proposal** 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



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 13.06.2023</b>
<b>Whimble And Rockbeare (Whimble)</b>	<b>22/0783/MFUL</b>	<b>Target Date: 08.08.2022</b>
<b>Applicant:</b>	<b>Aura Power Developments Limited</b>	
<b>Location:</b>	<b>Land East Of Rutton Farm Rull Lane</b>	
<b>Proposal:</b>	<b>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.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is before the Committee as it is a major application, where a view contrary to the officer recommendation has been expressed by the Ward Member and Parish Council. This is the third time that the application has been before the Committee, following its previous deferrals for a site inspection, and then to allow for amendments to the scheme.

Taking on board the comments made by the Committee during the debate following the site inspection, the applicants have made the following amendments to the scheme:

- Provision of additional tree planting on the western and northern boundaries of field 1.
- Amendments to panel layout in field 1.
- Removal of entrance into field 3 from public highway.
- Additional planting on the southern and eastern boundaries of field 4.
- Realignment of the public right of way and existing or proposed field entrances in the vicinity of fields 17, 19 and 20.
- Reduction of panel heights to a maximum of 2.7 metres.

It remains the case that planning permission is sought to construct a solar farm of around 58ha in size. The development would comprise of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 40 years.

**This proposal is one of a number of solar developments which have recently been considered in East Devon. Clearly though, whilst the cumulative impact, if one or more of the other developments was approved/is constructed alongside this application, is for consideration, the key focus of this report is on the impacts from the proposal at Rutton Farm, and the recommendation relates only to that application.**

**The land which is the subject of this application consists of gently undulating agricultural fields, with hedges forming the boundaries between fields. There is a minor water course running along the northern edge of the proposed solar panels, in addition to some other water features within, or close to, the area of panels. There are trees within the site; some forming part of hedges, and others within fields.**

**The site was chosen due to the availability of, and an agreed connection to, the grid and due to its accessibility, the agricultural classification of the land, and as the land is not subject to any designations. Also, following an extensive assessment of sites, including attempting to seek brownfield sites, the application site was the most suitable when all factors were considered.**

**Some fields contain a mixture of grade 3a land and lower quality land. In the past - most recently in the approval of application 21/3120/MFUL - the Council's Planning Committee has been of the view that, it would be impracticable to only develop the 3b areas of a field, but that it is also unreasonable to only allow development on grade 3b land downwards. The same argument is made again, given that the majority of the land within the site is grade 3b or lower.**

**Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. The submitted Planning Statement confirms that it is intended to continue using the land for agricultural purposes. It is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England supports this view in its comments to the Council regarding this proposal.**

**Strategy 39 (Renewable and low Carbon Energy Projects), makes provision for renewable energy projects and lends some support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether the benefits of the scheme outweigh the temporary and partial loss of the land to agriculture.**

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

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works.

In terms of the visual impact of the proposal, the existing landscaping, which would be enhanced through methods such as additional planting and allowing hedges to grow, is sufficient to ensure that the scheme would not be visually harmful to the area, or users of the public highways and footpaths within the vicinity of the site. From wider views at higher altitudes, it is accepted that it will not be possible to completely screen the development. However, the nature of the proposed layout, and the surrounding landscape, is such that any longer distance views of the development would be in the context of the wider landscape, and any impacts would be reduced by the now lower panel height (maximum 2.7 metres) proposed.

It is considered that the site is a sufficient distance from other solar developments, either existing or with extant permissions, in the area to ensure that there would not be a significant cumulative visual impact. In terms of other cumulative impacts, such as highway issues if more than one solar development was being constructed at the same time, it is considered that there would be no significant harm arising from those circumstances.

It is considered that the proposed development would not have a detrimental impact on any listed buildings.

Natural England has confirmed that the site and proposal is acceptable in terms of its impact upon the area and biodiversity. The Council's Ecologist also supports the proposal in this regard.

The proposal is considered acceptable in terms of its impact on archaeology, highway safety, aviation, railways, trees and hedges, and flooding and drainage - although, in some cases, conditions relating to those matters are proposed. The Planning Statement details that a community fund will be donated annually although this is not a material planning consideration.

It is the amended plans which the Committee must now consider, and it is the view of Officers that these amendments further improve a scheme which was previously recommended for approval. The amendments result in enhanced screening of the site from the areas where it is closest to the public domain and, whilst the impact on these areas was previously considered acceptable, improvements to the screening and a reduction in panel heights, to further reduce the visual impact, are seen as a positive modification to the scheme.

Consequently, given the above factors, which are assessed in full detail in the main report, it is considered that the proposal remains acceptable. Therefore, it is recommended that this application is approved.

## **CONSULTATIONS**

### **Clerk To Whimble Parish Council**

#### **Comment Date: Wed 25 May 2022**

The Cllrs discussed the pros and the negatives regarding the application for a solar farm within Whimble's boundaries. The main areas of concern are Whimble and the surrounding areas do not become overwhelmed by solar farms and the Area of Outstanding Beauty for East Devon is extended to prevent this from occurring and offers some form of protection. That the area is returned to agricultural land after the 40 years lease. The Parish Council are reassured by the lengths the company have currently gone to ensure that all neighbours are worked with and views heard and asked that this continues. The Community Benefit Fund the Parish Council are pleased to see being offered and would like to look into ways that this can be returned to residents to help with fuel costs. The landscaping and footpaths on the site are also welcomed by the Parish Council. The Parish Council have concerns over the planned access routes to and from site and feels that this needs to be looked into further as an alternative route could be more appropriate. If all of areas of concern can be addressed the Parish Council would not object to the application

### **Clerk To Whimble Parish Council**

#### **Comment Date: Tue 15 Nov 2022**

The Parish Council would like to give credit to the development for listening to objections from local residents and changing the development to lower the impact on nearby properties. The Parish Council stands by its comments in May - The Cllrs discussed the pros and the negatives regarding the application for a solar farm within Whimble's boundaries. The main areas of concern are Whimble and the surrounding areas do not become overwhelmed by solar farms and the Area of Outstanding Beauty for East Devon is extended to prevent this from occurring and offers some form of protection. That the area is returned to agricultural land after the 40 years lease. The Parish Council are reassured by the lengths the company have currently gone to ensure that all neighbours are worked with and views heard and asked that this continues. The Community Benefit Fund the Parish Council are pleased to see being offered and would like to look into ways that this can be returned to residents to help with fuel costs. The landscaping and footpaths on the site are also welcomed by the Parish Council. The Parish Council have concerns over the planned access routes to and from site and feels that this needs to be looked into further as an alternative route could be more appropriate. If all of areas of concern can be addressed the Parish Council would not object to the application.

### **Clerk To Whimble Parish Council**

#### **Comment Date: Tue 24 Jan 2023**

The Parish Council are supportive if the changes made are being made due to residents comments.

### **Clerk To Talaton Parish Council**

#### **Comment Date: Wed 01 Jun 2022**

Talaton Parish Council objects to proposal 22/0783/MFUL - Land East Of Rutton Farm, Rull Lane, Whimble EX5 2NX, also referred to as "Horton Solar Farm".

The Parish Council recognises the need for improved energy security in the UK, of which solar generation has an important role to play. However, we believe this is best achieved by investing in solar generation on existing buildings and new build, especially where this enables residents to benefit directly from energy generation. We do not believe that this is best achieved by constructing major industrial facilities in the middle of the Devon countryside, destroying its beauty, and removing productive farmland at a time when the world is facing food insecurity due to the conflict in Ukraine.

#### 1. Access of Construction Traffic To The Site.

The proposed route for construction traffic passes through our Parish by the neighbourhoods of Fairmile, Hillside and Newtown and past the major tourist attraction of Escot Wildwood. These roads are narrow, with dog-leg bridges and several properties in Newtown abut the road. The route is often used by cyclists. The applicant's own proposal states there would be 2374 HGV movements over the four month construction period. This would lead to immense disruption and inconvenience to residents of our Parish. We are not aware that the applicant has consulted with local residents on this route or has properly assessed its feasibility bar a "table-top" exercise. There is no information provided on how the 200 construction workers will commute to the site.

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

#### 2. Loss of Quality Agricultural Land.

Food security is as important as energy security for the UK. If anything, the crisis in Ukraine has emphasised the former rather than the latter. Energy generation can occur in a wide range of environments - food can only be produced on quality farmland. For every acre of farmland that is taken out of production, more food will need to be imported into the UK with the associated transport carbon emissions. The site in question is, according to the applicant's own commissioned agricultural survey, 80.8% Grade 3b land and 13.8% Grade 3a land. Only 5.4% of the land in question is classified as Grade 4 and 5, i.e. Poor or Very Poor. Therefore, this farmland cannot be described as poor and does not meet the Government's energy strategy to support "the effective use of land by encouraging large scale [solar] projects to locate on previously developed, or lower value land". Furthermore, our Parish Council has not received any assurances that the land will be adequately maintained during this period of non-use, should the application be granted, and it will take many years for the farmland to return to its previous productive levels.

#### 3. Scale of Proposal and Impact on Countryside.

This is not a "solar farm" - this is a proposal to construct a major industrial facility in the middle of the Devon countryside covering 58 hectares of which 26 hectares will be covered in 3m high solar panels, with 225 inverters, 16 transformer units, and a dedicated substation, plus access tracks and fencing. The topography of the site and local area means this will be visible from our Parish. The applicants own Landscape and Visual Impact Assessment report confirms this with their "Zone of Theoretical Visibility" covering Rydon, Westcott, Newtown and parts of Talaton and Larkbeare for this development. It is notable that this Landscape report states that the development "where seen the change would be moderate to substantial or substantial and significant and adverse." The viewpoints analysed in the report do not include any of the settlements in our Parish, and the impact on settlements is somewhat disregarded in the report without presenting any evidence. (Paras 286-7.) Whilst the applicant proposes some mitigating actions it would take many years for hedges and trees to reach heights that would provide any mitigation from the "substantial and significant and adverse" changes in views.

#### 4. Lack of Demonstrable Benefit.

The applicant claims this proposal will generate 53 200 MWh of electricity per year and associates a reduction in carbon emissions resulting from this generation. If the applicant wishes to claim an environmental benefit from the proposal they must provide a full lifecycle carbon audit including manufacture, transport and disposal of the solar panels and associated infrastructure; and provide a validated estimate of total energy production over the lifetime of the facility taking into account degradation of the panels over time and the anticipated climatic conditions over the next forty years. Once that assessment has been done we suspect that the true figure will be far short of the carbon offsetting claims included in the proposal.

#### Clerk To Talaton Parish Council

##### **Comment Date: Tue 27 Sep 2022**

The Parish Council's original comment still stands.

We hope that consideration will be given to the latest points and comments submitted by Mr Mrs Bollen and Mr Mrs Bratt

#### Clerk To Talaton Parish Council

##### **Comment Date: Mon 09 Jan 2023**

A Council meeting was held on 4th January and it was resolved, in respect of the above application, that the `The Council`s original comments previously submitted to EDDC still stand (despite the latest amendments to the plans)` Please can these comments be added on the Planning Portal

#### Adjoining Parish – Clyst St. Lawrence

##### **Comment Date: Mon 06 Jun 2022**

As consultees Clyst St Lawrence Parish Meeting objects to the proposal for a solar farm on Land East of Rutton Farm, Rull Lane, Whimble. Objections put forward by parish members are as follows:

- Loss of visual amenity - the proposal will significantly impact on the farming landscape, turning countryside into an industrial landscape - impacting those who not only live and work in the area but also those who may wish to holiday in the countryside.

- Loss of farming land - at a time in which the value of farm land as a means of local and national food production has been highlighted, to lose farmland to solar panels is not in the economic interests of the country. This, particularly in the light of multiple proposals within the immediate area.

- Sustainability - There appears to be no full lifecycle calculation for the total impact of the project from sourcing original materials, manufacturing, transport, impact on land which will have been left to degrade over 40 years and on to decommissioning.

- Impact on local roads - the impact of construction traffic on local single track roads will be significant for commuters as well as those who live and work in the area.

- Wildlife impact - The impact of loss of habitat and the removal of wildlife corridors by the installation of deer fencing is of concern.

Alison Griffiths - Clerk to Clyst St Lawrence Parish Meeting

#### Whimble And Rockbeare - Cllr Richard Lawrence

##### **Comment Date: Wed 11 May 2022**

As Ward Member I object to this application on the basis of the prolonged harm being done to the countryside and the use of perfectly good farmland before looking at suitable alternative sites.

At the present time, with world events contributing to an already serious shortage of food, I consider this development, taking the land out of agriculture for 40 years to be somewhat foolhardy.

We are faced with a number of these proposed solar farms in the area, mostly based on the profitability of the applicants, with the sites being in close proximity to the electricity substation at Broadclyst.

On the subject of financial matters, I have a number of copies of accounts for applicants for other sites and they show little by way of financial stability. I would like this application to come before Committee, but prior to this I would urge some background checks on how the applicant plans to fund the venture, bearing in mind the huge impact it is set to make on our environment.

#### County Highway Authority

##### **Comment Date: Mon 06 Jun 2022**



DETAILS OF APPLICATION: 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

LOCATION: Land East Of Rutton Farm Rull Lane Whimble EX5 2NX

Observations:

Solar farms once in operation tend to produce minimal trip generation due to the operation having a low maintenance requirement once set-up.

I would recommend the provision of a comprehensive Construction and Environment Management Plan (CEMP) to help minimise any impact upon the local highway network during the construction and set-up of the site.

Recommendation:

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

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

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

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

6 June 2022

County Highway Authority

**Comment Date: Mon 26 Feb 2023**

Addendum 26/02/2023

The CHA has no further comments to add in regards to the re-consultation upon new documents received.

Officer authorised to  
sign on behalf of the County Council

EDDC Landscape Architect

**Comment Date: Fri 05 Aug 2022**

## **1 INTRODUCTION**

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

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

## **2 SUMMARY DESCRIPTION OF SITE, PROPOSALS AND MEANS OF ACCESS**

The application site extends over a single block of 22 fields measuring up to 1.5km long x 0.7km wide with a total fenced developed area of 58Ha.

Proposals comprise the construction of a solar farm and associated infrastructure including 16 transformer units, a spare parts container and new trackway. A separately sited substation is proposed 800m to the northwest of the main site. This sits within a compound measuring 52x27m with a switch-room and control building adjacent.

Security fencing comprises 2m high deer netting on timber posts around the perimeter of the solar farm with double leaf steel access gates and 2m high steel palisade fencing around the substation. There is no indication in the submitted details of security cameras.

Access to the main site is proposed from the Whimble-Talaton road into field 2 with a new access track running northwards up through the site from there. Access to fields 1, 3, 4 and 5 appear to be taken directly from existing field gates off the Whimble-Talaton road. Access to the substation is proposed via an extension of an existing track from the minor county road at Aunk.

Site topography is generally low lying, gently undulating ranging in height from 63m to 40m AOD. There are two low hills rising to approximately 63m AOD, one in the southwest corner of field 5 and the second mid-way along the eastern boundary of field 14.

Fields within the site are a mix of arable and improved pasture generally irregular, medium sized bounded by thick native hedgebanks some 2m high. Some contain numerous mature trees and there is a generally well treed appearance in views looking across the site. Immediately to the north of the site there is a change in character with fields becoming larger, and boundary hedges close cut with fewer trees, giving a more open feel.

A tributary water course of the River Clyst flows westwards along the northern site boundary. There are also a number of small ponds within the site.

A number of high voltage electricity lines on pylons cross the landscape to the north and west of the site. They are relatively prominent from its northern edge but are not especially noticeable elsewhere in the site and overall the landscape retains a remote rural character with a high degree of tranquillity.

There are distant views from the site to higher ground to the south/ southeast in the vicinity of Larkbeare and Rockbeare Quarry and the edge of Ashclyst Forest to the west and Paradise Copse and Clyst St Lawrence to the northwest. Hembury Fort in the Blackdown Hills AONB is just visible from higher ground to the northeast but is 7km distant.

Clyst Hydon footpath 14 runs across the site passing through field parcels 19 and 20 (currently a single field) at the northern end of the site and then following the western site boundary adjacent to field parcels 12, 13, 16 and 17.

Talaton footpath 6 runs to the east of the site from a point on the minor county road immediately adjacent to the site's southeast corner northwards some 300m from the eastern site boundary over a distance of some 625m before heading north eastwards to Westcott.

A minor county road between Whimble and Talaton runs across the southern edge of the site between field 1 to the south and fields 3, 4 and 5 to the north.

The main line Waterloo-Exeter railway runs along the southern boundary of field 1 and affords views over it and towards fields 3, 4 and 5.

There are few residential receptors likely to be affected by the proposals, the principal ones being at Rockwell Farm situated 130m to the east of field 5 and the hamlet of Larkbeare 1.5km to the south. There may also be views of the proposed substation from a few properties on the edge of Whimble.

### **3 REVIEW OF SUBMITTED LANDSCAPE RELATED DOCUMENTS**

#### **3.1 Landscape and Visual Impact Assessment (LVIA)**

Methodology – The methodology as set out in appendix B of the LVIA is sound and in accordance with industry standard guidelines.

The methodology notes that where identified effects are not otherwise described as beneficial they should be taken as adverse.

The assessment is predicated on the successful establishment of mitigation comprising new planting and vegetation management and it should be acknowledged that the effectiveness of such measures cannot be guaranteed.

#### Policy review

The review should have included Local Plan policy T4, the second paragraph of which states - *Development which would result in the loss, or reduce the convenience or attractiveness of an existing or proposed footpath, cycleway or bridleway, will not be permitted unless an acceptable alternative route is provided.*

#### Description of development

The proposed development is generally comprehensively described. The 7m height of the substation plant should have been noted.

#### Landscape baseline

The LVIA study area extends to some 2.5-3km beyond the site boundaries which is appropriate for a scheme of this nature.

The LVIA landscape baseline review considers published landscape character assessments at County and District Level and assesses the local landscape character pertaining to the site.

#### Visual baseline

Viewpoints used in the LVIA assessment were agreed with EDDC Landscape Officer in advance and are generally representative although the site is partially visible from a number of other locations. These are mostly field gateways adjacent to minor roads.

View point photographs are presented with 90 degree horizontal field of view. This is generally considered acceptable and in accordance with LI technical note 06/19 to represent very wide linear infrastructure but for a number of viewpoints, particularly the longer distance ones such as VP1, VP12 and VP13, the image scale and quality is too small and indistinct to adequately represent the viewing experience. This is illustrated for comparison by the single frame image for VP12 (Appendix A figure 1 below) where the level of detail is considerably greater than illustrated in the equivalent 90 degree panoramic LVIA photograph even when viewed at their intended A1 size.

#### Sensitivity of Landscape receptors

The LVIA assessment of sensitivity of the host landscape as **medium** (para. 141) seems appropriate.

The effect of the proposals on a suite of key characteristic features based on the published descriptions for the host landscape character type (LCT 3E) is considered in the LVIA as part of the assessment of landscape effects (see below).

#### Sensitivity of Visual receptors

The LVIA assessment of sensitivity of visual receptors is generally accepted but for rail passengers, in accordance with GLVIA 3, sensitivity should be considered **medium** rather than **high**.

#### Potential landscape effects

The LVIA notes that the proposals will result in a change to the character of the site and its immediate surroundings. The LVIA also notes that existing landscape features are to be retained and where possible enhanced through positive management of hedgerows and field margins and new tree planting. Ground disturbance would be minimised through the use of mini screw piles to secure solar arrays.

Para 216 of the LVIA indicates that grassland will be established under and around the solar panels as a benefit of the scheme. However, this is likely to be heavily shaded by the panels particularly given the proposed aisle width between rows of 2.1m which is much narrower than similar schemes within the district. Consequently grass establishment and growth is likely to be poor and any grazing potential is likely to be very limited.

At 3m high the proposed panels will be some 500mm higher than those at Paytherden and Sandercroft solar farms and therefore the tops of panels would generally be more noticeable at least initially behind boundary hedgerows and shade effects around them would also be increased.

#### Mitigation and environmental enhancement

Proposed mitigation identified in the LVIA comprises letting up of hedges by 1m to increase screening of the site, additional tree planting particularly to the eastern boundary of field 5 and the northern boundary of fields 18, 19, 20 and 21. A proposed area of new orchard planting to the west of fields 16 and 17 and a small new pond would provide new landscape features that could be considered slightly beneficial to landscape fabric but neither would mitigate the visual impacts of the proposed solar farm.

Proposed letting up of hedges while increasing screening, and potentially enhancing landscape character and biodiversity would in some instances close off existing attractive mid/ long distance views.

As part of the identified mitigation the LVIA makes reference to a Landscape and Ecological Management Plan (paras 182-199 and 222) but no such document has been submitted with the application.

In comparison with similar solar farm proposals elsewhere in the District habitat enhancements are limited, particularly considering the scale of this application. The similar sized Ford Oaks Solar scheme currently in planning includes the creation of 19Ha new habitat outside of the fenced solar farm.

#### Construction effects on landscape fabric

Although it is noted that construction methods will minimise ground disturbance for the installation of the solar panels the LVIA does not consider the likely extent of earthworks associated with the substation site, which could be extensive.

Mention is made in the LVIA of two new hedge-breaks at unspecified locations involving minor hedgerow loss.

It is not clear from the LVIA or submitted information how existing roadside field gates to fields 3, 4 and 5 will be treated and where these are required for site construction purposes what the impact on adjacent hedgerow will be particularly to allow for large delivery vehicles to turn into the site off the highway.

Notwithstanding the above the overall the LVIA assessment of the level of effect on landscape fabric in the construction stage as **moderate to substantial temporary adverse and significant** is accepted.

#### Operational effects on landscape fabric

The LVIA assessment of the operational effects of the development on the landscape fabric of the site as **moderate to substantial long term adverse and significant** is accepted.

#### Operational effects on landscape character

Effects on site landscape character are assessed in the LVIA in relation to the characteristics identified for LCT 3E (LVIA paras. 226-261).

- In relation to landform, the assessment of effect as **moderate adverse** is accepted.
- For woodland blocks and orchard planting the LVIA assessment that proposed orchard and tree planting has potential to enhance this landscape characteristic is accepted although the overall scale of effect is likely to be **slight** rather than **slight to moderate** as stated in the LVIA, given the relatively well treed condition of the site presently and limited increase in cover afforded by the proposals.
- In respect of the mixed farmland characteristic the increase in grassland arising from the proposals is assessed in the LVIA to be **moderate beneficial**. However, given the limitations of grass land establishment under solar panels and the fact that the prevailing landscape character is one of mixed farmland, the change to grassland from arable is considered at best to have a **neutral** effect.
- For semi-natural habitats (trees/ hedgerows/ grassland/streams/ditches/ ponds) the LVIA assesses degree of effect to be **moderate to substantial**. The LVIA does not state that this is a beneficial effect. Given that hedgerows are to be allowed to grow up by 1m or so there will be some change in character to field boundaries and also some biodiversity benefit. Positive management of trees and ponds and the creation of an additional small pond will also have some benefit to this landscape characteristic, however, given the existing strong landscape structure within the site, effects on this characteristic are more likely to be **slight beneficial**.
- The LVIA assessment that there will be **no impact** on characteristic settlement patterns is accepted.

- In respect of the highway and PROW network there would be no physical changes except for a short section of Clyst Hydon footpath 14 where the proposed new trackway crosses it and some adverse changes to adjacent gateways. These are likely to be slight to moderate adverse. However there would be substantial changes to some views from them which are considered in the visual assessment section of the LVIA.

At para. 252 the LVIA notes the proposed creation of a permissive path from Clyst Hydon footpath 14 along the northern site boundary between the watercourse and the boundary of field parcels 18 and 19. The LVIA acknowledges the path would be a dead end but states that it is hoped that Devon County Council, who have interests in the proposed development and own land to the east, could create a permissive access to Talaton footpath 6 which would form a valuable link. However, a permissive access is unlikely to be created unless it forms part of the application proposals and in the absence of such an agreement the proposed dead end path would have no appeal.

The LVIA does not assess the magnitude of change or level of effect on the roads and public rights of way characteristic. Changes to gateways and the introduction of solar panels and other uncharacteristic infrastructure is likely to have a **slight-moderate adverse** impact on this characteristic.

- In respect of the remote and rural landscape characteristic the LVIA assessment of effect as **moderate adverse** is accepted.
- For the long views over low hedges characteristic there would be some loss of views from the road to the south and footpaths Clyst Hydon 14 and Talaton 6 due to increased hedgerow height and the LVIA assessment of the degree of effect for this characteristic as **moderate adverse** is accepted.
- The LVIA assessment of effect on surrounding LCTs, particularly on higher ground to the northwest and southeast as **slight to moderate adverse** is accepted.
- It is accepted that the proposed scheme would have **no impact** on the Blackdown Hills or East Devon AONBs.

**Table 1- Comparative summary of effects for landscape receptors as assessed in the LVIA and by EDDC landscape officer**

Receptor	Assessor	Sensitivity	Magnitude of change on completion	Magnitude of change after mitigation established	Overall significance of effect
Designated landscape – AONB	LVIA	High	No change	No change	No effect
	EDDC	High	No change	No change	No effect

Receptor	Assessor	Sensitivity	Magnitude of change on completion	Magnitude of change after mitigation established	Overall significance of effect
Landscape fabric (operational stage)	LVIA	Medium	High	High	Moderate-substantial adverse and significant
	EDDC	Medium	High	High	Moderate-substantial adverse and significant
Landscape character – Landform	LVIA	Medium			Moderate adverse
	EDDC	Medium	Medium/ low	Medium/low	Moderate adverse
Landscape character – Woodlands & orchards	LVIA	Medium	Low	Low	Slight-moderate (beneficial?)
	EDDC	Medium	Negligible	Low	Slight beneficial
Landscape character – mixed farmland	LVIA	Medium	Medium	Medium	Moderate beneficial
	EDDC	Medium	Low	Low	Slight neutral
Landscape character – semi-natural habitat	LVIA	Medium	High	High	Moderate to substantial (beneficial?)
	EDDC	Medium	Negligible	Low	Slight beneficial
Landscape character – Settlement patterns	LVIA	Medium	No change	No change	No effect
	EDDC	Medium	No change	No change	No effect
Landscape character – remote and rural	LVIA	Medium			Moderate adverse
	EDDC	Medium	Medium/high	Medium	Moderate adverse
Landscape character – long views	LVIA	Medium			Moderate adverse
	EDDC	Medium	Medium	Medium	Moderate adverse
Landscape character – Highways and PROW	LVIA	Medium	Not assessed		
	EDDC	Medium	Medium/low	Low	Slight-moderate adverse
Landscape character –	LVIA	Medium	Low	Low	Slight to moderate adverse



Receptor	Assessor	Sensitivity	Magnitude of change on completion	Magnitude of change after mitigation established	Overall significance of effect
Surrounding LCTs	EDDC	Medium	Low	Low	Slight to moderate adverse
Host landscape character type (LCT 3E) –	LVIA	Medium			Slight beneficial
	EDDC	Medium	Medium/Low	Low	Slight – moderate adverse

Summarising the impacts on identified individual landscape characteristics and designations para. 334 of the LVIA assesses overall effect of the proposals on landscape character of the area as being **moderate adverse** initially becoming **slight beneficial** after establishment of mitigation. This does not appear to be supported by the findings of the detailed landscape character analysis in the LVIA or this review and the overall effect on landscape character following establishment of mitigation is more likely to be **slight to moderate adverse**.

#### Visual Effects

Due to generally low lying topography and existing tree and shrub cover much of the site is screened from views from surrounding areas, although the northern most fields 18-21 are partially visible in mid to long distance views from the west and northwest and the southern fields 1-14 are partially visible in views from the south and southeast. Being on hill summits fields 5 and 14 are likely to be most prominent. The panels within the upper parts of fields 4 and 5 will break the skyline in views from the minor road to the south and Talaton footpath 6 and Rockwell Farm to the south, as shown in the submitted photomontages for viewpoint 3 and also in figure 2 Appendix A.

The LVIA assessment of visual effect for selected viewpoints as summarised in table 7 is generally considered appropriate, except that for viewpoint 6 magnitude of effect is likely to be **medium-high** initially reducing to **medium** after establishment of mitigation rather than **medium** reducing to **low** as stated in the LVIA, due to the rising ground within field parcels 10 and 11 which will make the panels visible above the hedge lines.

Settlements – The LVIA assessment that there will be no significant changes in view from within any of the surrounding settlements and therefore no significant impacts is accepted, although some dwellings on the eastern edge of Clyst St Lawrence and western edge of Talaton may have partial views of the solar panels.

Individual dwellings – It is accepted that there are few individual dwellings with views of the site. Notable exceptions are for Rockwell Farm 130m to the east of the site which has direct views particularly over field 5 from its garden and ground floor living areas on the west facing elevation which will look directly towards the panels on rising ground above the eastern field hedge line. The degree of effect for occupants is likely to be **substantial adverse** initially reducing to **moderate to substantial adverse** with

establishment of mitigation planting. Residents at the hamlet of Larkbeare comprising some 7 houses 1.5km to the southeast of the site will also have views over south-facing fields particularly 5 and 14 where the degree of effect is likely to be **moderate adverse** initially reducing to **slight to moderate** as mitigation measures establish. Tourist and recreational facilities – Views of the development from publically accessible land to the eastern edge of Ashclyst Forest, Paradise Copse and White Down Copse are likely to be limited and towards the back of the panels and due to the distance are unlikely to be significant.

Motorists on A and B roads – It is accepted that there are no A or B roads affected by the proposals.

Users of local unclassified roads – For users of the minor lane to the south of the site it is accepted that there would initially be **moderate to substantial changes** in view for road users travelling on both directions along a 700m or so length of road reducing to **slight to moderate** once mitigation measures establish.

Rail passengers – The LVIA assessment of degree of effect on rail passengers as **substantial adverse** is questioned. Rail passengers should be considered to have medium sensitivity and given the proximity of the site to the railway and speed of travel, passengers are likely to have only a fleeting glimpse of the site. The magnitude of impact is likely to be no more than **medium** resulting in a **slight-moderate adverse** level of effect after establishment of mitigation measures.

Public rights of way- For users of Clyst Hydon footpath 14 the LVIA viewpoint assessment (para. 306) identifies **moderate to substantial/ substantial** long term effects for path users (viewpoints 7-10) and moderate effects from viewpoint 6. The visual impact of the development will be noticeable over a total length of 1.2km of the footpath, although viewpoints 8 and 9 are only seen at close quarters at field entrances and for the most part views of the solar arrays from the footpath to the western boundary of fields 12, 13, 16 and 17 will only be partial glimpsed views through and over the top of existing thick hedgerow. Nevertheless, given the baseline remote rural and tranquil character of the site and the introduction of uncharacteristic industrial apparatus over a wide area adjacent to the path, the overall visual impact on users of the footpath once mitigation is established is likely to be **moderate to substantial / substantial adverse** and therefore significant rather than **moderate adverse** as indicated in the LVIA.

The LVIA (para. 308) assesses overall effects on users of Talaton footpath 6 as being **moderate to substantial adverse** initially reducing to **moderate adverse** on establishment of mitigation. While there will be some reduction in effect following establishment of mitigation measures over the northern section of the path, the solar arrays within field 5 are likely to remain visible over a distance of some 240m due to the rising ground and effects on views are likely to remain **moderate to substantial adverse** over this section.

#### Substation visual impact

The LVIA does not specifically consider the visual impact of the proposed substation although it is situated some distance from the main site. However, its location in a low lying field area away from roads and rights of way with nearby pylons will limit its visual

impact from publically accessible viewpoints. It is possible that some properties on the edge of Whimble may have views towards it but the effect is likely to be **slight adverse**.

#### Glint and glare

Glint and glare effects are considered only in terms of guiding principles and no assessment is made of potential glint and glare effects likely to be experienced by identified visual receptors. Glare is defined at para. 164 of the LVIA as a continuous source of bright light typically received by static (or slow moving) receptors or from large reflective surfaces. Glare effects are most likely to occur at low sun angles (early morning or evening) and are experienced by receptors with a view of and across the solar panels towards the sun. Consequently users of Talaton footpath 6, the minor road to the south of the site and residents at Rockwell Farm and Larkbeare are the receptors most likely to be affected by glare effects.

#### Cumulative effects

Due to intervening topography and vegetation cover it is accepted that there is no direct intervisibility between the proposed development and the recently consented Paytherden solar farm to the north or other built or consented sites in the district. There is some potential for limited visibility of two or more sites in some views from higher ground to the northwest but overall the assessment of the LVIA that cumulative effects are likely to be **negligible** is accepted.

**Table 2 - Comparative summary of effects on visual receptors as assessed in the LVIA and by EDDC landscape officer**

Receptor	Assessor	Sensitivity	Magnitude of change at completion	Magnitude of change after mitigation established	Overall significance of effect
Residents in surrounding settlements	LVIA	High	No change	No change	No effect
	EDDC	High	No change	No change	No effect
Residents at Rockwell Farm and (Larkbeare)	LVIA	High	Not assessed		
	EDDC	High	High (Medium/high)	Medium/high (Low)	Moderate to substantial (Moderate)
A and B road users	LVIA	Medium	No change	No change	No effect
	EDDC	Medium	No change	No change	No effect
Minor road users	LVIA	Medium	High	Low	Slight-moderate
	EDDC	Medium	High	Low	Slight-moderate
Clyst Hydon FP 14 users	LVIA	High	High	Low	Moderate adverse
	EDDC	High	High	Medium	Moderate-substantial/substantial adverse
	LVIA	High	High	Medium	Moderate adverse

Receptor	Assessor	Sensitivity	Magnitude of change at completion	Magnitude of change after mitigation established	Overall significance of effect
Talaton FP 6 users	EDDC	High	High	Medium	Moderate-substantial adverse
Railway passengers	LVIA	High	High	High	Substantial adverse
	EDDC	Medium	Medium	Low	Slight to moderate adverse
VP1 – Minor road near A30	LVIA	Medium	Very low	Very low	Slight adverse
	EDDC	Medium	Very low	Very low	Slight adverse
VP2 - PROW to south of Whimble	LVIA	High	Negligible	Negligible	Negligible
	EDDC	High	Negligible	Negligible	Negligible
VP3 – Minor road west of fields 1 and 2	LVIA	Medium	High	Medium	Moderate adverse
	EDDC	Medium	High	Medium	Moderate adverse
VP4 – Minor road southeast of field 5	LVIA	Medium	High	Medium	Moderate adverse
	EDDC	Medium	High	Medium	Moderate adverse
VP5 - Talaton FP 6	LVIA	High	High	Medium	Moderate-substantial adverse
	EDDC	High	High	Medium	Moderate-substantial adverse
VP6 – Clyst Hydon FP 14 south field 11	LVIA	High	Medium	Low	Moderate
	EDDC	High	Medium/high	Medium	Moderate-substantial
VP7 - Clyst Hydon FP14 south field 11	LVIA	High	High	Medium/high	Moderate to substantial/substantial
	EDDC	High	High	Medium/high	Moderate to substantial/substantial
VP8 – Clyst Hydon FP 14 fields 16/17	LVIA	High	High	Medium/high	Moderate to substantial/substantial
	EDDC	High	High	Medium/high	Moderate to substantial/substantial
	LVIA	High			

Receptor	Assessor	Sensitivity	Magnitude of change at completion	Magnitude of change after mitigation established	Overall significance of effect
VP9 – Clyst Hydon FP 14, fields 19/20	EDDC	High	Medium-high	Medium	Medium adverse
VP10 - Clyst Hydon FP 14 North of fields 19/20.	LVIA	High	Low	Negligible	Low adverse
	EDDC	High	Low	Low	Low adverse
VP11 – minor road between Clyst St Lawrence and Aunk	LVIA	Medium	Low-medium	Low	Low adverse
	EDDC	Medium	Low-medium	Low	Low adverse
VP12 – Minor road between Clyst Hydon and White Down Copse.	LVIA	Medium	Very low	Very low	Slight adverse
	EDDC	Medium	Very low	Very low	Slight adverse
VP13 – Minor road between White Down Copse and Clyst St Lawrence	LVIA	Medium	Very low	Very low	Slight adverse
	EDDC	Medium	Very low	Very low	Slight adverse

### 3.2 Review of site layout, landscape proposals and associated infrastructure details

#### 3.2.1 Proposed site layout (Sheets 1 and 2) Rev 1

The plans are presented in A3 format at 1:5000 scale. At this scale the detail indicated is unclear and dimensions shown on the drawings are not legible. For clarity the drawings should be presented at a recognised scale on A1 or A0 sized drawings. Additional dimensions should be added to show offsets of security fencing from existing hedge lines and where there is no security fence the offset from the panels to existing hedgerow. The location of security gates, transformers and other structures should be more clearly marked.

The proposed permissive path along the northern site boundary is shown hard pressed against the security fence and should be offset from it by 2m.

There is insufficient space allowed for the proposed woodland area to the north of field 18 particularly accounting for the proposed permissive path and the security fence should be repositioned southwards to create a wider margin between it and the watercourse similar to that provided for fields 20 and 21.

#### 3.2.2 Typical arrangement of solar panel rows Fig 4 rev 1

The arrangement drawing shows panels standing 3m high with 2.1m spacing between rows. By comparison the panel layout for the recently consented Paytherden Solar Farm to the north provided for 2.5m panel height with 3.2m width aisles between. The proposed additional 500mm height of the panels will add to visual impact particularly in near views and will cast additional shade which combined, with the narrow aisle width will severely limit the creation of a dense grass sward between panels.

#### 3.2.3 Typical transformer unit Fig. 5 rev 1

Transformer units stand 2.9m high and are set on raised platforms typically 500m above existing ground level resulting in a net overall height of the units of 3.4m. By comparison the transformer detail for Paytherden is shown resting on existing ground level with the units standing 2.6m high. The design of the transformer units should be reconsidered to reduce height to that of Paytherden.

#### 3.2.4 Connection compound indicative layout Fig. 7 rev 1

The proposed layout is schematic and given the extent and scale of the proposals detailed plans are required showing relationship to existing site features, existing and proposed levels and the extent of any associated earthworks.

#### 3.2.5 Typical site fence Fig. 15 rev 1

The need for concrete post footings is questioned. Posts should be driven or if excavated holes are required they should be backfilled with suitable well rammed aggregate.

#### 3.2.6 Proposed landscape and ecological mitigation plan

Proposed ecological and landscape mitigation and enhancement measures are rather limited compared with recently consented schemes. And particularly considering the narrow aisle width between solar arrays the opportunity for grass meadow to establish below, between and around solar panel arrays is very limited.

As noted above additional width of scrub/ woodland should be provided north of field 18.

A detailed planting plan and specification should be required by condition should the application be approved.

### **3.3 Additional information required**

Typical sections should be provided at 1:50 scale to show:

- the relationship and minimum distance of perimeter fencing to existing hedgerow and end of panel rows.
- the corridor through fields 19/20 with the footpath and proposed landscape and fencing treatments to either side.
- the relationship of the proposed permissive path to the watercourse and perimeter security fence and associated landscape treatment.
- north-south and east-west sectional elevations through the connection compound showing control building and customer switch room and relationship with existing site features and existing and proposed ground levels.

A plan should be submitted showing proposed construction and maintenance access routes to all fields within the site should be provided. Where construction access is

proposed directly from a highway, tracking details should be provided to demonstrate that turning movements can be achieved without adverse impact on adjacent hedgerow.

A copy of the LEMP referred to in the LVIA should be submitted. This could be provided by condition should the application be approved. The plan should include assessment of phosphate index in respect of wildflower meadow establishment on former intensively managed farmland. The plan should also include construction details for the proposed pond and supporting hydrological investigations to verify that it can retain standing water throughout the year from ground or surface sources. The LEMP could be provided by condition should the application be approved.

## **4 CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Acceptability of proposals**

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

Many of the fields within the site have a good degree of enclosure and could accommodate solar arrays with little noticeable effect particularly fields 8, 9, 15, 18, 21 and 22.

Identified effects will be noticeable within the site and a localised area extending to some 500m around it including a number of moderate to substantial adverse effects. These will be manifest as changes in landscape character through the introduction of extensive power infrastructure uncharacteristic of its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape. The omission of solar arrays from field 5 and 14 and the higher part of field 4 and their establishment as wildflower meadows would substantially reduce visual effects and provide landscape and biodiversity benefits.

There are significant adverse effects identified for users of PROWS Clyst Hydon FP 14 and Talaton FP6 that would affect the attractiveness of the paths contrary to Local Plan policy TC4. The inclusion of a permissive link connecting between Clyst Hydon FP14 and Talaton FP6 would provide some compensation for this by improving the local footpath network.

Reducing the height of solar panels to 2.5m would reduce visual effects around the perimeter of the site particularly in respect of fields 12, 13, 16, 17, 19 and 20.

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

### **4.2 Conditions**

Should the application be approved the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:
  - a) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details
- v) Method statement for creation and maintenance of species rich grassland habitats
- b) Details of proposed colour finishes to housings for inverters, storage units and substations.
- c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
- d) Details of the design and locations of any security cameras or lighting proposed.
- e) Details of finishes of framing elements of proposed pv panels.
- f) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an existing condition survey for each length of hedge, identifying its position on the Hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section.

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

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

g) A detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation and any tracks and hardstandings which are to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

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



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

Chris Hariades CMLI

EDDC Landscape architect & Green Infrastructure Officer

**\*\*\*See scanned document for appendix.\*\*\***

EDDC Landscape Architect

**Comment Date: Thu 08 Sep 2022**

Additional comments

Trackway construction

Further to my previous response dated 4 August the following additional comments are submitted in respect of proposed trackway construction as indicated on drawing no. Figure 14, revision 1

The proposed trackways are shown as 4m wide with 0.5m depth aggregate which seems excessive (although the drawing notes that final depth is to be determined by soil bearing capacity). By comparison the trackway detail for the recently consented Pathydern solar farm is 3.5m width x 0.2m depth which seems more reasonable. In both instances the aggregate is to be laid on geotextile.

Reducing the width and thickness of access tracks for Rutton to match Pathydern would reduce construction cost, save primary aggregate and reduce the number of lorry movements required by approximately 60%.

No detail is provided as to the means of disposal of excavated soil.

In a couple of places the proposed trackway crosses existing watercourses. An appropriate culverting detail should be provided if there is no existing provision.

Consequently, notwithstanding the submitted details the following additional pre-commencement condition should be imposed:

No works shall commence on site until details of soil bearing capacity and updated access track construction details including path width and make up and any necessary culverts over watercourses together with confirmation of the means/ location(s) for disposal of excavated soil arisings from track construction have been submitted to the LPA and approved in writing.

Chris Hariades CMLI

Landscape Architect & Green Infrastructure Officer

East Devon District Council

EDDC Landscape Architect

**Comment Date: Thu 01 Dec 2022**

## 1 INTRODUCTION

This report forms the EDDC's landscape response to additional/ amended information submitted in support of the above application. It should be read in conjunction with previous landscape comments.

## 2 REVIEW OF SUBMITTED INFORMATION

### Additional/ amended plans

The omission of arrays from field 5 is welcomed. Panels should also be omitted from high point on field 4 as previously requested, alternatively reduce panel height.

Sub-station - No levels information has been provided. Proposed levels and extent of grading works should be indicated and supporting sections provided showing existing and proposed ground levels.

It is unclear why the sub-station has been sited in the indicated position.

Consideration should be given to positioning it southwards closer to the southern field boundary where it will be lower set. Mitigation tree planting and hedgerow management will be required to southern field boundary. The site plan and LEMP should be updated to include for this.

Spacing between panels - previous comments not addressed. Justification/ evidence should be provided with case examples to demonstrate that proposed 2.1m spacings between panels this will not shade out grass and will provide for sheep grazing.

Design of access track - width and base make up - previous comments not addressed

Design of footings for control cabinets etc. - previous comments not addressed

Fence post foundations - previous comments not addressed

### Further landscape comments

Arb issues - In a number of instances panels appear too close to trees and encroach into RPAs. Examples include T23 and TG4 in field 6; T16-18 in field 4; T51 in field 13. As well as compromising rootzones/ canopies this may lead to pressure to remove trees due to shade/ safety concerns. Advice should be sought from EDDC tree service in relation to this.

Alignment of new track where it passes through fields 17, 19 and 20 does not seem logical. An alternative layout is suggested below which would improve screening of arrays from adjacent footpath, reduce bends in track and increase habitat creation (see map in report on document tab)

The site plan does not properly reflect proposed planting as indicated in viewpoint 5 photomontages to either side of the footpath through fields 19 and 20. Provide minimum 5m width tree/ scrub mix to either side with grassed access path between.

New pond construction - how will it be fed?

## Review of LEMP

Section 3 should also include the objectives of providing screening to mitigate visual effects of the development and to enhance landscape quality and character.

## Section 4

Objective 1, para. 4.4 - Clarification should be provided as to whether stated hedgerow heights are measured from top of bank or from adjacent field level. Hedgerows should be generally let up to provide a minimum height of 3m measured from field level to provide adequate screening - this is also likely to enhance biodiversity value.

A site plan showing the individual hedgerow reference numbers based on the ecological survey should be appended to the report.

Objective 2 - creation and management of grassland should provide a distinction between creation and management of existing arable fields and management and improvement of biodiversity within existing pasture swards. Both should account for soil nutrient status/ phosphate index.

Different grassland management regimes are proposed for a) aisles between and ground under the solar arrays, the electric fenced margins between the arrays and the security fence/ field boundary and the margin between the security fence and field boundaries. A typical plan should be provided to illustrate the different management types.

An additional objective should be added to cover established trees in hedgerows and free standing field trees.

## Objective 10 Monitoring - para. 4.48 on

Annual inspections should be carried out by the arboriculturalist, landscape architect and ecologist in years 1-5 following commissioning of the development. Any issues and defects noted should be recorded and an action plan prepared for dealing with them in the next available season. Annual arboricultural inspections should continue thereafter for the life of the development. Minimum 5 yearly inspections thereafter should be undertaken by ecologist and landscape architect to verify that management is being carried out in accordance with the approved plan and to identify any issues to be addressed and changes to management required to achieve the stated objectives.

## Table 5.1 Management prescriptions

### Objective 1 Hedgerows

First row - include formative pruning requirements for new hedgerow.  
Rows 2 and 3 - refer to Hedgelink hedgerow management cycle.  
Row 3 - Given that application is for 40 years it is highly likely that many of the

hedgerows will require laying at some point. This should be noted and included for in the specification.

#### Objective 2 Grassland establishment/ management

Descriptions of grassland type in first column are confusing. There are 3 basic categories

- New grassland to existing arable fields.
- Modified grassland to existing pasture where ground preparations should comprise harrowing/scarifying and over-seeding bare patches with suitable simple wildflower mix to include species such as yellow rattle which are able to thrive in higher nutrient conditions.
- Field margins between security fence and field boundary hedgerow These should be clearly set out in the table and relevant establishment and management prescriptions provided for each. Proposed prescriptions should take account of soil fertility.

#### Individual trees

Add row for hedgerow and field trees. Include for replacement tree planting for any existing ash trees that succumb to die back over the life of the development.

Objective 10 - amend to reflect monitoring comments above.

#### Other matters

A plan should be provided showing the locations of bird and bat boxes and hibernaculae.

### 3 LANDSCAPE CONDITIONS

In the event that the application is approved landscape conditions should be imposed as set out in previous landscape response dated 4.8.2022

#### DCC Flood Risk SuDS Consultation

**Comment Date: Thu 09 Jun 2022**

Recommendation:

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

Observations:

It is noted that the Flood Risk Assessment & Drainage Strategy v3 indicates that there are several surface water features draining towards the western ordinary watercourse which bounds the site. We would request that these are kept in open channels and continue to drain towards to the western watercourse. There should be a flood free corridor either side of the ditches as well as the larger watercourses to the north west and west of the site.

We would require swales to be used to intercept and convey the runoff from the solar panel units. The swales should discharge into the local watercourse which should have erosion protection measures to reduce the risk of erosion to the banks from the single point of discharge.

We are pleased to see a basin is being used to drain the substation however we would require calculations at this stage to demonstrate that the basin can cope with the design event (1 in 100 year storm plus 40% for climate change). This calculation should include long term storage as well as FEH13 rainfall data.

The applicant should state how the soil will be restored to pre-construction condition.

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

#### DCC Flood Risk SuDS Consultation

**Comment Date: Tue 29 Nov 2022**

Recommendation:

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

Observations:

The applicant have revised the Horton Solar Farm Whimble East Devon Flood Risk Assessment & Drainage Strategy (Report Ref. 2728L, Rev. 4.0, dated 27th June 2022) together with a covering note addressing the EA and LLFA comments.

The applicant confirmed that some sections of solar panels will be located within the identified corridors as shown in Figure 8 of the report. We therefore request that the solar panels are setback so that a flood free corridor either side of the ditches will be maintained.

The applicant disagreed to the installation of the swales to intercept and convey the runoff from the solar panel units. The swales will help to promote infiltration across the site and intercept flow from the panel units. Check dams can also be used to slow down the flow and act as an erosion protection measures to reduce the risk of erosion to the banks. Should the swales are installed prior to the onsite construction works, it is anticipated that the runoff from the construction phase would be suitably managed.

For the proposed basin to drain the substation, the applicant mentioned that the attenuation basin has been sized to restrict the flow to 2.2l/s but no greenfield runoff calculation was provided. The applicant only submitted some storage calculations. Also, it is unclear how the surface water runoff of the proposed road and temporary construction compound will be managed.

The applicant is recommending that the contractor will provide the method statement to detail how the soil will be restored to pre-construction condition.

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

#### DCC Flood Risk SuDS Consultation

##### **Comment Date: Wed 11 Jan 2023**

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

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

(a) A detailed drainage design based upon the approved Horton Solar Farm Whimble East Devon Flood Risk Assessment & Drainage Strategy (Report Ref. 2728L, Rev. 5.0, dated 21st December 2022).

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

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

(d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### Observations:

Following my previous consultation response FRM/ED/0783/2022, dated 29th November 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 revised the Drainage Strategy together with a covering note addressing the EA and LLFA comments.

The applicant has set back the solar panels from both the larger watercourse and ditches so that a flood free corridor either side of the ditches will be maintained.

The applicant has proposed the installation of the swales to intercept and convey the runoff from the solar panel units. The swales will help to promote infiltration across the site and intercept flow from the panel units. Check dams can also be used to slow down the flow and act as an erosion protection measures to reduce the risk of erosion to the banks. Should the swales are installed prior to the onsite construction works, it is anticipated that the runoff from the construction phase would be suitably managed.

For the proposed basin to drain the substation, the applicant mentioned that the attenuation basin has been sized to restrict the flow to 3.0l/s as the original greenfield runoff rate of 1.05l/s for an impermeable area of 0.205ha will result in a really small orifice which is prompt to blockage.

The applicant has also confirmed that the proposed access and maintenance roads will be created with permeable materials. The management of surface water runoff from the substation temporary construction compound will be detailed within the contractor's method statement.

The applicant is recommending that the contractor will provide the method statement to detail how the soil will be restored to pre-construction condition.

### Environment Agency

**Comment Date: Wed 25 May 2022**

Thank you for your consultation of 09 May 2022 in respect of this planning application.

Environment Agency position

We object to this application as submitted because it is not supported by an adequate flood risk assessment (FRA). The further information required is set out below.

Reason - Inadequate flood risk information

Annex 3 of the National Planning Policy Framework (NPPF) defines solar farms as 'essential infrastructure' development. As such, in accordance with Table 3 in the flood risk and coastal change section of the Planning Practice Guidance, the proposal will need to satisfy the exception test, demonstrating that the proposal will be designed and constructed to remain operational and safe in times of flood.

Whilst flood modelling has been undertaken, flood levels across the site have not been detailed in the FRA. It is therefore not possible to determine whether the panels and associated infrastructure are above this level, taking freeboard into account. The FRA should be updated to provide flood levels and demonstrate that the infrastructure is above these levels and will satisfy the exception test requirements.

There must be an 8m easement from the banks of the watercourses to the development. This easement corridor should be 8m on both sides of the channel. Although the watercourse to the north of the site does look like an easement has been considered (along with proposed planting) the same has not been done for the watercourse to the south. The FRA has also not identified the watercourse running east to west through the centre of the site. The applicant should provide a drawing to demonstrate the watercourse easement corridors for all watercourses on the site.

In line with the Devon 'SuDS in flood zone' policy, other than for conveyance purposes, SuDS must not be located within flood zone 2 or 3.

In addition, it does not look like there will be safe access or egress during a flood event. Both the pedestrian and vehicle access routes pass through areas at risk of surface water flooding. Flood depths are predicted to be in the region of 150-600mm. We therefore recommend that a flood warning and evacuation plan is put in place for the routine and maintenance visits to the site.

This development will have an impact on surface water runoff and associated problems with water quality and biodiversity. To address the Water Environment Regulations/Water Framework Directive issues that arise from solar farm development a joint position stance between the Environment Agency and the Lead Local Flood Authority on this issue is currently under revision.

Once the matters above have been addressed we will be able to review our position.

#### Environment Agency

**Comment Date: Mon 07 Nov 2022**

Thank you for your consultation of 18 October 2022 following submission of further information in respect of this planning application.

#### Environment Agency position

We consider that further information is still required to ensure that the flood risk assessment is appropriate and that the proposal will be acceptable in terms of flood risk. We therefore maintain our objection until such time as the outstanding matters have been addressed. The reasons for our position are set out below.

#### Reasons - Flood risk assessment

We have reviewed the revised flood risk assessment from RAB consulting (Ref. RAB:2728L v.4). Whilst we can now largely support the conclusions and



recommendations of this report, there are two outstanding issues which still need further clarification. These issues are as follows:

1. It is assumed that a perimeter/boundary fence will be erected around the development and it is apparent that this will cross several watercourses and surface water conveyance routes. Given the likely nature of the fencing (i.e. tight mesh), it is important that the assessment considers the design of such crossing points to ensure that flood risk issues are managed.

2. Building on a previous comment, it is considered that the assessment still does not provide suitable clarity of the requirement to maintain an 8m wide access/maintenance corridor on both sides of the watercourses and conveyance routes to allow for riparian maintenance.

It is important that the above two points are suitably referenced in the flood risk assessment, and the necessary detail reflected in the supporting information for the planning application. Once these matters have been addressed we will be able to revise our position.

#### Environment Agency

#### **Comment Date: Fri 13 Jan 2023**

Thank you for re-consulting us on the above planning application following the submission of further information to address our earlier concerns.

#### Environment Agency position

We consider that the additional information is sufficient to enable us to remove our objection to this proposal provided that a condition is included within any permission granted to secure the implementation of the updated Flood Risk Assessment (FRA).

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

#### Condition - Implementation of the FRA

The development shall be carried out in accordance with the submitted flood risk assessment by RAB consultants dated 21/12/2022 (version 5, ref. RAB: 2728L) and the mitigation measures it details in section 07 Recommendations. In particular, where the proposed boundary fence crosses ditches/watercourses, swing fences shall be installed to mitigate the risk of obstructions. An 8m easement from the two larger watercourses shall be maintained as detailed in Figure 6 of the flood risk assessment.

The mitigation measures shall be fully implemented before the solar farm comes into operation and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and elsewhere in the catchment.

#### Advice - Flood Risk

Our stance is based upon the fact that we deem Version 5 of the applicant's Flood

Risk Assessment (FRA) as having adequately addressed the issues raised by us in our previous correspondence of the 25 May 2022 and 7 Nov 2022. Given that the FRA proposes adequate flood mitigation measures, we are now satisfied that in overall terms it has been demonstrated that the proposal satisfies the requirements of the NPPF. We recommend the inclusion of the recommended condition to secure these measures.

#### Advice - Pollution Prevention

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.

Please contact us again if you require any further advice.

#### Environment Agency

#### **Comment Date: Fri 19 May 2023**

Thank you for re-consulting us on the above planning application, our position is unchanged following our previous response on Friday 13<sup>th</sup> January 2023, which is outlined below.

#### Environment Agency position

We consider that the additional information is sufficient to enable us to remove our objection to this proposal provided that a condition is included within any permission granted to secure the implementation of the updated Flood Risk Assessment (FRA).

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

#### Condition - Implementation of the FRA

The development shall be carried out in accordance with the submitted flood risk assessment by RAB consultants dated 21/12/2022 (version 5, ref. RAB: 2728L) and the mitigation measures it details in section 07 Recommendations. In particular, where the proposed boundary fence crosses ditches/watercourses, swing fences shall be installed to mitigate the risk of obstructions. An 8m easement from the two larger watercourses shall be maintained as detailed in Figure 6 of the flood risk assessment.

The mitigation measures shall be fully implemented before the solar farm comes into operation and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and elsewhere in the catchment.

#### Advice - Flood Risk

Our stance is based upon the fact that we deem Version 5 of the applicant's Flood Risk Assessment (FRA) as having adequately addressed the issues raised by us in our previous correspondence of the 25 May 2022 and 7 Nov 2022. Given that the FRA proposes adequate flood mitigation measures, we are now satisfied that in overall terms it has been demonstrated that the proposal satisfies the requirements of the NPPF. We recommend the inclusion of the recommended condition to secure these measures.

#### Advice - Pollution Prevention

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.

Please contact us again if you require any further advice.

#### Devon County Archaeologist

##### **Comment Date: Mon 23 May 2022**

I refer to the above application and your recent consultation. The geophysical survey of the proposed development site has identified a series of anomalies that are indicative of an earlier field system that has the potential to date to the prehistoric or Romano-British periods. A programme of archaeological field evaluation investigating these anomalies has been partially completed and the Historic Environment Team is awaiting the receipt of the final report once the fieldwork and post-excavation assessment work has been completed. The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

However, in the absence of this information the Historic Environment Team is unable to provide an informed response to the Planning Authority and, as such, would advise that consent is not granted until this information is available to inform the response from this office.

The requirement for such information is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

I will be happy to discuss this further with you, the applicant or their agent.

Devon County Archaeologist

**Comment Date: Tue 01 Nov 2022**

I have now received a copy of the report setting out the results of the archaeological evaluation undertaken here. This work has shown that the archaeological potential of the majority of the area subject to this planning application is low. However, the location of a possible prehistoric or Romano-British ring ditch, indicating either settlement or funerary activity from these periods, was identified by these investigations in field 10 as shown on the proposed site layout plan submitted with this application. As such, groundworks for the construction of the solar farm have the potential to expose and destroy archaeological and artefactual deposits associated with this heritage asset. The impact of development upon the archaeological resource here 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 the archaeological excavation of the area occupied by the ring ditch identified during the course of the archaeological field evaluation (AC Archaeology report ACD2685/2/0, dated 20th October 2022) along with an adequate buffer to ensure that an appropriate record is made of the heritage assets prior to their destruction by the proposed development. 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/>.

#### Devon County Archaeologist

#### **Comment Date: Thu 10 Nov 2022**

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, namely:

I have now received a copy of the report setting out the results of the archaeological evaluation undertaken here. This work has shown that the archaeological potential of the majority of the area subject to this planning application is low. However, the location of a possible prehistoric or Romano-British ring ditch, indicating either settlement or funerary activity from these periods, was identified by these investigations in field 10 as shown on the proposed site layout plan submitted with this application. As such, groundworks for the construction of the solar farm have the potential to expose and destroy archaeological and artefactual deposits associated

with this heritage asset. The impact of development upon the archaeological resource here 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 the archaeological excavation of the area occupied by the ring ditch identified during the course of the archaeological field evaluation (AC Archaeology report ACD2685/2/0, dated 20th October 2022) along with an adequate buffer to ensure that an appropriate record is made of the heritage assets prior to their destruction by the proposed development. 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/>.

#### Devon County Archaeologist

#### **Comment Date: Thu 19 Jan 2023**

I refer to the above application and your most recent re-consultation. The Historic Environment Team has no additional comments to make to those already made, namely:

I have now received a copy of the report setting out the results of the archaeological evaluation undertaken here. This work has shown that the archaeological potential of the majority of the area subject to this planning application is low. However, the location of a possible prehistoric or Romano-British ring ditch, indicating either settlement or funerary activity from these periods, was identified by these investigations in field 10 as shown on the proposed site layout plan submitted with this application. As such, groundworks for the construction of the solar farm have the potential to expose and destroy archaeological and artefactual deposits associated with this heritage asset. The impact of development upon the archaeological resource here 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 the archaeological excavation of the area occupied by the ring ditch identified during the course of the archaeological field evaluation (AC Archaeology report ACD2685/2/0, dated 20th October 2022) along with an adequate buffer to ensure that an appropriate record is made of the heritage assets prior to their destruction by the proposed development. 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/>.

Devon County Archaeologist

**Comment Date Tue 16 May 2023**

**Application No. 22/0783/MFUL**

**Land East Of Rutton Farm, Rull Lane, Whimble, EX5 2NX - Construction and operation of a ground mounted solar farm, with permission being required for 40 years, comprising solar arrays, equipment housing, substation, fencing, ancillary equipment, landscaping and associated development: Historic Environment**

**My ref: ARCH/DM/ED/37689e**

I refer to the above application and your recent re-consultation with regard to the provision of amended site plan, updated Landscape Ecological and Biodiversity Management Plan, and a briefing note. The Historic Environment Team has no additional comments to make to those previously made, namely:

I have now received a copy of the report setting out the results of the archaeological evaluation undertaken here. This work has shown that the archaeological potential of the majority of the area subject to this planning application is low. However, the location of a possible prehistoric or Romano-British ring ditch, indicating either settlement or funerary activity from these periods, was identified by these investigations in field 10 as shown on the proposed site layout plan submitted with this application. As such, groundworks for the construction of the solar farm have the potential to expose and destroy archaeological and artefactual deposits associated with this heritage asset. The impact of development upon the archaeological resource here 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 the archaeological excavation of the area occupied by the ring ditch identified during the course of the archaeological field evaluation (AC Archaeology report ACD2685/2/0, dated 20<sup>th</sup> October 2022) along with an adequate buffer to ensure that an appropriate record is made of the heritage assets prior to their destruction by the proposed development. 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/>.

Historic England

**Comment Date: Mon 30 May 2022**

Thank you for your letter of 9 May 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Historic England

**Comment Date: Fri 28 Oct 2022**

Thank you for your letter of 18 October 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Historic England

**Comment Date: Fri 11 Nov 2022**

Thank you for your letter of 31 October 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Historic England

**Comment Date: Tue 10 Jan 2023**

T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

LAND EAST OF RUTTON FARM RULL LANE WHIMPLE EX5 2NX  
Application No. 22/0783/MFUL

Thank you for your letter of 4 January 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Rhiannon Rhys  
Inspector of Historic Buildings and Areas  
E-mail: Rhiannon.Rhys@HistoricEngland.org.uk

Conservation

**Comment Date: Tue 07 Jun 2022**

Application No. 22/0783/MFUL

Address of Site:

Land East Of Rutton Farm  
Rull Lane  
Whimble  
EX5 2NX

**Proposal**

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

Date: 7/6/22

**BRIEF DESCRIPTION OF HISTORIC CHARACTER**

The site is centrally located between Talaton, Westcott, Rataclyffe, Mount Pleasant and Whimble. There are no heritage assets in close proximity.

**PROPOSED RECOMMENDATION - PROPOSAL IS ACCEPTABLE.**

There is no objection to the proposed application as due to its location there is no adverse impact on built heritage assets which are some distance away.

Conservation

**Comment Date: Tue 13 Feb 2023**

CONSULTATION REPLY TO WEST TEAM

LISTED BUILDING CONSENT/CONSERVATION AREA

PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land East Of Rutton Farm Rull Lane Whimble EX5 2NX

GRADE: APPLICATION NO: 22/0783/FUL

CONSERVATION AREA:

PROPOSAL:

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

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Further to comments of 7/6/2022. The site is centrally located between Talaton, Westcott, Rataclyffe, Mount Pleasant and Whimble. There are no heritage assets in close proximity that this will have an impact on.

PROVISIONAL RECOMMENDATION – PROPOSAL

ACCEPTABLE

SUGGESTED CONDITIONS/REASONS FOR REFUSAL

EDDC District Ecologist

**Comment Date: Wed 26 Oct 2022**

Layout/Design

1. Do the proposals accurately consider hedgerow loss where the maintenance road meets the public road network? Refer to the picture below, showing the existing maintenance road/road network access point. If a visibility splay is required, hedgerow loss in this location will occur, and needs to be considered within the compensation measures proposed.

2. Can the applicant consider leaving gaps underneath security fencing to allow mammals (badgers, hedgehogs) to persist and commute through the site Great Crested Newts. In order to EDDC to determine the outcome of the application, greater clarification is required with regard to impacts on GCN.

3. No clear summary of which ponds received further survey (presence/absence and population class size assessment) is given. Please can the consultant confirm which ponds were subject to further GCN survey, beyond a HSI survey. Appendix section A6.1 shows all ponds as having a HSI score above 0.5. A HSI score below 0.6 does not mean that GCN are actually absent from ponds. This score is an indication of habitat suitability only. It is well documented that GCN can be present in sub-optimal habitat. GCN typically exist in widespread meta-populations within East Devon, within

networks of loosely connected ponds, as are present on the site. Given that a breeding population has been found in pond 4, at the centre of the site, it is certainly possible, if not likely, that GCN are present in sub-optimal ponds (<0.6 HSI) within the site. If GCN are present in these ponds, then the proposals could result in the killing or injury of GCN and the destruction of their habitats, and would require a licence in excess of the extent of the licence proposed. If no survey has been carried out, then it is recommended that the consultant reconsiders this assessment and carries out presence/absence survey of all ponds on the site to gain an accurate assessment of potential impacts on GCN, and use this information to update the mitigation strategy.

4. No further survey of pond 8 was undertaken, despite it being a large pond with a high HSI score within the red line boundary shown. The ecological information submitted assumes presence of GCN in this pond, but makes no attempt to classify the population size of GCN present. It is entirely possible that a large breeding population of GCN is present in this optimal quality pond, and that the population detected in pond 4 is only a small sub-population. If a large population is present, then it is possible that the outcome of the survey would have an impact on the proposed mitigation strategy for GCN (i.e., affecting the potential area within which "most" GCN activity is focused, which is currently stated as 250 m from a pond).

5. The 250 m GCN licence zone has only been applied to pond 4, despite stating that presence of GCN is being assumed in pond 8. If presence is assumed, then a 250 m zone should be applied to pond 8 also.

6. No GCN avoidance/mitigation/compensation measures are proposed for sub-optimal GCN habitats (such as grassland), even when present immediately adjacent to the pond which contains GCN. GCN are less likely to be present in these habitats, but still may be present in these habitats. GCN present in pond 4 must disperse across the surrounding field of sub-optimal quality, as no other option is available due to the isolated position of the pond. This means that killing or injury of GCN could occur, even within sub-optimal habitats. Please consider the presence of GCN within sub-optimal habitat within the mitigation strategy. This is particularly important where major works are proposed within close proximity to ponds with confirmed GCN presence - such as fence installation and creation of the maintenance road adjacent to pond 4.

7. Can the applicant/consultant please submit the required information as above, and provide an updated mitigation strategy as appropriate.

LEMP

8. Section 4.28 and Objective 4 of the LEMP state that ponds are to be dredged/de-silted - Please confirm if this includes Pond 4. Given the limitations on the GCN survey listed above, please can this be reconsidered appropriately, pending updated survey/clarification. EDDC is not suggesting that the ponds are not de-silted, as de-silting would likely be of long-term benefit to GCN. EDDC only seeks that the application accurately considers impacts of these actions on GCN.

9. The proposed hedgerows either side of the footpath at the northern site boundary should be extended to connect to the wider landscape - they are currently proposed to be isolated from the surrounding hedgerow network, which reduces their value to

dormice and other species. Hedgerows should be extended into the areas shown as thick red lines on the below markup.

#### Monitoring

10. As per objective 10 of the produced LEMP, EDDC would require that a monitoring report be submitted to EDDC after 5 years of implementation of the landscaping. The report should detail the progress of habitat creation, monitoring results and detail of any remedial actions undertaken. The monitoring report should make an assessment as to the success of the project in providing biodiversity enhancements for the ecological receptors referenced in the EclA and LEMP. This assessment should be made by a qualified ecologist. This assessment should include an assessment of the biodiversity value of the grassland underneath the proposed solar arrays, in order to accurately ascertain the biodiversity value of this habitat.

#### Floodlighting

11. Plan GBR.2260.DEV.M4 010. 4.0 (Planning Layout) shows four CCTV/floodlighting columns around the proposed substation to the north-west of the proposal. No reference to floodlighting is made in the EclA or LEMP. S10 of the EclA (page 5) states that "the proposals do not alter any light levels within the site", which is in contradiction with the installation of floodlights. Floodlighting has the potential to illuminate bat and dormouse habitats, and reduce the suitability of these habitats. Please can the applicant confirm how the impacts of this have been assessed and what mitigation measures are proposed in order to reduce potential lighting impacts to an acceptable, de-minimis level. It is noted that no bat activity survey has been carried out in the location of the proposed substation.

#### Conclusion

Please can the applicant provide the above information so that EDDC can determine the application in line with the East Devon Local Plan Policy EN5, Strategy 3 (a), Strategy 5 and Strategy 47, as well as the NPPF Paragraph 174 (d) and 180 (a).

#### EDDC District Ecologist

**Comment Date: Tue 21 Feb 2023**

I am happy with the proposals, and responses below.

They will need to update their EclA with the information highlighted in Green, below.

We will need to condition:

- o A CEMP (as per their EclA and below comments)
- o GCN Mitigation Strategy (as highlighted yellow below)
- o No external lighting (As highlighted yellow below)

#### Devon Wildlife Trust

**Comment Date: Thu 19 May 2022**

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 an Ecological Appraisal produced by Tyler Grange (March 2022). We consider that insufficient evidence has been provided because -

1. Bat survey effort is not of an acceptable level. Two activity surveys spanning two months and extremely limited remote detector data is inadequate for a scheme of this scale and does not meet the minimum survey effort set out in the BCT Bat Survey Guidelines. Whilst it is noted that the development will result in a significant net gain and that the majority of hedgerow habitat will be retained, a significant length of hedgerow (100m) will be removed in order to accommodate the proposals, which will result in the creation of a number of breaches in the hedgerow network. This has the potential to have a negative impact on commuting/foraging bat species. Furthermore, large areas of habitat which are suitable for foraging bats will be modified or lost to the scheme. A full seasonal survey is required to provide information on the use of the site by commuting and foraging bats. The mitigation and design of the scheme must consider the direct impact to bats caused by loss of any foraging habitat identified by the survey.

2. The report does not provide details of the security fencing which will surround the solar panels following the completion of the works. Design needs to ensure the continued movement of wildlife through the site. This is particularly important given the level of badger activity recorded within the site.

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

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.

#### Devon Wildlife Trust

#### **Comment Date: Thu 12 Jan 2023**

Thank you for your consultation request. Unfortunately my previous comments do not appear to have been addressed.

I attach a copy of my response (see comments 19/05/2022) which remains extant. Please don't hesitate to get back to me if you have any queries.

#### Natural England

#### **Comment Date: Fri 27 May 2022**

Thank you for your consultation email dated and received on 09 May 2022 relating to the above proposal. Based on the information provided we have the following comments (1).

#### Designated sites

Details of designated sites can be found at [www.magic.gov.uk](http://www.magic.gov.uk) The proposal does not appear to trigger any relevant thresholds within Natural England's designated sites Impact Risk Zones<sup>2</sup> (IRZs). It is our advice, on the basis of the material supplied with the consultation, that, in so far as statutory designated sites are concerned, there are no potential impacts.

#### Protected Landscapes

The proposed development is for a site within 7km of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the East Devon AONB, both nationally designated landscapes, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha.

(1) 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.

(2) Natural England has published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs to help consider whether a proposed development is likely to affect a SSSI and determine whether they need to consult Natural England to seek advice on the nature of any potential SSSI impacts, their avoidance or mitigation. The dataset and user guidance can be accessed from the [gov.uk](http://gov.uk) website.

Natural England advises that the planning authority uses national and local policies,

together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

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

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

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

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

### Biodiversity net gain

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

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

An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions<sup>3</sup> (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.

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

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101) (4) includes advice on requirements for safeguarding the natural environment. You may also wish to note the industry guidance 'Solar farms and biodiversity opportunities'<sup>5</sup>

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

(3) <http://www.legislation.gov.uk/ukpga/2006/16/section/40>

(4)

<https://webarchive.nationalarchives.gov.uk/20150902172007/http://publications.naturalengland.org.uk/publication/32027>

(5) <http://www.bre.co.uk/filelibrary/pdf/Brochures/NSC-Biodiversity-Guidance.pdf>

### Soils and Agricultural Land Quality

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

From the description of the development this application is likely to affect 7.9ha of BMV agricultural land based on the applicants ALC survey. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

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

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

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

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

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

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

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

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

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

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the

protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

### Protected Species

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

Natural England has produced standing advice (6) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting (7). They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

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

### Local sites and priority habitats and species

Your authority should ensure it has sufficient information to fully understand the impact of the proposal on any Local Sites such as County Wildlife Sites (CWS).

Rutton Farm CWS (Ref: SY09/004) adjacent to the site and designated for comprising an area of unimproved marshy grassland.

Natural England's 'Technical Information Note TIN101 encourages existing land drainage to be maintained. Any SuDS scheme to deal with surface run-off should be designed to ensure that it does not compromise the local drainage and affect the grassland by diverting water away from the wetland site.

The site is important for its hedgerow network. Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006 found here (8). Consideration should be given to how any loss will be avoided, mitigated or compensated.

(6) <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

(7) <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

(8) <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

The proposals include the retention and protection of hedgerows (and compensation

where necessary), trees, woodland and watercourses/waterbodies which are to be buffered from the proposals and includes the creation of orchard habitat. A Landscape and Ecological Management Plan (LEMP) would ensure retained and created habitats are managed favourably to maximise their benefit to wildlife and should be secured via conditions.

A Construction Environmental Management Plan (CEMP), which will set out the measures to protect retained features through appropriate fencing and reference best practice measures to avoid impacts to off-site receptors, such as from contaminated run-off should be secured via conditions.

Rights of Way, Access land, Coastal access and National Trails

The proposal is in close proximity to three public rights of way (PROW). We therefore advise you to seek the advice of the Rights of Way Officer for East Devon to ensure there are no adverse effects on the PROWs. Their knowledge of the location and wider landscape setting of the development should help to confirm whether it would impact significantly on the PROWs. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### EDDC Trees

**Comment Date: Wed 14 Dec 2022**

14/12/2022: Comments in regards to layout: GBR.2260.DEV.M4.001. There appears to be many cases of solar panels being located in close proximity to canopy of trees or what appears to be within the RPA of a number of trees, which are categorised as A and B class trees in relation to BS5837. No panels should be located within the RPA of any trees. Many panels also appear to be directly to the north or east of large trees; therefore shading is considered to be a potential issue, however there appears to be no reference to shading in either the tree constraints plan or method statement. No justification appears to have been given to the location of the panels and at present, it would appear that there would be significant pressure to prune the trees. Enough space should be left around the trees so that no management in relation to the size of the trees is required in the future.

#### Examples

Field 21, T56 - surrounded by solar panels.

Field 17, T54 - panels directly to east

Field 16, T53, T52 - panels directly to east

Field 13, T51, panels to the south (not so much of a issue)

T50, panels to the north

T49, panels appear to be at a good distance in comparison to others.

Field 12, T48, panels to the east

Field 11, T46, panels to the east

T47, surrounded by panels.

Field 6, T25, panels to the east.

T23, panels within what appears the RPA to north

TG4, panels within what appears the RPA to north

As per the recommended tree works In the Arboricultural Impact Assessment, it is

considered appropriate that where possible Ash trees should be reduced rather than felled as stated below. It should be noted though that the trees, are only a safety issue, if one were to put targets within falling distance of these trees. Therefore, it would be appropriate to retain the trees as habitat features and manage the surrounding areas appropriately to keep out any targets.

'Trees T40 and T57 are Ash trees showing advanced signs of disease and should be considered potentially dangerous. Complete removal is recommended but a reduction in height of 50% would allow the trees to remain safely whilst offering important standing deadwood habitat.'

#### EDDC Trees

**Comment Date: Fri 06 Jan 2023**

06.01.2023:Comments in regards to new amended layout: GBR.2260.DEV.M4.001 K.D.

Some changes to the location of panels has been made though there are still instances of panels surrounding trees in close proximity which could lead to the pressure for unnecessary pruning. The location of the panels should consider not only the RPA but the shade cast as the trees grow.

A clear tree constraints plan showing all RPA of retained trees and shading potential of trees at full size is required. In regards to tree and hedges, the location of panels should be based on this.

A detailed Tree Protection Plan for the whole site, showing protection of all trees and hedgerows is required.

Full details are required of all underground services and access tracks including method statement if any are located within the RPA (they should not)

#### Environmental Health

**Comment Date: Mon 23 May 2022**

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.

#### Environmental Health

**Comment Date: Thu 20 Oct 2022**

As per my comments made back in May

Environmental Health

**Comment Date: Wed 18 Jan 2023**

As per my previous comments

Exeter & Devon Airport - Airfield Operations+Safeguarding

**Comment Date: Wed 19 Oct 2022**

I acknowledge receipt of the amendments to the above planning application for the proposed development at the above location which relate to an amended site layout, substation layout, flood risk and drainage, ecology and biodiversity.

The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

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

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

Exeter & Devon Airport - Airfield Operations+Safeguarding

**Comment Date: Thu 03 Nov 2022**

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

This amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

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

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

Exeter & Devon Airport - Airfield Operations+Safeguarding

**Comment Date: Fri 06 Jan 2023**

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

These amendments relate to Provision of revised or additional plans/details relating to an amended site layout, revised Flood Risk and Drainage Strategy, LEMP (Landscape



Ecological and Biodiversity Management Plan) and replies to previous consultation responses, including photographs of grass around solar panels. The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

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

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

### Network Rail

#### **Comment Date: Mon 30 May 2022**

Thank you for your email dated 9 May 2022 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

### **GROUND LEVELS**

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

### **FOUNDATIONS**

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

### **SITE LAYOUT**

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted:

Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

## SOLAR PANELS

We would advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact upon signalling must be eliminated.

Network Rail would expect the applicant to demonstrate that the panels are either not reflective or that appropriate fencing/mitigation or other screening is erected between the railway and the solar panels to avoid this happening.

## DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Police Crime Prevention Officer

**Comment Date: Thu 12 May 2022**

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

Due to the somewhat isolated nature of the location, the risk of theft and damage is significant given that a determined effort can be made to gain access to the site with

little chance of detection. Therefore, it is important that crime prevention measures are considered and embedded into the design.

1. I appreciate that deer fencing will be used for the site boundary which I understand is standard for such a scheme. Can it be confirmed that the compound fencing will be certificated to a nationally recognised security standard such as LPS 1175?

2. Will a CCTV system be installed and will it be monitored? Without any form of active monitoring or a monitored intruder detection system, the site will be vulnerable to unauthorised access, theft, damage etc. A monitoring capability enabling a proactive response to incidents as they occur would be beneficial.

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

### Other Representations

A total of 53 third party representations have been received. This number consists of 25 objections and 26 in support.

The planning matters raised in the objections are:

- Visual impact on the countryside.
- Detrimental impact on local communities.
- Loss of farmland.
- Flood risk.
- Negative heritage impact.
- Negative impact on ecology.
- Highway safety impacts.
- Contrary to the NPPF and Local Plan.
- No proven benefit to energy security from solar.
- Contrary to National Energy Policy.
- Cumulative impact with other solar development in the vicinity.
- Glint and glare toward neighbouring properties.
- High density of panels.
- Large quantities of crushed stone required.
- Will worsen food crisis.

The planning matters raised in support are:

- The development would contribute positively to the UK's energy security.
- Renewable energy is important due to the climate emergency.
- The proposal would provide ecological enhancements.
- The land is largely lower grade and will continue to be used for agriculture (by way of grazing around the panels).
- The land will not be permanently lost to agriculture, and will continue to be used for agriculture (by way of grazing around the panels).
- The community fund will benefit the local community.
- Renewable energy projects are supported by the NPPF.
- Diversification by farmers should be encouraged.

### **PLANNING HISTORY**

None.

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### Site Location and Description

#### Site Description.

This application relates to an area of land to the east of Rutton Farm, which is situated in a rural location approximately half way between Whimble and Talaton. There is a public highway running through the southern part of the site, and the Exeter to Waterloo railway line adjoins the southern edge of the site. The area is sparsely populated, with only a small number of residential properties immediately adjoining the site; those being at Rutton Farm, Rockwell Farm and Railway cottages. There is a public footpath running through the site, and another which passes close to the eastern edge of the proposed development.

The land which is the subject of this application consists of gently undulating agricultural fields, with hedges forming the boundaries between fields. There is a minor water course running along the northern edge of the proposed solar panels, in addition to some other water features within, or close to, the area of panels. There are trees within the site; some forming part of hedges, and others within fields.

To the north of the proposed solar panels, it is intended to construct a substation which would be connected to the solar panels by an underground cable. The substation would be located close to a minor public highway to the north of its location, off which it would be accessed. There is an existing hedge to the east of the proposed substation, but it would face into an open field in other directions. The location of the substation is on a slight spur.

The site is not subject to any landscape designations. However, there is a County Wildlife Site (CWS) adjoining part of the western edge of the site.

### Proposed development.

Planning permission is sought for the construction of a solar farm, and related infrastructure, for a period of 40 years. The proposal includes the development/construction of solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development, such as access tracks.

### ANALYSIS

**This is the third time that the application has been before the Committee, following its previous deferrals for a site inspection, and then to allow for amendments to the scheme.**

**Taking on board the comments made by the Committee during the debate following the site inspection, the applicants have made the following amendments to the scheme:**

- **Provision of additional tree planting on the western and northern boundaries of field 1.**
- **Amendments to panel layout in field 1.**
- **Removal of entrance into field 3 from public highway.**
- **Additional planting on the southern and eastern boundaries of field 4.**
- **Realignment of the public right of way and existing or proposed field entrances in the vicinity of fields 17, 19 and 20.**
- **Reduction of panel heights to a maximum of 2.7 metres.**

**In all other ways, the proposal remains the same as that previously considered. Therefore, the key areas for consideration remain the same, and are as follows:**

#### **1. Justification for site selection.**

A detailed document explaining the site selection process undertaken has been submitted with this application (entitled Planning Addendum Statement, dated February 2023). The document details that a number of phases formed part of the site selection process. This was based around where a suitable connection to the grid could be established and agreed. In this case, the agreed grid connection was "at an existing tower on the 132 kV electricity circuit between Exeter Grid Supply Point and Tiverton Bulk Supply Point substations".

The aforementioned document then states that a search for previously developed land within 10km of the grid connection was undertaken. Whilst this did reveal some previously developed land, none was considered suitable by the developers, as demonstrated by paragraph 2.12 of the document states:

*"Following completion of the Phase 1 sifting exercise, it was clear that none of the identified previously developed sites were suitable from the perspective of*

*the amount of available land required for the Proposed Development. It was therefore concluded, in the absence of available or suitable previously developed land, that it would be necessary to utilise agricultural land for the Proposed Development."*

Given the above, the addendum document then states that phase two of the site selection was based upon seeking a site within 10km of the agreed grid connection which took the following into account (paragraph 2.13 of the addendum):

- Solar irradiation levels;
- Separation from settlements and areas of local population, limiting visual impacts from residential dwellings;
- Existing screening provided by trees and hedges and space and suitability for additional planting;
- Flat topography;
- Field size/ shading;
- Suitable access to the Site for the purposes of construction and decommissioning;
- Agricultural land classification (seeking to avoid the use of best and most versatile land);
- Avoidance of landscape designations;
- Limited nature conservation designations and opportunities for biodiversity enhancements;
- Low flood risk; and
- The potential for a commercial/ land agreement with a landowner ('available' land).

With those factors in mind, a further search of the 10km zone was undertaken, which, as detailed in paragraph 2.14 of the addendum, took into account the following constraints:

- Areas of high quality agricultural land;
- Flood risk;
- Heritage assets;
- Environmental designations;
- Landscape designations;
- Planning designations;
- Proximity to sensitive receptors;
- Physical geographical constraints (i.e. topography, extensive existing trees and planting, small field parcels etc); and
- Suitable vehicular access.

This search showed that the selected site fell in an area not impacted by the constraints listed above. This is close to the connection point, meaning that an extensive cable run is not required as part of the development. Given these factors the site which is under consideration in this planning application was chosen.

It is considered that the applicants and their agents have been through a thorough and extensive search process. Given that, it is considered that the proposed site is the most suitable available to the applicants for their application. The Council is content

with the site selection process undertaken. Notwithstanding this, the proposal must also be considered against all relevant policies and potential impact. The remainder of this report will focus on assessing those areas.

## 2. Impact on agricultural land.

The submitted Land Classification report shows that the proposed site consists of land which falls within agricultural land classifications 3a, 3b, 4 or 5; with 13.8% of the site being grade 3a, 80.8% falling in grade 3b, 4.7% classed as grade 4, and 0.7% being grade 5. Grade 3a land is considered to be 'good', 3b land is deemed to be 'moderate', grade 4 land is 'poor' quality, and grade 5 is 'very poor'.

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

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

In this instance, the site is a mixture of grades 3a, 3b, 4 and 5, and some fields within the proposed site contain areas of more than one class.

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

The fact that some fields contain land of more than one class presents a minor issue. This being, if it is considered that the grade 3a areas cannot be developed in any way, it is necessary to question whether it would be practicable to develop only the grade 3b, 4 or 5 areas within those fields, or whether the two classes can be farmed differently when they are in the same field. Certainly, in the past, it has been considered that dividing a field by its land classification would not be a practical way to farm. Indeed, the Council's Planning Committee approved applications 19/2832/MFUL and 21/3120/MFUL, which also related to a solar development, when that argument was made. It is considered that no strong case has been made to alter that view. Therefore, given that 86.2% of the site is not the Best and Most Versatile (BMV) land, it is considered that it would be unreasonable for the Council to object to the proposal on the grounds that a small amount of grade 3a land is within the site.

Furthermore, whilst the presence of solar panels would prevent the land being used for the purpose of crops, they would not prevent the land being used for grazing purposes, so the land would not be completely lost to agriculture should this development take place. This argument is supported by paragraph 2.21 of the aforementioned addendum, which says:

*"As detailed within the Planning Application, it is proposed that during the operation of the Proposed Development, the Site will, via grazing, still allow for continued agricultural use."*

Additionally, as the proposal is to retain the panels for 40 years, it is feasible that the land can be returned for full agricultural use following removal of them. Especially so, as it is generally accepted that the installation of solar panels is not detrimental to the agricultural quality of the land. Indeed, Natural England does not object to the proposal on the grounds of loss of agricultural land, where their comments state:

*"We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas."*

*"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)."*

In the event that this application is approved, such a condition is considered reasonable.

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the EDLP. It is considered that the justification for the site is sufficient to meet criteria 1 of that policy, but criteria 2 remains unanswered.

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

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



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

In this instance, planning permission is sought for 40 years. This would mean that, whilst, the land would be lost to all agricultural activity other than grazing for that period of time, it could be used again for agriculture upon expiry of the permission. Information supplied, and consultation replies, indicate that the presence of the solar panels would not be detrimental to the quality of the land; especially if the condition proposed by Natural England were imposed. Consequently, taking into account those factors, as well as the climate emergency and the environmental benefits offered by solar parks, it is considered, on balance, that the proposal would meet criteria 2 of policy EN13, as there is sufficient justification for the partial and temporary loss of the land for agricultural purposes.

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

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

The Council's Landscape Architect has drawn attention to the submitted photographs and plans, of which the latter show the panels being situated fairly close together compared to the photographs; to the extent that grass may not grow between them. However, the applicants have provided assurances that the panels in the photographs are of a similar nature to those which are proposed. Clearly grass is growing between the panels in the photographs, so, on that basis, officers are content that the distance proposed between the panels is acceptable.

### 3. The visual impact of the proposal.

In this respect, the initial version of this application was considered as follows:

"The proposal has been considered by the Council's Landscape Architect, who questioned the visibility of some parts of the site. In response, the applicants have supplied amended details. The updated information includes updated

landscaping, and the omission of solar panels from field 5. It is considered that these changes are sufficient to ensure that the proposal would not be overly visually harmful in the immediate setting.

The Landscape Architect identified that the site may be visible from some locations close to the site, such as the public highway between Talaton and Whimble or the public footpaths close to the site. Whilst the above amendments will reduce this impact, it is likely that some limited impact may remain at some times of year. However, the area which would be impacted by this would be limited, and it is considered that the benefits of the scheme, in terms of the production of renewable energy to help counter the climate emergency, outweighs this small harm.

Similarly, there are limited public view points from higher ground to the south of the site where the development would be visible. However, the enhanced landscaping, combined with those views of the site being part of a much wider view of a large area, mean that it is considered that any harm to those views would be very limited indeed.

In terms of the impact of glint and glare from the proposed development, the submitted report regarding that topic concludes that, with the mitigation proposed, the impacts from glint and glare would be minimal or none. The Council is not aware of any information to doubt those findings.

The Council's Landscape Architect concludes his initial comments relating to the proposal as follows:

*"Despite the scale of the proposed development and the proximity of nearby built and consented solar sites, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited."*

Given that, and the comments raised above, it is considered that the proposal is acceptable in terms of its landscape impact."

It is considered that the amendments to the scheme following its most recent deferral by the Planning Committee further improve the screening of the site. Whilst there will remain locations where the site will be visible, the enhanced screening (by virtue of additional planting) and the reduction of panel heights, will reduce the visibility of the site further. Any views of the site will be intermittent, localised, and broken up by existing or proposed planting and/or the topography of the area.

Consequently, it remains the case that the proposal is considered acceptable with regard to its visual impact.

#### 4. The impact of the proposal on highway safety.

It is clear that the impact of the proposal upon local highways is an area of concern for local residents. The times at which the proposal would have the greatest impact upon

the highways would be during the construction and decommissioning stages. Outside of those times, vehicle movements to/from the site would be limited.

The County Highway Authority (CHA) has assessed the proposal and is satisfied that the development can take place without causing harm to the highway network, or the safety of those using it. However, this is subject to the submission of a Construction and Environment Management Plan (CEMP), so the CHA has recommended a condition relating to that. Such a condition is considered reasonable, and can be imposed in the event that this application is approved.

Given this, it is considered that the proposal is acceptable in terms of its impact on the highway network.

#### 5. The impact of the proposal on public footpaths.

In this respect, the following was previously stated:

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

The further amendments to the plans include alterations to the route taken by the public footpath to the south of fields 19 and 20. Those amendments align the path with the route shown on the definitive rights of way map, and will reduce potential visibility of solar panels in field 17, to users of the public right of way.

Furthermore, the reduction in height of the panels will, combined with the management of the hedges, will mean that any views into the site from the rights of way will be limited and localised.

Consequently, it remains the view of Officers that the proposed solar development would not have a detrimental impact on users of the public rights of way in, or close to, the site.

#### 6. Conservation and Archaeology impact.

The County Archaeologist has stated that the majority of the site in question is on an area where the archaeological potential is low. However, the location of a possible prehistoric or Romano-British ring ditch, indicating either settlement or funerary activity from these periods, has been identified in field 10. Groundworks for the construction of the solar farm have the potential to expose and destroy archaeological and

artefactual deposits associated with this heritage asset. The impact of development upon the archaeological resource here 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.

Consequently, the County Archaeologist has recommended that, should this application be approved, a condition requiring a Written Scheme of Investigation (WSI), which sets out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest, to be submitted prior to the commencement of the development. Such a condition is considered reasonable.

With regard to the impact on listed buildings on conservation areas, the Council's Conservation Officer has confirmed that the proposal would not have an adverse impact on any building or area covered by those designations.

Given the comments raised above, it is considered that the proposal is acceptable in terms of its impact on archaeology, listed buildings and conservation areas, subject to the aforementioned condition.

#### 7. Residential amenity.

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

In terms of other possible impacts on neighbours, the Council's Environmental Health Department has confirmed that the proposal is acceptable from their perspective. Furthermore, the County Highway Authority has also found the proposal to be acceptable to them. No lighting is proposed, and a condition requiring details of any future lighting to be submitted to the Local Planning Authority can be imposed, should this application be approved.

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

#### 8. Arboricultural impact.

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the development is acceptable in terms of its impact upon trees. However, the Arboriculturalist has recommended a condition to be imposed in the event that this

application is approved. The condition would relate to the submission of an Arboricultural Method Statement (AMS), and a Tree Protection Plan (TPP) which would be required before any works take place on site.

It is considered that such a condition is reasonable to ensure that trees are retained, in order to preserve the character and appearance of the area, and also accord with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan. Furthermore, for the same reasons, it is considered reasonable to impose a condition to require the developers to seek the consent of the Local Planning Authority in order to undertake any works to trees within the site or on the site boundary.

#### 9. Flood Risk/Drainage.

There is a flood zone, designated by the Environment Agency (EA) adjoining, and slightly within, parts of the red line for the proposed development. However, only a very small amount of the development would take place in those areas and, in most cases, no development will be taking place in those areas. Nevertheless, the EA and the County Council Flood Risk Department have assessed the application and provided comments.

The EA initially had concerns about the proposal, with regard to the proximity of the development to flood zones and also whether fences would represent a flood risk. In response, further information was submitted by the applicants, in the form of an updated Flood Risk Assessment (FRA). Subsequently, the EA confirmed that the updated FRA was sufficient for them to withdraw their objection, subject to the imposition of a condition to ensure that the development takes place in accordance with the submitted FRA. It is considered that imposing such a condition would be reasonable in the event that this application is approved.

With regard to drainage, the County Flood Risk Department initially raised concerns on the basis that, in their view, the proposal failed to comply with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. However, following submission of the aforementioned updated details, the County Flood Risk Department confirmed that it no longer objected to the proposal, subject to a condition to ensure that the proposal is carried out in accordance with the new FRA, and also seeking details of surface water and runoff management, adoption and maintenance of the drainage system and the submission of a plan detailing the management of exceedance flows. It is considered that imposing such a condition would be reasonable in the event that this application is approved.

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

#### 10. Aviation impact.

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

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

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

#### 11. Ecology and Bio-diversity net gain.

The submitted Ecology Report highlights that some species of interest were identified on the site. However, it also details that any impacts on these can be avoided or mitigated through the overall biodiversity gains which the development could provide.

Natural England has been consulted on the proposal, and has not objected to the application in the grounds of harm to ecology. Furthermore, the proposal would appear to comply with the standing advice provided by Natural England.

The Council's Ecologist has stated that the proposal is acceptable, subject to some relevant conditions. It is considered that such conditions would be reasonable to impose in the event that this application is approved.

With regard to bio-diversity net gain, the submitted Ecological Assessment details how the proposal will lead to a gain in bio-diversity. In particular, paragraph S.13 states:

*"Proposed native hedgerow enhancement along with creation of wildflower rich margins, species rich hedgerow, native scrub and new waterbodies will be included as part of the proposals such that the scheme seeks to achieve a 21.65 % net gain in habitats and 44.75% net gain in hedgerow biodiversity units. In addition, the provision of bat, bird and dormouse boxes on retained trees and hibernacula, will provide ecological enhancements at the site, leading to biodiversity gains and improving opportunities for UK and local Priority Species."*

These benefits can be secured by condition in the event that this application is approved. Given the lack of concern raised about bio-diversity by Natural England or the Council's Ecologist, there is no reason to doubt the above statement.

Natural England has drawn attention to the CWS adjoining part of the site, and highlighted the potential for any changes to drainage to be detrimental to that designation. Such matters can be considered during the design of any SUDS/drainage alterations needed, and these matters can be conditioned. However, it is also noteworthy that the nature of the site and the proposed development is such that only limited drainage works would be required.

Despite the above, it is noted that the Devon Wildlife Trust has raised concerns about the proposal from an ecological perspective. These concerns are noted. However, given the lack of objection from Natural England and the Council's Ecologist, it is

considered that, on balance, the proposal is acceptable in terms of its impact on ecology.

## 12. Railway impact.

Part of the site immediately adjoins the Exeter to London Waterloo railway. Network rail has confirmed that it has no in principle objection to the proposal. However, their comments contain a number of factors which the developers will need to take into account should this application be approved. Many of those matters are not planning considerations. However, the matter of glare impacting the railway is considered to be of planning relevance. In this regard, the submitted glint and glare report highlights a number of locations where glare could impact the railway. The report then continues to highlight the mitigation which would be put into place to prevent the identified potential for glare; this is detailed in paragraph 7.1 of the Glint and Glare report, which describes the planting which will take place for mitigation.

Consequently, whilst it is recommended that, should this development be approved, the developers take full note of the Network Rail comments, there are no planning reasons relating to the railway why the proposal is not acceptable in this regard.

## 13. Cumulative impact.

Whilst the main focus of this report has been the development to which it relates, it is a relevant consideration that other solar developments in the vicinity of the site are proposed; most notably, approximately 3 kilometres north of the site is the location of the Peradon Farm solar development which the Council's Planning Committee granted consent in July 2022 (application 21/3120/MFUL refers) and, around 1 kilometre north of there an application within the Mid Devon District which was granted permission on appeal in December 2022. Whilst it is considered that these sites are a sufficient distance away from the Rutton Farm site for there to be a cumulative visual impact, it is important to ensure that, if either of those sites were constructed at the same time as the Rutton Farm proposal, deliveries to the site do not create a cumulative negative highway impact.

In that regard, the submitted information details that the majority of the traffic movements required to construct the proposed development would not overlap with the routes used for the aforementioned sites. The only exception to this, would be a small number of deliveries to the proposed substation/connection point; they would partly overlap with the delivery routes proposed for the Peradon Farm site and the Mid Devon development. However, given the modest number of movements which would be created on that route by the Rutton Farm development it is considered that there would not be a harmful cumulative highway impact. It is notable that the CHA has not objected on that basis.

Also relevant in terms of cumulative highway impacts is the solar proposal at Marsh Green (application 22/0990/MFUL refers). Despite that application being recently refused by the Council's Planning Committee, the applicants may choose to appeal that decision and, should that happen, the Inspector may conclude that the proposal is acceptable. There would be some degree of overlap between the delivery routes proposed for the Rutton Farm and Marsh Green sites, although much of this would be

on the A30, rather than smaller roads. Given that, and the CHA comments, it is again considered that there would not be a harmful cumulative highway impact.

In terms of a cumulative visual impact between the Rutton Farm site and Marsh Green, the sites are around 4.5 kilometres apart, and the landscape is gently undulating between the sites. Therefore, a negative cumulative visual impact will not arise. For similar reasons, it is also considered that there would not be a negative cumulative visual impact with other existing solar development in the area.

#### 14. Community Fund and other benefits.

It is noted that the Planning Statement details that a community fund will be donated to annually. This is however outside of the planning process.

In terms of other benefits, the planning statement also highlights that the business rates associated with the proposal will be retained by the Local Authority and will, therefore, benefit the community.

With regard to wider benefits, the most notable of these, which impacts us all, is the ability of the scheme to reduce reliance on less sustainable methods of energy production. The ability of solar to achieve this has been questioned by some objectors. However, the Environmental Report details that solar development can make a positive impact in this regard. This supports details submitted with other recent solar developments. The scheme will make a positive impact in terms of renewable energy production.

#### **Conclusion.**

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

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

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (7.9ha);
- The visual impacts, although limited;
- Temporary impacts during construction and de-commissioning;

the following weigh in favour of the proposal:

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



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

In light of this, the lack of wider amenity impacts, lack of highway safety concerns, lack of harmful visual impacts, which have been further reduced by the most recent amendments to the scheme, and lack of other harm, it is considered that the proposal complies with policy, and it is recommended that this application is approved.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, which includes restoration and aftercare plans in order to return the land to its original condition, that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production. Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.  
(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such

as wildflower margins, hedgerow and tree maintenance, and conservation grazing.

(Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013- 2031.)

5. No external lighting shall be constructed or provided unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, any lighting shall be carried out and maintain in accordance with the approved details.

(Reason - To protect the character and appearance of the open countryside, to ensure that the wildlife in proximity to the site is safeguarded from the impacts of the proposed development, and to protect the amenity of nearby occupiers, 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), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

6. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees 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.)

7. During the operation and decommissioning phases, no felling of trees on or within the red line shown on the approved site location plan, other than those approved by this permission, shall take place without the prior written consent of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031.)

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

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

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

- (a) the timetable of the works;
- (b) any road closures required;
- (c) 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.;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.

Development shall be undertaken in accordance with the approved CEMP, and 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. 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, and to ensure that the development does not result in a danger to users of the public highway network, in order to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031.)

10. The Development hereby approved shall be undertaken in accordance with the submitted Landscape, Ecological and Biodiversity Management Plan, produced by Tyler Grange, dated 15<sup>th</sup> May 2023, report number 12428\_R02H\_JS\_CW.

(Reason - In the interest of amenity and to enhance the landscape character and biodiversity value of the site and surrounding areas in accordance with Strategies 3 (Sustainable Development) and 47 (Landscape Conservation and Enhancement and AONBs), and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031.)

11. The development shall be carried out in accordance with the submitted flood risk assessment by RAB consultants dated 21/12/2022 (version 5, ref. RAB: 2728L) and the mitigation measures it details in section 07 Recommendations. In particular, where the proposed boundary fence crosses ditches/watercourses, swing fences shall be installed to mitigate the risk of obstructions. An 8m easement from the two larger watercourses shall be maintained as detailed in Figure 6 of the flood risk assessment.

The mitigation measures shall be fully implemented before the solar farm comes into operation and maintained thereafter throughout the lifetime of the development.

(Reason - To reduce the risk of flooding to the proposed development and elsewhere in the catchment, in accordance with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2031 - 2031).

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

(a) A detailed drainage design based upon the approved Horton Solar Farm Whimble East Devon Flood Risk Assessment & Drainage Strategy (Report Ref. 2728L, Rev. 5.0, dated 21st December 2022).

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

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

(d) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

(Reason - To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG, and also to accord with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2031 - 2031).

13. The development hereby approved shall be carried out in accordance with the Ecological Assessment, produced by Tyler Grange, dated 18th March 2022 (TG Report No. 12426\_R01a\_RR\_TW) and the Landscape and Ecological Biodiversity Management Plan also produced by Tyler Grange, dated 15<sup>th</sup> May 2023, report number 12428\_R02H\_JS\_CW.

(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 development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

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

iv) Tree pit and tree staking/ guying details

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

b) Details of proposed colour finishes to housings for inverters, storage units and substations.

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

d) Details of the design and locations of any security cameras or lighting proposed.

e) Details of finishes of framing elements of proposed pv panels.

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

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

15. No works shall commence on site until details of soil bearing capacity and updated access track construction details including path width and make up and any necessary culverts over watercourses together with confirmation of the means/ location(s) for disposal of excavated soil arising from track construction have been submitted to the LPA and approved in writing.

(Reason - To ensure that the tracks do not have a detrimental impact on the land, in order to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN13 (Development on High Quality Agricultural Land), EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development of the East Devon Local Plan 2031 - 2031).

16. Prior to the installation of the substation, details of its design and associated infrastructure shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details must include minimum 1:250 scale plans and sections showing the proposed layout, surfacings, drainage, planting, existing and proposed levels and existing trees and hedgerow to be retained/ removed. An arboricultural survey and impact assessment for the substation should also be provided which should consider also any tree/ hedgebank impacts arising from underground cabling required between the solar farm, substation and grid connection.

Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the development is suitable for its location and is not detrimental to the character and appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).

17. Prior to their installation, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:

- Design of access tracks, including their width and base make up
- Design of footings for control cabinets and any other related buildings/structures.
- Fence post foundations.

Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the development is suitable for its location and is not detrimental to the character and appearance of the area, in accordance with Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN13 (Development on High Quality Agricultural Land), EN21 (River

and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development of the East Devon Local Plan 2031 - 2031).

18. 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, and in order to comply with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013 - 2031).

#### NOTE FOR APPLICANT

##### Informative: Confirmation - No CIL Liability

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

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

##### Informative:

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

##### Plans relating to this application:

fig 12 rev 1 : typical storage container	Other Plans	25.04.22
fig 10 rev 1 : typical connection compound fencing	Other Plans	25.04.22
fig 11 rev 1 : typical cable trench detail	Other Plans	25.04.22

fig 13 sheet 1 of 2 rev 1 : proposed site entrance	Other Plans	25.04.22
fig 13 sheet 2 of 2 rev 1 : proposed site entrance	Other Plans	25.04.22
fig 14 rev 1 : typical access track detail	Other Plans	25.04.22
fig 15 rev 1 : typical site fence	Other Plans	25.04.22
fig 16 rev 1 : typical field gate	Other Plans	25.04.22
fig 4 rev 1 : typical arrangement	Other Plans	25.04.22
fig 5 rev 1 : typical transformer unit	Other Plans	25.04.22
fig 6 rev 1 : typical client metering cabinet	Other Plans	25.04.22
fig 7 rev 1 : connection compound indicative layout	Other Plans	25.04.22
fig 9 rev 1 : typical substation buildings/custom er DNO control units	Other Plans	25.04.22
plate 21 : horton solar farm delivery route	Other Plans	25.04.22
plate 22 : horton solar farm delivery route	Other Plans	25.04.22



figure 1	Location Plan	07.04.22
18 march 2022	Ecological Assessment	07.04.22
geophysical survey report	General Correspondence	25.04.22
+ drainage strategy (version 5.0)	Flood Risk Assessment	03.01.23
landscape ecological and biodiversity mgt plan	Landscape and Ecological Management Plan	16.05.23
GBR.2260.DEV. M4.001.0 : planning layout	Layout	16.05.23

#### List of Background Papers

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