

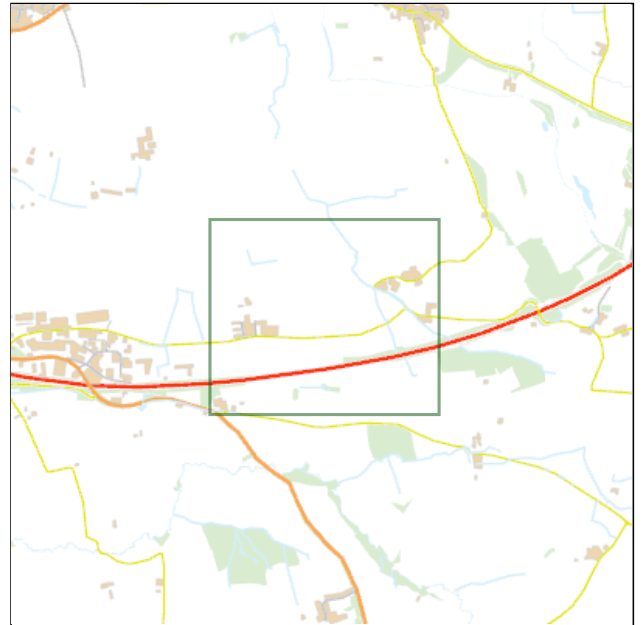
Ward Whimble And Rockbeare

Reference 23/1250/MOUT

Applicant Mr James Dickson

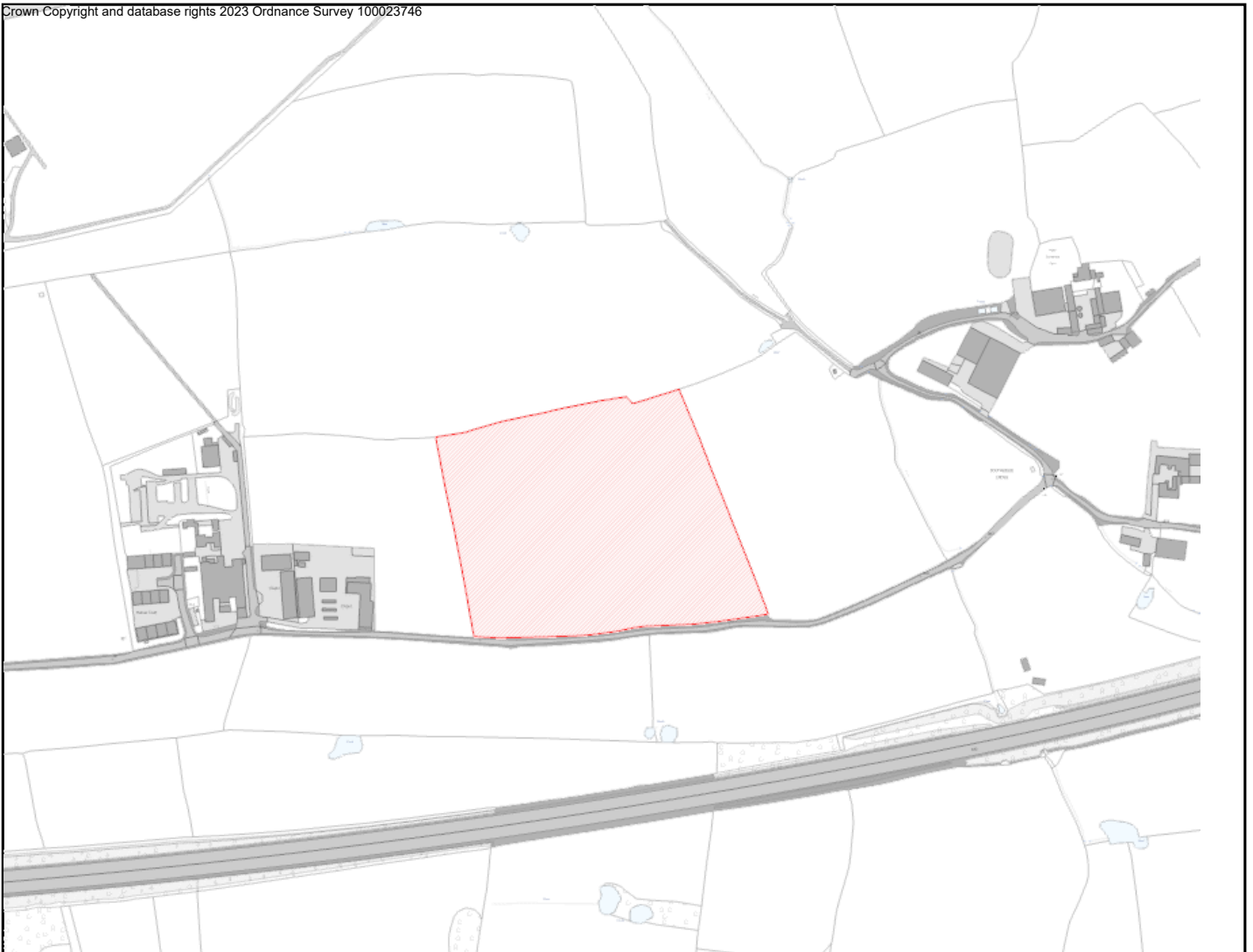
Location Land East Of Antiques Complex/Harriers Court
Industrial Estate Long Lane Rockbeare

Proposal Outline application for the erection of HVDC
Converter Station and associated infrastructure
with all matters reserved



RECOMMENDATION: Approval with conditions

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		Committee Date: 24.10.2023
Whimble And Rockbeare Ward	23/1250/MOUT	Target Date: 20.09.2023
Applicant:	Mr James Dickson	
Location:	Land East Of Antiques Complex/Harriers Court Industrial Estate Long Lane	
Proposal:	Outline application for the erection of a HVDC Converter Station and associated infrastructure with all matters reserved.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the proposal is a departure from the adopted Local Plan.

This is an outline application with all matters reserved to construct a 1250MV High Voltage Direct Current converter station on Long Lane near Exeter Airport. The converter station forms part of the wider France, Alderney, Britain Interconnector (FAB Link) to allow the exchange and trading of up to 1250MW of electricity between France and Britain and will convert electricity from Alternating Current to Direct Current before transferring to the Exeter Substation near Broadclyst. The proposed converter station would be up to 9,750 sqm in floor area and the operational area of the development would be up to 3.4ha. A strategic landscape buffer of at least 10m would be provided around the perimeter of the site and the maximum height of buildings and structures on the site would be limited to 20m. The proposal would also include passing places along Long Lane to accommodate construction and other traffic.

The FAB Link, prior to the withdrawal of the UK from the European Union, was a European Project of Common Interest (PCI) under the provisions of the guidelines for trans-European infrastructure regulations (TEN-E Regulation) which establishes that PCI's are necessary to take forward the EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. PCI's were to be given a priority status at national level that should be considered by the competent authorities as being in the public interest. Since leaving the EU and the PCI framework, the importance of electricity interconnectors, and the public interest served by them, has been reaffirmed in UK Government policy and the support for them had been re-established with our European neighbours. This public interest is a material planning consideration which should weigh heavily in favour of the proposal notwithstanding any conflict with local plan policies.

The site is located outside of any Built-Up Area Boundary and would be located in open countryside as defined by Strategy 7. As this is not a typical land use, the site is not allocated for development and there are no relevant local plan or neighbourhood plan policies for this specific type of development. The NPPF sets out a presumption in

favour of sustainable development where there are no relevant policies or the policies are out-of-date, of which this is considered to be.

Strategy 39 (Renewable and Low Carbon Energy Projects) supports renewable or low carbon energy projects in principle and the key aim of the development is to replace high carbon fossil fuel generated electricity in Britain with lower carbon predominately nuclear generated electricity from France. Whilst the converter station does not generate electricity itself, this local plan strategy offers support to the overall aims of the development. The NPPF states that applications for renewable or low carbon energy should be approved if the impacts are, or can be made, acceptable.

The proposed development is considered to result in harm to the character and appearance of the local area and would result in less than substantial harm to the setting of a number of listed buildings resulting in a conflict with Strategies 46 and 49 as well as Policy No. Rock05 (Important Views and Vistas) of the Rockbeare Neighbourhood Plan (2018). Mitigation is provided to help screen the development but due to the nature, location, scale and size of the development, there will remain an adverse impact on the local area and heritage assets.

Other planning issues such as transport, noise, amenity, drainage, flood risk, airport safeguarding, etc., have been considered as part of the application and are either considered acceptable or can be suitably mitigated for through the use of planning conditions. Details of the layout, scale, access, landscaping and appearance shall be considered under reserved matters applications.

The AC to DC conversion process produces waste heat which could usefully be utilised in the existing and proposed extension of the District Heating (DH) network currently serving Cranbrook, Tithebarn and Skypark. The development would be made 'DH ready' with the applicant able to market the heat. Conditions are proposed to achieve this to support the local plan and the aim of government policy and guidance. This would also provide a significant benefit for East Devon.

A material consideration is application 16/2997/MOUT which approved the construction of a 1400MW converter station on this site. This application was considered to be contrary to Strategy 7 and would result in harm to the landscape but the wider public benefits outweighed the harm. The proposed development under this application would be smaller in output and smaller in built form when compared to the approved station and therefore potential impacts would be similar or no worse than the previously approved application. This outline planning permission has now lapsed and is not capable of implementation.

It is acknowledged that the proposal would be in conflict with a number of local plan policies however material considerations must be given weight in this case. The development would meet an essential need for additional electricity supply capacity, which is required in the national and public interest and officers consider that the impact can be made acceptable on balance through mitigation and use of planning conditions. The mitigation proposed including a landscaped buffer, a biodiversity net gain and passing places on Long Lane would ensure that the development would result in no greater harm than the previously approved scheme.

In weighing up the benefits and harm of the development, it is considered that the overall benefits of the development would outweigh the harm on balance and the application is therefore recommended for approval subject to conditions.

SUMMARY OF CONSULTATIONS

Local Consultations

No comments received from the Parish Council or Ward Members.

Technical Consultations

Devon County Council Waste Management 29 June 2023

This application is not supported by a Waste Audit Statement, it is therefore recommended that a condition is attached to any consent to require the submission of a statement at the reserved matter stage.

County Highway Authority 2 August 2023

This type of application tends to produce a low trip generation once established and under commencement due to the high automation technology and low maintenance requirement.

I appreciate the lengthier construction period for this Converter Station construction, however I believe the combination of a comprehensive Construction and Environment Management Plan (CEMP) including scheduled, 'just in time' deliveries, delivery routeing, fixed hours of construction, wheel washing facilities, car share incentives and new passing bays, together with the recent improvement works of Long Lane will help facilitate the mitigation of the construction period on the local highway as best as possible.

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

Police Architectural Liaison Officer - Kris Calderhead 4 July 2023

I have no comments at this stage however, should the application progress with more detailed design established, I'd appreciate it if you could consult with me again.

DCC Flood Risk SuDS Consultation 17 July 2023

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

DCC Flood Risk SuDS Consultation 19 September 2023

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

Following my previous consultation response (FRM/ED/1250/2023; dated 14th July 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application.

DCC Historic Environment Officer 3 July 2023

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

Devon & Somerset Fire and Rescue Service 7 August 2023

I have studied the drawings on the planning portal and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations.

Conservation 9 August 2023

No designated heritage assets lie within the Site itself, but a number of listed buildings and registered landscapes lie within the Site's wider study area and will need to be considered in relation to the proposals' potential to harm their significance through change to their setting:

The assessment concluded that the proposed development would result in a slight loss of significance with regards the Grade 1 Manor and 3no. Grade II listed buildings and the Grade II Registered Park. In addition, a very slight loss of significance with 2no. Grade II listed buildings (see report for details). All of these include a change to the setting of the heritage assets.

No further Heritage Statement has been provided, but there is an update included within Chapter 5 Cultural Heritage of the Environmental Report dated June 2023.

The assessment therefore remains the same and no changes to the impact of the works to the heritage assets are envisaged as a result of the proposed revisions to the overall scheme for the converter station. Having regard to the reduced/smaller scale of the now proposed scheme it is likely that there will be no additional impact from the revised scheme and in fact any impact would actually either be the same or reduced.

ACCEPTABLE subject to conditions as before.

Contaminated Land Officer 29 June 2023

Recommended approval subject to an unexpected contamination condition.

Environmental Health 29 June 2023

Recommended approval subject conditions relating to a Construction and Environment Management Plan (CEMP) and a lighting scheme for the site.

EDDC Landscape Architect 24 August 2023

The LVIA is prepared in accordance with accepted industry standard best practice particularly. The findings of the LVIA are generally accepted but the following exceptions are noted.

Viewpoint 2 Rockbeare Recreation Ground - View is taken from the lower lying and more distant northern end of the recreation ground. Consideration should be given to providing off-site planting to reinforce existing trees along the southern boundary as mitigation, subject to Parish Council approval.

Viewpoint 3 Silver Lane at Higher Southwood Farm - The Photomontage after 10 years shows exaggerated growth of new screen planting which appears to be shown some 18m in height. On the basis of typical UK growth rates of 0.3-0.5m per year for native trees and shrubs it is likely to take in excess of 30 years for new planting to reach the heights indicated.

Since the 2016 scheme, outline consent has been granted for mixed use development at Treasbeare and proposed SANGS land to the eastern edge affords elevated views towards the site at a distance of 1.5km which would be impacted by the proposal. These views have not been considered in the updated LVIA. From here the proposed development is likely to give rise to low-

medium magnitude of effect on moderate to high sensitivity recreational receptors resulting in a moderate level of effect which is unlikely to be significant.

The scheme will give rise to major and significant adverse landscape and visual effects on receptors within and in the immediate vicinity of the site and lesser effects on a number of visual receptors particularly to the north and east of the site as noted in the updated LVIA and above. Overall it is accepted that the level of landscape and visual effects will be no greater than for the previously approved scheme.

The site layout has changed little from the previous scheme apart from the loss of the second converter hall. This change creates opportunity for enhanced area of mitigation planting particularly to the east side of the site. The possible ancillary building indicated in the southeast corner should be set back further into the site to reduce its visibility from Long Lane. The need for two site access points off Long Lane is questioned and should be changed to a single access unless a satisfactory justification can be provided for not doing so.

EDDC Landscape Architect 5 September 2023

Generally I accept the clarifications in relation to my previous comments. I remain unconvinced by the arguments for two access points. It seems that these are largely in relation to construction considerations and I would accept that a second temporary access could be provided for the construction phase.

EDDC Trees 12 July 2023

In principle I have no objection to the proposal. However, the impact on existing trees should be assessed (main concern is in regards to the access points & impact on nearby significant trees) and therefore a full BS 5837 survey is required, including Arboricultural Impact Assessment (AIA), Tress Protection Plan (TPP) and Arboricultural Method Statement (AMS).

EDDC Recycling & Waste Contract Manager 26 June 2023

As it does not involve domestic households there are no comments from Recycling & Waste.

Environment Agency 17 July 2023

Whilst we have no in-principle objection to the proposal in terms of our statutory planning remit, we recommend that this application is not determined until such time that the applicant provides assurances that access to the Environment Agency's Clyst Honiton Depot will remain unfettered during the construction and operational phases of the proposed development.

Exeter & Devon Airport - Airfield Operations + Safeguarding 10 July 2023

This proposal has been examined from an Aerodrome Safeguarding aspect and it does have the potential to conflict with Safeguarding criteria.

There are no physical safeguarding concerns from the proposal. One of the airports Obstacle Limitation surfaces passes over the site at 35m AGL, 75m AMSL. The highest building listed is 20m AGL so there is no conflict with this surface.

The Airports IFP Safeguarding map shows the location of the proposal in a grey square which means any development, regardless of height will need looking at in more detail to ascertain if there is likely to be any impact on the IFPs.

Due to the location, size and mass of the proposal a Technical Safeguarding Modelling Assessment for ILS, NAVAIDs and Radar will be required, which should be carried out by a specialist company to ascertain if there are likely to be any conflicts.

Any areas of planting and landscaping must be designed to be unattractive to birds with no fruit and berry bearing species that could provide a food source or roosting and nesting habitats. Any tree planting should be of smaller varieties that will not grow and become an OLS penetration or bird attractant over time.

Accordingly, Exeter Airport would like to place on record a holding objection pending the submission of the required safeguarding assessments. When these have been produced, studied and, providing there are no safeguarding conflicts, approved then the objection will be removed.

Exeter & Devon Airport - Airfield Operations + Safeguarding 14 September 2023

The applicant has supplied to the Airports Safeguarding team an Instrument Landing System (ILS), Navigational Aids (NAVAIDs) and Radar Technical Assessment. This assessment has been studied and concluded that there will be an impact to the primary navigational aids that provide instrumented precision approach procedures. However, the impact is acceptable when considering CAT 1 and Lower Than Standard CAT 1 approaches.

The Airport understands that the required Instrument Flight Procedure (IFP) Assessment produced by an APDO is in the process of being undertaken. Until such time as this has been completed, the Airport would like to request a condition to be applied to any permission.

Accordingly with the production of the acceptable Technical Assessment and providing the requested condition is applied then Exeter Airport can remove the previously requested objection.

National Highways 17 July 2023

The UK converter station was previously approved under outline permission 16/2997/MOUT and subsequent reserved matters applications 20/1361/MRES and 21/1232/MRES. National Highways offered no objections to these applications subject to the applicant gaining all necessary approvals for any proposed cabling beneath the A30 trunk road, which are separate to the planning process.

Impact on Strategic Road Network - A Transport Assessment (TA) reference JNY8091-09D dated June 2023 has been submitted in support of the application by RPS. Abnormal Loads Paragraph 1.45 of the TA estimates the construction of the development will require seven Abnormal Indivisible Loads (AILs) deliveries to site. No AIL movements are permitted to route via the SRN without the necessary advance approvals and/or Orders from National Highways. This information can be submitted either via a detailed AIL report or as part of a full construction traffic management plan (CTMP).

Traffic Impact Operational Phase - Once constructed the proposed converter station would be staffed by up to five full time equivalent employees and is forecast to attract up to one maintenance visit per week. National Highways is satisfied the operation of the development will not result in an adverse traffic impact on safe operation of the strategic road network.

Traffic Impact Construction Phase - It is understood the revised site proposal is smaller than the previous layout and as such the associated construction traffic is forecast to be lower than that approved for the 2016 consent. However for robustness the 2023 TA assumes there has been no change in the estimated numbers of construction HGVs, mode share, distribution, and assignment from that previously approved under permission 16/2997/MOUT.

On the basis the traffic generation associated with the construction phase is not forecast to exceed that previously approved under permission 16/2997/MOUT National Highways are satisfied the traffic impact of the development is unlikely to result to an unacceptable impact on the safe operation of the SRN. To ensure activities associated with the construction phase (including proposed AIL movements) will not result in an adverse impact on the safe operation of the strategic road network National Highways will require the submission of a full Construction Traffic Management Plan for our review prior to the commencement of the development.

The National Grid 26 June 2023

Regarding planning application 23/1250/MOUT, there are no National Gas Transmission assets affected in this area.

Natural England 6 July 2023

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

South West Water 1 August 2023

I can confirm South West Water has no comment or concern.

EDDC District Ecologist - Will Dommett 23 August 2023

I currently submit a holding objection to the proposal until the requested information is submitted.

ODPM Circular 06/2005 states: "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 the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." It is not possible to properly consider the impacts of the proposals on priority and protected habitats and species, or designated sites, in absence of adequate survey information and suitable avoidance/mitigation/compensation measures.

In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

EDDC District Ecologist - Will Dommett 4 October 2023

The applicant has submitted a revised ecological appraisal report which includes the results of an updated bat activity survey and provided a copy of the biodiversity net gain calculator which has addresses my previous comments regarding updating ecological surveys and submission of further information.

The outlined proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

Historic England 16 August 2023

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.

POLICIES

Adopted Rockbeare Neighbourhood Plan (2018)

Policy No. Rock05 (Important Views and Vistas)

Adopted East Devon Local Plan (EDLP) 2013-2031 Policies

Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 39 (Renewable and Low Carbon Energy Projects)
Strategy 38 (Sustainable Design and Construction)
Strategy 40 (Decentralised Energy Networks)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)
TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN13 (Development on High Quality Agricultural Land)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN18 (Maintenance of Water Quality and Quantity)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site is located north of Long Lane within the Rockbeare Parish of East Devon. The site consists of an agricultural field of around 4.9ha in size. It is largely level with a slight slope down towards the northern boundary. There are no features within the site but the boundaries are marked by hedgerows interspersed with trees. The site is located on Long Lane, around 1.4km east of the main Exeter Airport building. The Exeter Airport Business Park is located around 800m to the west with the Future Skills Centre and Hampton by Hilton Hotel around 500m to the west. The closest development is at the Antiques and Harrier Court complex which is a home to a number of residential dwellings, business and industrial units and is located about 100m to the west. The site is

predominately surrounded by fields and open countryside and the Airport runway is north west of the site. The A30 trunk road is located about 150m to the south of the site and the nearest settlements are Rockbeare and Cranbrook to the north.

PLANNING HISTORY

- 16/2997/MOUT | Outline application with all matters reserved for the construction of a High-Voltage DC converter station and associated infrastructure | APPROVED (5 July 2017)
- 20/1361/MRES | Reserved matters application (access, appearance, landscaping, layout, and scale) for the construction of a converter station with associated equipment and plant pursuant to the outline planning permission 16/2997/MOUT including provision of main site accesses, internal circulation/parking, and landscaping. The full or partial discharge of conditions 1, 2, 3, 4, 5, 6 and 13 of the outline planning permission 16/2997/MOUT | APPROVED (25 Nov 2020)
- 21/1232/MRES | Reserved matters application (landscaping only) for the landscaping of the site in relation to the construction of a High-Voltage DC converter station with associated infrastructure pursuant to the outline planning permission 16/2997/MOUT. The discharge of condition 3 of the outline planning permission 16/2997/MOUT | APPROVED (14 July 2021)
- 23/0001/EIA | Screening Opinion for proposed converter station | ISSUED - NOT EIA DEVELOPMENT (14 March 2023)

APPLICATION

Outline planning permission with all matters reserved is sought for the erection of a High Voltage Direct Current (HVDC) Converter Station. This means that the scale, access, appearance, layout and landscaping ('the Reserved Matters') for the application site would be specified via future Reserved Matters Applications. Each of the 'Reserved Matters' is defined in Article 2 of the Development Management Procedure Order (2015).

The proposal forms part of a wider proposed interconnector which will allow the exchange and trading of up to 1250MV of electricity between France and Britain - also known as the FAB Link. As such, there are converter stations proposed in France and here in East Devon to convert High Voltage Alternating Current (HVAC) to High Voltage Direct Current (HVDC) and vice versa. The project will not make landfall in Alderney. The electricity is transmitted through cables either underground or on the sea bed. The subsea cables would come ashore at Budleigh Salterton and then be placed below ground for the route through East Devon to the proposed converter station and onto the Exeter Substation. The Council has issued an approval of an Application for a Lawful Development Certificate for a Proposed Development (CLOPUD) confirming that the underground cables and the ancillary works are 'permitted development' except for a small element of compound (ref. 16/2995/CPL).

The application is in outline with all matters reserved. A parameter plan (ref. 7729-0589-04) has been submitted as forming part of the proposal with numerous indicative plans and drawings showing how the site could be developed. The parameter plan shows:

1. The operational area of the development will not exceed 3.4ha.
2. A strategic landscape buffer area around the site boundaries of at least 10m in width.
3. The existing hedgerow and trees to be retained.
4. Two areas identified on the southern boundary for potential access points.
5. The total area of landscaping and surface water drainage would be at least 1.8ha.
6. Within the operational area, the maximum floor area of buildings will not exceed 9,750m sqm and up to 20m in height.
7. The maximum height of exterior plant/machinery/equipment in the operational area will not exceed 20m in height except for lighting conductors (up to 30m).

The converter station would have a one valve hall served by a cooling system, external plant and equipment in the form of 400kv transformers, switchgear and bus bars together with smaller buildings which will house controls systems as well as facilities for maintenance staff. The proposal would include land for a District Heating Module, AC Switchyard and Filter Area, car parking and associated infrastructure.

The proposals also include a number of improvements to Long Lane through the provision of passing places together with access points onto the site on the southern boundary.

Application 16/2997/MOUT for a HVDC converter station up to 1400MV with two valve halls on this site was approved by the Local Planning Authority in July 2017.

The converter station was screened for Environmental Impact Assessment (EIA) development in March 2023 where the authority concluded it was not EIA development - known as a negative screening opinion.

This outline application was supported by a 2023 Transport Assessment, 2023 LVIA, 2023 Preliminary Ecological Appraisal and 2023 Environmental Report with the following headings:

1. Landscape and Visual Impact
2. Ecology and Nature Conservation
3. Cultural Heritage
4. Air Quality
5. Noise and Vibration
6. Hydrology and Flood Risk
7. Geology, hydrogeology, ground conditions and contamination
8. Land use, Agriculture and Soils.

NEIGHBOUR CONSULTATION

One neutral comment has been received. This is summarised below:

- Information regarding traffic management along Long Lane
- Impact on road network and freight

Five objections have been received. This is summarised below:

- Concerns regarding road closures and access
- Impact on adjacent businesses
- Impact on road network and lack of alternative routes
- Cumulative impact with airport traffic causing issues on Long Lane
- Alternative construction routes via A30 or Silverdown Park
- Concerns with noise impact from transformers
- Development at Power Park and cumulative impact

PLANNING ASSESSMENT

The key considerations in the determination of this application are:

- A. The Policy Context and Principle of Development
- B. Landscape and Visual Impact
- C. Transport, Access and Movement
- D. Sustainability and Climate Change
- E. Biodiversity and Ecology
- F. Archaeology and Cultural Heritage

- G. Air Quality and Health
- H. Amenity, Noise and Vibration
- I. Flood Risk and Drainage
- J. Ground Conditions and Contamination
- K. Agricultural Land and Soils
- L. Design and Layout
- M. Arboricultural Impact
- N. Airport Safeguarding

A. THE POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

Strategy 7 (Development in the Countryside) of the EDLP (2016) states that the countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 39 (Renewable and Low Carbon Energy Projects) of the EDLP (2016) states that renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed.

In the 2023 National Planning Policy Framework (the NPPF), Paragraph 20 seeks to ensure, amongst other things, that plans make sufficient provision for energy infrastructure. Paragraph 152 advocates that the planning system should support a transition to a low carbon future. Paragraph 158 states that in the case of renewable or low carbon energy, there is no requirement to demonstrate the overall need for such development, and that applications should be approved if the impacts are, or can be made, acceptable.

The application seeks approval for a converter station with all matters reserved. The proposal would be located on green field land to the east of Harriers Court on Long Lane.

The application site lies outside of any Built-Up Area Boundary (BUAB) designated in the adopted Local Plan meaning that this site is considered to be located in open countryside as set out in Strategy 7. Strategy 7 also sets out that development in the countryside is resisted except where it is explicitly supported by a specific Local or Neighbourhood Plan policies and where that development would not harm the distinctive landscape, amenity and environmental qualities of the area in which it is located.

The site is located near to Exeter Airport and is located in part of the district whereby major development is proposed, approved and supported as identified in Strategy 9 (Major Development at East Devon's West End). It is stressed that the 'West End' is not a defined policy area but is a term that refers to the group of schemes highlighted within the policy. Strategy 9 does not include the provision of a converter station and the site is not allocated for any form of development. Furthermore, there are no policies in the Rockbeare Neighbourhood Plan (2018) which supports a converter station or development on this site. However, this is not a typical planning land use or type of development that would usually be specifically covered in a local or neighbourhood plan and relevant policies support the sustainable development, low carbon projects and protection of the landscape.

The NPPF (2023) sets out a presumption in favour of sustainable development and Paragraph 11d sets out that where there are no relevant policies or the policies are out-of-date, sustainable development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be resisted. As noted above, there are considered to be no directly relevant policies and the

current local plan is considered to be out of date as it was adopted more than 5 years ago. The NPPF sets out that pursuing sustainable development involves meeting three overarching objectives (economic, social and environmental) which include building a strong and competitive economy, support strong and healthy communities and protecting and enhancing our built and natural environment. The environmental objective also seeks to mitigate and adapt to climate change, including moving to a low carbon economy.

The development would result in harm to the surrounding countryside however it would result in a biodiversity net gain, would be district heating (DH) ready, would support economic growth and would support the UK's movement to a lower carbon economy. The proposed development would overall be considered as 'sustainable development' as defined by Paragraph 8 of the NPPF. The NPPF also states that applications for renewable or low carbon energy should be approved if the impacts are, or can be made, acceptable. In this case and as set out later in this report, officers consider the mitigation measures would result in an acceptable development.

Low carbon energy projects are defined in the EDLP and NPPF as including technologies 'that can help reduce emissions (compared to conventional use of fossil fuels)'. Strategy 39 (Renewable and Low Carbon Energy Projects) supports renewable or low carbon energy projects in principle and the purpose of the converter station is to allow for the transfer of electricity between Britain and France. A key aim of the development is to replace high carbon fossil fuel generation in Britain with lower carbon nuclear generation from France and it is considered that this strategy offers some support for the overall principles of the development. However there is no guarantee that the electricity generated and transferred is from low carbon or renewable sources but in general the electricity network in France is lower carbon than the UK's. The electricity grid in France is dominated by nuclear power, which accounts for around 71% of electricity produced with renewables accounting for 21% and coal, oil and gas accounting for 8%.

Application 16/2997/MOUT was previously approved on this site for the construction of a 1400MW converter station. As this permission has now lapsed it is only given very limited weight. The associated Planning Committee Report outlined that the proposal was contrary to Strategy 7 and would result in harm to the landscape but the wider public benefits outweighed the harm. The proposed development under this application would be smaller in output and smaller in built form when compared to the approved station and therefore potential impacts would be similar or no worse than the previously approved application.

Britain does have existing interconnectors with some neighbouring countries such as the Viking Link (East Lindsey, Lincolnshire). However, there are further challenges for the British and European energy systems in terms of competitiveness, sustainability and security of supply. As such, there is governmental support both nationally and at a European level for greater electricity connection and government support is contained within various publications such as the Energy White Paper 2020. Prior to the withdrawal of the UK from the European Union, the FAB link interconnector was a Project of Common Interest (PCI) under the provisions of the EU TEN-E (Trans-European Networks for Energy) Regulations. The TEN-E Regulation established that PCIs were necessary to take forward EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. PCI's had national significance and planning considerations which weigh heavily in favour of the proposal despite conflicts with local plan policies. Since leaving the EU and the PCI framework, the importance of electricity interconnectors, and the public interest served by them, has been reaffirmed in UK Government policy and the support for them had been re-established with our European neighbours which continues to weigh heavily in favour of the proposal notwithstanding any conflict with local plan policies.

As part of the previous outline application, the applicant went through a site selection process, looking at the location, technical requirements, environmental considerations and land availability and this site was selected. The applicant went through the following site selection stages:

- 1) Stage 1 - Review of GB connection options to the National Grid.

- 2) Stages 2 and 3 - identification of site opportunities using environmental and land use criteria of a 5km radius of the Exeter sub-station. Seven sites were identified and a further site selection process was carried out looking at availability, landscape appraisal and abnormal load routes.
- 3) Stage 4 - a review of the Exeter study area to determine whether other sites may exist with less visual intrusion and better access to the road network which widened the study area.
- 4) Stage 5 - the shortlisted sites which were potentially available were further reviewed for technical requirements, environmental considerations and land availability. The identified six sites were narrowed down to three before deciding on the current site.

This process is considered to have been comprehensive and has reasonably identified the present site using the criteria. In terms of the requirements for the converter station, its location, the time available and the environmental constraints in the area, it is considered that the site selection is reasonable.

In terms of benefits to East Devon, the applicant has identified these as:

- 1) Direct and indirect employment during construction.
- 2) Direct and indirect employment during the operational phase with additional subcontractors for grounds maintenance and general services.
- 3) Highway improvements to Long Lane (Passing Places)
- 4) Payment of Business Rates to EDDC.
- 5) Direct employment of specialist work during the preparation of the project with local businesses.
- 6) The opportunity for local residents and businesses to benefit from reduced costs of electricity, increased resilience to the network and a contribution to low carbon energy targets.
- 7) Payments to local landowners for easement agreements which will boost spending in the local economy.

The main benefits can be seen as either direct or indirect employment opportunities during the construction and operational phases which is welcomed but nevertheless this is seen as a limited benefit compared to the size of the project. Further benefits include a biodiversity net gain and additional planting. The proposal would also be DH ready to market the heat to connect to the existing network.

Overall, the development would meet an essential need for additional electricity supply capacity, which is required in the national and public interest. However, the proposed development is considered to be contrary to Strategy 7 of the EDLP and there are no supporting policies within the Rockbeare Neighbourhood Plan. As previously noted, this is not a typical land use, there are no directly relevant local plan policies and there are material considerations which must be given weight in the decision making process. These include the need for the development, energy security and transition to lower carbon electricity as well as Strategy 39 which offers support in principle. The previously approved outline application (16/2997/MOUT) is also given limited weight. The NPPF also supports sustainable development and states that renewable or low carbon energy project should be approved if the impacts are, or can be made, acceptable. It is for the decision makers to decide what weight should be attached to all the material planning considerations and other issues identified further in this report when weighing up the harm and benefits.

B. LANDSCAPE AND VISUAL IMPACT

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the EDLP (2016) states that development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Development will only be permitted

where it: 1. conserves and enhances the landscape character of the area; 2. does not undermine landscape quality; and 3. is appropriate to the economic, social and wellbeing of the area.

Policy D2 (Landscape Requirement) of the EDLP (2016) states that existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. Measures to ensure safe and convenient public access for all should be incorporated. Measures to ensure routine maintenance and long term management should be included. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Policy No. Rock05 (Important Views and Vistas) of the Rockbeare Neighbourhood Plan (2018) sets out that there are important panoramas, vistas and views within Rockbeare that contribute to its rural character and the quality of the countryside. Development should not significantly compromise the following panoramas, vistas and views: E. View northwards from Long Lane

The applicant has provided a Landscape and Visual Impact Assessment (LVIA) within the Environmental Report. The 2023 LVIA sets out the relevant changes from the 2016 LVIA and responds to the Rockbeare Neighbourhood Plan which was adopted following the approval of the previous outline application.

The application site is located within the 3E Lowland Plains Landscape Character and is also within the Clyst Lowlands Farmlands Devon Character Area. The highest part of the site is in the south eastern corner (41.5m AOD) with the lowest part of the site in the north western corner (36.3m AOD). The wider Clyst Valley landscape is gently undulating in its character and with some local rises such as the land near Treasbeare Farm (50m AOD). In the much wider landscape there are a number of more prominent ridgelines that occupy higher land above the Clyst Valley.

The development would be located in the defined countryside where one of the principal policy aims is to protect the distinctive landscape, amenity and environmental qualities of our rural areas. The site is currently an arable field, surrounded by other fields with Long Lane along the southern boundary. The area whilst predominately countryside is not completely undeveloped with a small industrial estate close by to the west, a larger group of commercial/hotel/training buildings around 500m to the west, the A30 trunk road to the south, Exeter Airport's runway to the north west and a small scattering of farm buildings to the east. The settlements of Cranbrook and Rockbeare approximately 2km to the north.

As stated above, government advice recognises the importance of the countryside and this is reflected in Strategy 46. The site is not in a designated landscape but is around 3.5km from the East Devon AONB. Treasbeare House (Grade II) is located around 900m north west and Rockbeare Manor and Park and Garden is located about 900m to the east of the site.

The submitted LVIA includes a number of additional viewpoints as requested by officers including Cranbrook and Treasbeare Farm. The LVIA concluded that the proposal would impact residential visual amenity from Treasbeare Farm and any harm to Cranbrook would not be significant. Officers requested views from the East Devon AONB however updated views were not received.

The Council has reviewed the submitted LVIA and the findings are generally accepted. However EDDC Landscape Architect has outlined the following exceptions. For Viewpoint 2 Rockbeare Recreation Ground, the view is taken from lower lying land and the proposal would be more prominent than shown. The Officer recommended off-site planting to screen the proposal. For Viewpoint 3 Silver Lane at Higher Southwood Farm, the growth of new planting is considered to be faster than the typical growth rate of between 0.3 and 0.5m a year. The Landscape Architect considers that the screening

would take 30 years to reach the heights indicated. The applicant responded and stated that it would consider off-site planting subject to agreement with the Parish Council and landowner and that the height of planting is not unrealistic.

In terms of the impact of the development on the character and appearance of the area, it is considered that the converter station would result in harm to the appearance and character of the site itself and due to the scale and nature of the development, will have a significant impact on the locality of the site. The impacts of the converter station on the landscape will be during construction and remain afterwards during the operational phase. The scale of the development and the industrial appearance with significant elements of exterior equipment and plant would result in harm to the character of the local area which is countryside. The proposal would therefore be in conflict with Strategy 46. When compared against the previously approved development, the overall impact is considered to be similar or no greater and it is acknowledged that the station under this application would be smaller in footprint but not in overall height.

The proposal would also be in conflict with Policy No. Rock05 (Important Views and Vistas) of the Rockbeare Neighbourhood Plan (adopted 2018) and would result in harm to important view E.

It is acknowledged that from some viewpoints, the development could be seen in context with the existing development in the area and would be compatible with the industrial scale of development at the Airport, Skypark and the Logistics Park. The tallest building at the airport is 12m in height. It is also noted that the Power Park development (ref. 22/0914/LDO) has been approved around 500m to the west with the maximum height of building set at around 13m (52 AOD). However, the converter station site would be located east of any existing development along Long Lane. The existing commercial and industrial buildings are generally up to 2 storeys in height with a maximum height of 10m. The other existing development of a hotel, training facility and the airport business park are all significantly closer to the airport and in terms of scale and appearance, are more appropriate to their setting. By its very function, the converter station will have an unusual appearance and the large size will make it prominent and of a different character to the other developments which, in turn, would result in an adverse change to the countryside of the locality. The Skypark (located on the former airfield) and Logistics Park are also allocated development sites in the EDLP whereas the application site is not allocated for development.

In terms of longer views and the impact on the wider landscape, the development due to its size and height will have an impact on the wider area albeit less than the closer locality. As part of the previous application, Historic England stated that the impact on the setting of the Registered Park and Garden and Rockbeare Manor would be largely acceptable but considered mitigation would be beneficial. As part of this application, no objections were received from Historic England. It is from the wider area including views from the East Devon AONB, that the development would be seen more in the context of other existing and planned developments in the area although this would not be the case from all viewpoints. Due to the nature and scale of the development, the impact on the wider area would be moderately adverse.

The overall conclusion is that the impact of the development on the landscape would be negative and this would conflict with the aims of government and local policy. However, consideration needs to be given as to whether mitigation could suitably reduce this impact to a more acceptable level and Paragraph 158 of the NPPF states that in the case of renewable or low carbon energy, applications should be approved if the impacts are, or can be made, acceptable. The parameter plan submitted to set out the important principles to be approved at this stage includes the provision of a landscape buffer area around the periphery of the site of at least 10m in width. Existing trees on the north and west boundaries would be retained. There is no land beyond the site boundaries that is controlled by the applicant to allow further planting.

The overall strategic landscaping and design would be reviewed as part of any reserved matters applications. A suitable landscaping scheme would help integrate the development into the landscape

although this would take a number of years to become fully effective. An advanced planting condition is also proposed to ensure planting is delivered as early as possible. A sensitive design and the use of suitable materials could also help to reduce the impact of the development on the landscape and would have a more immediate effect. The applicants have noted, however, that it will be utilitarian in form and there will be few opportunities to positively influence the scale, design and appearance of the development. The mitigation proposed would therefore have a positive effect on reducing the impact of the development on the landscape, particularly from wider areas but nevertheless, this will only be partial mitigation and cannot significantly eliminate the impact on the landscape, particularly in the short and medium term and bearing in mind the design constraints identified by the applicant.

The scheme will give rise to major and significant adverse landscape and visual effects on receptors within and in the immediate vicinity of the site and lesser effects on a number of visual receptors particularly to the north and east of the site. It is accepted that the level of landscape and visual effects will be no greater than for the previously approved scheme and that mitigation is proposed to reduce the overall impact. However due to the nature, location, and scale and size of the development, there will remain an adverse impact on the landscape, particularly from areas in the locality of the site and the proposal would conflict with Strategy 46 as well as Policy No. Rock05 (Important Views and Vistas) of the Rockbeare Neighbourhood Plan 2018. When balancing the harm of the development against the public benefits and interest, it is considered that the public benefits and significance of the development nationally would on balance outweigh the harm to the character and appearance of the countryside. Additionally, it is considered that the mitigation proposed and secured via conditions would help to make the development acceptable.

C. TRANSPORT, ACCESS AND MOVEMENT

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The site is located north of Long Lane which is linked to the B3184 (Exeter Airport Road) and the A30 trunk road. From the B3184 to the Future Skills Centre, Long Lane has undergone widening works to ease traffic and allow for larger vehicles. However Long Lane is still single carriageway in parts and from the Future Skills Centre to the application site, the road varies in width and relies on passing places. Exeter Airport and Business Park are served by bus services into Exeter City Centre every

20 minutes and services to Pinhoe Station, Exmouth and Budleigh Salterton. Bus stops are located at the Future Skills Centre (10 minute walk) and Exeter Airport (18 minute walk). The Airport and Business Park are also well connected by cycling routes to surrounding settlements and employment sites.

During the operational phase, the converter station will only employ up to 7 full time equivalent staff members and consequently there will be a negligible traffic demand at the site and only occasional van movements. National Highways and DCC Highways have not raised any concerns with traffic movements during the operational phase of the development.

The main traffic demands will be through the construction phase and the submitted Transport Assessment (TA) identifies that the construction period would be over 48 months and would generate per day an average of 155 two way vehicular movements, 40 of which would be HGVs, 4 of which would be vans and 111 of which would be cars. The number of daily HGV movements will peak at up to 85 two-way movements per day, whilst the maximum number of total daily movements (HGVs plus vans plus cars) will peak at up to 274 two way movements per day. The proposal would generate approximately up to 7 Abnormal Indivisible Loads (AIL) in total during the construction phase. This is similar to the previously approved application however it is now anticipated that the construction period would be 48 months rather than 34 months meaning that the impact on the local network would be for an additional 14 months.

The Converter transformers themselves would be brought to site from the nearest suitable port and will comprise of 7 Abnormal Indivisible Loads (AILs) as each transformer transport vehicle may be up to 5m wide and over 200 tonnes gross weight. No AIL movements are permitted to the site via the Strategic Road Network (SRN) without the necessary advance approvals from National Highways. The returning empty vehicles would not be AILs because they 'close-up' after unloading the transformers.

To deal with the increase in construction traffic, it is proposed to provide minor widening works to Long Lane to accommodate the AILs and passing places will be provided from the Future Skills Centre to the application site to allow construction HGVs to pass and move. Appendix 11 of the TA shows 7 potential passing places from the site to the Future Skills Centre with the final details and locations of these to be secured via conditions. As part of the previously approved application, passing places were proposed from the B3184 to the site however as noted above improvements to Long Lane have been completed to facilitate the Power Park Development.

DCC highways and National Highways have been consulted on the application and both have recommended approval subject to conditions. DCC Highways have recommended a CEMP to be secured via a condition and have stated that the mitigation provided would reduce the impact on the local highway as best as possible. National Highways are satisfied the traffic impact of the development is unlikely to result to an unacceptable impact on the safe operation of the SRN subject to the submission of a Construction Traffic Management Plan (CTMP). This would provide full details of any road closures, temporary traffic measures, and signage and AIL routes and would be secure via a condition.

It is acknowledged that the traffic generation during the construction phase is high however it is not forecasted to exceed that previously approved. The main change is the length of construction however improvements to Long Lane have now been completed. As DCC Highways and National Highways have recommended approval it would be unreasonable to refuse the application on this matter.

The development has resulted in letters of concern from neighbouring properties, businesses and the Environment Agency located around the Harriers Court/Antiques Complex. These concerns relate to access during the construction period and seeking assurances that any measures would not restrict access or prevent deliveries. These concerns have been reviewed by the applicant who emphasises that a highway mitigation scheme has been proposed to provide a safe and suitable access

arrangement. Details relating to traffic management and passing places would be reviewed as part of the CEMP and CTMP and the passing places would be left in situ following the construction which could help residents and business in the long term. The applicant is also clear that there is no intention or requirement to close Long Lane during the construction or operation of the converter station and vehicular access will be maintained to all businesses and property within Harrier Court. In any case, the applicant would work with local properties and businesses.

Access to the site is a reserved matter but it is known at this stage that up to two access points would be required through the southern boundary of the site. The LPA, given the smaller scale of the development is of the view that only one access point is required however a second construction access point is supported assuming that the hedgerow removed is re-planted. The parameter plan shows the broad areas for the access points which avoids trees although sections of the frontage hedge will need to be removed but this would be compensated for by additional planting around the site and the monitoring of potential species.

The illustrative layout shows that some parking will be provided on site to serve the operational demands of the site but it is noted that parking is a reserved matter and would be dealt with at a later date. Given that the site would employ up to 7 full time equivalent staff members, the level of car parking required is considered to be low. The LPA would also secure EV charging points as part of any reserved matters application.

Policy TC2 requires development to be located so as to be accessible by pedestrians, cyclists and public transport to minimise the need to travel by car. There are dedicated cycle routes in the area but they do stop short of the site (by about 700m) which would require cyclists to use Long Lane itself along part of its route. As noted above, the nearest bus route stops would be at the Future Skills Centre and Exeter Airport. Despite a bus stop being within walking/cycling distance of the site, the site is not particularly access by pedestrians and cyclists as there is no dedicated route. However, as the operational phase would only generate a small number of staff, it is considered that this issue is not accorded significant weight in the determination of the application.

In terms of transport, the proposed development is considered to be acceptable subject to a series of mitigation measures to be secured via conditions. The proposal is therefore in accordance with TC2, TC4 and TC7 of the EDLP.

D. SUSTAINABILITY AND CLIMATE CHANGE

Paragraph 152 of the NPPF (2023) states that the planning system should support the transition to a low carbon future in a changing climate. It should help places to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Strategy 38 (Sustainable Design and Construction) of the adopted Local Plan (2016) states that encouragement is given for proposals for new development and for refurbishment of, conversion or extensions to, existing buildings to demonstrate through a Design and Access Statement how:

- a) Sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;
- b) The development will be resilient to the impacts of climate change;
- c) Potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.
- d) Biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.

Strategy 39 (Renewable and Low Carbon Energy Projects) of the adopted local plan (2016) states that renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed.

Strategy 40 (Decentralised Energy Networks) of the adopted Local Plan (2016) states that decentralised Energy Networks will be developed and brought forward. New development (either new build or conversion) with a floor space of at least 1,000m² or comprising ten or more dwellings should, where viable, connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution.

The overall purpose of the interconnector to France is to transmit electricity to Britain and vice versa if necessary. The interconnector is also to be routed via waters near Alderney but does not make landfall to take advantage in the future of tidal electricity generation in the seas around the island. This should allow higher carbon electricity generation in Britain, in part, to be replaced by lower carbon nuclear generation from France, together with improved energy security. Interconnectors can therefore help with smoothing the variability of renewable generation across different areas and facilitate the connection and integration of renewables. The proposal as noted above is considered to be a low carbon project under the NPPF and Strategy 39 which is supported in principle.

In terms of sustainable design and construction, the detailed design of the station is a reserved matter and a condition shall be attached to the decision notice requiring the submission of a Sustainability Statement. The statement shall detail how the proposal and its design addresses the requirements of Strategy 38 and Strategy 40. The LPA has recommended that PV panels are included on the roof of the converter station to generate electricity.

The DC to AC conversion process at the converter station loses 0.5% of the energy transmitted in the form of waste heat. This 6.25MW of waste heat is produced at 45-50 degrees Celsius for 90% of the year and amounts to 55.2 GWh, sufficient to heat around 3,000 typical UK homes. Heat in the converter halls is generated by the water cooled inverter valves. Cooling water is supplied to the valves and the heated water is then circulated outside to fan cooled air radiators where the temperature is dropped before returning to the converter halls.

The proposed FAB Link project is a transmission scheme and not an energy generation scheme, although provision was made in the previously approved layout for the future export of waste heat to the existing district heat network. Condition 13 of the original outline consent required details to be submitted as part of the reserved matters application(s) to enable the future use of waste heat from the site in a decentralised heat network. As with the previously approved scheme, provision has been made within the illustrative proposals to enable the converter station to be 'DH ready' and details would be required as part of the reserved matters application(s) to enable the future use of waste heat from the site in a decentralised heat network. The applicant has confirmed that they agree to the principal of connecting to the DHN if it is financially viable to do so and as such conditions are proposed which aim to strike the balance between ensuring that all reasonable requirements to secure the use of the waste heat are pursued and also recognising that there may be constraints outside the reasonable control of the applicant such as technical issues or no reasonable offer to take the heat being received from other third parties. Whilst the condition does not guarantee delivery of the DHN connection it would not be reasonable to make this an absolute requirement through, for example, a legal agreement as the ability to deliver the connection is reliant on third party cooperation.

In terms of waste, it is acknowledged that there would be waste arising from the construction of the proposal and some from the operation. Waste arising from the development can be mitigated through the implementation of a Waste Strategy attached to any approval.

In terms of sustainability, the overall design of the building is a reserved matter however the proposal in principle is supported by Paragraph 154 of the NPPF (2023) and Strategy 39. The proposal would be DH ready subject to conditions in relation to further details and securing a connection.

E. BIODIVERSITY AND ECOLOGY

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 180 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 180(d) of the NPPF that opportunities to improve biodiversity in and around development 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.

Strategy 47 (Nature Conservation and Geology) of the EDLP (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Policy EN5 (Wildlife Habitats and Features) of the EDLP (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites.

The closest designated site is the East Devon Pebblebed Heaths SPA/SAC/SSSI, located about 3.5 km to the south east of the site. There are also a number of non-statutory designated sites within 2 km of the site, the nearest being the Beautiport County Wildlife Site (ponds with amphibian interest) a short distance to the south (c.100m), Great Covert Unconfirmed Wildlife Site (UWS) to the south east and Exeter Airport Other Sites of Wildlife Interest (OSWI) to the north west.

A Preliminary Ecological Appraisal of the proposal has been completed and the 2023 Environmental Report concludes that the proposals will be unlikely to have direct impacts on any statutory or locally designated site for nature conservation. Natural England raised no objection to this planning application.

In terms of the local sites, it is considered that disturbance from noise, light and increased human activity would be unlikely but there could be some limited risk from contamination and air-borne pollutants. Mitigation during construction could be controlled through the requirement for a Construction and Environmental Management Plan (CEMP) and during operation, a plan detailing how fuels or other toxic materials would be dealt with including an emergency procedure.

In terms of hedgerows and trees, there are managed hedgerows around the site boundaries with a number of oak trees in the southern and western hedgerows. The main site is in arable production and has a low ecological interest. The parameter plan submitted shows that these boundary trees are to be retained with at least a 10m landscaping zone to protect their root protection area and the existing hedgerows are to be retained except to gain access through the southern boundary. The proposed development will not therefore have any significant impact on trees subject to a full tree survey secured via a condition.

Policy EN5 requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. In terms of protected species, mitigation is proposed for possible impacts on birds, bats, dormice and badgers to include:

Birds - records of 2 species of birds (house sparrow *Passer Domesticus* and skylark *Alauda arvensis*) were identified around the site. Clearance of vegetation outside the nesting and breeding season and, if this cannot be avoided, inspections by a qualified ecologist to ensure no nests are present and setting up exclusion zones if necessary. As mitigation additional planting is proposed.

Bats - The desk study identifies the presence of 11 species of bat within 5km of the proposed development site. The 2023 surveys confirmed that the southern boundary was the most important feature for bat activity. The proposals include the retention of hedgerows and trees. Additional surveys are required prior to works and temporary works and permanent operational lighting should be controlled to limit light spill. As mitigation additional planting is proposed.

Dormice - The presence of dormice is likely in the existing hedgerows and there are records of hazel dormice (*Muscardinus Avellanarius*) within 1.9km of the site. Any hedgerow removal needs to be done as a phased approach as set out in the Dormouse Conservation Handbook. Any area to be cleared should be inspected by a suitably qualified ecologist. Additional planting is proposed to mitigate the loss of hedgerow removal on Long Lane. Licence required if dormice are present on site.

Badgers - Evidence of the presence of badgers was confirmed with an active single hole sett. The sett is within a hedgerow proposed to be retained. The scheme design should be managed to avoid the need for construction works within 30m of the sett to avoid disturbance to any badgers using it. An additional badger survey is required and should additional setts be identified, a Natural England Licence will be needed.

Invertebrates - The desk study did not identify any new records of invertebrates within 2km of the proposed development site. The majority of hedgerows would be retained and additional planting proposed.

Reptiles - A record of great crested newts was identified 2.1km from the proposed development site. The proposal will not result in damage to any habitats likely to be of value to amphibians as it primarily affects arable ground.

Taken together it is recognised that for Badgers and Dormice, the proposed works could require a European Protected Species Licence from Natural England. In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application.

The three tests are:

- i. the activity must be for imperative reasons of overriding public interest or for public health and safety;
- ii. there must be no satisfactory alternative
- iii. favourable conservation status of the species must be maintained

In this case it is considered that the imperative reasons of overriding public interest can recognise the comprehensive nature of development that is proposed – that is the construction of a converter station, associated energy security and lower carbon electricity.

In considering whether there is a satisfactory alternative it is noted that the development is of local and national significance and the site was selected through a comprehensive site selection process. As explored already within the report, a converter station was previously approved on this site and changes have been made to reduce its overall impact.

To mitigate for the loss of habitats, significant additional (new) habitat is being created across the site to provide new and enhanced foraging opportunities. The full suite of mitigation will be brought together in an Ecological Mitigation Strategy to be secured via a condition. As part of the scheme the applicants has committed to provide a 10% Biodiversity net gain which can support habitat creation for the protected species and therefore further secure their ecological status on the site.

With appropriate conditions to secure details of the mitigation, it is considered that the ecological status of the protected species can be maintained in a favourable condition. On this basis (and as wildlife moves around) further up to date protected species surveys at subsequent reserved matters stages will also be required. These can be secured at the validation stage of such application using the validation checklist and there is no need for further conditions on this application.

Having regard to the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

The District Council's Ecologist reviewed the application and initially submitted a holding objection due to the date of the bat surveys which were undertaken in 2016. The District Ecologist recommended that updated bat activity surveys were submitted. The applicant instructed additional Bat Surveys in August and September 2023 and the findings were reported to the District Ecologist. The District Ecologist reviewed and stated that the outlined proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

The mitigation proposed as part of this application will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report. It is noted that due to the location of Exeter Airport, the provision of bird and bat boxes are not recommended as these would encourage birds and bats in close proximity to the airport.

Biodiversity Net Gain (BNG)

As part of this planning application, a biodiversity net gain of at least 10% is expected based on the most up to date metric. The current version of the metric is 4.0 and this version was used to calculate the BNG for this site.

The existing site is an intensively farmed arable field and based on the illustrative landscape scheme the BNG assessment metric indicates that the scheme will present a 46.52% increase in habitat units and an 88.49% increase in hedgerow units. This would be through the enhancement of hedgerows, and planting of suitable species rich grassland and scrub/shrub areas within the landscape design.

Whilst the final landscaping scheme would be secured as part of a reserved matters application and the BNG needs to be secured via a condition and then be evidenced in the subsequent reserved matters, it is considered that the application site would result in a BNG of at least 10%.

F. ARCHAEOLOGY AND CULTURAL HERITAGE

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty of the decision-maker where a proposed development would affect a listed building or its setting, stating: "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 195 of the NPPF requires that Local Planning Authorities identify and assess the particular significance of any heritage asset. Paragraph 199 requires that great weight is given to the conservation of designated heritage assets and this position is further supported by EDLP Strategy 49 (The Historic Environment) and Policies EN7 (Proposals Affecting Sites Which May Potentially Be of Archaeological Importance), EN8 (Significance Of Heritage Assets and Their Setting) and EN9 (Development Affecting A Designated Heritage Asset).

In terms of archaeology, Chapter 5 of the Environmental Report 2023 sets out that a programme of desk-based studies, geophysical survey and trial trenching has identified that the application site contains remains associated with the use of the airfield in WWII, also features associated with agricultural activity such as former field boundaries and extraction pits subsequently used as ponds.

As part of the previous outline application, geophysical surveys had identified an anomaly that may be indicative of the presence of an earlier field system on a different alignment to the current field system. The Historic Environment Team at Devon County Council at that time considered that the ground works associated with the construction of the converter station have the potential to expose and destroy any archaeological and artefactual deposits and consequently the submission of a programme of archaeological works to be carried out was requested.

Subsequent work was undertaken and a report submitted to the Historic Environment Team at DCC. This confirmed that there are no significant archaeological features on the site and the anomalies shown up on the original geophysical survey were more to do with changes in the properties of the topsoil rather than representing archaeological features cut into the subsoil. As part of this application, DCC's Historic Environmental Team made no comments with no further archaeological mitigation required.

In terms of designated heritage assets, the site is located 400m from Lower Southwood Cottage and Farmhouse Grade II Listed, 850m from Little Silver Grade II and the Nook Grade II, 950m from Treasbeare Farmhouse Grade II and 900m from Rockbeare Manor Grade II Park and Garden. Rockbeare Manor Grade I is approximately 1.5km to the east of the site.

- a. Lower Southwood Farmhouse and Cottage - a Grade II listed building located about 400m east of the site. This is the closest listed building to the site and an element of its significance is the predominantly agricultural setting. There would be views of the site from the listed building and agricultural land in between where the scale of the development would have some harmful impact on the setting albeit this would be slight due to the separation distance and the presence of other commercial buildings in the area (albeit further away and smaller in scale).
- b. Little Silver - a pair of Grade II listed cottages located about 850m to the north-east of the site. There would be views of the site from these properties which have an agricultural setting. As with Lower Southwood Farm, there would be some harmful impact on the setting but this would be slight due to the separation distance and some existing commercial development in the area.
- c. The Nook - a Grade II listed cottage located about 850m to the north-east of the site. The converter station would be visible from the site and the impact on the setting would be similar to Lower Southwood Farm and Little Silver.

- d. Treasbeare Farmhouse - a Grade II listed farmhouse located around 950m north west of the site. There would be views from the farmhouse to the site and farmland around the building is allocated for SANGS as part of the Cranbrook Plan DPD. There would be some harmful impact on the setting which is predominately agricultural but this would be limited due to the separation distance, presence of the airport and some existing commercial development in the area.
- e. Rockbeare Manor Registered Historic Park and Garden - a Grade II Historic Park and Garden located about 900m to the east of the site. The proposed converter station would be visible from some parts of the park but would be to a limited degree be seen with existing commercial buildings and the airport further to the west. As such, the application considered that there would result in a loss of significance from the change to the setting although was considered to be slight only. Historic England made no comments on the application but further work was undertaken as part of the approved outline application to satisfy the concerns Historic England made at the time.
- f. Rockbeare Manor - a Grade I listed Regency period country house located about 1.5 km to the north-east of the site. Also at the Manor there are other associated listed buildings and structures, listed of grade II* or II. The same conclusions on the park and gardens by Historic England are reached concerning the setting of the Manor.

There is also likely to be a very small loss of significance to other designated heritage assets located further afield including Lions Farm (Grade II), Farringdon House (Grade II) and Killerton House and its Registered Park and Garden (both Grade II*). In terms of Killerton House, there is a Setting Study which just includes the site within the setting study area. There are no key views of the site identified and seen with Cranbrook, the airport and commercial buildings in the locality, there would be no discernible loss of significance as a result of changes to the wider setting.

The setting of a designated heritage asset is an important element in the significance of these assets and accordingly the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special regard to the desirability of preserving the setting of listed buildings. Therefore, considerable importance and weight should be given to the preservation of setting when carrying out the balancing exercise in decision making. The NPPF identifies that where a development will have less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. However, even if the harm is less than substantial, the balancing exercise should not ignore the overarching statutory duty and the emphasis should be on avoiding harm either by designing it out or suitable mitigation. Due to the scale of the development within open countryside, it is acknowledged that there would be a loss of significance to a number of nearby designated heritage assets resulting in less than substantial harm. In terms of proposed mitigation, planting is proposed on the periphery of the site which will help integrate and screen the development into the landscape but this will only go so far and would be assessed as part of any reserved matters application and therefore consideration also needs to be given to the contribution that the asset's setting makes to its significance, the degree of harm and public benefits.

A converter station has previously been approved on this site which is a material consideration and EDDC's Conservation Team stated that "having regard to the reduced/smaller scale of the now proposed scheme it is likely that there will be no additional impact from the revised scheme and in fact any impact would actually either be the same or reduced". The 2023 Environmental Report submitted by the applicant states that "the effects on designated heritage assets represent less than substantial harm" and "the benefits to the public of the FAB Link interconnector...clearly outweigh the harm to any designated heritage assets".

In summary, the LPA recognises that there would be a loss of significance to several designated assets resulting in less than substantial harm and conflict with Strategy 49 and Policies EN7, EN8 and EN9. The proposal would include some mitigation however this would be limited and would not entirely screen the development. The public benefits of the scheme include energy security, a transition to low carbon electricity, employment, a biodiversity net gain and the station would be 'DH

ready'. Furthermore, this is a Project of Common Interest and is nationally significant in terms of energy with support from both the UK and French Governments. In balancing these considerations, the lack of an objection from Historic England and EDDC Conservation and the significant public benefits and the mitigation proposed would on balance outweigh the identified loss of significance through changes to the wider setting.

G. AIR QUALITY AND HEALTH

Paragraph 174 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of air pollution. This is reflected in Policy EN14 of the EDLP which does not support development that would result in unacceptable levels of pollution to the atmosphere.

Chapter 6 of the 2023 Environmental Report considers the implications of changes to the proposed converter station in relation to air quality and concludes that there will be no change in the effects previously identified during the construction and operational phases.

Air quality is mainly relevant during the construction phase from potential dust and particulates. In particular, the generation of dust through earthworks, construction and vehicular movements could be large but the assessment considers that the construction dust impacts will be medium due to the medium level of sensitivity of the surrounding area dominated more by commercial uses than residential. The District Council's Environmental Health Officer has recommended that the council secures a Construction and Environment Management Plan (CEMP) which will include air quality to ensure that the proposed mitigation measures are secured as part of the construction process and this condition is included in the recommended conditions within this report.

During the operational phase, the traffic to the site will be low and mitigation is not required to cover air quality as the impacts will be minimal.

Therefore the proposal is considered to be in accordance with Policy EN14 subject to conditions.

H. AMENITY, NOISE AND VIBRATION

Section 12 of the NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 185 of the NPPF requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Policy EN14 of the EDLP protects against development that would cause unacceptable noise pollution.

Policy D1 of the EDLP sets that that development proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The nearest employment units are 80m to the west of the site which would be occupied by workers during the day. The closest neighbouring residential properties are approximately 215 from the site and are located within the Antiques complex. There is also existing noise from the A30, Exeter Airport Business Park and Exeter Airport.

An updated assessment of the impact of the development in terms of noise and vibration is set out in Chapter 7 of the 2023 Environmental Report. In terms of vibration it is considered that during construction the only potential vibration impact would be from piling works and due to the separation distance to the nearest noise sensitive receptors this is not likely to be significantly harmful subject to mitigation being considered in the CEMP. The plant associated with the operational phase would not generate sufficient levels of vibration to result significant harm.

Noise impacts may arise during construction activities and has therefore been assessed as part of the application submission. The Environmental Health Officer has therefore recommended a condition to require a CEMP to be agreed which will include noise and this is included in the recommended list of conditions included in this report.

During the operational phase the main noise sources would be from the converter hall, super grid transformers and the cooling plant relating the level and character of the noise on receptors. The assessments carried out indicate that the level will be well below the background level during the day. At night the level would not exceed the background level by up to a margin of between 2dB and 3dB. At this stage, the equipment specifications and design have not been finalised but possible mitigation could include acoustic enclosures for the super grid transformers and locating the cooling plant away from the nearest noise sensitive receptors. Accordingly, suitable noise conditions are imposed on any planning permission to require details of how the buildings and equipment will be designed and attenuated to control noise emissions to an agreed level together with monitoring of the station when operational.

The Environmental Health Officer has considered the application and raised no objections subject to conditions.

The proposed development as set out within the parameters plan would have a total height of up to 20m. The nearest residential dwellings would be approximately 215m to the west. The proposed development would be screened by existing and proposed landscaping and existing buildings. Given the proposed separation distances between existing dwellings and the proposed development, it is considered that the proposed development would not have a detrimental impact on the residential amenities of existing occupiers in relation overshadowing, loss of light or loss of outlook. It is acknowledge that the development may be visible from some surrounding dwellings but this alone would not be a reason to refuse the application. The detailed design of the building and impact on neighbouring properties would be assessed as part of any future reserved matters application.

In summary, the proposal is considered to be acceptable in terms of amenity, noise and disturbance and would be in accordance with Policies D1 and EN14.

I. FLOOD RISK AND DRAINAGE

Paragraph 159 of the NPPF states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future). When determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Policy EN21 of the EDLP states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered.

Policy EN22 of the EDLP (2016) states that planning permission for new development will require that: 1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion. 2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development. 3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures. 4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications. 5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The site is located within Flood Zone 1 where there is a very low risk of flooding. In relation to surface water run-off, there is additional allowance made for climate change - originally at 20%, more recently at 40% and during 2022 increased to 45% within East Devon. For this application, the 45% allowance has been used for the 2023 Assessment. As required for a development of this size, a Flood Risk Assessment (FRA) has been submitted as part of the application.

During the construction period, there may be impacts on surface water and ground water flooding which could change the natural hydrological characteristics of the site and there may be a temporary increase in surface runoff due to the low permeability of the construction area. Detailed proposals for the management of surface water and silt run-off from the site during construction of the development shall be secured via a condition to any approval.

A surface water drainage strategy has been submitted as part of the FRA. The NPPF and the local plan policies promote the use of sustainable drainage systems (SuDS) which provides a number of benefits and it should be the aim to discharge surface water as high up the hierarchy of drainage options as reasonably practical with the preferred option being into the ground to mimic natural drainage such as infiltration and natural features.

Infiltration tests done on site which established unacceptable infiltration rates and therefore it has been proposed to employ attenuation drainage techniques before discharging to ground. This would consist of a network of gullies, linear drainage channels and some areas of permeable construction to discharge into the onsite gravity surface water network which would then feed into an attenuation ditch (area of about 2000 sqm) close to the northern boundary of the site before discharging into a field to the north of the site.

The application was reviewed by DCC Flood Risk, as the Lead Local Flood Authority who initially objected to the application and required additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. The applicant submitted additional information including a positive drained area of 2.2713 ha and demonstrated that the outfall pipe from the attenuation is within the project ownership. DCC Flood Risk reviewed the application and removed their object subject to a pre-commencement condition.

The Environment Agency were consulted on the application and raised no in-principle objection to the proposal in terms of their statutory planning remit. South West Water have no comments or concern with the application.

Therefore, the application is considered to be acceptable in relation to flood risk and drainage and would comply with Policies EN21 and EN22 of the adopted Local Plan.

J. GROUND CONDITIONS AND CONTAMINATION

Policy EN16 (Contaminated Land) of the EDLP (2016) states that where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will

be required. The assessment must be agreed with the Council and must: a) Identify and characterise the contamination; b) Identify the risks; and c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development. Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arisings.

The site is underlain by Aylesbeare Mudstone group and the underlying bedrock is classified as a secondary B aquifer which may store and yield limited amounts of groundwater. There are no Groundwater Source Protection Zones (SPZ) within 2 km of the site and the Environment Agency records show there are four licenced groundwater abstractions within 1 km of the site, for agricultural purposes.

The proposal has been considered by the applicants for potential contamination from disturbance of the aquifer and mobilisation of existing contaminants during construction and their view is that this is considered unlikely due to the former land use and the characteristics of the underlying aquifer. The Environment Agency have no in-principle objection to the proposal and the Contaminated Land Officer has raised no concerns subject to an unexpected contamination condition. Therefore the proposal is considered to comply with Policy EN16.

K. AGRICULTURAL LAND AND SOILS

Paragraph 174 of The NPPF requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

Policy EN13 of the EDLP which aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.

The site consists of arable agricultural land with the vast majority of the site being classified as Grade 3a in the Agricultural Land Classification (ALC). 0.17 ha of the site in the south western corner is Grade 3b. The "best and most versatile" grades are considered to be grades 1, 2 and 3a where the NPPF requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils. Policy EN13 aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.

The proposed development would result in the permanent loss of this agricultural land starting at the construction stage. The development area would not cover the entire site with the operational area being up to 3.4ha. It is noted that a converter station has previously been approved on this site and the benefits and overriding need of the scheme are considered to justify the loss of the BMV agricultural land. Furthermore, it is highly unlikely that a development of comparable size could be sited within the search area without loss of the best and most versatile agricultural land. It is recognised that the soils on site are a valuable resource and it is recommended that any planning permission granted should have a condition to require a Soil Resources Plan as part of the CEMP. Therefore the proposal is considered to comply with Policy EN13.

L. DESIGN AND LAYOUT

Section 12 (Achieving well-designed places) of the NPPF (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Strategy 48 (Local Distinctiveness in the Built Environment) of the EDLP (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the EDLP (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive.

Policy D2 (Landscape Requirements) of the EDLP (2016) states existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

In terms of design, the appearance, layout and scale of the buildings and equipment is a reserved matter to be considered in detail at a later stage. However, to be able to properly assess the principle of the development and harm to the character and appearance of the area, some detail is required at the outline stage either in terms of indicative detail or through more mandatory elements such as parameter plans and details in the Design and Access Statement.

The parameter plan sets out that the operational area would be up to 3.4ha within the centre of the site surrounded by at least a 10m wide strategic landscape buffer zone, with two possible access points on the southern boundary. A maximum ground level is indicated together with a height restriction for buildings and equipment/plant/machinery of 20m and a maximum building floor area of 9,750m sqm. This would be slightly smaller than the previously approved application which had an operational area of up to 3.6ha and a maximum floor area of 11,000 sqm.

Various indicative drawings have been submitted to show how the development could be accommodated on site and the possible appearance and scale of the development. These would not, however, form part of any planning permission granted. This gives an indication of how the site could be developed and has assisted in the consideration of the planning issues. This shows that there is likely to be one value hall, exterior areas for equipment as well as other ancillary areas for access and parking.

The converter station would be utilitarian in form and there are few opportunities to positively influence the scale, design and appearance of the development. This means that screening the development with landscaping is crucial and any landscaping plans submitted must be to the highest standard possible.

As stated above, one way to help mitigate the visual impact of this development on the landscape is through appropriate and sensitive design. Whilst recognising that some elements of the development will be dictated through its function, nevertheless, there are some opportunities to achieve good

design and layout to minimise the impact of this development on the surroundings. The LPA recommends that the development is located closer to the western boundary, areas of hardstanding are reduced, the ancillary building is moved and only once access is proposed. These matters would be reviewed as part of the matters applications.

In summary, whilst acknowledging that the proposal would be utilitarian in form and would be located in open countryside, the LPA is of the view that improvements can be made to the design and layout as part of the reserved matters application which result in an acceptable development. The proposal would therefore accord with Strategy 48 and Policies D1 and D2.

M. ARBORICULTURAL IMPACT

The NPPF sets out in Paragraph 130 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 131 acknowledges that trees make an important contribution to the character and quality of environments, and can also help mitigate and adapt to climate change.

Policy D3 (Trees and Development Sites) of the EDLP states that planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss. Furthermore, permission will only be granted for development where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction and that the council will seek to ensure that there is no net loss in the quality of trees or hedgerows resulting from an approved development.

The site is in agricultural use with trees located along the field boundaries. There are approximately 14 trees along the field boundaries as well as existing hedgerows. None of the existing trees are TPO protected and there are no veteran trees on or around the site.

As shown on the parameter plan, all existing trees are to be retained as part of the development. The vast majority of the existing hedgerows are to be retained except for the access points. As part of the Long Lane passing places, sections of the existing hedgerow would be removed and replaced to create the passing places. The Parameter Plan shows a Strategic Landscape Buffer around the site of at least 10m in width and the Illustrative Layout Plan proposed a mix of woodland planting, native shrubs and tree planting. Landscaping and planting is a reserved matter and opportunities to increase planting and trees will be reviewed. An advance planting condition would be attached to the decision to ensure the early delivery of landscaping to help reduce the overall impact of the development and to help mitigate and adapt to climate change.

The application was reviewed by EDDC Trees who have no in-principle objections to the proposal subject to a full BS 5837 survey including Arboricultural Impact Assessment (AIA), Tress Protection Plan (TPP) and Arboricultural Method Statement (AMS). A tree survey including AIA, TPP and AMS would be secured via a condition.

Whilst the loss of hedgerow is regrettable, nevertheless the existing trees and vast majority of hedgerows are to be retained and those on the boundaries will help screen the development. Therefore, officers consider that the proposal is acceptable in accordance with Policy D3.

N. AIRPORT SAFEGUARDING

Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) states that the outer boundary of the aerodrome safeguarded areas and the Public Safety Zones for Exeter International Airport are shown on the Proposals Map. Within these areas planning permission will not be granted for

development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns. Permission will not be granted for developments that will unduly prejudice future development or expansion programmes or potential at Exeter airport.

The site is located close to the Exeter Airport runway which has an Instrument Landing System (ILS) and Radar and a safeguarding assessment is required with any planning application. As part of the previous outline application, Exeter Airport raised concerns with the tall construction equipment and cranes which could impact on safeguarding and stated that the developer would require a Tall Equipment permit issued by Airfield Operations.

As part of this application, Exeter Airport initially placed a holding objection pending the submission of the required safeguarding assessments (Instrument Landing System (ILS), Navigational Aids (NAVAIDs) and Radar Technical Assessment). The applicant subsequently submitted further information and safeguarding assessments to the LPA except for an Instrument Flight Procedure (IFP) Assessment. Exeter Airport were consulted on these assessments and concluded that there will be an impact to the primary navigational aids that provide instrumented precision approach procedures. However, Exeter Airport stated that the impact is acceptable and subject to a condition requiring the production of the acceptable Technical Assessment. Therefore subject to a condition, the application would be in accordance with Policy TC12.

CONCLUSION

In conclusion, the proposed development of a converter station would be low carbon project and would help to meet an essential national need for additional electricity supply capacity. The proposal would be located in open countryside and the adverse effect on the landscape would be in conflict with Strategy 7 and 46 of the EDLP as well as Policy No. Rock05 (Important Views and Vistas) of the Rockbeare Neighbourhood Plan 2018.

Whilst the proposed development is not a typical land use and there are no directly relevant local plan policies, the proposed development is considered to be acceptable in terms of amenity, air quality, flood risk, arboriculture, ecology and transport subject to conditions. Furthermore, there are a number of material considerations which must be given weight in the decision making process. These include the need for the development, energy security and transition to lower carbon electricity as well as the support in principle offered by Strategy 39. The previously approved outline application (16/2997/MOUT) is also given limited weight as it has lapsed. The NPPF states that renewable or low carbon energy project should be approved if the impacts are, or can be made, acceptable. The mitigation proposed including a biodiversity net gain and passing places on Long Lane would help to make the development acceptable and it is considered that the development would result in no greater harm than the previously approved scheme.

In weighing up the benefits and harm of the development, it is considered that the overall benefits would outweigh the harm on balance and the application is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Reserved Matters

Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for the development shall be obtained from the Local Planning Authority in writing before the development is commenced. Development shall be carried out

in accordance with the approved details and any subsequent non material amendments as shall be approved in writing by the Local Planning Authority.

Reason: The application is in outline with all matters reserved. The approval of reserved matters applications will be necessary to allow development to progress.

2. Time period for submission

Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. List of Approved Plans

The development hereby permitted shall be undertaken in accordance with the parameters set out in the following plans which are hereby approved:

Converter Station Location/Site Plan - 7729-0454-09 A, received 21 June 2023
Parameters Plan - 7729-0587-04, received 20 June 2023

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Surface Water Drainage

Prior to or as part of the Reserved Matters for layout, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Drainage Strategy Converter Station Layout Option 2 (Drawing No. JNY8091-24, Rev. B, dated. 24th May 2023).
- (b) Detailed proposals for the management of surface water and silt run-off 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.
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall have previously been agreed in writing with the LPA in consultation with The Lead Local Flood Authority. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor. The actual alignment of the ditch shall be provided.

The development shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above condition is 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.

5. Advance Planting

Prior to or as part of the first reserved matters application, a scheme of advance planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the location, species and size of planting and a timetable for implementation. Planting shall take place in accordance with the agreed details and shall be retained for the lifetime of the development. If within a period of 10 years from the date planted, any planting undertaken pursuant to this condition dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species.

Reason - Details are required prior to the commencement of development to allow planting in key areas to become established earlier and provide a greater contribution to the setting and landscape mitigation that is proposed within the application in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan.

6. Finished Floor Levels

The details to be submitted as part of the reserved matters applications for layout and/or scale shall include finished floor levels for all buildings and finished ground levels in relation to a fixed datum, including heights of all plant and equipment above the ground level.

The development shall be constructed/installed in accordance with the approved details.

Reason: To ensure that adequate details are available during the determination of the reserved matters to assess the impact of the development on the area and landscape to accord with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

7. Landscaping and Ecological Management Plan (LEMP)

A detailed Landscaping and Ecological Management Plan (LEMP) in accordance with the approved parameter plans shall be submitted alongside all reserved matters applications for landscaping and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and/or funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: To ensure the approved implementation and maintenance details in the interests of mitigating the impact of the development on the landscape and biodiversity features and to comply with Strategy 46 (Landscape Conservation and Enhancement and AONB's), Strategy 47 (Nature Conservation and Geology) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.

8. Sustainability Statement

All reserved matters applications shall be accompanied by a Sustainability Statement detailing the sustainability credentials and environmental benefits and impacts of the proposal including details of how the proposal and its design addresses the requirements of Strategy 38 - Sustainable Design and Construction and Strategy 40 - Decentralised Energy Networks.

Development must be undertaken in accordance with the agreed details.

Reason: To secure a sustainable development in accordance in accordance with Strategy 38 (Sustainable Design and Construction) and Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013-2031.

9. District Heat Network

As part of the reserved matters application(s) for layout, appearance and/or scale, the following details to enable the future use of waste heat from the site in a decentralised heat network shall be submitted:

- a. Site layout plan showing adequate space adjacent to each of the Valve Cooling Radiators (VCRs) to accommodate a heat exchanger of the same capacity as the VCR with space for associated pipework, pumping and controls to enable the offtake of heat into a low temperature heat network.
- b. Site layout plan showing the provision of a heat pipe corridor of no less than 2.5m in width from the space adjacent to each of the VCRs (identified in a. above) to the boundary of the site with the public highway.
- c. Process and instrumentation diagrams showing the provision for the future physical facilities for the use of waste heat (with control loops included) in a low temperature network together with pipework plans showing the provision for future pipe runs from the VCRs to the boundary of the site.
- d. An area on the site or on land adjacent to the site under the control of the applicant of not less than 15m by 10m to accommodate a building to house a commercial scale heat pump, unless evidence is submitted to and approved in writing by the local planning authority to demonstrate that the operational requirements of a converter station and space available on site do not allow this space to be provided and, for land adjacent to the site, that this is not available by reason of viability or land availability.

Prior to commencing the use of the converter station, the valve isolated tie-in stubs on the cooling circuit upstream and downstream of all the VCR's shall be provided in accordance with the details approved in writing by the local planning authority and the areas approved under a., b. and d. above shall be reserved for the approved use free of any structures or equipment for a period of 10 years from commencement of first use.

Reason: To facilitate the future use of waste heat from the site in the interests of sustainability, the efficient use of low carbon energy, and the reduction in emissions through the connection to the existing and proposed decentralised heat networks forming an important part of the UK's energy strategy and to accord with government advice and Strategies 11 (Integrated

Transport and Infrastructure Provision at East Devon's West End) and 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013-2031.

10. Waste Audit Statement

All reserved matters applications shall be accompanied by Waste Audit Statement to ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

Development must be undertaken in accordance with the agreed details.

Reason: To ensure waste generated by the construction and operational phases is in accordance with Policy W4 of the Devon Waste Plan which requires major development proposals to be accompanied by a Waste Audit Statement.

11. Tree Protection Measures

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS 5837 is required including arboricultural impact assessment, tree protection plans and arboricultural method statement for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

(b) The development shall be carried out in accordance with the approved details. The details 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.

(c) The AMS shall include details but not limited to any new above and below ground services, level changes and methods of construction / works proposed within the RPA of nearby trees.

(d) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(e) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(f) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(g) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

(h) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within ten years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031. The details are required prior to commencement as potential damage can occur to trees from the start of construction work.

12. Construction and Environment Management Plan (CEMP)

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 address at least the following matters:

- a. Air Quality
- b. Dust Control
- c. Water Quality
- d. Lighting
- e. Noise and Vibration
- f. Pollution Prevention and Control, including an emergency plan.
- g. Monitoring Arrangements.
- h. A detailed soil resources management plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
 - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
 - o identification of person responsible for supervising soil management.
- i. Details of how construction activities generating Greenhouse gas emissions are undertaken efficiently in order to minimise emissions
- j. Measures to prevent discharge of soil/silt to adjacent watercourses
- k. Measures to ensure that features of biodiversity value are protected throughout the development, including the timing of works, protective measures, use of toolbox talks, Ecological Clerk of Works (ECoW), including when they should be present on site and licence requirements, and reporting and compliance of actions to the LPA.

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: Details are required prior to the start of development to ensure that adequate measures are in place from the outset to avoid or manage the risk of pollution or waste production during the course of the development works in accordance with Policy D1 (Design and Local Distinctiveness) and E14 (Control of Pollution in New Development) of the adopted East Devon Local Plan. Also to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures

in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.

13. Construction Traffic Management Plan (CTMP)

Prior to the commencement of the development hereby permitted, a full Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways and DCC Highway Authority) 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 6:00pm 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;
- (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) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) Details of the construction access and contractors' parking/compound:
 - o Where this shall be provided
 - o When this shall be provided
 - o Details of visibility splays
 - o How it will be surfaced and drained
 - o How the area will be remediated and
 - o It's finally intended use.

The development shall be carried out in accordance with the approved details and any subsequent amendments as shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to manage construction traffic during the development in accordance with Policy D1 (Design and Local Distinctiveness) and E14 (Control of Pollution in New Development) of the adopted East Devon Local Plan.

14. Lighting Scheme

No development above slab level of the valve hall shall begin until a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Professionals

guidance (ILP), including ILP Guidance Note 08/23, on the avoidance of light pollution and on nocturnal wildlife. The scheme must cover the impact of the lighting on the nearest sensitive receptors, including surrounding hedgerows and include the provision of any mitigation measures, including shielding, timers, colour temperature, and technical specifications to show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory, such as foraging and commuting habitat. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

Development shall take place in accordance with the approved details and no further external lighting shall be provided within the site unless in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: Details are required to ensure that adequate measures are in place to comply with Policy EN5 and Policy EN14 for the avoidance of light pollution, the avoidance of impacts on protected species, and to avoid light pollution being detrimental to the amenity of local residents.

15. Long Lane Highway Improvements

Prior to the commencement of the development hereby approved, including the highway improvements to Long Lane, details of the passing places, shall be submitted to and approved in writing by the Local Planning Authority. The details to be provided shall be based on the Converter Station Location/Site Plan - 7729-0454-09 A, received 21 June 2023 and shall include tree protection measures for any works within the Tree Protection Area of trees located adjacent to the proposed highway improvement works as well as details of any replacement planting proposals. The passing places shall be constructed and tree protection measures shall be carried out and completed in accordance with the approved details before any development is commenced, including construction and ground works, on the site for the converter station and the approved traffic management scheme shall be implemented during the highway improvement works to Long Lane.

Reason: To ensure that a suitable access is provided to the site for construction traffic to accord with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031. The details and provision of the road improvements are required before construction begins as Long Lane as existing is inadequate to accommodate the construction traffic required to carry out the development.

16. Dormouse Mitigation Licence

No works shall commence unless the Local Planning Authority has been provided with:

- a) a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be in accordance with an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England; or
- b) the results of an up-to-date dormouse nest tube survey undertaken in accordance with the Dormouse Conservation Handbook (or any subsequently updated survey guidelines) that provides confidence in a negative assessment of dormouse presence on the site (including hedges along Long Lane) and confirms that no licence is required.

Reason - Details are required prior to the commencement of development to demonstrate how the favourable conservation of dormice will be maintained throughout the development in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife

Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

17. Ecological Mitigation Strategy

No development shall commence on the site until an Ecological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation measures outlined in the Preliminary Ecological Appraisal Report (update October 2023) and shall include details of future monitoring, compliance, and reporting.

The development shall be carried in accordance with the approved details.

Reason: To ensure that the impacts of the development on ecology/protected species is suitably mitigated for and to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The EMS is required prior to commencement as some mitigation will be needed at the start of development.

18. Biodiversity Net Gain

No works shall commence on site without writing approval from the local planning authority confirming that the development is supported by an updated biodiversity net gain calculation using the most up to date biodiversity metric (currently 4.0). The development shall deliver at least a 10% biodiversity net gain (BNG) for all habitat types within the development boundary. It should include a biodiversity gain plan and habitat maintenance and management plan following best practice principle, including BS 8683, and following current or subsequently updated BNG guidelines.

Reason: This is prior to works commencing to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

19. Instrument Flight Procedure (IFP) Assessment

No development should take place until an Instrument Flight Procedure Assessment has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Operator.

The development shall be carried in accordance with the approved details.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Exeter Airport through interference with aircraft instruments and procedures in accordance with Policy TC12 of the East Devon Local Plan 2013- 2031.

20. External Plant and Noise

No development relating to the erection of the converter station buildings or the installation of any external plant/equipment shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the buildings will be designed and any external plant/equipment attenuated to control noise emissions. The converter station buildings shall be constructed and plant/equipment installed in accordance with the approved details.

The rating noise from the development shall not exceed a free-field level of 35 dB LAr,Tr or the background sound level, whichever is the greater, when measured or calculated at a distance of 1 m from the façade of the properties set out in the table identified below in accordance with BS 4142:2014. The background sound level at each residential property shall be taken as identified in the table 7.5 contained in Chapter 7 of the UK Converter Station Environmental Report, Rev 2 dated 29 May 2023. In addition to this, the free-field sound level when measured or calculated at a distance of 1 m from the façade of the properties set out in the table identified above shall not exceed a noise rating of NR25 (as provided in Table B.1 of BS 8233:2014) in the 63 Hz and 125 Hz octave bands.

Reason: To ensure that the use of the converter buildings and associated equipment/plant does not cause any unreasonable loss of amenity by reason of noise to nearby residential properties to accord with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013- 2031. These details are needed to be provided before the development is commenced as the approved details and attenuation will need to be built into the construction.

21. Sound Monitoring

The converter station shall not be brought into use for the transmission of electricity, until a scheme for monitoring sound emitted from the converter station has been submitted to and approved in writing by the local planning authority. The scheme shall detail:

- a. All off site noise sensitive properties and locations where readings will be taken from;
- b. Survey methodology; and
- c. Reporting procedures.

The approved sound monitoring scheme shall operate for 6 months from the converter station first being brought into use for the transmission of electricity and the results of the sound monitoring and details of any necessary mitigation measures shall be submitted to and approved in writing by the local planning authority in accordance with the reporting procedures. Any identified necessary mitigation measures shall be implemented within 6 months of the date of approval by the Local Planning Authority unless an alternative timetable is previously agreed.

Reason: To ensure that the use of the converter buildings and associated equipment/plant does not cause any unreasonable loss of amenity by reason of noise to nearby residential properties to accord with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013- 2031.

22. District Heat Network Marketing

Details of how the waste heat will be marketed to potential operators of a decentralised heat network and the process for agreeing the supply of waste heat to a potential operator shall be submitted to and approved in writing by the Local Planning Authority before the converter station hereby permitted is brought into use. The details of marketing approved above shall be implemented within one year of the commencement of the use of the converter station hereby permitted and shall continue with an annual report to be submitted to the local planning authority on the anniversaries of the commencement of the marketing for a period of 10 years to show the results of this marketing, to review the success of the marketing strategy and thereafter to implement any identified and agreed improvements to the marketing strategy.

Upon receipt and acceptance of a reasonable offer (to conform to the process approved above) to take waste heat by an operator of a decentralised heat network, the converter

station operator shall allow reasonable access to the site for the provision of the associated works and equipment.

Reason: To facilitate the future use of waste heat from the site in the interests of sustainability, the efficient use of low carbon energy, and the reduction in emissions through the connection to the existing and proposed decentralised heat networks forming an important part of the UK's energy strategy and to accord with government advice and Strategies 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) and 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013-2031.

23. Landscaping Replacement

The landscaping works approved as part of the reserved matters applications shall be undertaken in accordance with the approved scheme within 12 months of completion of development or during the next planting season following completion whichever is the sooner.

If within a period of 10 years from the date planted any tree, plant, grass area or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species by the developer.

If within a period of 10 years of the commencement of development, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced by the developer before the end of the next available planting season in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan.

24. Retained Trees and Hedgerows

No existing tree or hedgerow shown as being retained on the parameters plans, (including any amendments as shall be agreed in writing by the Local Planning Authority), shall be felled, destroyed or wilfully damaged including any damage to root(s), without the prior written consent of the Local Planning Authority.

In addition there shall be no burning of materials where it could cause damage to any tree or tree group on the site or land adjoining.

Reason: To protect trees on the site in the interests of preserving and enhancing the amenity of the area in accordance with Policy D3 (Trees on Development Sites) of the adopted East Devon Local Plan 2013 - 2031.

25. Unexpected Contamination

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediate in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.

Informative: Confirmation - No CIL Liability

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

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.

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation