

		Committee Date: 21.05.2024
Whimble And Rockbeare (Whimble)	23/2506/MFUL	Target Date: 17.04.2024
Applicant:	P Quincey, Winslade House, Winslade Park	
Location:	Winslade Park, Clyst St Mary	
Proposal:	Installation of solar array with associated infrastructure, access and landscaping	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

Permission is sought to construct a solar farm of around 3.01ha in size. The development would comprise of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 25 years.

The land which is the subject of this application consists of predominantly flat fields, with hedges around the boundaries and a plantation of trees along the east boundary. There is a water course running north/south in the centre of the site, to the west of the proposed panel array. There are trees within the site; some forming part of hedges, and others within fields.

The site was chosen due to the links with Winslade Manor and the renovation of the listed building, addition of offices/dwellings, and recreational facilities, with the land subject of this application, set aside for open space.

Whilst the site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

This support is subject to there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape

impacts and visual impacts, being satisfactorily addressed. Applicants are also required to demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation.

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

The proposal would result in the loss of 3 ha of grade 3 agricultural land. Officers are satisfied however that this proposal would not result in a significant loss of Best and Most Versatile agricultural land and that the benefits of the development justify the loss of the limited amount of higher quality agricultural land.

The development is considered to pass the sequential test for development in flood zones 2 and 3 given the justification for a reduced sequential test are to meet the needs of the Winslade Park estate.

The proposal would be within the setting of a number of heritage assets which would result in less than substantial harm as a result of a change to the surrounding landscape that would be introduced to the setting of these designated heritage assets. The less than substantial harm identified is considered to be outweighed by the public and environmental benefits of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 208 of the NPPF.

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

CONSULTATIONS

Local consultations

Clyst Valley - Cllr Mike Howe

05/04/24 - Object to the application - With reference to the master plan, it is my understanding that as the outline is not severable this application if approved would make the Outline planning permission null and void, this land is listed as amenity land and as such has to be delivered as per the outline or the housing will need to be removed. I also agree totally with the landscape officer.

Clerk To Bishops Clyst/Sowton (Clyst St Mary) Parish Council

14/02/24 - Bishops Clyst Parish Council is not averse to the installation of solar panels but objects to this application on the following grounds:

(1) The access to the site is proposed from the end of Church Lane down an existing Public Right of Way (PROW) and footpath which includes a bridge across the Grindle Brook. This well used footpath is too narrow to accommodate both pedestrians and vehicles. It is unsuitable for vehicular access and causes a safety issue.

(2) The visual intrusion to the PROW/footpath.

The proposed solar panels are on land that was established as recreational parkland land (Zone K) as part of outline planning application 20/1001/MOUT. We wish to ensure that should the solar array be constructed, there should be a legally binding agreement to deliver the amenity benefits promised for the community at the outset.

Parish/Town Council

22/02/24 - The Parish Council Objects:

About a third of this site is within Clyst St George Parish; Having read the well thought out comments of Bishops Clyst P.C. we wish to support their objection for the same reasons.

Technical consultations

County Highway Authority

No objection subject to conditioning of a comprehensive Construction and Environment Management Plan (CEMP), to help mitigate the impact of construction upon the local highway network, including features such as 'just-in-time' deliveries, routing plans, wheel washing facilities and employee/contractor car sharing.

Police Architectural Liaison Officer

No objection in relation to the proposal but detailed comments and recommendations provided relating to CCTV provision, Perimeter Intruder Detection System, Defensible Landscaping and Forensic Marking.

EDDC Trees

The proposal is considered acceptable in principle, however the impact on existing trees should be assessed. Therefore a full arboricultural survey including tree constraints plan, arboricultural impact assessment and arboricultural method statements are required to ensure that the impact on nearby trees has been properly assessed. This should also include any proposed long-term management of the

Poplar tree plantation as long-term it appears that the close proximity of solar panels is likely to conflict with the Poplar plantation.

Exeter & Devon Airport - Airfield Operations+Safeguarding

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

Environment Agency

We have no objection to the proposal subject to conditions.

EDDC Landscape Architect

Having reviewed the LVIA and associated landscape plans submitted in support of the application I am unchanged in my opinion provided as pre-application advice, that the scheme is contrary to proposals set out in the landscape masterplan for the consented mixed-use scheme at Winslade Park and would give rise to unacceptable landscape and visual impacts that cannot be adequately mitigated and the application should be refused.

Conservation

There is a strong presumption against works that would have such harmful impacts through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Other Representations

A total of 6 third party representations have been received. This number consists of 6 objections.

The planning matters raised in the objections are:

- Visual impact on the countryside.
- Detrimental impact on local communities.
- Loss of farmland.
- Noise impact during construction.
- Flood risk.
- Negative heritage impact.
- Impact on Clyst Valley Nature Trail
- Negative impact on ecology.
- Highway safety impacts.
- Impacts on the footpath network
- Panels should be included on the new buildings on site.
- No proven benefit to energy security from solar.
- Glint and glare toward neighbouring properties.
- Substations located at the lowest point of the site.

PLANNING HISTORY

Reference	Description	Decision	Date
20/1001/MOUT	Hybrid application to include full planning permission for the demolition of an existing pre-fabricated building, refurbishment of 21,131sqm of commercial (Use Class B1a and D2) floorspace, 2,364sqm of leisure space (Use Class D1/D2 and A3), extension to Brook House providing ancillary B1c and B8 floorspace, site-wide landscaping, engineering works and the provision of associated car parking spaces. Outline planning permission with all matters reserved except for access for the erection of up to 94 residential units, including affordable housing, replacement cricket pavilion, new toilets/changing facility, reinstatement of associated sports pitches, tennis courts and parkland.	Approval with conditions	13.07.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework)

NPPG Planning Practice Guidance)

Neighbourhood Plan

Bishops Clyst Neighbourhood Plan

Location and Description

Site Description.

This application relates to an area of land to the south east of Winslade House, which is situated in a rural location to the east of Junction 30. There is a public right of way running along the eastern part of the site, and the Exeter to Exmouth A376 adjoins the western edge of the site. The area is sparsely populated, with only a number of residential properties immediately adjoining the site; those being at Winslade Manor, and Brook farm to the south.

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

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

The site is not subject to any landscape designations.

Proposed development.

Planning permission is sought for the construction of a solar farm, and related infrastructure, for a period of 25 years. The proposal includes the development/construction of solar arrays, equipment housing, sub-station, fencing, ancillary equipment, landscaping and associated development, such as access tracks.

It is proposed that the array will serve the mixed use site which consists of 94 dwellings, commercial and leisure uses, sports facilities and pitches, car parking and accessible park land.

ANALYSIS

Principle of Development:

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

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

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

The principle of development is however supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

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

Justification for site selection.

The Winslade Park development can be enabled by this solar array, to supply its own energy and be self sufficient to aid national grid stability. This area of their land is not in agricultural use, and has surroundings of tree planting that is well established. In support of the application the following benefits of the site selection have been put forward:

- Solar irradiation levels;
- Separation from settlements and areas of local population, limiting visual impacts from residential dwellings;
- Existing screening provided by trees and hedges and space and suitability for additional planting;
- Flat topography;
- Field size/ shading;
- Suitable access to the Site for the purposes of construction and decommissioning;
- Avoidance of landscape designations;
- Limited nature conservation designations and opportunities for biodiversity enhancements;

Accordingly, it is considered that the proposed site is the most suitable available to the applicants for their application based on the fact that the remainder of the land in their control in this location has been granted permission for varying uses including, commercial offices, residential and formal/informal open space. The Council is content with the site selection process undertaken.

Notwithstanding the support in principle provided by Strategy 39 of the Local Plan, the proposal must be considered in detail against all other relevant policies and potential impacts. The remainder of this report will focus on assessing those areas.

The visual impact of the proposal.

The proposed site is situated within historic parkland associated with Winslade Manor which presently contributes to its setting and provides an attractive edge to Winslade Park.

The Landscape Architect has identified that the site is visible from locations close to the site, such as the public highway between Clyst St Mary and Clyst St George (A376) and the public footpaths close to the site. Furthermore, he raises concerns that the site was planned to be a recreational resource for the occupiers of the commercial and residential properties permitted under application 20/1001/MOUT together with the local population and that its attractiveness as a walking route would as part of that permission would be severely by introducing solar panels, fencing and associated infrastructure.

The application is accompanied by detailed landscape information which seeks to mitigate the impact of the proposed panels on its surroundings, including a planted earth bund to the south of the proposal, enhancement of the existing water course and

strategic planting between the A376 and the application site. It is likely that visual impacts would remain at certain times of year. However, the glimpse public viewpoints which would be impacted by this would be limited to stretches of the A376 and at longer distances due to the development being confined to the eastern part of the field where it has landscaped backgrounds in the form of tall poplar trees and mature native species. Similarly, there are limited public view points from higher ground to the south and west of the site where the development would be visible. However, the enhanced landscaping, combined with those views of the site being part of a much wider view of a large area, mean that it is considered that any harm to those views would be limited.

The application site, as referred to in the Landscape Officer's consultation response, forms part of the wider Winslade Park estate that was granted permission to be used as a recreational walking route for members of the public; this route was the subject of a legal agreement which sought details of the route to be submitted at a later date. The development of the wider site has not yet reached the point where the need for the planned route to be agreed has been triggered and therefore its route is not yet known. However, approving a solar farm would not affect this requirement. The impact of a solar farm, its fencing and associated infrastructure is likely to have an impact on users of a future walking route, however with the landscaping proposed and the remainder of the large field to provide a walking route it is considered that the impacts of walkers would be limited.

In terms of the impact of glint and glare from the proposed development with the mitigation proposed, the impacts would be minimal; Exeter airport have raised no objections to the proposed development.

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

Solar farms in rural areas are now more common and will likely become even more common as we switch to energy production from renewable energy and address high energy prices. Whilst there will be some impact from construction, this is short term and following this solar farms are quiet, generating little activity and if well screened can be assimilated into the countryside to an acceptable degree.

Therefore, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the visual impact from the development would be at a level where it is outweighed by the benefits of the scheme. On balance, the proposal is considered acceptable in terms of its visual impact on the countryside.

Loss of agricultural land

The application site is currently an agricultural field with occasional grazing taking place, where the loss of agricultural land is proposed an assessment must be made

as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land.

The application site is categorised as Grade 3 agricultural land, no assessment has been provided as to whether it is sub grade 3b or higher grade 3a. Whilst it is considered that the loss of 2 hectares of agricultural land is regrettable, where it is not physically connected to land of a similar quality and there are large amounts of other land in the locality of higher quality it is considered that the loss would not significantly harm agricultural interests or the national food supply. Therefore, should the benefits of the proposal outweigh any perceived harm it is considered that the proposal would be in accordance with Policy EN13 and advice contained in the NPPF.

The impact of the proposal on highway safety.

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

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

Given this, it is considered that the proposal is acceptable in terms of its impact on the highway network in accordance with Policy TC7 of the EDDC Local Plan.

The impact of the proposal on public footpaths.

During the course of construction of the array, there will be short durations of closure of the public right of way to allow vehicular movements. There are no other vehicular accesses to the site that would be used for construction purposes (due to the need to cross the watercourse). Once installation is complete, there would be minimal maintenance visits.

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

Heritage Impact:

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

circumstances Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 205) by stating:

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

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

The development site falls within the wider setting of Winslade Park which includes a complex of heritage assets of varied status including Winslade Manor a Grade II*listed building... Substantial mansion, constructed in warm orange sandstone-based rendering; ...and now the centrepiece of the extensive extension by Powell Moya and Partners which won the RIBA Architecture Award for the South West Region in 1979.

To the south of the built form and forming part of the landscape, is a Grade II listed, ...Ornamental terrace walk extending 120 metres east-west along the north bank of Grindle Brook, laid out along an artificially widened brook.

In addition, the west end of the terrace wall is a secluded water garden enclosed in mature trees, retaining specimen shrubs and other plants, details of which are annotated on the 1889 Ordnance Survey Map demonstrating the extent and setting of the historic parkland, which includes a significance number of mature specimen trees, representing the several phases of development through the centuries.

The main heritage issues to be considered are therefore, the effect of the development proposal on the setting of Winslade Park, which includes several heritage assets of various grades, the primary asset being Grade II* listed Winslade Manor and more recent 1970's (Powell and Moya) extension, set within a historic parkland.

An assessment of the individual heritage assets and views from these heritage assets, the parkland and beyond has been provided through a Heritage Asset Appraisal undertaken by David Newton Associates. This report provides a detailed assessment of each asset and the contribution the setting makes to their significance.

In context of the sites setting and views...'Most of the principal heritage assets are concentrated in the centre of the site. The site is gently sloping from the north down to the Grindle Brook which runs approximately east-west, bisecting the landscape. To the south, the site is flat and open.

The site is bounded by the Exmouth Road to the west/ south-west and the Sidmouth Road to the north, albeit separated from it by the modern housing development which now divorces the two extant lodges from the remaining parkland setting. Open farmland with isolated houses and farmsteads extend to the east and south-east.

Immediately beyond the Exmouth Road to the west lies a patchwork of small field enclosures set over a small ridge which is followed by the road. Much of the perimeter of the site, and along the water course, is clothed in a band of mature trees, with only the western side of the southern field truly open to the landscape beyond.'

In considering the more immediate views from Winslade Manor, these are primarily glimpsed views, with the wider views of the landscape becoming more apparent and uninterrupted at higher levels from the heritage assets.

Whilst it is agreed, there is significant landscaping and an abundance of mature trees that assists with obscuring longer views towards the development site, which will be further assisted through the additional mitigation planting as identified in the Landscape & Visual Impact Assessment. Concerns remain on the potential level of harm to these views and how these will be experienced, as a result of the scale (size) of the proposal, which together with 'times of reduced tree foliage' will open up views across the landscape towards the east and north, and in turn the development site.

In this respect the development proposal cannot be considered to preserve (remain unchanged) the contribution the setting makes to the significance of the identified heritage assets, in particular the Grade II* manor and would to a lesser extent result in less than substantial harm.

In identifying 'less than substantial harm', paragraph 208 of the NPPF is engaged which requires the harm to be weighed against the public benefits of the proposal.

In this instance the principal listed building (Winslade Manor) would not have views of the array, although its wider setting together with that of Winslade House would be diminished from how it stands today. Nevertheless, the solar array would be a temporary landscape feature, permission is only sought for 25 years which in the context of the history of the site is relatively short window and therefore the less than substantial harm would be removed in accordance with a decommissioning strategy that can be secured by a suitably worded condition. Accordingly, it is considered that the public and environmental benefits (explained in more detail elsewhere in this report) of providing renewable green energy, especially given the current climate crisis and the fact that the loss of agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 208 of the NPPF.

Residential amenity

The site does not lie in close proximity to any residential properties, furthermore the delivery routes of the panels to the site together with other construction vehicles would

not need to pass through any residential areas, being on main roads and then along the private access road to the wider Winslade Park estate.

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

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

Arboricultural impact.

The proposals which propose no felling of mature trees which positively contribute to the rural landscape and character of the area to be acceptable.

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

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

Flood Risk/Drainage

The application site is classified as being within flood zone 2 and 3 designated by the Environment Agency (EA), within the red line for the proposed development. The EA have assessed the application and provided comments, initially raising some concerns. However, following clarification that none of the proposed works would be within 8 metres of the nearby watercourse, they are satisfied that the scheme would not lead to additional flooding, risk, or moving the flooding impact elsewhere.

Where development is proposed in flood zone 2 or 3 it is incumbent upon the Local Planning Authority to undertake a sequential test to ascertain whether or not there is sufficient land/sites available which are less vulnerable to flooding i.e flood zone 1. In this instance the proposal is to meet the needs of the commercial office development and wider Winslade Park estate to provide it with sufficient power to remove reliance on the national grid and thereby increase the grid's capacity to serve other new developments and/or create capacity for times where power is needed.

The Planning Practice Guidance (PPG) is clear that the sequential test area will be down to the circumstances of the need and the land available to meet the need and it is down to the decision maker to satisfy themselves that there are no other reasonable sites for the development of land of less vulnerability. The guidance specifically states:

'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.'

Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments'.

Given the identified need for renewable energy to make the site zero carbon and free up capacity in the grid it is considered that the sequential test area can be reduced down to the wider Winslade Park estate.

In this instance the granting of planning permission 20/1001/MOUT as a comprehensive re-development of the wider Winslade Park estate for commercial residential and formal/informal open space means that land is allocated for different uses to provide a viable development, there is little land remaining of a suitable size to provide for a solar array. At the pre-application stage it was suggested that the roofs of the buildings were investigated to ascertain whether this could provide sufficient space, however, the majority of buildings on site are listed, under tree overage or do not face south such that this is not a viable option. Accordingly, it is considered that the application site is the only realistic option to provide the amount of renewable energy needed on site.

Accordingly, the sequential test, in line with EN21 – River and Coastal Flooding, is satisfied as there are no reasonably available alternative sites for this development. The FRA has shown that the development, and consequences of it, would have no detriment to users or adjacent development to this site, together with the use not being vulnerable.

Aviation impact

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

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

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

Ecology and Bio-diversity net gain.

The submitted Ecology Report highlights that some species of interest were identified on the site and that there are records of additional numbers of species close to the site after undertaking a review of the Devon Biodiversity Records Office data. However, it also details that any impacts on these can be avoided or mitigated through the overall biodiversity gains which the development could provide.

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

There are numerous species surveyed and mitigation measures suggested.

Great Crested Newt. – There was a negative result on the site for this species.

Reptiles – a low population of slow worm and grass snake were recorded.

Bats – low levels of bat activity recorded, predominantly near the Grindle Brook, retention of the poplar trees to the east of the site and the vegetation along the Grindle Brook would continue to provide foraging and commuting habitats for bats.

Badgers – No activity found – mitigation measures include covering over foundations at night to prevent badgers from getting stuck.

Birds – This small development in close proximity is unlikely to cause the 'lake effect' causing issues for water birds.

Dormouse – a limited number of records were provided - creation of habitat will be an improvement for this species.

None of the species require a Natural England license to be translocated, moved or mitigated against and therefore the derogation test is not necessary in this instance.

The largest impact upon these species would be lighting during construction which can reasonably be conditioned in terms of times of construction and details of lighting provided.

Schedule 14 of the Environment Act 2021 requires a minimum 10% Biodiversity Net Gain (BNG) and the current wording in policy EN5- Wildlife Habitats and Features of the Local Plan simply requires 'enhancement where possible'. The ecological improvements offered through this application significantly exceed the 10% requirement and are stated by the applicant to equate to 62% BNG through on site hedgerow planting. It should be noted that Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposal subject to the imposition of conditions relating to a CEMP, LEMP and decommissioning, in the event that the application is approved. Such conditions are considered reasonable, to ensure that the proposal is not harmful to ecology. The environmental benefits from biodiversity net gain are considered to weigh in favour of the application within the overall planning balance.

The proposal is therefore considered to be acceptable in relation to Policy EN5 of the EDDC Local Plan.

Conclusion

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

Whilst the following weigh against the proposal:

- The visual impacts;
- Impact on Grade II and Grade II* Listed Building
- Temporary impacts during construction and de-commissioning;
- Loss of agricultural grazing land

The following weigh in favour of the proposal:

- Environmental benefits from renewable energy production and support from Strategy 39 of the Local Plan;
- Environmental benefits from 62% biodiversity net gain;
- Lack of landscape designation and availability of a grid connection;
- Benefits to the future of the Winslade development as a whole.

In considering the above, it is clear to Officers that the benefits proposed significantly outweigh the harm created by the proposal. Particularly bearing in mind given that the harm identified can be mitigated through conditions related to planting and the control of construction, and as the duration of the development is proposed as 25 years, in the overall historic presence of the property, this is a short term impact with overriding benefits to the community of Winslade Park and Nationally with reducing National Grid electricity use, and increasing grid capacity.

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

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. The electricity produced by the solar panels hereby approved shall only be used to power the office and commercial buildings indicated on drawing number L09.10 P5 as Zones E, F, G and H approved under planning permission 20/1001/MOUT for the wider Winslade Park Estate; only excess energy not required by the adjacent site, produced by the solar panels, shall be permitted to be sent into the National Grid. Evidence of the distribution of the energy created at this site shall be provided to the Local Planning Authority upon reasonable request. Should the panels not be used to provide electricity for the office and commercial buildings for longer than six months then the site shall be decommissioned and returned to its former condition in accordance with the provisions of Condition 4 of this permission (excluding the reference to 25 years and six months). (Reason: The justification given for the siting of the panels in order to pass the sequential test in terms of flood risk and the public benefits to power the existing buildings which outweigh the less than substantial heritage harm mean that the panels should only be in place if they continue to produce electricity to supply the office and commercial buildings in accordance with Paragraphs 168 and 208 of the National Planning Policy Framework).
4. Within 25 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, which includes restoration and aftercare plans in order to return the land to its original condition, that shall have been submitted to the Local Planning Authority within six months of the commencement of development and approved in writing by the Local Planning Authority prior to the solar farm being brought into use. Note: for the purposes of this condition, a permanent cessation of construction shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

5. No external lighting shall be constructed or provided unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, any lighting shall be carried out and maintain in accordance with the approved details.
(Reason - To protect the character and appearance of the open countryside, to ensure that the wildlife in proximity to the site is safeguarded from the impacts of the proposed development, and to protect the amenity of nearby occupiers, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)
6. The development shall be carried out in accordance with the submitted flood risk assessment (ref.: 21506-HYD-XX-XX-RP-FR-0001 Issue P01 by Hydrock, dated 12 January 2024) and the mitigation recommendations within.
Reason - (Reason - To reduce the risk of flooding to the proposed development and elsewhere in the catchment, in accordance with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2031 - 2031).
7. No built development, or storage of materials during or post-construction shall occur within 8 metres of the bank top of the Grindle Brook main watercourse.
Reason - To retain an unobstructed buffer between any infrastructure/ landscaping associated with the development and the 'Main' river, so as to not compromise the implementation of future riparian responsibilities.
8. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.
Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan. The condition is deemed necessary to be pre-commencement as the effects on the environment are likely from commencement of development.

9. Notwithstanding the submitted details, no development shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
- a) A full set of soft and hard landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland and wetland habitats
 - b) Details of proposed colour finishes to housings for inverters, storage units and substations.
 - c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - d) Details of the locations of security cameras.
 - e) Details of finishes of framing elements of proposed pv panels.
 - f) Details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided.
 - g) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

The development shall thereafter be carried out in accordance with the approved details. In relation to the soft landscaping, any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031). The condition is deemed necessary to be pre-commencement as the details are required to enable the development to be built out in accordance with the agreed details from the outset.

10. Notwithstanding the submitted landscape details, no site works for the construction of the framework to hold the solar panels shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction,

establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgeline - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed by a suitably qualified person every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives. Management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

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

11. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA. Development shall take place in accordance with the approved Arboricultural Method Statement

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031

12. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.

(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)

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

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, and to ensure that the development does not result in a danger to users of the public highway network, in order to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031.) The condition is deemed necessary to be pre-commencement as construction traffic is likely to have an impact from the commencement of development.

14. The development hereby approved shall be carried out in accordance with the Ecological Assessment, produced by HT Ecology, dated November 2023.
(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.
(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).
16. Notwithstanding the provisions of Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected without a further grant of planning permission other than those shown on the approved plans
(Reason - To retain control over the boundary treatments on site in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative-Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Informative:

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

Plans relating to this application:

P 01 A	Location Plan	19.12.23
SGS-1001-DR-ML-01 : panels	Layout	19.12.23
SGS-1002-DR-ML-01 : elevation	Layout	19.12.23
SGS-1004-DR-ML-01	Proposed Site Plan	19.12.23
SGS-1007-DR-ML-01 : fencing	Layout	19.12.23
SGS-1009-DR-ML-01 : CCTV	Layout	19.12.23
SGS-1003-DR-ML-01 : arrays elevation	Layout	08.12.23
SGS-1005-DR-ML-01 : terrain view	Other Plans	08.12.23
SGS-1006-DR-ML-01 : enclosure	Layout	08.12.23
WPSD M03-0-08/11/ 2023 REV. -2: strategic masterplan	Other Plans	29.02.24
WPSD 02-0-08/11/2023 REV	Additional Information	29.02.24

3 - landform/hard
landscape

WPSD M1-08/11/ Landscaping 29.02.24
2023 REV. - 2 :
mitigating
measures

WPSD-MS-6- Sections 29.02.24
08/11/ 2023 REV.
-2 : illustrative
construction
detail section

WPSD-MS-5- Sections 29.02.24
25/11/ 2023 REV.
- 2: drainage
ditch
reinstatement/scr
eening bund

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.