

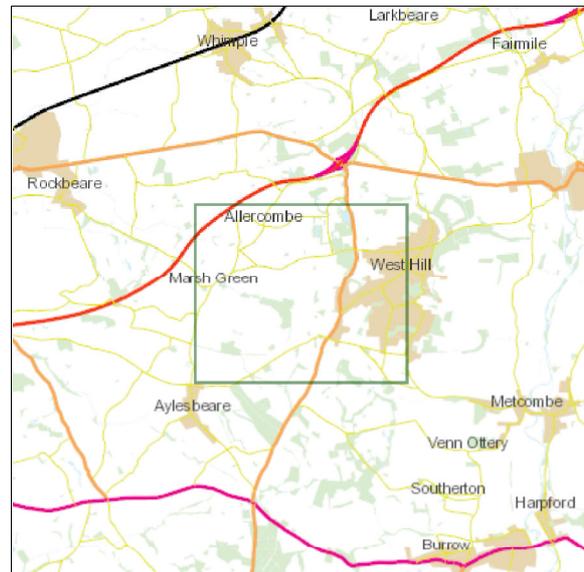
Ward West Hill And Aylesbeare

Reference 19/2832/MFUL

Applicant Mr H House (Spring Che Ltd)

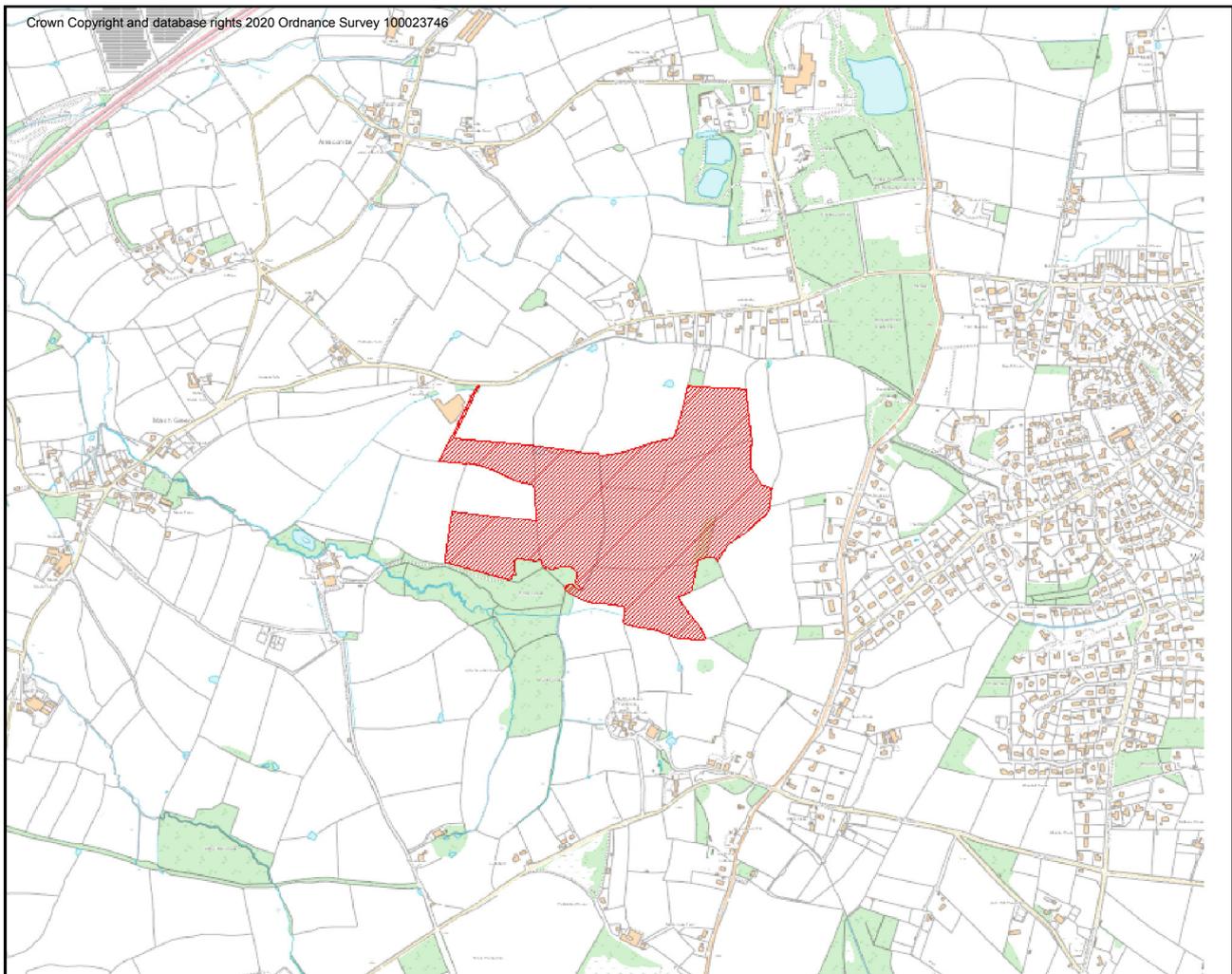
Location Land To The South Of Rockbeare Hill Marsh Green

Proposal Proposed solar farm with an approximate design capacity of 15 MW with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment



RECOMMENDATION:

1. That the Appropriate Assessment attached to the report be adopted; and
2. Approval with conditions.



		Committee Date: 29th July 2020
West Hill And Aylesbeare (Aylesbeare)	19/2832/MFUL	Target Date: 10.04.2020
Applicant:	Mr H House (Spring Che Ltd)	
Location:	Land To The South Of Rockbeare Hill Marsh Green	
Proposal:	Proposed solar farm with an approximate design capacity of 15 MW with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment	

RECOMMENDATION:

1. That the Appropriate Assessment attached to the report be adopted; and
2. Approval with conditions.

EXECUTIVE SUMMARY

This application is before the Members as the officer recommendation is contrary to the view of one of the Ward Members (the application site crosses two Ward boundaries).

This application relates to an area of agricultural land situated to the south of Rockbeare Hill, between West Hill and Marsh Green. Planning permission is sought for the construction of a 15MV solar farm comprising of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 40 years.

The land slopes downwards to the south and west, and consists of a number of fields which are bounded by hedges. The hedges also contain trees, and there are also single trees within the fields as well as an areas of woodland close to the application site. Parts of the site fall within flood zones designated by the Environment Agency. There are some residential properties within sight of the application area boundary to the north and east. However, these properties do not immediately adjoin the site boundary; on all sides, the site adjoins fields or woodland. The site is not the subject of any land designations.

The site was chosen due to the availability of a connection to the grid within 2km of it, at Marsh Green substation. Other sites were also considered, but they gave rise to issues which would have resulted in the proposal being unviable, as there is no longer government subsidy for renewable energy projects.

The proposal site consists of land which falls within agricultural land classifications 3a or 3b, and the assessment of the land submitted states that 55% of the site is grade 3a, and 43.5% is grade 3b (the remaining 1.5% is woodland). The submitted report deems 3a land to be 'good' and 3b land to be 'moderate'.

Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan states that land within classes 1, 2 and 3a shall be protected, and may only be developed where lower grade land is not available, or where the benefits of a scheme outweigh the loss.

The submitted land classification report casts doubt over whether it would be reasonably possible to farm the different classes' separately. It also states that solar panels are not detrimental to the quality of the land. However, of course, the presence of solar panels would prevent the land being used for the purpose of crop production. Visits to the site would indicate that most of the land is currently used for grazing. It is understood that it is intended to continue grazing the land if solar panels are installed. Planning permission is sought for the panels to be in place for 40 years, so it is likely that the land could return to full agricultural use after that time.

A critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels. This is recognised in the EDLP, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. Clearly, this does lend support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether the benefits of the scheme outweigh the temporary and partial loss of the land to agriculture.

The National Planning Policy Framework 2019 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy, with some paragraphs supporting agriculture and others supporting renewable energy.

On balance, it is considered that there is strong national and local policy support for renewable energy and that this benefit outweighs the loss of agricultural in this instance, particularly given that the land appears to be used for grazing with the more valuable Grade 3a land interspersed with the lower grade land and only representing 55% of the site.

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property.

In terms of the visual impact of the proposal, the Council's Landscape Architect is satisfied that the existing landscaping, which would be enhanced, is sufficient to ensure that the scheme would not be visually harmful to the area.

With regards to other key considerations, the relevant consultees have indicated that the proposal is acceptable in terms of:

- Highway safety**
- Flood risk**
- Aviation safety**
- Ecology**

Given the above factors, which are reported in full detail in the main report, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Aylesbeare Parish/Town Council

Please note that Aylesbeare Parish Council supports this planning application.

West Hill And Aylesbeare - Cllr Jess Bailey

I am submitting an OBJECTION to this application on the following grounds.

1. I believe it to be significantly detrimental to the amenity of residents
2. The EA recommend it is not determined until the LFA are satisfied with the proposed use of Swales
3. There is an objection from Exeter airport due to the glint and glare.
4. I am concerned about the visual impact on the landscape.
5. It is my view that Eddc should engage the services of an independent assessor of the land grading and an independent ecologist.

Whilst I am very supportive of renewable energy I cannot support this current application for the reasons provided above.

Whimble And Rockbeare - Cllr Kathy McLauchlan

I am a staunch supportive of renewable energy but on this application would reserve any decision until I have read reports from the landscape officer.

Technical Consultations

Devon County Highway Authority

Having reviewed our road safety application, the site in question during the last 5 years (Jan 2014 - Dec 2018) has no recorded collisions occurring in the vicinity of the access on Rockbeare Hill (C92).

Once the site is set-up and the improvement works have been carried out, minimal maintenance and attendance is required. The site layout still leaves enough room for vehicles to turn and re-enter the carriageway in a forward motion.

Therefore in summary, the County Highway Authority has no concerns to raise regarding this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Exeter & Devon Airport - Airfield Operations+Safeguarding

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

This proposal has been examined from an Aerodrome Safeguarding aspect and it does appear to conflict with safeguarding criteria.

The Civil Aviation Authority endorses the Federal Aviation Authority (FAA) interim policy titled 'FAA for Solar Energy System Projects'. This policy states that the developer will be required to demonstrate that the proposal meets the following standards for measuring Ocular Impact.

1. No potential for Glint/Glare in the existing or planned Air Traffic Control(ATC) Tower.
2. No potential for glare or a low potential for after image along the final approach path for any existing landing threshold or future landing thresholds.

Ocular impact must be analysed over the entire calendar year in 1-minute intervals from when the sun rises above the horizon until the sun sets below the horizon.

The supplied Glint/Glare analysis carried out by Pagerpower shows that solar reflections are geometrically possible towards the ATC Tower and the Geometric calculation results overview shows a low potential for glare in the mornings during the times highlighted. This conflicts with the criteria set out above as there should be no potential for glare in the ATC Tower.

Also, there has been no analysis carried out for departures on runway 08 eastbound. As these departing aircraft would be heading towards and over the proposed development then analysis would be required to ascertain if there would be any impacts in this scenario.

Airport Operators Association Advice note 5 Renewable Energy and Impact aviation is attached with some further guidance.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety.

Further comments:

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

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 and the previously raised objection can now be removed, provided there are no changes made to the current application.

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

EDDC Trees

I have no objection in principle on arboricultural grounds to this development, I do have the following observations -

- It appears that by adjusting the layout of the panels it would be possible to retain all the free standing field trees within the site without loss of panel area. A revised layout could be looked at that enables retention of these trees which should be clearly plotted on the drawing.
- If the above is not acceptable then the proposed new woodland should be extended to the South Eastern field boundary and a 25 year management plan submitted

- The drawing includes a symbol in the key for proposed CCTV cameras but it is not clear on the plan where these are to be located and if they will require the retained trees pruning clarification should be provided.

Further comments:

The new scheme is acceptable on arboriculture grounds, it would be better to have had included the 25 year, management plan for the new woodland and this and the TPP should be a pre-commencement condition

Natural England

Thank you for your consultation on the above dated 14 January 2020 which was received by Natural England on the same date.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application has potential to:

- have an adverse effect on the integrity of the East Devon Heaths Special Protection Area.
- damage the interest features for which East Devon Pebblebed Heaths Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- A Construction Management Plan (CEMP)
 - A Management Plan for the buffer zone to woodland
- Please see below for future details. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Habitats Regulations Assessment

The local planning authority should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. In accordance with the Conservation of Habitats & Species (Amendment) (EU Exit) Regulations 2019, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is adjacent to a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, as amended (the 'Habitats Regulations'). The application site is close to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths SPA which is a European site, and also notified at a national level as East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England's advice is that this proposed development, and the application of mitigation measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment (AA) in view of the European Site's conservation objectives.

Additional Information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

Further advice on mitigation

The following mitigation measures should be secured:

- The Construction Management Plan should detail how hedgerows and trees will be protected, ensure no impacts on the quality of water courses or bodies and how dust will be controlled during construction.
 - A management plan for the 20 metre buffer zone between the woodland to the south and the solar array to maintain potential habitat for nightjar, an SPA bird species.
- In addition, a Landscape and Ecology Management Plan (LEMP) should be required and secured by condition to mitigate for impacts on landscape and other wildlife sites and species.

In addition, Natural England would advise on the following issues.

Protected Landscapes

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

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

(1 Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be

found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>)

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

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

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

Protected Species

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Net Gain

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On July 29, Natural England released the updated and improved Biodiversity Metric 2.0. This replaces the earlier 'Defra biodiversity metric'.

Further guidance can be found at: https://www.ciria.org/Resources/Biodiversity_Net_Gain.aspx.

Best and Most Versatile Agricultural Land

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

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Further comments:

Thank you for your consultation on the above dated 19 March 2020 which was received by Natural England on the same date. Our previous comments dated 5 February 2020 still apply and this letter provides additional advice.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

The following plans require revisions as set out in the body of this letter:

- Illustrative Landscape Masterplan Figure 20-A dated 13/3/2020
- Tree Protection plan 18.03.2020

As advised previously, the following mitigation options should be secured through appropriate conditions or obligations:

- A Construction Management Plan (CEMP) to detail how hedgerows and trees will be protected, ensure no impacts on the quality of water courses or bodies and how dust will be controlled during construction.

- A Landscape and Ecology Management Plan (LEMP) including long term management for the woodland and hedgerow buffer zones

The Local Planning Authority should undertake a Habitats Regulations Assessment.

Comments on additional documents

Illustrative Landscape Masterplan Figure 20-A dated 13/3/2020

A 20 metre buffer zone between the woodland to the south and the solar array to maintain potential habitat for nightjar, an SPA bird species, is recommended in the Preliminary Ecological Appraisal. However the buffer zone is not clearly shown on the revised Landscape Masterplan. In particular, a permanent access track is shown in close proximity to the Furzy Copse woodland. We advise that this track should be re-sited outside of the 20 metre woodland buffer zone.

In addition the Tree Protection Plan 18.03.2020 should be revised to indicate protection during construction for off-site trees, including those in Furzy Copse.

We support the concept of creating a wildlife corridor between Furzy Copse and the proposed area of new woodland planting, made in the EDDC Landscape and green infrastructure response (13.2.2020). New native planting to enhance the existing hedgerows/tree line in this central area should be considered in the landscape scheme. The access track should be positioned so as to maintain wildlife corridor functioning.

Management of the woodland and hedgerow buffer zones and new planting should be included within a Landscape and Ecology Management Plan (LEMP) and secured by condition.

Habitats Regulation Assessment.

As previously advised, a Habitats Regulations Assessment should be undertaken, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Further comments:

Thank you for your consultation on the above dated 09 June 2020 which was received by Natural England on the same date.

SUMMARY OF NATURAL ENGLAND'S ADVICE

We are not able to concur with your Appropriate Assessment. This requires additional work to meet the requirements of the Habitats Regulations.

Please see below for further details.

Appropriate Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Heaths Special Protection Area. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Further government guidance is available here.

HRA

- Your HRA should clearly identify what the pathways between potential impacts and receptor features are. This includes the implications for habitat types and species present outside the boundaries of protected sites and functionally linked; insofar as those implications are liable to affect the conservation objectives of the sites.
- Please refer to the advice in our previous letters dated 5th February and 2nd April 2020 in your HRA. We have advised on which sites can be screened out.
- The HRA identifies the potential for noise impacts but without identifying how this could affect protected sites.
- Landscape impacts on the East Devon AONB should be assessed separately.

Appropriate Assessment

- The assessment must specify in more detail the potential for impacts on the designated bird species of the East Pebblebed Heaths SPA using the information in the Preliminary Ecological Appraisal.
- The AA must specify the necessary mitigation measures to maintain potential habitat for nightjar.
- You must be certain that the consent will include conditions that are specific and strict enough to guarantee no adverse effect on the integrity of the protected site.

The following mitigation measures should be secured:

- The Construction Management Plan should detail how hedgerows and trees will be protected, ensure no impacts on the quality of water courses or bodies and how dust will be controlled during construction.
- A management plan for the 20 metre buffer zone between the woodland to the south and the solar array to maintain potential habitat for nightjar.

Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Environmental Health

I have assessed the application for the above.

I note that in the council's letter dated 8 May 2019 to the applicant regarding Environmental Impact Assessment Regulations, states that the potential for noise and dust nuisance during construction and decommissioning can be dealt with by condition. Similarly noise from equipment associated with the solar farm can be dealt with by condition

I therefore have the following comments:

- o We have received complaints of low frequency noise from a number of solar sites which appears to be due to the use of generators before the site is fully functional.
- o We have also received complaints of low frequency noise from an adjacent solar site which we investigated but we were unable to substantiate. I understand that other complaints were received and these were dealt with by the site operator.
- o There have also been many issues arising on other solar farm developments in the area associated with the displacement of ground and surface water during the trenching works.

Consequently we would recommend the following conditions:

Noise from plant

For all fixed plant used before the site becomes fully operational and thereafter when the site is fully operational:

Any plant (including generators, pumps and boilers) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of any residential property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide 1999. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

Please note that the combined impact of noise from the existing adjacent site also needs to be considered when calculating operational noise from the site being considered. The intention of setting boundary noise levels is to ensure local residents are not affected by noise (including low frequency noise) from the site and are not subjected to increased noise (including low frequency noise) when a similar use is introduced to the local area.

Construction site condition

A Construction and Environment Management Plan 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. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution."

and furthermore

Environmental management plan:

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15.

Further comments:

The initial EHO comments on this application included:-

- o We have received complaints of low frequency noise from a number of solar sites which appears to be due to the use of generators before the site is fully functional.
- o We have also received complaints of low frequency noise from an adjacent solar site which we investigated but we were unable to substantiate. I understand that other complaints were received and these were dealt with by the site operator.

I note that the proposed condition refers to BS 4142, which is an appropriate standard for assessing the impact of new developments to existing noise sensitive land use. However, the standard is not applicable to the assessment of low frequency noise.

In the circumstances of this application, an appropriate condition would therefore be:-

For all fixed plant used before the site becomes fully operational and thereafter when the site is fully operational:

Any plant (including generators, pumps and boilers) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of any residential property shall be rated no higher than the background level, assessed in accordance with guidance set out within BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

EDDC Landscape Architect

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

In principle it appears that the proposed scheme is likely to have limited landscape and visual effect. However, the loss of eight mature specimen oak trees in good condition with more than 40 years' life remaining is considered contrary to EDDC policy D2 item 2 and D3 and could be avoided by minor adjustment to the proposed scheme layout without detriment to generating capacity. Although proposed compensatory woodland tree planting is welcomed in accordance with EDDC policies for new development to provide enhancement of landscape character and biodiversity value, it will take time to establish and is dependent on good maintenance. As such it is not in itself considered sufficient to justify the loss of the existing field trees.

The submitted LVIA and proposed site plans also require some amendment/clarification as noted at section 2 above.

Due to these shortcomings the scheme as currently submitted is considered unacceptable in terms of landscape and visual impact and tree loss. However, subject to receipt of satisfactory amended details reflecting the above concerns the scheme could be considered for approval.

The consent should be restricted to a period of 25 years in the first instance but with potential to extend to 40 years subject to satisfactory tree and hedgerow management in accordance with an approved management plan.

3.2 Landscape conditions

In the event that satisfactory amended information as noted above is provided and approval is recommended, the following conditions should be imposed:

1 Notwithstanding the submitted details no works shall commence on site until a landscape scheme has been submitted and approved which shall include the following:

- Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented and means of protection during establishment.
- The various tree pits and/or Devon bank construction details.
- Construction details for proposed trackways
- Detailed plans and specifications of proposed ecological enhancements

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to commissioning of the installation with the exception of planting which shall be carried out in the first planting season after completion of the installation works or first commissioning whichever is the earlier unless otherwise agreed in writing by the Local Planning Authority.

New planting shall be maintained in accordance with an approved landscape and ecological management plan (LEMP) for a period of 5 years. Any trees or other plants which die during within 5 years of completion of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by 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) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

2 Management plan - No development shall take place until a landscape and ecology management plan (LEMP) has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.*
- Inspection and management arrangements for existing and proposed trees and hedgerows and proposed bio-diversity measures*
- Initial establishment of new planting and species rich grassland*
- A schedule of existing hedgerows and supporting plans identifying each length and noting location, species composition, current condition and hedge management cycle stage together with any initial work required to bring into good order.*
- 25 year hedgerow maintenance schedule covering each length of hedge*
- 25 year woodland management schedule*

Proposals for management of biodiversity features, species rich grassland and further enhancement of bio-diversity value including wildlife corridors.

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

Reason in the interest of amenity and to enhance the landscape character and biodiversity value of the site and surrounding areas in accordance with EDDC policies Strategy 3 (sustainable development), Strategy 47 (Landscape conservation and enhancement and AONBs).

Further comments:

1 INTRODUCTION

This report forms the EDDC's landscape response to amended landscape information recently received in respect of the full application for the above site and should be read in conjunction with my previous report dated 13 February 2020.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact Assessment (LVIA)

The amended LVIA now includes an assessment of the impact of associated infrastructure together with an assessment of wintertime visual effects, particularly in views from the site towards properties on Rockbeare Hill to the north and looking towards it from a gateway on the B3180 to the east. The conclusion that the visual effects of the development from this viewpoint and nearby residential properties will be minor adverse, reducing in time to negligible adverse once mitigation planting has established, is accepted.

2.2 Amended scheme proposals

The retention of the existing field trees is welcomed, with the pv panel layout adjusted around them.

The proposed security fencing has been realigned to enable free movement of wildlife between the existing copse to the south west and the proposed copse to the south east and an adequate margin (6.5m) provided between the centreline of existing field hedges and the security fence.

The proposed new woodland has been increased by approximately 50-60% by extension eastwards.

The landscape and layout plans have been amended to show more clearly proposed access tracks, fence lines and CCTV camera locations.

It is understood that a grid connection is expected to be made from a location to the east of the site. The alignment will be dependent on the utility companies and cannot be confirmed at this time.

As such the amended landscape and layout plans address my previous concerns.

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

It is noted that publically accessible locations from where the site is readily visible are limited to a couple of gateways on the B3180 and that these views and those from nearby properties are restricted and will generally be filtered by intervening vegetation and land form especially as mitigation planting establishes and a conservation based hedgerow management plan is implemented.

The scheme retains existing site trees and hedgerow (apart from some minor hedge-breaks for access) and in addition will provide approximately 2.4Ha new woodland, creation of 180m of new native hedgebank and positive management of grassland and existing hedgerow boundaries within the site.

Consequently I consider the amended scheme is acceptable in term of landscape and visual impact and it will also provide notable biodiversity net-gain.

Should the application be approved then conditions should be attached to cover engineering and planting works together with subsequent landscape and ecological management as set out in my previous response.

Environment Agency

We recommend that this application is not determined until such time that the applicant can provide clarification relating to the proposed fencing, and that the Lead Local Flood Authority are satisfied with the proposed use of swales. The reason for this position and advice is provided below.

Reason - The site is located partially within flood zones 2 and 3, identified by Environment Agency flood maps as having a medium to high probability of flooding. We have reviewed the flood risk assessment (FRA) prepared by Clive Onions Consulting Civil Engineer (version 3, dated 02/12/19). We agree with the conclusions and recommendations of this report.

The FRA refers to the boundary fencing being constructed with a 100mm vertical offset from ground level. This is not referenced in the fencing specification supporting the application (drawing number SP-SFD1-PL). We require confirmation from the applicant that the fencing is proposed in line with the description in the FRA. The specification should also be amended accordingly to reflect this requirement.

Advice - Surface Water Drainage

We note the provision of swales within the proposal. However, their mention within the FRA is not supported by any design philosophy. The suggested swales would appear to align with the boundaries of the solar arrays, but we advise that there should be reference to site topography to demonstrate that they can function correctly along an alignment with minimal gradient. There is a risk that incorrectly installed swales can increase flood risk by creating gullies for concentrated flow routes. It is important that any swales are appropriately identified on the site layout plan supporting the application. We recommend that you consult with the Lead Local Flood Authority for further advice on this to determine if the use of swales is appropriate and effective.

Further comments:

Thank you for your consultation of 19 March 2020 following submission of further information in respect of the above planning application.

Environment Agency position

We are able to remove our objection to the application on the basis that the revised flood risk assessment (FRA) demonstrates the proposal is acceptable in terms of flood risk. More information setting out the reason for our position is provided below.

Reason - Further information required

The revised FRA (revision V8, dated 13 March 2020) prepared by Clive Onions has been reviewed. The FRA now addresses the concerns raised in our previous letter in terms of the design philosophy for the swale features and the gap beneath the fencing. Whilst the revised layout for the solar arrays now extends into areas identified as flood zone 2 and 3, in this case we agree with the discussion in the FRA that the areas of encroachment are solely areas of surface water flooding to depth not exceeding 300mm and areas of historic tree growth are now retained.

DCC Flood Risk Management Team

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

The applicant is advised that concentrated runoff from the panels is likely to lead to erosion of the ground surface below, contributing significantly to water quality issues downstream/downslope.

Tussock grasses should dominate around and beneath the photovoltaic panels to limit soil erosion caused by runoff from the panels. Allowing the site to naturally colonise is likely to leave the soil surface significantly vulnerable to erosion, particularly during intense precipitation events. It is also imperative that these grasses are maintained regularly when the site is operational as the soil structure and the quality of the downstream watercourse or agricultural land will greatly depend on this.

It is strongly advisable that the reader consults Natural England's Technical Information Note (TIN101),

'Solar Parks: Maximising Environmental Benefits', for further information on the vegetation and soil quality issues associated with these developments. The above document can be accessed through the National Archives at the following address: <http://publications.naturalengland.org.uk/publication/32027>.

Other Representations

A total of 17 third party representations have been received. Of those 10 are objections to the proposal, 6 are in support of the development, and one includes comments both in support and against the application.

The concerns raised can be summarised as follows:

- Visual impact and harm to the character of the area.
- Insufficient hedge planting is proposed.
- Loss of good quality farm land.
- The LVIA is not adequate.
- Detrimental impact on views.
- Impact on wildlife.
- Highway safety.
- Light pollution.
- Not a suitable location.
- Cumulative impact with other solar developments.

The points in support can be summarised as follows

- Green energy proposals should be supported.
- The location is well screened.
- The development includes enhancements for nature.

PLANNING HISTORY

None relevant.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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 2019)

Site Location and Description

This application relates to an area of agricultural land situated to the south of Rockbeare Hill, between West Hill and Marsh Green. The land slopes downwards to the south and west, and consists of a number of fields which are bounded by hedges. The hedges also contain trees, and there are also single trees within the fields as well as an areas of woodland close to the application site. Parts of the site fall within flood zones designated by the Environment Agency.

The Agricultural Land Classification report submitted with the application shows that the site contains a mixture of grade 3a and grade 3b agricultural land. There are some residential properties within sight of the application area boundary to the north and east. However, these properties do not immediately adjoin the site boundary and are in excess of 100m from the site boundaries; on all sides, the site adjoins fields or woodland. The site is not the subject of any land designations.

Proposed Development

Planning permission is sought for the construction of a 15MV solar farm comprising of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment.

The application seeks to retain this use for 40 years.

ANALYSIS

The key considerations in the determination of this application are the principle of development and site selection, loss of agricultural land, visual impact, highway safety, impact on trees, flood risk, aviation impact, impact on residential amenity and impact upon wildlife.

Principle of development

Strategy 39 of the Local Plan supports the provision of renewable energy projects in principle and as such provide support for the proposal.

However, Policy EN13 of the Local Plan seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) from development. This policy states that planning permission will only be granted for development on such land in exceptional circumstances and where there is an overriding need and either:

1. Sufficient land of a lower grade is unavailable; or
2. The benefits of the development justify the loss.

In this instance therefore, as part of the site comprises grade 3a agricultural land, a balance needs to be made between the renewable energy benefits of the proposal and the loss of high grade agricultural land.

If the benefits of the proposal are considered to outweigh the loss of agricultural land then permission can be granted in accordance with Local Plan policy. Conversely, if the loss of agricultural land is not considered to be adequately justified, refusal of permission could be argued as being contrary to Policy EN13 if the loss is considered to outweigh other benefits.

The report will now outline the benefits of the proposal and harm to agricultural land.

Justification for site selection.

A key factor in determining viable locations for solar farm developments is the availability of a connection to the grid, ideally within 2km of the site. In the case of the site in question, the applicants have confirmed that a suitable connection is possible at Marsh Green substation. The availability of that connection was an important factor in the applicants search for a site, as there is no longer government subsidy for renewable energy projects. Therefore, in order for a proposal to be viable, connection costs need to be reduced by ensuring that a site is close to a suitable connection; this is to avoid connection costs resulting in a project becoming unviable.

The submitted document detailing the reasons for selecting the site show that an area of grade 4 agricultural land is within 2km of the aforementioned connection point. However, the document also details a number of constraints on much of that area, which it was considered deemed it unsuitable for the proposed development. The

submitted site selection report described that land as unsuitable for the following reasons:

"While it showed some potential for development, this was discounted as unviable as it is immediately adjacent to residential property, has poor access, is subject to shading from trees, is distant from the connection point and without acquiring other land, is too small an area to be economically viable."

Taking into account the factors mentioned above, the submitted site selection report then concludes as follows:

"Due to the highly constrained nature of the electricity grid in East Devon and the south-west generally, the opportunity to develop new renewable energy projects must reasonably be led by where it is technically feasible and economically viable to make grid connections."

Based on the best information available, being the Predictive BMV maps, the site selected is in some of the poorest quality land within the 2km search area and the District."

On the basis of the above, and the information contained within the site selection report, the Council is satisfied with the process undertaken to select the site to which this application relates and has no firm evidence to question this. Furthermore, it is clear that a thorough study of possible sites was undertaken.

It is noted that some objectors to the proposal have indicated a preference for solar schemes to be located on the roofs of existing buildings before agricultural land is utilised for that purpose. These comments are understood and noted. However, there is also a requirement to support larger scale proposals where possible, and in addition to the use of existing roofs. Furthermore, the Local Planning Department have to consider the current application on its merits and not on the basis of whether provision could be provided in another form. Ideally, solar energy generation would be via roof mounted facilities and larger scale solar farms where they do not cause any harm. Obviously to get the coverage of solar panels that this application provides would necessitate panels on hundreds of dwellings/buildings which will take a considerable time to achieve and constrained by ownership and other factors such as the orientation of roofs.

The site connection and lack of alternative sites nearby weigh in favour of the proposal.

Impact on agricultural land.

The proposal site consists of land which falls within agricultural land classifications 3a or 3b, and the assessment of the land submitted states that 55% of the site is grade 3a, and 43.5% is grade 3b (the remaining 1.5% is woodland). The submitted report deems 3a land to be 'good' and 3b land to be 'moderate'. Policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013 - 2031 (EDLP) states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

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

In this instance, the site is a mixture of grades 3a and 3b, and each field within the proposed site contains areas of both classes. As such, each field is not clearly all Grade 3a or 3b.

This presents an issue as, if it is considered that the grade 3a areas cannot be developed in any way, it is necessary to question whether it would be practicable to develop only the 3b areas within each field, or whether the two classes can be farmed differently when they are in the same field. The submitted land classification report casts doubt over whether it would be reasonably possible to farm the different classes separately, stating in paragraph 6.6 that:

"In practical terms, the subgrade 3a land will be very difficult to farm differently [to subgrade 3b land]. In reality, there may be slight cropping differences over the field, but the bmv land cannot be easily exploited. Accordingly, in a mixed-quality field situation, the benefits of bmv are limited"

(Note that 'bmv' stands for Best and Most Versatile land).

Given the above, and taking into account that the installation of solar panels do not affect the grade, it is considered that the development could be undertaken without resulting in a detrimental impact to the land, this also weighs in favour of the proposal.

However, of course, the presence of solar panels would prevent the land being used for the purpose of crops. Visits to the site would indicate that most of the land is currently used for grazing, and that observation is supported by paragraph 6.11 of the land classification report. It is understood that it is intended to continue grazing the land if solar panels are installed. This would mean that that use of the site would not be completely lost should this development be approved. Furthermore, planning permission is sought for the panels to be in place for 40 years. Therefore, it is likely that the land could return to full agricultural use after that time, given that, as stated above, the panels would not be detrimental to the quality of the land. This also weighs in favour of the proposal.

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the EDLP. The proposal also needs to demonstrate that the benefits from the proposal outweigh the loss.

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

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

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

In this instance, planning permission is sought for 40 years. This would mean that, whilst, the land would be lost to all agricultural activity other than grazing for that period of time, it could be used again for agriculture upon expiry of the permission. Information

supplied indicates that the presence of the solar panels would not be detrimental to the quality of the land. Consequently, taking into account those factors, as well as the climate emergency and the environmental benefits offered by solar parks, it is considered, on balance, that the proposal would meet criteria 2 of policy EN13, as there is sufficient justification for the partial and temporary loss of the land for agricultural purposes.

The National Planning Policy Framework 2019 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy. In paragraph 170 the NPPF states that planning decisions should take into account the impact of development upon BMV. However, in paragraphs 148 to 154, the NPPF recognises the challenges posed by climate change and seeks to encourage planning decisions which allow renewable energy projects. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land, would comply with the NPPF. This is on the basis that it retains the quality of the land, and would also provide renewable energy.

Whilst the principle of development is accepted and it is considered that the benefits from the renewable energy outweigh the limited loss of Grande 3a agricultural land, the proposal is still required to be acceptable in all other regards and these matters are addressed below.

The visual impact of the proposal.

The application site slopes downwards to the south and west, and consists of a number of fields. Hedges bound the fields and there are trees within the hedges as well as single trees within the fields and woodland close to the site. These factors provide a degree of screening of the site. It is proposed to further enhance this screening through the provision of planting within the hedges, and it is also proposed to extend and enhance Great Copse; an area of ancient woodland on the eastern edge of the site.

Given this screening and the topography of the area, the proposal would be visible from very limited public vantage points. The most likely public vantage point is to the east of the site through a gateway to the side of the B3180, as this is on a ridge above the site. However, views from here would be limited as there is no parking provision in that location. Furthermore, views from that location would be longer distance views, rather than down toward the application site, and, also, the aforementioned enhancements to hedges would reduce views of the site from this location.

The proposal has been considered to be the Council's Landscape Architect. His views concur with the points made above, when it is stated:

"It is noted that publically accessible locations from where the site is readily visible are limited to a couple of gateways on the B3180 and that these views and those from nearby properties are restricted and will generally be filtered by intervening vegetation and land form especially as mitigation planting establishes and a conservation based hedgerow management plan is implemented."

The Landscape Architect then concludes that the proposal is acceptable in terms of its landscape impact, subject to the inclusion of conditions relating to landscaping.

It is noted that there is another solar development approximately 200 metres south of the site to which this application relates. However, there is an area of woodland

between the two sites, which represents a significant buffer. With that in mind, and taking into account the comments of the Landscape Architect, it is considered that there would not be a detrimental cumulative visual impact in the event that this application was approved.

Consequently, the scheme is considered to comply with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's), as well as Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the EDLP.

The impact of the proposal on highway safety.

Some concerns have been raised by residents local to the site regarding highway safety. However, the proposal has been considered by the Devon County Highway Authority (CHA), which is responsible for highway related matters. The CHA has confirmed to the Council that it has no objections to the proposal on highway safety grounds. This is on the basis that:

- There is no recent history of accidents on the road off which the site would be accessed.
- Once constructed, minimal traffic would be created by the development.
- There would be adequate space for vehicles to enter and leave the site in a forward gear.

It is accepted that more vehicle movements would arise during the construction of the site. However, this would be over a fairly short period of time. Given that, and taking into account the comments of the CHA, it is considered that the development is acceptable in terms of highway safety, and accords with Policy TC7 (Adequacy of road Network and Site Access) of the EDLP.

Arboricultural impact.

The initial plans submitted to the Council showed the removal of several single trees. However, those trees were considered to contribute to the character and appearance of the area, as well as being of value in terms of their positive ecological impact. Therefore, those initial plans were considered to be unacceptable in arboricultural terms.

Consequently, the applicants amended the plans to ensure the retention of all the trees in question. The amended plans were received positively by the Council's Arboricultural Officer, although the need to secure a Tree Protection Plan (TPP) and a 25 year management plan for the proposed new woodland was highlighted. These requirements can, however, be secured by condition.

Given the above, the proposal is considered to comply with Policy D3 (Trees and Development Sites) of the EDLP and is, therefore, acceptable from an arboricultural perspective.

Flood Risk.

The abovementioned amendments to the plans, in order to retain trees, meant that it became necessary for it to be proposed to locate some of the panels within flood zones designated by the Environment Agency (EA). However, this change was made following consultation with the EA, which confirmed that it was unlikely that the siting of solar panels in those areas would lead to an increased flood risk. This was then

confirmed in the formal comments of the EA in response to the amended plans, where it was stated:

"Whilst the revised layout for the solar arrays now extends into areas identified as flood zone 2 and 3, in this case we agree with the discussion in the FRA that the areas of encroachment are solely areas of surface water flooding to depth not exceeding 300mm and areas of historic tree growth are now retained."

The EA also had previously expressed concerns about other matters, but confirmed in their final comments relating to the proposal that those matters had been overcome in the updated Flood Risk Assessment submitted alongside the amended layout proposals.

Devon Council as the Lead Local Flood Authority have raised no objection to the proposal.

Given the above, it is considered that the proposal would not give rise to an increased flood risk. It is, therefore, in accordance with Policy EN21 (River and Coastal Flooding) of the EDLP, as well as paragraphs 155 to 165 of the NPPF.

Aviation impact.

The initial submission to the Council attracted an objection from Exeter Airport on safeguarding grounds. The proposal site is located close to the flight path to/from the airport, and there was concern that no assessment had been carried out on the possible impact of glint and glare on aircraft. Also, there was concern about the potential for glint and glare impacting the control tower at the airport.

Given those concerns, the applicants supplied updated glint and glare information, which were assessed by the airport, who stated:

"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 and the previously raised objection can now be removed, provided there are no changes made to the current application."

Therefore, it is considered that the proposal is acceptable in terms of its impact on aviation safety, in accordance with Policy TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the EDLP.

Impact on residential amenity.

Concerns about the impact of the proposed solar farm on residential amenity have been raised by a number of people residing in the vicinity of the site. However, the proposal site would not immediately adjoin the curtilage boundary of any residential property with fields in between, and the hedges on the boundary would be enhanced as part of the works. Consequently, given those factors, it is considered that the development would not have an overbearing impact on the residents of any property.

In terms of the visual impact on residential properties, it is possible that parts of the site may be visible from some dwellings, particularly from upper floors. However, the loss of, or impact on, a view cannot be taken into account when determining a planning application. Furthermore, it has been established earlier in this report that the landscape impact of the proposal is acceptable.

Some concerns have been raised about lighting within the site. On this point it is noted that paragraph 1.1.4 of the Planning Statement confirms that there will be no external lighting, with only infra-red cameras (directed inwards) present.

In terms of other possible impacts on neighbours, the Environmental Health Department has recommended conditions to overcome any noise impacts, the CHA is satisfied that the proposal would not be detrimental to highway safety and there is no lighting proposed.

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.

Impact on protected landscapes and wildlife and Appropriate Assessment

There is no evidence submitted with the application, or available to the planning department, to demonstrate that the proposal would have an adverse impact upon wildlife, particularly given the retention of trees and hedges on the site. In addition, there is the possibility of enhancement through the woodland and wider planting proposed.

Natural England have been consulted on the application and on the Appropriate Assessment and have recommended further conditions and mitigation to ensure that there are no likely significant effects from the development upon the Pebblebed Heaths or Exe Estuary.

The changes recommended by Natural England have been agreed by the applicant and inserted into the attached revised Appropriate Assessment and as such Natural England are expected to approve the amended Appropriate Assessment. A verbal update on this will be given at Committee.

CONCLUSION

55% of the site consists of good quality grade 3a agricultural land, and the loss of this is a key consideration weighing against the proposal.

However, this harm must be balanced against the current climate emergency and local and national planning policy support for renewable energy. It is also material to consideration of the application that this land would not be completely lost to agriculture during the life time of the development, as grazing will be possible in the meantime with the site returning to agricultural use after 40 years.

Furthermore, the land is not currently used for crop production and it is also relevant that only just over half of the site is grade 3a agricultural land and that the grade 3a is not clearly split between fields, slightly reducing the value of its protection.

When those factors are balanced against each other, it is considered that, given the comments raised in the report relating to the suitability of the site, retention of the agricultural land over the longer-term, and lack of other harm, the benefits of the scheme outweigh the temporary loss of agricultural land. Consequently, it is considered that the proposal is acceptable. Therefore, it is recommended that this application is approved.

RECOMMENDATION

1. Adopt the Appropriate Assessment attached to this report; and
2. APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.
(Reason -To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).
4. The site, including all land around and beneath the installed equipment, shall at all times be made available for agricultural purposes.
(Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects)of the East Devon Local Plan 2013- 2031).
5. No lighting shall be installed without a grant of express planning permission from the Local Planning Authority.
(In order to retain the rural character of the area and to prevent light pollution, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).
6. Prior to the commencement of any works on site (including demolition and site clearance or tree works),a Tree Protection Plan (TPP) and an Arboricultural Method Statement(AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

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

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

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

7. No later than 3 months after the commencement of any works on site, a 25 year management plan for the new woodland shall be submitted to, and approved in writing by, the local planning authority. The woodland shall be maintained in accordance with the agreed details.

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

8. For all fixed plant used before the site becomes fully operational and thereafter when the site is fully operational:

Any plant (including generators, pumps and boilers) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of any residential property shall be rated no higher than the background level, assessed in accordance with guidance set out within BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

(Reason - To protect the amenity of local residents from noise, and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

9. A Construction and Environment Management Plan 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. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(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 comply with the

provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

10. Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.
(Reason - To protect the amenity of local residents, and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

11. Notwithstanding the submitted details no works shall commence on site until a landscape scheme has been submitted and approved which shall include the following:

- Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each specie and notes describing how the scheme will be implemented and means of protection during establishment.
- The various tree pits and/or Devon bank construction details.
- Construction details for proposed trackways.
- Detailed plans and specifications of proposed ecological enhancements.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to commissioning of the installation with the exception of planting which shall be carried out in the first planting season after completion of the installation works or first commissioning whichever is the earlier unless otherwise agreed in writing by the Local Planning Authority.

New planting shall be maintained in accordance with an approved landscape and ecological management plan (LEMP) for a period of 5 years. Any trees or other plants which die during within 5 years of completion of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by 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) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

12. Management plan - No development shall take place until a landscape and ecology management plan (LEMP) has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Inspection and management arrangements for existing and proposed trees and hedgerows and proposed bio-diversity measures
- Initial establishment of new planting and species rich grassland
- A schedule of existing hedgerows and supporting plans identifying each length and noting location, species composition, current condition and hedge

management cycle stage together with any initial work required to bring into good order.

- 25 year hedgerow maintenance schedule covering each length of hedge
- 25 year woodland management schedule
- Proposals for management of biodiversity features, species rich grassland and further enhancement of bio-diversity value including wildlife corridors.

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

(Reason: In the interest of amenity and to enhance the landscape character and biodiversity value of the site and surrounding areas in accordance with EDDC policies Strategy 3 (sustainable development), Strategy 47 (Landscape conservation and enhancement and AONBs) of the East Devon Local Plan 2013 - 2031).

Plans relating to this application:

SP-CTD1-PL Rev R01 : CCTV	Other Plans	23.12.19
SP-ELD1-PL Rev 02	Proposed Elevation	10.01.20
SP-IND1-PL Rev R01 : transformer housing elevations/roof	Proposed Combined Plans	23.12.19
SP-SFD1-PL Rev R01 : site fence	Other Plans	23.12.19
SP-LP-D1-PL Rev 02	Location Plan	10.01.20
WCM/SSR/BL/H H/HF/TPP/2	Tree Protection Plan	19.03.20
SP-SCD1-PL rev 03 : site clearances (amended)	Other Plans	13.03.20
SP-RL-D1-PL rev R04 (amended)	Proposed Site Plan	03.06.20
figure 20 - A : illustrative masterplan (amended)	Landscaping	03.06.20

List of Background Papers

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

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	19/2832/MFUL	
Brief description of proposal	Proposed solar farm with an approximate design capacity of 15 MW with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment.	
Location	Land to the south of Rockbeare Hill Marsh Green	
Site is:	Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site Within 10km of the Exe Estuary SPA site alone (UK9010081) Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)	
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		

<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>The proposal is for the development of a solar farm, which would be within 10km of the Protected Landscapes. The proposal will not generate any increase in recreation impacts on the Protected Landscapes in themselves</p> <p>East Devon Pebblebed Heaths SAC Annex I habitats - Northern Atlantic wet heaths with <i>Erica tetralix</i> and European dry heaths</p> <p>The proposed development is wholly contained within an area 790 metres from this SAC and will not result in land take.</p> <p>During construction work, there is potential for a limited amount of airborne pollutants and dusts to be created for a brief period of time. However, ground cover in the majority of the development site is improved grassland that will minimise dust creation, whilst predominant winds in this area are from the south west, such that any pollutants would be carried away from the SAC. In addition, dilution and settlement over the intervening distance would negate any effect if wind directions change.</p> <p>It not expected that airborne pollutants will be emitted during the operational phase of the development.</p> <p>The proposed solar farm is set below the East Devon Pebblebed Heaths SAC with no functional pathways for waterborne pollutants to have an effect during either the construction or operational phases.</p>
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It is certain that the construction and operation of the proposed solar farm would have no likely significant effect on Annex 1 habitats associated with the East Devon Pebblebed Heaths SAC.

Annex II species – southern damselfly

Possible impacts on Annex II species within East Devon Pebblebed Heaths SAC from an unmitigated development such as this relate to affects on habitats with the SAC, such as land take, increased airborne pollutants and increased waterborne pollutants; these have already been screened out. It is also possible that populations of southern damselfly within the SAC rely on recruitment from areas outside its boundary. However, habitats within the footprint of the solar farm comprise managed agricultural grassland and arable habitats and are not suitable for southern damselfly, and would therefore not support a population of this interest feature, whilst adverse effects on the habitats within the SAC are not expected.

It is near certain that the proposed solar farm would have no likely significant effect on Annex II species associated with the East Devon Pebblebed Heaths SAC, nor its supporting habitats outside the SAC boundary.

East Devon Heaths SPA - Dartford Warbler and Nightjar

Dartford warbler

Dartford warbler has a need for discrete areas of gorse *Ulex europaeus* as part of heathland structure which provides winter refuge during periods of severe cold and/or snow conditions. Habitats within the footprint of the solar farm and nearby areas comprise managed agricultural grassland and arable habitats enclosed by species rich hedgerows associated with hedgebanks. Dartford Warblers would not rely on habitats within the development footprint.

In addition, the proposed development site is 790 metres from the northern edge of the SPA and set at a lower level. Visual disturbance and noise during the construction phase would not adversely impact this bird.

No adverse effect is predicted for Dartford Warbler during the construction and operational phase.

Nightjar

Nightjar are nocturnal. With construction only occurring during daylight hours, any birds from the SPA foraging along site boundaries will be able to do so without disturbance during the construction period.

Habitats within the site are extremely unlikely to support ground nesting Nightjar, although they may forage along hedgerows and woodland. Radiotracking studies by Sharps *et al* (2015) determined that mean maximum distance travelled by Nightjar each night in Theftord Forest was 747 metres from territory centre, although one male travelled 3.6km on a single occasion.

Since the proposed development is 790 metres from the SPA and does not support optimal foraging habitat for Nightjar, it is reasonable to conclude that they are not regularly active there. Suitable habitats will be retained beyond the development footprint, and no adverse effect is predicted for Nightjar during the construction and operational phase. However, local evidence would indicate that the Nightjar may use the area and, consequently, the development could have some impact on this species.

Conclusion of Screening

<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that the proposal has the potential to result in some impact on the protected landscapes or species, particularly the Pebblebed Heaths. The majority of this impact is likely to occur during the construction phase, with the impact reducing after that. However, the combined impact with the near-by Great Houndbeare solar farm, may result in some combined impact should the proposed solar farm be granted and implemented.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>Exeter City Council - https://exeter.gov.uk/media/4153/sedesms.pdf</p> <p>Teignbridge District Council - https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/evidence-base/</p> <p>Given the above, an Appropriate Assessment of the plan or proposal is necessary.</p>
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Local Authority Officer		Date:
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Step 2
Appropriate Assessment
NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects	
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Whilst there is additional housing and tourist accommodation within 10km of the SPA/SAC which will add to the existing issues of damage and disturbance arising from recreational use, the proposed solar farm is not considered to add to the recreational pressure or to have an adverse effect on the integrity of the Pebblebed Heaths or other protected landscapes alone. However, there may be some impact when the project is taken in combination with the near-by Great Houndbeare solar farm.
Mitigation of in-combination effects.	See below.
Assessment of Impacts with Mitigation Measures	

<p>Mitigation measures included in the proposal.</p>	<p>As identified, the application site lies close to parts of the Pebblebed Heaths protected landscape.</p> <p>A Preliminary Ecological Appraisal has been submitted with the application, which highlights the following:</p> <ul style="list-style-type: none"> - The site is near to Devon hedgerows - The site is near to semi-natural broadleaved woodland. - There is potential for some protected species to be present in and around the site. - The site is close to the Pebblebed Heaths. <p>The Ecological Appraisal refers to a number of recommendations and mitigation measures which, if undertaken, would reduce the impact of the development on protects landscapes and wildlife.</p> <p>Due to the designations, the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Assessment (AA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.</p> <p>East Devon District Council has, therefore, assessed the impact from the development upon the protected landscapes, in particular the Pebblebed Heaths, building upon the content of the submitted Preliminary Ecological Appraisal and concludes the following:</p> <p>Construction phase:</p> <p>Working practices and procedures shall be undertaken in accordance with a Construction and Environment Management Plan (CEMP) prepared and submitted to the satisfaction of the Local Planning Authority. The CEMP would include all elements highlighted in the recommendations of the Ecological Appraisal.</p> <p>Operation Phase:</p> <p>Any lighting on the site has the potential to create harmful impacts on the protected landscapes, as well as more generally. There shall be no lighting on site other than any which has the express permission of the Local Planning Authority.</p> <p>The Ecological Appraisal identifies possible enhancements which would be undertaken on the site, including the planting of trees and enhancement of existing hedges with native species, a buffer zone around the edge of fields and close to woodland, and planting of a new area of woodland. These are also shown on submitted plans. If the proposal is approved, such measures will be secured by way of condition; this will ensure that the site remains suitable for species such as the Nightjar. In particular, it is proposed to impose the following conditions:</p> <p><i>Notwithstanding the submitted details no works shall commence on site until a landscape scheme has been submitted and approved which shall include the following:</i></p>
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- Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each specie and notes describing how the scheme will be implemented and means of protection during establishment.
- The various tree pits and/or Devon bank construction details.
- Construction details for proposed trackways.
- Detailed plans and specifications of proposed ecological enhancements.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to commissioning of the installation with the exception of planting which shall be carried out in the first planting season after completion of the installation works or first commissioning whichever is the earlier unless otherwise agreed in writing by the Local Planning Authority. New planting shall be maintained in accordance with an approved landscape and ecological management plan (LEMP) for a period of 5 years. Any trees or other plants which die during within 5 years of completion of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Management plan - No development shall take place until a landscape and ecology management plan (LEMP) has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Inspection and management arrangements for existing and proposed trees and hedgerows and proposed bio-diversity measures
- Initial establishment of new planting and species rich grassland
- A schedule of existing hedgerows and supporting plans identifying each length and noting location, species composition, current condition and hedge management cycle stage together with any initial work required to bring into good order.
- 25 year hedgerow maintenance schedule covering each length of hedge
- 25 year woodland management schedule
- Proposals for management of biodiversity features, species rich grassland and further enhancement of bio-diversity value including wildlife corridors.

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

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

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

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

	<p><i>No later than 3 months after the commencement of any works on site, a 25 year management plan for the new woodland shall be submitted to, and approved in writing by, the local planning authority. The woodland shall be maintained in accordance with the agreed details.</i></p> <p>De-commissioning Phase:</p> <p>The Local Planning Authority will require details of the method of de-commissioning to be submitted. These measures will need to ensure that this phase does not result in any harm to protected landscapes or environments, and will be secured by the following condition:</p> <p><i>Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production.</i></p>
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes – the above mitigation measures are considered to be appropriate to overcome any significant effects of the proposed development.
Conclusion	
List of mitigation measures and safeguards	<p>Requirement for a CEMP submission by condition.</p> <p>Requirement for a LEMP submission by condition.</p> <p>Requirement for a landscaping scheme by condition.</p> <p>Implementation of enhancement measures</p> <p>De-commissioning plan required.</p>
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the land at the application site can be ruled out.
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of the Pebblebed Heaths, Dawlish Warren SAC or Exe Estuary SPA or SPA/SAC, or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.
Local Authority Officer	Date:
21 day consultation to be sent to Natural England Hub on completion of this form.	

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

The extent and distribution of the habitats of the qualifying features

The structure and function of the habitats of the qualifying features

The supporting processes on which the habitats of the qualifying features rely

The population of each of the qualifying features, and,

The distribution of the qualifying features within the site.

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra-Galium verum* fixed dune grassland

SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliargon cuspidatum* dune-slack community

SD16 *Salix repens-Holcus lanatus* dune slack community

SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species

wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)